

1. Samoa's media freedom climate: 'Shining the light'

Abstract: Media freedom has had a long, proud history in Samoa. Struggling against the odds, the country's only daily newspaper, the *Samoa Observer*, founded in 1978, championed the free media cause under the leadership of its founder, publisher and inaugural editor, Gatoaitale Savea Sano Malifa. Now, as Samoa, enters into a new media generation, there is a pressing need for more training, better salaries, more women involved in media management, better technology facilities and more emphasis on media ethics and values in a Samoan context.

Keywords: defamation, ethics, freedom of expression, intimidation, investigative journalism, media freedom, media law, media values, Samoa, *Samoa Observer*

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To practise serious journalism in Samoa during that time, one had to work his way carefully through a minefield of physical assaults, threats to kill, 'suspicious' arson, intimidation tactics such as refusing business licences, bans on government advertising, being followed at night as you drive down the street, and all the way to your home, defamation and criminal libel lawsuits. (Malifa, 2007)

AFTER five lawsuits in the early years since the *Samoa Observer* newspaper was founded in 1978, Samoan publisher, editor, writer and poet Savea Sano Malifa has won just half of these cases. The lawsuits cost *Observer* between \$200,000 to \$400,000 (US\$76,000-US\$160,000) (Malifa, 2010). In one of his famous and inspiring speeches at the celebration of World Press Freedom Day in 2007, Savea reaffirmed the history of the press freedom struggle in Samoa. At a time when the government had emerged from colonial rule through mid-1970s, Savea still had vivid memories of what he went through during the initial period of struggling for press freedom in his home country. At a time also when the Watergate political events and Vietnam war controversy were unfolding in the United States, where he was living for a number of years, it was easy for Savea to come back home to his sick mother.

He saw the need for investigative journalism in Samoa. What for? As Savea pointed out in the same speech, 'to dig into the mess seen everywhere, and keep

everyone straight. That was the overriding idea' (Malifa, 2007).

I chose Savea's path because it was the source of light shed through all those years which saw a continued improvement in media freedom in Samoa. That light still shines strongly in all aspects of Samoan society. I have enjoyed the legends about Savea's journey and the title of this article was an assessment of the achievements of this prolific veteran journalist and poet in 2001 while I was with the University of the South Pacific's Journalism Programme. Such an epithet still lives on with Savea's passion and commitment without regrets to his profession.

Becoming an ethical and professional journalist in Samoa during the first 17 difficult years of press freedom since the *Samoa Observer* was established in a village cookhouse in 1978, Savea describes as 'the darkest period...when [the newspaper] was hounded to the ground by our political leaders, incurring such serious concern among human rights groups in the international community, that they intervened' (Malifa, 2007).

For years, the *Observer* faced relentless pressure from the politically powerful, including former Prime Minister Tofilau Eti Alesana, for reporting on official corruption and abuse of power. That pressure most often came in the form of costly lawsuits, which nearly bankrupted the newspaper (Freedom of the Press, 2002). Savea said:

The best rule in journalism is not to be sued, especially by the Samoan government, because even if you were right, you would still have to pay your legal fees, while the government pays for those MPs. (Malifa, 2010, p. 42)

In a faxed message to the Pacific Islands News Association (PINA) Secretariat in Suva in 1998, Savea indicated he had paid those legal fees but since a two-thirds majority in Parliament was held by the ruling Human Rights Protection Party (HRPP), public money was spent. He said: 'The cost of these legal actions is frightening. This cannot be justice.' (Samoa Observer ordered to pay WSS\$50,000, 1998).

Four years earlier, in 1994, the *Observer's* printing plant was burnt down under suspicious circumstances, and the newspaper later revealed that two former cabinet ministers had arranged for these criminal acts. Savea in his 2007 speech said:

I guess that in developing countries that are politically young, their leaders tend to become unprincipled at times, and want to forge ahead sooner and quicker than they should. In doing so, they cut corners, hack away at well-meaning but frustrating obstacles, and thereby create problems they don't want the public to know about. They end up piling up more and more problems so that when solving them is impossible, they become dictatorial, and lash out at anybody, and everyone suffers.

Since the printing plant incident, the turnaround of the darkest period began during the investigation of the assassination of Minister of Works Luagalau Levaula Kamu. The arrangement to burn the printing plant stemmed from a story run by the *Observer* linking former Minister of Works, Leafa Vitale to a scandal involving the sale of cattle.

The media industry moved on. Tofilau's successor, Tuilaepa Lupesoliai Sailele Malielegaoi took over power in 1998 and turned things around towards a more relaxed media environment. I was secretary of the Journalists Association of (Western) Samoa (JAWS) in 2004 when Tuilaepa and his deputy, Misa Telefoni, were presented with Press Freedom Awards. Tuilaepa was hailed for 'his unceasing promotion of, and belief in, transparency, accountability and good governance'. Misa's award was in recognition of 'his unceasing promotion of and belief in freedom of information and freedom of expression'.

In 2008, the government ordered the establishment of a Commission of Inquiry tasked with investigating allegations of gun smuggling being made against then Commissioner of Police Papalii Lorenese Neru, chaired by Ombudsman Maiava Iulai Toma.

This time, a public directive was issued about the commission's intentions of how and what the media should report on. It stipulated the following:

- Counsel assisting the inquiry will provide a press release at the end of each day of the inquiry which the media may publish in full or in part;
- Media may report or comment upon the press release but it cannot report on anything else that would be said or submitted during the inquiry;
- Media may not report or comment upon or provide any details of evidence, witnesses, submissions or any other detail of or information from the hearings or the proceedings of the Commission outside of or beyond that provided in the press release from Counsel Assisting; and
- This restriction shall continue until otherwise advised by the Commission.

The editor of the sole daily newspaper, *Samoa Observer*, Savea, described it as 'bizarrely contradictive' in an editorial column in 2008.

Just when we thought the (Samoan) government has totally accepted that press freedom and a well-informed public are salient tools it can use... when it [has] allowed some callous bureaucrats to impose a nebulous gag on the media.

But it did not stop here, the commission's intentions were extended to cover international media coverage, photographs, names of witnesses, including:

- Publications either in writing or by photograph, via any medium of the media, of any of the names of the special investigation team witness is prohibited;

- Publication either in writing or by photograph, via any medium of the media, of the name of the American Samoa Police witness is prohibited;
- Please ask permission before taking photos of members of the Commission, the Police Commissioner and his legal counsel, the secretary of the Commission or legal counsels for the Commission'; and
- International media are to comply with the publication requirements of the commission set out in Practice Note 1. It is equally important that the names of today's witnesses not be released to overseas media.

As Savea described it with reference to recipients of the Journalism Association of Samoa (JAWS)' awards, the gag was damaging to the government's image, given that 14 years previously, 'the beacon spoken of was without light...press freedom at the time was barely breathing, unsure whether it will live or die...'

However, there was another suspicious aspect, as Savea pointed out, the way reporters looked, scruffy, ill mannered, not well trained and unprofessional.

The same call was reiterated again by his news editor, Mata'afa Keni Lesa (who later became an award-winning *Observer* editor in his own right) in an interview with me:

Some journalists do not have pride in themselves, they cannot be compromised and should stand up for principles. It is not an 8am-4pm job but to keep writing stories and make a difference in people's lives. That's what the *Observer* does.

Training

With disappointment aroused over JAWS for not doing its job in producing more awareness about the role of the media in Samoa, Mata'afa admitted it should have done more. 'JAWS should play an active role as the public see journalists as *'faikakala'* [nosey-buggers]'

There is still a lack of understanding about the role of the media in the Samoan society. Reporters are still verbally abused because of that mindset of journalists being *faikakala*. The standard of journalism in this country is pathetic and it takes ourselves to set examples.

As one former senior Samoan reporter for the state-run *Savali* newspaper said, that mindset began in the early 1980s when the standard of the industry for most newspapers, including his, was *fagogo* [folklores] and stereotyping rather than what were the principles really were.

In another interview with me, Lupematasila Nanai confirmed that the development of media back in the 1980s was a real challenge in terms of writing structure in Samoa: 'There's a great need to educate potential and upcoming journalists'. Lupematasila published a newspaper called *South Seas* then and

this was closed due to low and unethical reporting which he said led to his being physically abused. He had been called in under the leadership of Tofilau to counter the *Observer* writings of Savea.

This was at a time which Jane Johnston and Mark Pearson in their article in *Pacific Journalism Review* stated: ‘The need to question press freedoms was an ongoing challenge in any democracy’ (Johnston & Pearson, 2008). Julienne Schultz’s (1998) idea was cited by Johnston & Pearson. Her argument focused around the same period (1980s) in Australia on the rising challenge in which the media had entered against the authority of Parliament and the judiciary. She went on to say that the news media had moved from being a cooperative servant to an equal contender in the political system (Schultz, 1998, p.19). Her words are a reminder of the challenges in which the local media had to face, which Savea and Lupematasila were forced to contend with the early political draconian leadership. Regional journalism educational resources with a specific Pacific focus continue to be published by the Pacific Media Centre and the Pacific universities (Lepou, 2012; Robie, 1995, 2001, 2016).

To Ame Sene-Tanielu, news editor of Radio Polynesia Limited, being a journalist was just a job, nevertheless ‘it has made a big improvement, yet still a lot of work’. Many times she was threatened over stories she had covered, ranging from court cases to elections. She retold the story of how she had been threatened during the 2006 general election because of a story she aired on murder allegations against one election candidate.

I’ve been visited by many village councils because of some stories they think is degrading and brings bad image to the village. I went out for 12 months without news bulletins because threats were also made against the radio owner.

In 2009, Sene-Tanielu was investigating rape allegations made against a village pastor in one of the villages when she was force to flee for her life. She was chased to the main road in search of comfort. With the series of threats she experienced, she recalled the importance of having journalists really trained more about the importance of cultural reporting taking into account the sensitivity of these issues.

One of those stories she aired was a ‘tarnishing one’, as the late president of JAWS put it, when burglary allegations surfaced regarding a famous rugby sevens representative. Uale Papalii Taimalelagi gave Sene-Tanielu a call to revisit ethics.

Such sensitivity in the Samoan context refers to this case scenario plus many others. As a fanatical rugby country, the sevens team had just returned from being ranked the number one team in the International Rugby Board Seven Series in 2009-2010. In the context of the hype that this rugby-loving country experienced and the

players were everyone's sons, only just to hear such story on radio was a damning slur on the reputation of these players. Explained Taimalelagi:

The player himself deserves a fair trial and to be considerate of the mood this country fell into to welcome their sons home, need not to come at such a time.

Sene-Tanielu admitted not understanding the consequences that some of these stories would have on those affected. 'The media itself can be caught which is why legislation should still be in place,' she said. Speaking of many attempts by the past JAWS executive and individuals to have two major laws repealed or removed, it has been a painstaking process.

Publisher Savea had been a victim of these draconian restrictions. Former JAWS president Autagavaia Tipi Autagavaia and Savea urged Tuilaepa and Misa to either repeal the following:

- *Printing and Publishing Act 1992*, which requires journalists to reveal their sources; and
- *Criminal Libel Act* that Autagavaia described as a relic from the colonial past (Malifa, 2010, p. 41)

Defamation

The *Defamation Act 1992/1993, No. 33* is a concern to the media as the legislation includes civil and criminal libel. Of equal concern is the *Newspapers and Printers Act 1992/1993, No. 25*. Section 10 requires journalists to make available materials (such as correspondence, photos and sources) to someone suing the media organisation for defamation before the case goes to court. According to the president of the Pacific Islands News Association (PINA):

We the media see this as mainly a ploy by the government at the time to discourage members of the public from writing revealing letters to the editor under nom-de-plumes, often about mismanagement and corruption in high places. (Pacific Media Facility Study, 2005)

In Papalii's views, these laws should exist to protect the public rather than being the media's excuse. 'We are the cause of public uncertainty and misperception,' said Papalii. Where will the public go if freedom of expression is exercised regardless? In spite of Papalii or JAWS' stance on highlighting the need for press freedom, he would not allow 'irresponsible freedom'. 'Stories should be accurate, balanced and fair,' he said.

He also made reference to Savea vs the late Dr Enosa case when the *Samoa Observer* was sued for hundreds of thousands of tala

on a story about government investigations into alleged fraud and financial mismanagement at the Ministry of Health in 2005. The Acts also would serve to protect the good name of individuals. But as we all know, press freedom is not absolute. Which means that as journalists, we cannot abuse that freedom. There are therefore laws in place to prevent the members of the press from doing just that.

Added Savea:

We already have laws protecting members of the public from careless journalism, so these two are quite unnecessary, and must be repealed. The government should also discontinue its policy that allows taxpayers, to pay for the legal fees incurred by government leaders, who claim they've been defamed. As this policy frustrates efforts by the press to inquire into alleged misconduct by public officials, it must be removed.

Samoa's Constitution is clear about citizens' rights regarding freedom of speech, assembly, association, movement and residence. Section 13 states: All citizens of Samoa shall have the right:

- a. To freedom of speech and expression; and
- b. To assemble peaceably and without arms; and
- c. To form associations or unions; and
- d. To move freely throughout Western Samoa and to reside in any part thereof.

The Constitution does not provide specifically for freedom of the press or the right to information. In addition, Samoa does not have any information legislation.

Media sector

Media outlets

The local industry has grown considerably in recent years. There are currently 18 media outlets:

Broadcast media (Television/Radio)

- SQB (TV1), free to air broadcaster and is 100 percent owned by staff, the winning tender after the government's decision to sell shares in 2008. It has a second channel carrying China's CCTV 9 service SQB also runs a commercial FM channel.
- Apia Broadcasting Limited (TV3) was launched in 2006, privately owned by former politician Hans Joachim Keil.
- Graceland Broadcasting Network (GBN) operates both radio and television, run by Ricky & Marjorie Meredith.
- Catholic Church runs Aiga Fesilafai radio and Upu Mana television.
- The Worship Centre operates a television station called Kingdom TV

adding local gospel flavour as well as from commercial run broadcast stations. In addition, it has a radio station called Laufou that is managed by its Youth Ministry.

- Radio Polynesia is privately owned and is fully commercial with several FM stations. Talofa FM 88.5 is the most popular station, the only station with a 100 percent Samoan content.
- Radio 2AP is government-owned also known as the ‘Voice of the Nation’, and is the oldest and first public broadcasting station in the country that possesses highly valuable government files and assets. Established in 1947 with a regional coverage that spans to neighbouring countries like Tokelau and American Samoa.
- The biggest denomination in country, the Congregational Christian Church of Samoa (Ekalesia Faapotopotoga Kerisiano Samoa) also runs a television station under the TV2 channel.
- In 2012, the Media and Journalism Programme at the National University of Samoa was also granted a licence by the Office of the Regulator to set up a campus radio station (FM105.0) with funding from UNESCO. Its frequency covers an 8 km radius from the vicinity of its campus.

Newspapers

- The *Samoa Observer* is the largest newspaper in the country and the only one published seven days a week. It is published in English and Samoan and prints around 5000 copies daily. It has its own press at its new headquarters in Vaitele in Apia.
- *Newsline* is published Wednesdays, Fridays and Sundays in English only. It is privately owned by Pio Sioa.
- *Savali* weekly and *Savali Samoa* (monthly) are government-owned newspapers. The weekly publishes in English and Samoan and the *Savali Samoa* in Samoan.

Online news services

- *Samoa Observer* News Group also has an online service which features daily news (www.samoobserver.ws).
- *Savali* launched a website that features government and general news events (www.samoagovt.ws/tag/savali-newspaper/).
- Talamua Online News website features daily updates from local, regional and international fronts (www.talamua.com).
- Samoa Planet is privately owned by Leilani Wendt-Young (www.samoaplanet.com).

Table 1: Journalism resources in Samoa, July 2016

Media outlets	Number of reporters
Radio	
Radio Polynesia	2
My FM (SQB)	5*
2AP	3
Television	
SQB TV1	5*
ABL (TV3)	4
EFKSTV	3
Upu Mana TV (CCCS)	2
Newspapers	
Samoa Observer	7
Savali	3*
Newsline	3*
Online	
Press Secretariat	2*
Talamua	2*
Freelance	3
Total	43

Note: These statistics were presented at the World Journalism Education Congress 2016 conference in Auckland with a few amendments given the continuing number of journalists moving in and out of the industry year after year.

The following government ministries have media units:

- Ministry of Education, Sports and Culture (MESC)
- Ministry of Women, Community and Social Development (MWCSD)
- Ministry of Agriculture and Fisheries (MAF)
- Ministry of Health (MOH)
- Ministry of Natural Resources and Environment (MNRE)

Code of Practice

The enacted *Media Council Act 2015* now guides the work of the local media industry with a new Code of Practice. The new code marshalled the support of the wider media except the *Samoa Observer*, which dissents with the notion that the Prime Minister is out there to ‘own the media’. (Code of Practice, 2016).

Well, what do you know? It takes a tragic tsunami to reveal Prime Minister Tuilaepa Sailele has another obsession we did not know about. It now appears the man is greedy too.

He already owns Parliament, Cabinet, the Public Service, the Church, the business community, all the villages and their happy, itching mayors as well, the public media and the little boys and girls there jumping eagerly to his command - in fact, the man owns practically the whole country.

And now he wants to own the private media too, that tiny part of Samoa struggling to remain independent from his control so that it can do as good a job as it possibly can under his regime's austere policies. (Note to Samoa's wayward prime minister, 2009)

The Act also gives the national media association jurisdiction to set the standards required of practising quality journalism in the country where possible through continuing awareness and education programmes. These same standards are often challenged by the '*fa'a-Samoa*' (Samoan way) especially when the traditional presentations are viewed as bribery under the interpretation of the code, whereas the culture deems it impolite if media practitioners do not accept it.

Self-regulation

The Journalists Association of (Western) Samoa (JAWS) is the national media association established to oversee the interests of those working in the industry. Its constitution provides for a president, vice-president, treasurer and a secretary. The executive also appoints two other personnel to become executive members, mainly to assist the office bearers with technical advice. It does not have a fully equipped office yet. Every year, JAWS's constitution stipulates an annual general meeting in which financial members come together to elect new officers.

In 2016, the JAWS executive started the process of establishing a Media Council to receive and investigate complaints from the public about media coverage. The move by JAWS according to a press release (2016), stemmed from 'latest events surrounding the treatment of the late Jeanine Tuivaiki story [on] the front page of the *Sunday Samoan* (2016)'. (JAWS move to set up Media Council, 2016). JAWS president Apulu Lance Polu said:

This is not an easy task due to the administration work involved in the establishment of the Media Council, the needed resources and the costs involved but there is hope to make a decision as soon as possible once the EOIs are received.

The Media Council will act as a self-regulatory mechanism to ensure that media ethics and standards are observed. Following repeated calls for the recommendations from the Beale's Report to establish such body, the new developments in the history of media in Samoa have been realised. The initiative had also been endorsed and pushed by the government following many concerns raised in the way the media had treated stories in the past. The Media Council is appointed by

the executive committee of JAWS and is to be chaired by a lawyer who has at least five years experience as a lawyer or as a judge and has no direct interest in the association. Other members of the council include five (media representatives and five community representatives).

Ethical issues at a peak

This article highlights repeated calls by the *Samoa Observer* for years for an independent media in Samoa. The daily publication's double standards drew widespread criticism not just on the national level but the diasporas as well as international media organisations (see Robie, 2016, pp. 78-81; Singh & Druganalevu, 2016). Here is the brief analysis I wrote on the same day the story was published to share light on where the doing of journalism in Samoa came under fire.

The award-winning *Samoa Observer* has obviously breached not just one ethical guideline of how responsible journalism should report on suicide but a series of it. The front page would not act in defence of press freedom and what the role of the Fourth Estate is all about.

Dr Mark Hayes, a Brisbane-based journalist and journalism educator reiterated that is just utterly disgraceful, inexcusable, totally unprofessional, and gives ammunition to those who want greater controls on the media for other purposes, to shut down political criticism or investigations into corruption. Media ethics classes will study this outrage for years to come as it's an awful example of how to absolutely not report these kinds of stories.

What is most unfortunate about this story according to Lagipoiva Cherelle Jackson, a freelancer and press freedom activist, is that the editor of *Samoa Observer* wrote an editorial yesterday demanding the nation to have sympathy for Samoa Observer's battles some twenty years ago – yet today victimises a human being right on the front page. Hypocrisy is a very ugly trait.

Islands Business magazine director and owner, Samasoni Pareti said that such [a] story should not be published at all by glorifying it and encourage copy cats...It's out of respect too for the victim and her family. (Lepou, 2016)

So what ethical guidelines have been breached?

Grief or shock: 'In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and published or broadcast with due sensitivity.' (Code of Practice, 2016) The story did not respect that, first and foremost. No sympathy at all. The grieving family certainly was not approached to get consent before identifying the person has died.

Accuracy: The media must take all reasonable care not to publish or broadcast inaccurate, misleading or distorted material, including modified photographs or other visual images and deceptive advertisements.

Journalists or broadcasters must identify themselves and obtain permission from a responsible official before pursuing inquiries in non-public areas of hospitals



Figure 1: The *Sunday Samoan* publication of 'Suicide in Church Hall' on 19 June 2016.

or similar institutions.

In other words, reporting such a case should have involved having it confirmed as a suicide by official sources so that the report does not attract speculation or interfere with investigations as indicated in the last sentence: 'The police media officer on duty, Maotoalii Kaioneta Kitiona, said he had not received a report on Tuivaiki's death.' As Lagipoiva put it:

This story did not serve the interest of people. No information here was verified by authorities—it is hearsay based on what a 'friend' said and on a photo found on Facebook. There is no proof that she committed suicide—it is pure allegations—there was no statement from authorities to confirm the cause of death, name of victim or even time and location of incident.

The General Media Code of Practice for Samoa (Section 1.5 ii) states: 'Reporting suicide: Care should be taken not to glorify or glamorise acts of suicide, and to avoid excessive detail of the method used, which might encourage imitative attempts.'

The government's handling of the international media has involved controversy, especially with so-called 'parachute journalists'. For instance, New Zealand's former TV3 presenter/reporter John Campbell (now with Radio New

Zealand's *Checkpoint* programme) was subjected to lawsuits filed by the Samoan government relating to post-tsunami stories in 2010 alleging mismanagement of aid funds which should have been directed to improvement of housing and infrastructure in the affected areas. Campbell stood by his *Campbell Live* report. However, a decision by NZ's Broadcasting Standards Authority not to uphold complaints by the Samoan government led to the government appealing against this decision to the highest court in NZ (Judge reserves decision, 2011).

Campbell was not the only victim. Pacific correspondent Barbara Dreaver of TVNZ News was also fined NZ\$7000 in 2010 by the BSA and her employer apologised to the Samoan government for unbalanced reports suggesting *Samoa* was awash with drugs and guns.

Conclusion: More training

As the sole provider of media studies in Samoa, the National University of Samoa has addressed demands from the industry to enhance training curriculum by forging a strong relationship with the media industry. The existing Diploma in Media and Journalism requires more resources to become a fully fledged programme and also needs more qualified staff.

The university management has some proposals on board. The Department of Media and Communication has proposed a bachelor's degree to produce more qualified journalists in Samoa. The proposal hopes to also attract working journalists into upskilling and gaining formal qualifications.

Forging partnerships between the NUS and its stakeholders is a top priority and the practice of journalism in Samoa should foster more quality than providing just another community service.

During the research for this article, several challenges became apparent about media working conditions and this will be the subject of a future paper. Poor salaries highlight the need for increases, more women should be involved in media management, better technology facilities are needed in media offices because not every reporter has access to the internet, better assignment transport is needed, and much more training is needed.

Areas that require particular training attention are photography, digital and social media, radio news presentation, and the values and ethics of doing journalism in Samoa. A training constant involves media ethics and standards to be observed if Samoa is to maintain its proud record in defence of media freedom.

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