

EDITORIAL

Hagahai cell lines controversy. Savea Sano Malifa profiles his newspaper, *Samoa Observer*, and its valiant fight for media freedom.

David Robie traces the upheaval in journalism education at UPNG while a student journalist and world media groups give their perspective in the Forum section. An early paper by the late Peter Henshall provides context for the media education debate. Kevin Pamba traces how the Phantom inspired *Independent* cartoonist Jada Wilson and Joseph Morokana profiles broadcast journalist Joseph Ealedona.

Philip Cass discusses the important history of the Pacific mission press, particularly in Fiji, Papua New Guinea and the Solomon Islands. Two *Fiji Times* editorials that stirred senators in Suva are published along with a summary of the controversy. Sorariba Nash, just back from completing Masters studies at the University of Wales, gives a broadside to the paparazzi and examines privacy legislation and policy in the United Kingdom. Finally, Macquarie University academic and InterPress correspondent Kalinga Seneviratne profiles Radio Djiido and its dilemmas a decade after the Kanak pro-independence station was founded.

David Robie

Media, church and the Sandline plot?

The news media (both Papua New Guinean and foreign) did a great job carrying the events of the Sandline crisis and the general election in its wake. Obviously journalists and the churches would fight to the end for freedom of the press and preserving the constitutional essence of Section 46.



By WILLIAM FEREA

SECTION 46 on the basic rights in Papua New Guinea's Constitution stipulates the 'freedom of expression' for its citizens and others who reside here. Since independence in 1975, the Constitution which upholds our liberal-democratic system of government and its corollary virtues of freedom of assembly, movement, expression and so on was confronted with several close calls bordering on its demise. In 1992, the Governor-General, the late Sir Serei Eri, refused to sack his friend Ted Diro, then deputy prime minister and a former military commander, on guilty charges of misconduct in office and this in turn led to the sacking of the Governor-General by the Namaliu Government; in 1994 then Prime Minister Pias Wingti made a snap resignation to avoid a pending vote of no confidence and then got himself reappointed by the Governor-General within 24 hours. The Supreme Court ruled on the case as null and void in September 1994, paving the way for the Chan-Haiveta Government.

But 1997 can be written in history as Papua New Guinea's *annus horribilis* in terms of the worst constitutional crisis. The occurrence of the Sandline mercenary affair and the ensuing social/political mayhem nearly saw a complete collapse of the country's liberal-democratic Constitution. Were the churches and the media (who were, among others, very vocal about the Sandline issue) playing a role in this latest and deadly constitutional crisis? If so, was there a plot between the media, church and Jerry Singirok to derail the Chan-Haiveta Government along with the Sandline deal? Or was the media and church involvement based upon some fundamental moral teleology?

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Media 'freedom' and 'social responsibility'

The Section 46 can be better positioned if we describe certain press theories which abound in the world arena, in a comparative manner. The authoritarian theory to begin with. In this press system the media functions as 'a governmental propaganda agency under a "strong man" type of government'.¹ This 'strong man' could be a king, sheik, or military dictator. The press in Hitler's Germany, Mussolini's Italy and today's many African and Latin American countries (and Indonesia so it seems) follow this press system.

Karl Marx is the father of the next media theory, namely the communist press theory. Here, as John Merrill writes, 'the functions of the press should come from the central function — the perpetration and expansion of the socialist system', and the 'means of communication should exist to transmit social policy and not to aid in searching for the truth'.²

Media in the former Eastern Bloc countries and today's Cuba, North Korea and China follow this press system. The authoritarian and communist press theories are similar in that the media function as a propaganda tool for the Government. However, there are differences, while the press in the communist system is solely owned and operated by the State, the media in the authoritarian system is usually privately owned. Also while the communist Government's control of the media is 'constant' and 'uncompromising', the degrees of control of the press in an authoritarian situation vacillates, depending on the vice or virtuous character of the person in power.³

The third press theory is the libertarian one. Here things are quite opposite to those of the communists press system. Here the media is privately owned as in the authoritarian system but not with the communist system; the media is almost totally free of governmental interference unlike both authoritarian and communist systems and finally, the media's role is to search for the truth unlike the two previous theories. Libertarian theory took roots in the 17th century England and America.⁴ The philosophy of John Locke, Jeremy Bentham and John Stuart Mill which sees man as a rational creature and is endowed with certain natural rights form the moral justification of the press freedom in liberal-democratic states like in western Europe, Australia, New Zealand, United States, Canada and, of course, Papua New Guinea. These countries' libertarian press systems took inspiration from Mill's proclamation that:

The time, it is to be hoped, is gone by, when any defense would be necessary of the 'liberty of the press' as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them, and determine what arguments they should be allowed to hear.⁵

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Then comes the most recent press theory, the social responsibility theory. Really, this theory stems from the libertarian press theory. It gained prominence from the 1947 Hutchins Commission report in the United States which places great moral and ethical restrictions on the press. Here, as Merrill points out 'instead of emphasizing "freedom" it stresses "responsibility" or social responsibility to the community'.⁶ Despite criticisms of this theory by ardent libertarians as being authoritarian-inclined, in fact I think the two theories can converge rather than confront each other. The press in liberal democratic countries must (and indeed do) feature codes of conducts for journalists to avoid committing plagiarism, malicious misrepresentation, calumny, slander, libel, unfounded accusations, acceptance of bribery and other abuses by the press.⁷ The absence of codes of conduct can result in some journalists who could embrace the existential program-para-journalism as their *modus operandi*.⁸ But, personally, I don't think the essence of Section 46 in the PNG Constitution will diminish in an alarming way if the country's media converge libertarianism and social responsibility theories. The first two press theories, however, can be ignored.

The church and social responsibility of the media

The church, especially the Catholic Church, has always been the supporter of free press, but, one which is socially responsible. The successive Popes have recognised the immense changes in human society-modernity and its technological and economic advancements and they view the modern press as a vehicle to unify people and to uphold people's dignity in Christ — the great communicator. On this during the last few decades the Vatican issued several documents, the *Inter Mirifica*⁹ in 1964; the *Communio et Progressio*¹⁰ in 1971 and the present Pope's re-affirmation of these two documents in the 1992 pastoral instruction *Aetatis Novae*.¹¹ The Pope declares that 'the media can be used to proclaim the Gospel or to reduce it to silence in human hearts. As media become ever more intertwined with people's daily lives, they influence how people understand the meaning of life itself'.¹² But the Vatican did warn in *Inter Mirifica* that 'if the media are to be correctly employed, it is essential that all who use them know the principle of the moral order and apply them faithfully in this domain'.¹³ In other words the media must be socially responsible to society, the laity. The church in Papua New Guinea too also maintained its strong support of the freedom of the press by describing the Micah Media Commission Bill as 'unrealistic',¹⁴ but, that the media must promote the plight of the youth, women, unemployed and the down-trodden.

The Micah Bill and *Ceteris Paribus* clauses

Carter R. Bryan discusses how governments around the world (be they,

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authoritarian, communist or liberal) put pressure on the media. The categories of pressure are: 1. legal pressures, 2. economic and political pressures, 3. secrecy, and 4. direct: censorship and force. Further, the legal pressures consists of: (a) constitutional provisions, (b) security laws, (c) press laws and (d) penal laws.¹⁵ I am not discussing all these categories of pressures in detail, but, suffice to say that though there have been isolated incidences of direct censorship and force in Papua New Guinea, much of the government's pressure on media were legal ones in form of Media Bills.¹⁶ Recall the Brown Sinamoi and Gabriel Ramoi Bills of the early 1980s which seek to regulate media freedom. Then came Ben Micah's draft Media Commission Bill of 1996. The most controversial sections of that Bill which needs discussion are: (a) the 'registration of journalists' and (b) 'ensuring the strict code of conduct of journalists'.¹⁷

Firstly, the registration of journalists would face difficulties. Unlike fields of law, medicine, dentistry and accountancy which boast a specific body of knowledge and strict rules of admission/dismissal, journalism lacks in that respect. As John Merrill in his other book on *Philosophy and Journalism* points out: 'Journalism has no exclusive body of knowledge. It is an eclectic field, a borrower from many disciplines'.¹⁸ A biologist could join a media organisation and become a science reporter; a lawyer can become a legal reporter; an economist a business reporter and so on. I do know, for instance from his own admission on TV that anchor Riz Khan of the CNN is a graduate in microbiology.

In Papua New Guinea the announcer Francisca Semoso of NAU FM was a theatre performer. Many special interest groups and the churches in Papua New Guinea can (and in many cases have) run small newsletters to cater for their local interests. Undoubtedly, many of their reporters would be without any formal journalism qualification. Now, if the government wants to register journalists, which category of people would they register? People with formal journalism diplomas from the Divine Word University or the University of Papua New Guinea? Or anybody who reads or writes news for any radio, TV or newspaper? Moreover, any registration or licensing of journalists would be inconsistent 'with the theory of open society and the concept of the value of pluralism in a journalistic system'.¹⁹

This observation by Merrill seems to acknowledge the fear that government could register journalists who favour their policies while dismiss those who are critical of them. When this happens, it is certain that the diversity of opinions, the differing perspectives on issues which characterise the vibrancy and progressiveness of a liberal-democratic society will diminish markedly.

The other controversial issue with the Media Commission Bill is the proposal to 'ensure that journalists abide by their code of ethics at all times'.

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Recall that we did agree that the media does require codes of conduct which can safeguard the community from the occasional press excesses, eg. slander, libel and so on — to ensure social responsibility and accountability.²⁰ Yet it must be pointed out that the journalistic code of conducts are necessarily loose. The journalists search for truth may mean at times that certain codes of conduct may not be binding. For instance, due to some public good (based on utilitarian or universalists' moral grounding) journalists may be faced with no better choices but to lie to the public, reveal one's sources or use 'illegal' means to obtain the truth.

Regarding this latter case, it is possible for journalists to enter Bougainville, East Timor or West Papua illegally to report crimes against humanity, even if the respective country's law forbids the entry of journalists. On revealing one's sources, it would be morally binding for a journalist to conceal the whereabouts of a gang leader who she/he is interviewing. But, if during the interview between the journalist and the gang leader the latter at the same time also brutally rapes a 14-year-old girl, then the moral situation changes. The journalist did not promise to not report to authorities the gang leader's rape incident, but, only the location of interview. Codes of conduct, be it for lawyers, doctors, journalists or even state laws, must have *Ceteris Paribus* clauses inserted — acknowledging that most human law needs to allow for exceptional cases. If governments cling to the ideal that there are moral or legal absolutes, they run the risk of creating a dogmatic society. This could then fuel people's tendency to civil disobedience.

Enlightened people obviously prefer the free press rather than the authoritarian type. The Ben Micah Media Bill, especially the two controversial sections just discussed, could severely deform Section 46 of PNG's national Constitution. But, gladly, John Paska's Media Consultative Committee basically shelved Micah's Bill in favour of media self-regulation, thus avoiding another possible constitutional crisis. But perhaps not so devastating as the Sandline crisis.²¹

The Sandline crisis: A moral dilemma

Obviously the journalists and churches would fight to the end for the freedom of the press in Papua New Guinea, thus preserving the essence of Section 46 as it is. The church would see any interference by government as devaluing human dignity,²² while the media community (and the whole community) would view it as an affront to their role of seeking the truth — the truth which many times challenge people in power and the sacrosanct state policies. But, it is one thing to oppose government policies and another thing to do so in an unconstitutional manner. We know through the media that the churches (except Bishop Getake

Singirok 'plotted wide publicity'

By DANIEL KORIMBAO

PORT Moresby: General Jerry Singirok plotted with the media to create a wide publicity campaign for his resignation as Commander of the Defence Forces, the 100,000-strong PNG Army, on October 16, 1997.

Mr Singirok's resignation was announced on October 16, 1997. He was going to take place in the morning at the Murray Barracks, but he was given an early start by the media.

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The October 16 headline in *The National*.

Gam of the Evangelical Lutheran Church) opposed the government's Sandline deal. Ruth Konia of *The National* reports:

The Federation of Religions, representing more than 1500 sisters, brothers and priests of Papua New Guinea and the Solomon Islands, has called on the Government to terminate the engagement of Sandline International and continue negotiations for peace on Bougainville.²³

The question is did the church's opposition extend to supporting General Jerry Singirok's apparent insubordination to the state of Papua New Guinea? If so were the churches aware that Singirok's call on the Government to resign (while still the Commander of the Defence Forces) was unconstitutional — and that it is this very constitution which enshrines the people's freedom of worship and the freedom of expression? To both questions, I think not. I don't think the church as an institution did support the commander's unconstitutional move which would've ended up in violence and deaths anyway. The church has always maintained their distaste of any forms of violence anywhere at anytime; and so for Bougainville. But the churches could have made their position on the unconstitutionality of Singirok's move clearer to avoid suspicions of acquiescence.

The media (both PNG and foreign) did a great job in carrying the events of the Sandline Crisis. But claims were made at the second Sandline Inquiry on 15 October 1997 by Marshall Cooke, QC (representing Sir Julius Chan) that the

commander plotted the March 17 talkback announcement with the media. According to reporter Daniel Korimbao:

Mr Cooke said extensive television and newspapers coverage of the parade at Murray Barracks that day. Mr Singirok's visit to NBC to make the announcement, and his visit to Government House suggested 'orchestration' with the media for coverage of these events.²⁴

If this was the case why would the media support an unconstitutional move though the cause (of saving innocent lives on Bougainville) was unavoidably important? The media has the freedom to oppose any government policies, but, could they also help instigate the overthrow of the people's constitutionally elected government? If this 'plotting' claim is true — unlikely as it seems — then the media's action is ominous. They should have continued to condemn the Government's use of further violence on Bougainville, but, simultaneously, warned the people, the army and the Government about an impending constitutional crisis and possibly violent confrontation. But, we all don't know what actually happened behind the scenes and nobody was pronounced *flagrante delictu*. We await the finding of the Justice Kubulan Los inquiry.

Conclusion

I agree with Ted Diro when he said during his pre-election speech to students at the University of Papua New Guinea's Main Lecture Theatre that the Sandline phenomenon was a case of 'two wrongs making a right'. But, I must say it was a very risky two wrongs — the country's unique liberal-democratic Constitution could have been trampled upon in a matter of hours. That there are lawful ways to oppose Government decisions — one that would both redress a government's wrong-doing and still preserve the sanctity of the constitution, the bearer of our natural rights to freedom of movement, assembly, religion, and of course expression.

Notes:

- ¹ Merrill, John, (1964). 'Current Press Theories', in Merrill, J. C. et al (eds), *The Foreign Press*, Louisiana State University Press, p 20.
- ² *Op. cit.*, p 21.
- ³ *Ibid.*
- ⁴ *Ibid.*
- ⁵ Mill, John Stuart. *On Liberty*, (M. Warnock edition); p 141.
- ⁶ Merrill, *Op. Cit.*, p 21.
- ⁷ Robie, David, (ed,1995) *Nius Bilong Pasifik: Mass Media in the Pacific*, Port Moresby, UPNG Press, p 209-217.

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⁸ Ferea, William (1995). 'Dilemmas for journalists in modern society', *Ita Diba*, Vol.2, No.4, November, p 4-5.

⁹ *Inter Mirifica* (1964), n.4, in AAS, LVI.

¹⁰ *Communio et Progressio* (1971), n.187, in AAS, LXIII.

¹¹ 'Pastoral Instruction' (1992), *Aetatis Novae*, Vatican City.

¹² 'Pastoral Instruction' (1992), *Aetatis Novae*, Vatican City, p.7.

¹³ *Inter Mirifica* (1964), n.4, in AAS, LVI.

¹⁴ Maimie, Peter, 'CRC Assurance Unrealistic', *Post-Courier*, 8 November 1996, p 11.

¹⁵ Bryan, Carter. R. (1964), 'Government and the Press', in Merrill, J. C. et al (ed), p 23-32.

¹⁶ There were isolated incidences where the PNG Government stopped the NBC and EM TV from broadcasting certain news items on Bougainville, eg then Forest Minister Andrew Baing's attempted gagging of EM TV in October of 1996. See *The National*, 2 October 1996, p 2.

¹⁷ Media Commission Bill, 1997.

¹⁸ Merrill, John, and Odell, Jack, (1983). *Philosophy and Journalism*. Longman Series Inc., p 119.

¹⁹ *Ibid*.

²⁰ *The National* (1996), 'British paper admits Diana video a fake', October 10, p 15.

²¹ Philemon, Oseah (1997), 'CRC team eases off news attack', *Post-Courier*, February 21, p 1.

²² 'Pastoral Instruction' (1992), *Aetatis Novae*, p 25; Pontifical Council for Social Communications, 'Ethics in Advertising' (1997), p 30-31.

²³ Konia, Ruth (1997), 'Federation urges PM to end Sandline deal', *The National*, March 14, p 8.

²⁴ Korimbao, Daniel (1997), 'Singirok 'plotted wide publicity'', *The National*, October 16, p 3.

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**THE
NATIONAL**

That's my paper!

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