

Ethical dilemmas for the PNG media



The new NICP highlights contradictions and dilemmas for the Papua New Guinea media. How closely was the media consulted in the drafting of this policy?

By DAVID ROBIE

At a seminar marking International Press Freedom Day in May, Justice Michael Kirby, Special Representative of the Secretary-General of the United Nations for Human Rights in Cambodia, gave an optimistic message for the media in our region.¹ He noted cases where journalists imprisoned for criminal defamation or otherwise victimised had been freed from persecution. And he said there was increasing recognition of the importance of media freedom.

The seminar addressed by the judge was organised to launch a campaign by Australian journalists to raise \$100,000 for the International Federation of Journalists' Safety Fund.² A commendable effort in support of their colleagues worldwide and in our region.

Journalists everywhere face the threat of violence daily and since 1987 more than 300 journalists have been killed or gone missing simply by doing their job. On a humbler scale but still serious, our student newspaper *Uni Tavor* recently experienced an assault on two of our editorial staff.³ The underlying reason was a news report that some other students did not like.

Pressures on press freedom come in many forms: indirect harassment, censorship and self-censorship, bribery and coercion, physical assaults and even murder. But the jailing of a journalist is one abuse that can be quickly rectified.

Public pressure from the New York-based Committee to Protect Journalists and other press freedom groups has led to the release of many detained journalists in the past. As the CPJ itself notes: 'Even in cases where such protests have seemingly had no immediate effect, we have learned

years later that living conditions improved for some prisoners. And by holding governments publicly accountable, we can sometimes prevent further abuses.’⁴

In many countries journalists are not jailed, but killed. The assumption common, even within the profession, is that most of these deaths are tragic but inadvertent combat casualties, and that foreign correspondents — war reporters — are the group most at risk.

Yet most of the 56 deaths of news people documented by CPJ last year were deliberate assassinations of reporters working in their own home towns. This has been a consistent pattern around the world since CPJ began investigating the deaths of journalists a decade ago. As CPJ notes, the most dramatic change in recent years is geopolitics.

In the 1980s scores of Central American journalists were murdered by government-aligned death squads; in the 1990s we are seeing similar patterns of repression in Central Asia. The most dangerous assignment of war correspondents in this generation has been Vietnam, but Bosnia — a country not even on the map when the decade began — has proved to be even more hazardous.

For years the primary fear of independent journalists in much of the world has been retaliation from Government forces on the totalitarian left or the authoritarian right; while these remain serious concerns, in many countries the most direct assaults on press freedoms now come from religious fundamentalists and dissident nationalists.⁵

Other forces outside the law, such as drug traffickers, have also been targeting journalists. Although some culprits have been tried and convicted, most murderers of journalists remain brazenly at large.

What is at stake is the ‘truth’ — and the public right to be informed.

Freedom of information

In recent years, there have been momentous steps in history towards freedom in a number of societies. Information, and the courage of journalists and media groups in providing that information, have made important contributions to this freedom. Information has encouraged democracy. Throughout Eastern Europe, countries that were revolutionised in the name of the people have finally fallen into the hands of the people.

And now South Africa. After more than four decades of oppressive and harsh rule under the yoke of apartheid, South Africans of all colours have finally wrested a multiracial state with majority rule. As former Philippines President Cory Aquino put it:

In societies where a meeting of two was suspect, and a gathering of three was rebellion, only the force of truth broadcast in the free world’s radio and television, and attested to by the

independent newspapers, could have done it.

Against the naked truth purveyed by free media, not all the arts of counter-propaganda could prevail. It is now proven that the strictest borders and the thickest walls are porous to the truth from the other side.⁶

It was perhaps in the Philippines where the modern alliance of people and the media began. It was there in 1986 that the power of the media, exposing the truth about a corrupt, despotic government, showed itself able to galvanise a nation for its own salvation.

And it is appropriate today that a review should be taking place here of the media's role in national development in a country sapped by the six-year-old civil war over Bougainville. In spite of the apparent near conclusion of the military phase of the war after the recapture of Panguna, peace has yet to be won.

In formal education, the teacher is the central influence on students in the classroom. However, in informal education the mass media — print, radio and especially television — are the teachers of the biggest classroom, the world outside school or tertiary institutions.

Mass media can negate the teachers' lessons about peace and justice, productivity, moral relationships and nation-building. False or incomplete information in the press and electronic media can lead to wrong impressions. Or the mass media can enhance the national values, sense of direction and determination by expanding public information and debate of important issues.

National radio gagged

In April, the Papua New Guinea government imposed an unprecedented gag on the National Broadcasting Commission, provoking a storm of protest from journalists, media organisations and Opposition politicians.⁷ NBC was singled out for the ban on coverage of a controversial post-Easter summit of New Guinea Island leaders that was expected to discuss possible secession by five provinces. The country's two daily newspapers, the *Post-Courier* and the *National*, the *Times of PNG* and two foreign correspondents resident in Port Moresby were unaffected by Information and Communications Minister Martin Thompson's ban.

The *Post-Courier* warned in an editorial that the freedom of the media enjoyed by PNG since independence in 1975 had been 'seriously undermined'. The paper said it was in the interests of the nation that the NBC continued to broadcast news and commentaries on the summit. It continued: 'Banning news about discussion by the island leaders will not help achieve national unity.'

The *Times of PNG* described the gag as offensive to the integrity of the NBC journalists. 'The NBC reaches more people in the country than any other medium and is treated with respect because of its independence and

integrity. Thus it is a sad day that the heavy handed politicians take advantage of their powers to muzzle free flow of information.' These sentiments expressed in editorials would enjoy wide support among journalists and media commentators. The news media had a vital responsibility to the public to inform them on what was happening in the context of the Government's proposed legislative changes to the provincial government structure.

Ironically, the Government's ban on the NBC conflicted with the National Information and Communication Policy adopted by Parliament just over a month previously.⁷ According to the policy document's second sentence of the preamble:

The people of Papua New Guinea past, present and to come acknowledge that communication in all its modes and forms is a basic right through which men, women and children share life, experience, ideas, values, hopes and aspirations to build community.

We acknowledge that communication is a right equal with all other rights. It includes the right to inform and to be informed, the right to freedom of expression, the right to freedom of information and assembly, and the right to communication opportunities. It is subject only to the rights of others under the National Constitution.

The National Information and Communication Policy shall be based on Christian values and principles and shall adhere to a philosophy of communication.

On media freedom, the policy states:

Freedom of the press is a prerogative of the people. It belongs to them. It has to be guarded as an inalienable right of people in a free society. Its existence must be defended against the self-interest and assault from any individual or group, public or private.¹⁰

Ethics: policy and practice

This brings me to the NICP policy and its chapter on journalism ethics. Since the mid-1980s, the PNG Journalists' Association has had a Code of Ethics, and the PNG Press Council has existed since Independence to look into allegations of breaches of ethics and unfair treatment by the print media. Yet neither the PNGJA's code nor the Press Council have been acknowledged or addressed in the policy, a remarkable omission. It is also astonishing that neither body was directly represented on the NICP Committee when it was established, or had its views canvassed.

In fact, the Code of Ethics, as spelt out in the policy, substantially echoes the PNGJA's own code, except given in greater and sometimes naive detail. The PNGJA code was modified from the Australian Journalists' Association

1. To report and interpret the news with scrupulous honesty.
2. Not to suppress essential fact and not to distort the truth by omission or wrongful emphasis.
3. To respect confidences in all circumstances.
4. To observe at all times the fraternity of their profession, and never take unfair advantage of fellow journalists.
5. Never to accept any form of bribe, nor to permit personal interest to influence their sense of justice.
6. To use only honest methods to obtain news, pictures and documents.
7. To reveal their identity as representatives of the press, or of radio or television services, before obtaining personal interview for publication.
8. Always to maintain, through their conduct, full public confidence in their integrity and dignity of their calling.

The PNG Journalists Association Code of Ethics as listed by the Press Council.

code, which evolved over six decades of effort to develop an ethical basis for the profession. The NICP code reads rather like a 'beginner's guide to journalism' textbook rather than an ethics code. And it muddles legal requirements in covering courts and Parliament with ethical guidelines.

What is lacking in both the PNGJA and NICP codes is a process for dealing with ethical breaches or misconduct in the profession. Nor do they address how journalists are to adhere to an ethical code.

It is my experience that journalism graduates in PNG have a weak grasp of ethics — particularly on how to apply them — even though they are given a thorough grounding in their courses. Journalism graduates need to have a more professional attitude and outlook when they join news media

organisations. A more advanced course in ethics focusing on case studies may help address this problem.

On the press code of ethics, the policy states:

The Papua New Guinea National Constitution, Section 42, in protecting freedom of expression, guarantees its citizens a constitutional right through the press, and thereby places on the press a concrete responsibility.

Likewise, journalism requires from its practitioners professional knowledge and judgment as well as the pursuit of standards characterised by journalistic integrity proportionate to the journalist's unique obligation.¹¹

Hence the NICP Code of Ethics:

(a) Responsibility

The principal aim of news and opinion gathering and reporting is to provide information that can help people to make wise judgments on issues of interest ...

(b) Freedom of the press

Freedom of the press is a prerogative of the people. It belongs to them. It has to be guarded as an inalienable right of people in a free and democratic society. Its existence must be defended against the interest and assault from any individual or group, public or private.

Journalists must remain alert at all times to bring the public issues to the public knowledge ...

(c) Independence

Journalists must keep their integrity by upholding propriety and avoiding any conflict of interest. They should neither accept anything nor pursue any activity that might compromise or seem to compromise that integrity.

Journalists must remain faithful to the public's right to know the truth.

No quibbles so far. And all these fine ideals are in the existing PNGJA code, albeit expressed differently.

(d) Truth and accuracy

Good journalism is founded on good faith with the audience ... Errors of fact, as well as errors of omission should be corrected promptly and prominently.

This is an area where the PNG print media, and Pacific media generally, are particularly weak. One gets the impression that the only times prominent corrections are made are when there is a threat of legal action.

The international trend is to safeguard credibility by quickly acknowledging errors. Many leading newspapers, such as the *Melbourne Age* and *New York Times*, have special daily sections to correct mistakes. Even in *Uni Taur* we have a regular 'For the Record' box to acknowledge errors of fact.

(e) Impartiality

Sound journalism demands a distinction between news reports and opinion or editorial expression ... Journalists should not take sides on an issue where there is a dispute. They should use balance — that is, present all the sides of an argument fairly.

While the PNG press has been fairly good in this respect, when it comes to reporting the Bougainville conflict, the papers are often disturbingly one sided. Name-calling and epithet-branding are commonplace. And when information is clearly politically motivated or propaganda, the journalistic norm of separating fact and opinion is often suspended. Clearly contestable and controversial statements — when they are sourced from the Government side — are published as 'fact' instead of claims or allegations.

Dissidents, critics or spokespeople for the Bougainville secessionists are routinely misrepresented or branded as 'BRA sympathisers', 'self-styled BRA representative at the United Nations' (for Mike Forster when in fact he represents the secessionist Interim Government) or whatever.

Reports also regularly fail to differentiate between the revolutionary military force BRA and the political Interim Government.

This is in contrast with the reporting of similar conflicts elsewhere in the world where the political and military wings are clearly separated. For example, in Northern Ireland there are the military IRA and the political Sinn Fein movement, and in the Philippines, the military New People's Army and the Communist Party of the Philippines. On another plane again is the National Democratic Front which is a broad political coalition.

Amnesty International, an international human rights organisation of considerable repute, has at times been treated with derision over its reports alleging human rights violations. Amnesty has an exhaustive process of checking and double-checking its information and sources and is impartial in all its investigations.

In February, when Prime Minister Pias Wingti visited Australia and New Zealand, some touring PNG reporters treated protesters as virtual 'BRA rebels' when clearly the protests were not anti-PNG. The protests were aimed at Australian Government involvement in the conflict by supplying crucial military support rather than being committed to a negotiated peaceful solution.

Public enemy number one for the PNG media is Australia's so-called 'BRA sympathiser' Rosemary Gillespie. An example of a serious breach of journalistic ethics — in this case mainly impartiality — was publication of a two-page character assassination of Gillespie by Evelyn Hogan in the *Times of PNG* June 1993. Any sense of responsibility by the newspaper, whatever its editorial views on Ms Gillespie's credibility or otherwise, would have demanded that such a one-sided, self-serving attack by a critic would have required some balancing article or not be published. Not to mention the

possibility of defamation. But with Ms Gillespie already having been accused of 'treason' by the Government when she is not a national of this country, then any sort of smear is fair game. This sort of invective and blatant bias undermines news media credibility and claims of impartiality. For the media to be genuinely impartial, it should distance itself from hysteria over the Bougainville conflict.

(f) Fairness

Journalists should respect the rights, dignity, privacy, and well-being of the people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their reports.

The news media should not report unofficial charges affecting reputation or moral character without giving the accused a chance to reply. Persons publicly accused should be given the earliest opportunity to respond.

The public should be encouraged to give their grievances against the media when there is unfair reporting. Dialogue between the press and the audience should be fostered.

An example of blatant lack of fairness and distortion in the PNG press was the publication of a letter in the *National* last December under the headline: JUST WHO REALLY IS BRIAN BRUNTON?¹² The letter was a malicious attack on non-government organisations such as the Individual and Community Rights Advocacy Forum (ICRAF), National Alliance of Non-Government Organisations (NANGO), West Papuan Students Association, Melanesian Solidarity and PNG Trust. It also made a host of unsubstantiated allegations against former National Court judge Brian Brunton and University of PNG law lecturer Powes Parkop, implying that they were saboteurs and master manipulators, and guilty of treason. Signed with the pseudonym 'Deeply Concerned', this letter should have been obvious to any professional journalist editing the 'Letters to the Editor' page as the highly defamatory work of somebody motivated by malice.

Most professional journalists on reputable newspapers overseas would 'spike' this sort of letter, or toss it in the garbage basket. A number of letters were carried by the paper over the next few days defending the condemned parties and rejecting the smear letter. Threats of legal action were also made, but the reality is that the cost of litigation and lengthy court proceedings make it extremely difficult for ordinary people attacked in this way to clear themselves.

The news media have a responsibility for fair play, to get their facts right and not allow themselves to be manipulated by people hiding behind pseudonyms who have malicious agendas of their own.

Press Council of PNG

Why is it not acknowledged in the policy statement that a PNG Press

Council exists to adjudicate in cases where the news media have blatantly acted unethically? The Press Council was founded in 1975, the year of Independence. According to its statement of principles, it was 'set up and paid for by the newspaper industry, to help achieve a better industry and to promote good relations between the industry and the public'.

The Press Council of Papua New Guinea serves these purposes in two ways: (i) it is a guardian of the freedom of the press, an essential element of democracy; (ii) it is a forum to which anyone may take complaints against the press.¹⁴

In the first instance, the council aids the press to protect the basic right of the people to know — the liberty of publication won in centuries of struggle against governments and groups wishing to deny any such right.

Second, the council seeks the maintenance of ethical standards by the press, as set out in its statement of principles — it also republishes the PNG journalists' code of ethics. There is no evidence in the NICP Code of Ethics to indicate that the policy makers have even read the council's statement of principles, let alone seriously considered the council in its final policy.

Under articles about faith and religion, the policy states 'no church should publish articles that promote their own church, contain negative criticisms against other churches and aim to divide the PNG audience'. By extension, one would take this to also mean newspapers and editorial writers. Yet this week in the *National* an editorial launched a blistering attack on the Islamic faith which was astounding for its bigotry, fanaticism and racism.

Responding to news that a mosque was to be built in Port Moresby, the editorial virtually branded all Muslims as zealots and terrorists.¹⁵ Detailing examples of Islamic extremism over the centuries, the editorial conveniently ignored examples of terrorism by Christian extremists, such as the Inquisition, the Crusades or the Phalangists in Lebanon. Added the editorial: 'If PNG is to be seen as one more area of the world that needs to feel the burning blade of the fundamentalist Islamic warriors, we could very well do without that religion.'

Is this an example of responsible, ethical journalism? What would the paper suggest — ban all Muslims under the Internal Security Act? After all, neighbouring Indonesia is the country with the world's largest Muslim population, while Muslims from both Malaysia and Indonesia make up a sizeable proportion of business people visiting this country.

Other aspects of the Code of Ethics deal with identification of sources; national and community interest; good taste and decency; honesty (mainly discussing defamation); reporting the courts; obscenity, blasphemy, sedition and 'ethnic' discrimination; and defamation. The latter three categories are out of place in a Code of Ethics. They involve professional practice when covering the courts and dealing with national laws. This is taught to all journalists studying media law.

Issue of 'advertorials'

On the issue of honesty, several newspapers and magazines in PNG are indulging in filling some of their space with 'advertorials' — the practice of selling advertising and running tagged editorial space or pages with the advertisement. None the wiser, most readers take this practice at face value as genuine editorial. Although several papers have indulged in the practice, the *Post-Courier* has taken it to new disconcerting heights with the selling of its front page and logo for wrap-around advertorials.¹⁶ I publicly criticised this with a letter to the *Post-Courier* saying:

There used to be a time — last century — when newspapers routinely ran advertisements covering the front page. Even when one of the predecessors of today's *Post-Courier* (the *Papuan Times and Tropical Advertiser*) began publishing in 1911, it was still reasonably common. But news eventually became the front page priority, as it should be. Some papers persisted with the outmoded front page ad fashion for a long time. One New Zealand newspaper, for example, the *Evening Post*, stubbornly carried a hybrid half news/half ads front page well into the 1960s. Mercifully, though, in most of the rest of the world editorial content had long become paramount.

It is astonishing then to see the *Post-Courier* reverse the ethical norm and sell its front page and masthead for a wrap-around promotion supplement for the Shell Highlander opening. This follows a similar wrap-around on December 3...¹⁷

There is no word in the NICP Code of Ethics about this sort of practice.

Confidentiality of sources

Now a final word about confidentiality of sources — a vitally important ethical issue for journalists which is merely tucked away as one sentence at the end of the section on *independence*. It reads: 'Journalists must protect confidential sources of information'.

It offers the impression, given that the rest of the Code of Ethics is so verbose, that the policymakers have given no consideration or thought to the debate currently raging in Australia about the complexities of this issue. There is a campaign there by the national journalists' trade union, MEAA, for shield laws. New Zealand already has a partial shield in that judges have an option to excuse journalists from being forced to reveal their sources.

Consider the following developments. In three separate cases in Australia last year, journalists¹⁸ were held in contempt of court for refusing to divulge their sources.

One of the reporters, Christopher Nichols of the Australian Broadcasting Corporation, was given a four month jail sentence in April, the longest ever handed down in Australia for protecting a source. The MEAA protested over Nicholls's sentence and called for a new law that would override

common law and 'protect journalists who are under an ethical obligation not to reveal confidential sources'. Nicholls's action in refusing to divulge a source that he said had provided him with bank documents was in keeping with the Australian journalists' Code of Ethics.

In May, New Zealand journalist David Hellaby of the *Adelaide Advertiser* refused to identify a source in court during a libel action against him by the Bank of South Australia. He was found guilty of contempt of court and fined K3500.

In June, Tongan MP and editor of *Kel'ea*, 'Akilisi Pohiva, lost an appeal against a Supreme Court injunction and an order to reveal sources over the Tonga Development Bank and its alleged mismanagement of loans.¹⁹ The bank had sued *Kel'ea* for defamation and breach of client confidentiality after a series of articles in early 1992. The Supreme Court dismissed the defamation charges in December 1992, but then filed the injunction.

In September, Deborah Cornwall of the *Sydney Morning Herald* was sentenced to two months' imprisonment for contempt of an administrative tribunal. She had refused to reveal the sources of an article she wrote about police corruption to the Independent Commission Against Corruption. The Supreme Court later reduced her sentence to 90 hours of community service.

In the Australian debate, journalists argue that if they reveal sources then potential 'whistleblowers' will be deterred, on pain of reprisal, from airing through the news media information of considerable public interest.²⁰ They seek a legal privilege — absolute or qualified — for the journalist-source relationship similar to those recognised for lawyer-client, doctor-patient and priest-penitent.

The argument against this is that there needs to be a more stringent debate about the use and abuse of anonymity. Are some sources promised confidentiality too easily? Would immunity enable irresponsible journalists to shelter behind anonymous, or even fictitious, sources?

These are issues not addressed at all by the NICP Code of Ethics. The Radio Broadcasting Code of Ethics, Advertising Standards and Television Code of Ethics can be critically assessed in a similar manner.

Surely it would have been more constructive for the Government and the NICP to endorse and support the Press Council and the journalists' own Code of Ethics or address their shortcomings rather than try to impose a policy which has had little input from journalists themselves. Internationally there is opposition from journalists to Government-imposed ethics and the International Federation of Journalists campaigns against Government-directed standards. In any case regulation would pose more problems than any solutions.

The media needs to subject itself to the same rigorous scrutiny that it applies to the nation's institutions for it to make a greater contribution to democracy. It must be ready and willing to make constructive self-criticism.

As part of this commitment, Papua New Guinean journalists need to

have a strong and vocal professional organisation. While the creation of the National Press Club of PNG should be welcomed as an indication of growing maturity of the nation's news media, it should not be seen as a substitute for a professional PNG Journalists Association. It does not and could not perform that role.

It should be up to Papua New Guinean journalists themselves to get their own ethical and professional house in order.

Notes:

¹ Justice Michael Kirby, 'The Media and Human Rights: A View from Cambodia', International Press Freedom Day seminar, Sydney, 3 May 1994.

² 'Fund protects journalists' freedom,' *The Alliance*, quarterly publication of the Australian Media, Entertainment and Arts Alliance (MEAA), Winter 1994, p. 27.

³ "Uni Tavour journos assaulted," *Uni Tavour*, Vol 20, No 6, 20 May 1994.

⁴ See *Attacks on the Press in 1993: A Worldwide Survey*, New York: Committee to Protect Journalists, 1994, p. 9.

⁵ *Ibid.*, p.10.

⁶ Corazon Aquino, 'People, Media and Power', in Crispin C. Maslog, *Communication, Values and Society*, Manila: Philippine Association of Communication Educators, 1992, p. 2.

⁷ See David Robie, 'PNG gags national radio,' *Reportage*, quarterly publication of the Australian Centre for Independent Journalism, University of Technology, Sydney: ACIJ, Winter 1994, p. 33.

⁸ Wally Hiambohn, 'Policy and decision just don't add up,' *Post-Courier*, 7 April 1994, p. 11.

⁹ Preamble 1.1, National Policy on Information and Communication of Papua New Guinea, p. 7.

¹⁰ *Ibid.*, p. 14.

¹¹ *Ibid.*, p. 61-77.

¹² Evelyn Hogan, 'Rosemary and her mates: Supporting Bougainville humanitarian struggles of self-promotion,' *Times of PNG*, 10 June 1993.

¹³ 'Just who really is Brian Brunton?' anonymous letter to the editor, *National*, 30 December 1993.

¹⁴ Cited in John Millett, *Development and the Media*, Port Moresby: Institute of National Affairs, 1988, pp. 29-36.

¹⁵ 'Does Islam have a place in PNG?' editorial in the *National*, 16 August 1994.

¹⁶ See, for example, 'Shell Highlander Opening Special,' *Post-Courier*, 20 December 1993.

¹⁷ David Robie, 'A backward looking move,' letter to the editor, *Post-Courier*, 23 December 1993.

¹⁸ See *Attacks on the Press 1993*, *op. cit.*, pp. 158-159.

¹⁹ *Ibid.*, pp. 177-181.

²⁰ 'Why we need a shield,' *The Alliance*, June-August 1993, pp. 1, 4-5.

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