



NATIONAL INTEGRITY SYSTEM STUDY

MEDIA

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About the Transparency Vanuatu National Integrity System Study Discussion Papers Series

The National Integrity System (NIS) study follows a methodology developed by the Transparency International Secretariat in Berlin. This methodology provides the structure of the report and identifies the questions to be addressed. The Vanuatu NIS study examines 13 key institutions, or “pillars”: legislature, executive, judiciary, ombudsman, auditor general, public service, law enforcement, media, private business, customary authorities, electoral commission, political parties and civil society. The research aims to develop consensus of the key recommendations for change. Each pillar discussion paper is based upon review of laws, documents and interviews. Discussion papers are released to the advisory group, external reviewer and the public. The discussion paper is a work-in-progress. All comments, corrections or additions are welcome. Comments are requested by the end of February 2014. Comments can be returned to Transparency Vanuatu in writing or in person (contact details above). If you would like to be added to the email list to be notified when further discussion papers are released or when public meetings on the report are held please contact Transparency Vanuatu.

SUMMARY

There is considerable diversity within Vanuatu’s media landscape and reporting is not dominated by any political perspective. Commercial media frequently publishes corruption related stories, although reporting tends to be superficial. Media is also active in relaying government press releases, which serves to inform the public on governance issues and activities. However, media faces a number of challenges in being able to fulfil its “watchdog” role within the national integrity system. There are a limited number of qualified and experienced journalists. Intimidation of journalists occurs regularly. Cultural factors hinder the criticism of leaders. There is no freedom of information law. Licensing laws potentially allow for the Minister in charge to impose restrictive conditions on broadcast activities. All of these factors contribute to an environment which discourages investigative journalists. Internal governance is also weak. Whilst there is a voluntary code of media ethics there is no media regulatory body that can enforce ethical standards and practices. As a result there is no way to ensure that transparency, accountability and integrity mechanisms contained within this code affect media practices.

RECOMMENDATIONS

1. The lack of enforcement mechanisms hinders the effectiveness of governance mechanisms. It may also contribute to interference in the media due to there being no legitimate mechanism for laying complaints about irresponsible reporting. Government regulation could lead to concerns regarding censorship so self-regulation is preferable. However, given the history of intimidation of local journalists there is the risk of intimidation of any locally established media complaints authority. Further, the local media environment is

characterised by an absence of qualified journalists and fragmentation due to personal conflicts. As such having media self-regulate through a locally established media complaints authority may lead to partiality. It is therefore recommended that the Vanuatu government, MAV, aid donors and NGO's support existing proposal to develop a Pacific-wide media Ombudsman.¹

2. Effective self-regulation requires a comprehensive Code of Ethics and Practice. Part of the role of the Pacific-wide media Ombudsman should be to assist countries in reviewing their Codes of Ethics to ensure that they contain comprehensive provisions in respect of transparency, accountability and integrity.
3. Threats against media freedom are an ongoing issue, with laws potentially allowing interference in broadcasting and physical threats against journalists being somewhat routine. In order to address this:
 - a. In order to build pressure against government threats, Transparency Vanuatu should maintain a record of threats against journalists and build links with international and regional media freedom watchdogs in order to ensure that these threats are publicised internationally.
 - b. The Law Reform Commission should review the Broadcasting and Television Act and the Newspaper (Restriction of Publication) Act with the aim of removing limits and/or clearly specifying Ministerial powers in respect of restricting media activities.
4. It has been suggested that building collaborative journalism practices may help to strengthen investigative journalism in an environment where capacity and resources are lacking.² The Vanuatu Institute of Technology should consider including a module on developing collaborative investigative journalism practices in its journalism certificate and diploma courses.
5. Transparency Vanuatu should monitor progress of the Freedom of Information Bill and, if it is not reintroduced to Parliament by mid-2014, should publically campaign for this to happen.

It can be noted that internationally there is increasing attention on social media and its role in citizen engagement and developing democratic practice. In Vanuatu, where penetration of the internet is currently low, and access to the internet is currently expensive, the development of social media strategies have deliberately not been a focus of recommendations.

STRUCTURE AND ORGANISATION

Vanuatu's media can be divided into five categories: publically owned local media; commercial local media; community local media; church media; and international media. Publically owned local media consists of one television station and two radio stations. Privately owned media includes two

¹ 'Pacific media to establish regional ombudsman' *Pacific Island Report* 6 May 2013
<http://pidp.org/pireport/2013/May/05-06-14.htm>.

² Shailendra Singh, 'Investigative Journalism: Challenges, perils, rewards in seven Pacific Island countries' (2012) 18(1) *Pacific Journalism Review*, 83, 99 – 100.

national radio stations, three newspapers, one television station and a number of media websites. A community radio station that broadcasts over parts of Tafea Province also operates. International media, which broadcasts in Vanuatu but does not include locally generated content, includes two television stations (China Central Television and the Australian Broadcasting Network). Church media consists of two television stations maintained by international churches) and one church owned radio station.³

There is no legislated body that oversees media standards. Whilst the Vanuatu Broadcasting and Televisions Corporation (VBTC) issues licenses for broadcasters, licensing is a revenue gathering activity. The Media Association of Vanuatu (MAV) is an NGO that was formed in 2006. It has developed a media Code of Ethics. Whilst membership is open to all media actors for a low fee, internal disputes have, at times, affected membership. For instance, in 2009 35 members of MAV resigned amidst concerns that it had failed to adequately represent its members and to promote media freedom.⁴

Certificate and Diploma level courses are offered by the Vanuatu Institute of Technology, although if ni-Vanuatu wish to pursue degree level journalism study they have to travel overseas or study by distance.

RESOURCES (LAW)

To what extent does the legal framework provide an environment conducive to a diverse independent media?

The law potentially restricts the establishment of both print and broadcast media, but does not regulate for media standards.

There are no particular licensing requirements for print based media. Whilst print media organisations must hold a business license to operate, the process for gaining a business license is the same as for businesses engaged in other activities. The Newspaper (Restriction of Publication Act) [Cap 156] prohibits non-citizens from owning or publishing a newspaper within Vanuatu unless they have approval from the Minister responsible. This Act does not provide criteria for the Minister to consider in deciding whether to grant approval. Nor does it provide an appeal process, although the generic court judicial review process for appealing administrative decisions could be used to appeal a negative decision.

Broadcasters must apply for a specific license from the Minister responsible.⁵ The Broadcasting and Television Act [Cap 214] does not provide any criteria the Minister must consider in deciding whether to grant a license. The Minister can also impose special conditions as part of the licensing process.⁶ The Minister can, at any time vary license conditions⁷ and can revoke a license on a broad

³ PACMAS, 'Vanuatu State of Media and Communication Report 2013' (2013) pp 3 – 5, plus personal information.

⁴ Radio Australia, 'Journalists Resign From Vanuatu Media Association' (20 July 2009) <http://www.radioaustralia.net.au/international/2009-07-20/journalists-resign-from-vanuatu-media-association/154352>.

⁵ Broadcasting and Television Act [Cap 214] Section 43.

⁶ Broadcasting and Television Act [Cap 214] Section 45(2)(b).

range of grounds.⁸ Again the law does not specify an appeals process, although judicial review through the courts could be used.

Whilst licensing contains potentially restrictive provisions, in other areas there is little regulation. There are no restrictions on acting as a journalist. Nor is there regulation of online media activities. There is no legislated body which oversees issues of media standards, which could help to ensure diverse responsible media.

The 2006 Vanuatu NIS country update observed that there is a telecommunications monopoly. This monopoly ceased in 2008, and a Telecommunications and Radio Communications Regulator has been established.⁹ One of the objectives of this Regulator is to ensure universal access to telecommunications.

RESOURCES (PRACTICE)

To what extent is there a diverse independent media providing a variety of perspectives?

Whilst there are a variety of media sources, they are centred in Port Vila and social and political interests from outside of Port Vila are underrepresented. The lack of qualified journalists is another practical resource issue.

Whilst there is a considerable diversity of types of media and mixes of ownership (government, commercial, community, church and international) some observations can be made. First, some owners control more than one type of media. For instance, the owners of the Daily Post operate the Vanuatu Post Newspaper, the Daily Post website and Buzz FM Radio. Sabi Natonga is recorded as the owner of the Vanuatu Times newspaper, Capitol FM Radio, and a website.¹⁰ Having the same owners of multiple media sources reduces diversity. Second church media does not carry local news content. Third the government does not maintain print based media, so this medium is private sector dominated. If one of the functions of government media is, or should be, to create a journalistic record, then the lack of a government issued newspaper is something of a gap. Fourth, as media production is almost entirely centred in the capital, Port Vila, the social and political interests of those outside of the capital are under-reported.

People outside of urban centres may also have difficulty in accessing media. Only 20% of the population watches television weekly. 28% access newspapers weekly.¹¹ Distribution of newspapers is a commercial decision and costs vs returns limit the extent to which newspapers are distributed rurally. Whilst it may be thought that radio is well accessed, a recent report observes that 'One of the biggest challenges in Vanuatu is reaching the dispersed population, especially those who live on the outer islands. This affects broadcasting in terms of reach, and presents challenges in the regular maintenance of equipment.'¹² Only 44% listens to radio regularly. Internet usage is also currently

⁷ Broadcasting and Television Act [Cap 214] Section 47.

⁸ Broadcasting and Television Act [Cap 214] Section 48.

⁹ Telecommunications and Radio Communications Regulator Act 2009.

¹⁰ PACMAS, 'Vanuatu State of Media and Communication Report 2013' (2013) pp 3 – 5.

¹¹ Intermedia, 'Citizen Access to Information in Vanuatu' (2013) p 3.

¹² PACMAS, 'Vanuatu State of Media and Communication Report 2013' (2013) p 2.

low, with 8% regularly accessing the internet. There is, however, very good mobile phone coverage, with 76% of households having a mobile phone.¹³

It is not just the spread of ownership that contributes to a diverse independent media. Well trained journalists are also necessary. Both the 2004 and 2006 NIS reports noted that there was a lack of trained journalists. Since 2006 the Vanuatu Institute of Technology has established Certificate and Diploma programmes in journalism in an initiative to address this issue. However, there are some concerns as to the effectiveness of the training being provided. One reason for this is that the courses are 'using people in the industry to teach who aren't proper teachers and not used to teaching'¹⁴ which reduces the effectiveness of delivery. Trainers may also lack qualifications, and the experience that they have developed from working within Vanuatu's media environment which has no history of investigative journalism does not adequately prepare them to be able to transfer experience based knowledge of how to be an investigative journalist.¹⁵ There are concerns that the content of the courses are pitched at the wrong level¹⁶ and there is a high attrition rate.¹⁷

In the absence of government regulation of media standards self-regulation is important, and to this end MAV was established in 2006. MAV has very limited resources and relies on the support of volunteers.¹⁸ Whilst the 2004 NIS Report noted that MAV's predecessor organisation was drafting a Code of Ethics and intended to establish a Complaints Tribunal,¹⁹ lack of resources have limited the extent to which MAV has been able to further these plans. A Code of Ethics exists, but there are no enforcement mechanisms. As of December 2013 MAV's website has not been accessible. This appears to be due to resource issues.

INDEPENDENCE (LAW)

To what extent are there legal safeguards to prevent unwarranted external interference in the activities of the media?

The law potentially allows for significant interference with broadcasters. Further, the law does not promote freedom through measures such as freedom of information.

Freedom of expression is enshrined in the Constitution.²⁰ However, there are no specific laws protecting media freedom or editorial independence. There are no laws allowing access to information. Whilst a Right to Information Policy was approved by the Government in August 2013²¹ and the Right to Information Bill was listed for debate in Parliament in November 2013 it was withdrawn by the Attorney General for further corrections before it was discussed.²² There is an

¹³ Intermedia, 'Citizen Access to Information in Vanuatu' (2013) p 3.

¹⁴ PACMAS, 'Vanuatu State of Media and Communication Report 2013' (2013) p 8.

¹⁵ Interview of Bob Makin with the author, Port Vila, 7 December 2013.

¹⁶ Interview of Bob Makin with the author, Port Vila, 7 December 2013.

¹⁷ PACMAS, 'Vanuatu State of Media and Communication Report 2013' (2013) p 8.

¹⁸ PACMAS, 'Vanuatu State of Media and Communication Report 2013' (2013) p 9.

¹⁹ Tess Newton Cain and Anita Jowitt, *National Integrity Systems Transparency International Country Study Report, Vanuatu 2004* (2004), p 25.

²⁰ Constitution of the Republic of Vanuatu Article 5.

²¹ 'Gov't announces right to information policy' Vanuatu Daily Post Online 21 August 2013

<http://www.dailypost.vu/content/gov%E2%80%99t-announces-right-information-policy>.

²² Interview of Bob Makin with the author, Port Vila, 7 December 2013.

Official Secrets Act [Cap 111] which allows the Government to restrict access to a wide variety of material.

Censorship is not expressly stated to be illegal. As discussed above, licensing of broadcasters is done at the discretion of the Minister concerned. As the Minister also has discretion to impose conditions it would be possible for the broadcasting license procedure to regulate content. As the Minister can vary conditions and can also suspend or revoke broadcasting licenses, the law effectively allows the Government to control the content of broadcasters. Newspapers are not, however, subject to the same licensing controls. Although, as noted above, foreign owned newspapers must be given Ministerial permission to operate, there are no provisions to allow the Minister to impose conditions on the operations of either foreign owned or locally owned newspapers.

There are no libel statutes. Instead English common law applies to create a civil tort of defamation. Criminal defamation, which requires a malicious intent to expose a person public hatred, contempt or ridicule, or harm to their reputation is a crime.²³

MAV, through its Code of Ethics, has instituted some voluntary practices aimed at promoting media freedom. For instance, the Code of Ethics requires journalists to protect their sources²⁴ and requires journalists to disclose personal interests and any offers of gifts to their editor or supervisor.²⁵

INDEPENDENCE (PRACTICE)

To what extent is the media free from unwarranted external interference in its work in practice?

Whilst incidents are not frequent there is a consistent record of attacks on and threats to journalists. More subtle intimidation also occurs at times.

Although laws relating to broadcasters create the potential for significant interference in broadcast operations through the restriction of licences, in practice no instances of this occurring in the past 5 years have been reported. Whilst it was reported in January 2013 that the government ordered one of the commercial radio stations, Capitol FM to stop broadcasting the reason for this order was that the radio station had not paid its broadcasting licence fee since 2010. Although the Prime Minister had also expressed concerns about broadcasting standards, there was no attempt to impose specific restrictions on the operation of Capitol FM. Commentary from Radio Australia and a New Zealand based media lecturer noted that the issue was about licensing and 'shouldn't be muddied by debate about press freedom'.²⁶ Whilst Capitol FM has remained on air it is not clear whether its broadcasting licence has now been paid. In 2010 some members of MAV campaigned for the publisher of the Vanuatu Daily Post, Marc Neil-Jones to be denied a broadcasting licence for a new radio station, Buzz FM. The ostensible ground for MAV opposition to this new radio station was that

²³ Penal Code Act [Cap 135] section 120.

²⁴ Vanuatu Media Code of Ethics and Practice, section 20(a).

²⁵ Vanuatu Media Code of Ethics and Practice, section 18(b).

²⁶ Emma Younger, 'Vanuatu government and radio station in standoff' (11 January 2013)

<http://www.radioaustralia.net.au/international/radio/program/pacific-beat/vanuatu-government-and-radio-station-in-standoff/1072406>.

‘indigenous culture needed to be protected’²⁷ although, as noted above, MAV has been affected by internal conflicts and disputes and motivations may also have been more personal. Despite this opposition, Buzz FM was granted a broadcasting licence.

Although there have been no issues with restrictions of broadcasting licenses, a recent report on media freedom in the Pacific observed that Vanuatu ‘blatant intimidation [of journalists] continues with near impunity’.²⁸ A number of examples of harassment of journalists have been reported in the past 5 years. In May 2013 of a sub-editor of the Independent Newspaper, Gratien Tiona, was arrested for the offences of terrorist activity, seditious publication and making threats, following a comment he wrote on a social media site and a subsequent complaint made by the Prime Minister to the police.²⁹ The journalist was released without charge after 30 hours. In August 2011 journalists at the Vanuatu Broadcasting and Television Corporation reported that the then Minister of ni-Vanuatu Business had entered the newsroom and demanded that they censor a story, leading to concerns of ongoing intimidation.³⁰ In March 2011 the Publisher of the Daily Post was assaulted, with the then Minister for Public Utilities, Harry Iauko, being involved in the assault. In January 2009 the publisher of the Daily Post was badly assaulted by police following press coverage of issues within correctional services.³¹ Transparency Vanuatu reported four incidents of threats against staff following news items between 2010 – 2013.³² In only one of these instances did any criminal action result. Iauko was convicted for his role in assaulting the Publisher of the Daily Post, and made to pay a fine of 15,000 vatu (US\$150).

Previous NIS reports noted issues with irresponsible reporting. The absence of an enforceable code of conduct means that there is a blurred line between subtle intimidation of the media and legitimate calls for self-regulation. In April 2011 Iauko raised a proposal to make a media code of ethics law.³³ Whilst many countries have legislated media councils there is the danger that they can be used to censor media. The context in which Iauko raised the proposed law reform illustrates subtle intimidation through the threat of introducing laws that could be used to censor the media. The current (Carcasses) government has made statements about the need for “responsible media reporting” in relation to stories such as rumours of a motion of no confidence and allegations of sale of passports by the government.³⁴ Whilst they can be perceived as well-intentioned attempts to call for responsibility within the media, they can also be perceived as attempts to shut down news stories that the government sees are damaging to it. It is not only the government that engages in “warning” the media. For example, in 2013 the General Manager of Airports Vanuatu Ltd

²⁷ Alex Perrottet and David Robie, ‘Pacific Media Freedom 2011: A status report’ (2011) (17(2) *Pacific Journalism Review* 148, 173.

²⁸ Alex Perrottet and David Robie, ‘Pacific Media Freedom 2011: A status report’ (2011) (17(2) *Pacific Journalism Review* 148, 149.

²⁹ ‘Vanuatu Journalist Arrested Over Social Media Post’ *Australia Network News Online* 7 May 2013 <http://www.abc.net.au/news/2013-05-07/an-vanuatu-journalist-arrested/4674078>.

³⁰ ‘Vanuatu Journalists Fear Ongoing Threats from Political Lead’ *Pacific Scoop*, 10 August 2011 <http://pacific.scoop.co.nz/2011/08/vanuatu-journalists-fear-ongoing-threats-from-political-lead/>.

³¹ Shailendra Singh, ‘Investigative Journalism: Challenges, perils, rewards in seven Pacific Island countries’ (2012) 18(1) *Pacific Journalism Review*, 83, 91.

³² Comments by Stephanie Neilson at NIS Advisory Group Meeting 17 December 2013.

³³ ‘Minister Iauko wants to legalise media code of ethics’ *Vanuatu News Online* 20 April 2011 <http://www.vanuatuonline.com/vanuatu-news/637-110423-minister-iauko-wants-to-legalise-media-code-of-ethics>.

³⁴ Godwin Ligo, ‘Gov’t has 34 MPs: Regenvanu’ *Vanuatu Daily Post* March 28 2013, 1; Jonas Cullwick, ‘PM denies gov’t sold passports’ *Vanuatu Daily Post* November 2 2013, 2.

condemned consultants and the media for reporting that the main international runway was not up to international standards.³⁵

The previous NIS reports noted that self-censorship sometimes occurred, either due to fear, or due to cultural factors which discourage public criticism of leaders. As occasional attacks continue to occur it is reasonable to assume that self censorship remains something of an issue. Indeed the MAV reaction to Tiona's arrest is indicative of an environment in which self censorship is rife: 'We as professional media are aware of the risks and dangers of speaking out...we all have a responsibility to think before we speak and to consider the possible consequences... We urge our media colleagues and all citizen journalists and commentators... to consider their safety when making public comment.'³⁶

TRANSPARENCY (LAW)

To what extent are there provisions to ensure transparency in the activities of the media?

There are no laws relating to transparency of ownership, reporting or editorial policies although there are limited provisions in the voluntary Vanuatu Media Code of Ethics and Practice.

There are no specific laws requiring media outlets to disclose their ownership, or other interests, although if they are structured as companies then they must comply with general company laws regarding filing of accounts and other documents.

The MAV Code of Ethics has some provisions relating to transparency. Subterfuge in obtaining information is to be avoided,³⁷ editorial³⁸ and advertising³⁹ content must be clearly distinguished from news reports, and financial interests in stories must, where appropriate, be disclosed to readers.⁴⁰ Whilst other personal interests or conflicts of interest in respect of stories need not be disclosed to the public, journalists must make their editor or supervisor aware of such interests.⁴¹ However, as noted above, this Code of Ethics is not enforceable.

TRANSPARENCY (PRACTICE)

To what extent is there transparency in the media in practice?

Whilst media does not undertake particular measures to be transparent, media exists within in a small community and in practice, information on ownership and staffing is known. Industry wide editorial policies are available on request.

³⁵ 'Consultants' remark unprofessional: AVL' *Vanuatu Daily Post* August 14 2013, 3.

³⁶ 'Vanuatu Journalist released without charge after arrest for online comment' *Vanuatu Times* 10 – 16 May 2013, 4.

³⁷ Vanuatu Media Code of Ethics and Practice Section 5.

³⁸ Vanuatu Media Code of Ethics and Practice Section 1(e).

³⁹ Vanuatu Media Code of Ethics and Practice Section 17.

⁴⁰ Vanuatu Media Code of Ethics and Practice Section 19(b).

⁴¹ Vanuatu Media Code of Ethics and Practice Section 18.

Although not legally required to do so, the smallness of Vanuatu means that ownership of media outlets is public knowledge, and can also be found in other places, such as the Vanuatu State of Media and Communication Report 2013, produced by PACMAS. Only the Independent Newspaper routinely publishes information about its internal staffing. However, print stories are often published with journalists names in by-lines. Broadcast presenters identify themselves by name.

Whilst no media outlets make information on their reporting and editing policies publically available as a matter of course, and tend to use the Vanuatu Media Code of Ethics and Practice rather than having internally developed editorial policies. As at December 2013 this Code of Ethics is no longer available online, although it is available on request from MAV or individual media outlets.

ACCOUNTABILITY (LAW)

To what extent are there legal provisions to ensure that media outlets are answerable for their activities?

No statute laws are in place to ensure the accountability of media employees.

As already noted, the Vanuatu Broadcasting and Television Corporation (VBTC) oversees public media, and does not have a statutory role in the regulation of private media.⁴² There is no statutory press council or broadcasting regulatory authority.

The voluntary Vanuatu Media Code of Ethics and Practice requires media outlets to provide a fair opportunity to reply to individuals and organisations that have been the subject of criticism, allegations or editorial comment.⁴³ The Code of Ethics also requires media outlets to correct erroneous information and, if appropriate, publish apologies.⁴⁴ MAV has no complaints procedures established and this Code of Ethics is not otherwise enforceable.

If erroneous information has been published then the media outlet can be subject to a lawsuit for breach of the common law of defamation. As correcting information may defeat a defamation action, threats of a lawsuit may lead to a correction being published.

ACCOUNTABILITY (PRACTICE)

To what extent can media outlets be held accountable in practice?

In general, media outlets do not have to answer for their activities.

Although there is a lack of legal accountability mechanisms, print media will often cover stories over several days with other sides giving their position in reaction to the initial story. Letters to the editor are also frequently used to provide a reply. Whilst these actions help to correct erroneous information they do not result in individuals or outlets being held to account.

⁴² Broadcasting and Television Corporation Act [Cap 214] Part 2.

⁴³ Vanuatu Media Code of Ethics and Practice Section 2.

⁴⁴ Vanuatu Media Code of Ethics and Practice Section 1(b).

In the last 5 years only one case involving alleged defamation by a media outlet has been the subject of a published court decision, although the court ruled that no defamation had occurred.⁴⁵

MAV does not advertise itself as a complaints body although it was willing to informally receive a complaint about racism in reporting in late 2013.⁴⁶

INTEGRITY MECHANISMS (LAW)

To what extent are there provisions in place to ensure the integrity of media employees?

There are some integrity mechanisms within the voluntary Vanuatu Media Code of Ethics and Practice, but there are no integrity mechanisms in law.

There are no specific integrity mechanisms in law. The voluntary Vanuatu Media Code of Ethics and Practice applies to all members of MAV, and all local commercial and public media outlets have at least one member of MAV. The Code of Ethics contains some integrity measures. As noted above conflicts of interest must be declared to editors or supervisors and financial interests may be required to be disclosed to readers.⁴⁷ Journalists should not allow themselves to be influenced by gifts, and must declare gifts to their editor or supervisor.⁴⁸ There are a number of provisions related to integrity in respect of information gathering practices, including prohibitions on using harassment⁴⁹ and subterfuge,⁵⁰ limitations on interviewing children⁵¹ and limitations on paying people involved in criminal activities for stories.⁵² There are also a number of provisions related to integrity in respect of presenting news stories, with the overarching ethical principles being that reports must strive for accuracy, fairness and balance⁵³ and must maintain standards of taste and decency.⁵⁴

The Code of Ethics does not discuss in-house mechanisms that media outlets should establish in order to promote ethical conduct. Media outlets are small and in-house ethics committees do not formally exist.

INTEGRITY MECHANISMS (PRACTICE)

To what extent is the integrity of media employees ensured in practice?

⁴⁵ *Virelala v Kerr* [2010] VUSC 141.

⁴⁶ Interview with complainant, December 2013. Complainant chose to remain anonymous.

⁴⁷ Vanuatu Media Code of Ethics and Practice Section 18(c); section 19(b).

⁴⁸ Vanuatu Media Code of Ethics and Practice Section 18(b)

⁴⁹ Vanuatu Media Code of Ethics and Practice Section 4.

⁵⁰ Vanuatu Media Code of Ethics and Practice Section 5.

⁵¹ Vanuatu Media Code of Ethics and Practice Section 8.

⁵² Vanuatu Media Code of Ethics and Practice Section 12.

⁵³ Vanuatu Media Code of Ethics and Practice Sections 1, 22.

⁵⁴ Vanuatu Media Code of Ethics and Practice Section 21.

Whilst some work is underway in respect of developing media policy to strengthen integrity mechanisms, currently little is done to ensure integrity of media actors and to sanction misbehaviour.

It is difficult to assess the extent to which journalists follow a code of conduct. Examination of news stories suggest that multiple sources are not consistently used. The Pacific Freedom Forum, a regional body, noted a breach of ethics relating to decency in 2010, when a newspaper contained a photo of a dead child on the front page.⁵⁵ It does not, however, consistently monitor the adherence of media to ethical standards.

MAV is not currently running any training on media ethics for working journalists, although it does provide input into journalism training courses. MAV has also been developing a Media Development Policy in conjunction with the government. PACMAS has run some training, at a regional level, on media ethics.

INVESTIGATE AND EXPOSE CASES OF CORRUPTION PRACTICE

To what extent is the media active and successful in investigating and exposing cases of corruption?

Lack of capacity, interference with media and cultural factors all hinder in-depth investigative journalism on cases of corruption.

Independent print media is the main source of information about cases of corruption. News reports tend to “fill in the facts” of rumours of corrupt activities and there are frequent stories that have a corruption related angle. Whilst this approach has the advantage that a wide range of potentially corruption related activities are uncovered, it has the disadvantage that reporting tends to be quite superficial. As noted in the 2004 NIS report, “journalists print stories that are reported to them, rather than uncovering stories themselves.”⁵⁶ There is no established tradition of investigative journalism, in which journalists follow and develop a story over a period of time and synthesise different sources of information and viewpoints into a cohesive and comprehensive story.

There are a number of factors that contribute to the lack of investigative journalism. As discussed above training for journalists is limited. As journalists do not specialise this limits their ability to develop specific technical knowledge to be able to effectively and correctly report on some issues. Threats against journalists lead to self censorship and cultural factors also inhibit criticism of leaders. The lack of freedom of information laws can make it difficult to obtain official documents. Further, investigative journalism takes considerable time and media outlets do not have the resources to commit to sustained investigations which may not result in stories.⁵⁷ There are no local media outlets that have a specific focus on investigate journalism.

INFORM PUBLIC ON CORRUPTION AND ITS IMPACT

⁵⁵ Pacific Freedom Forum, ‘Editorial ethics breached in Vanuatu tragedy’ 25 March 2011 <http://pacificmedia.org/archives/1439> .

⁵⁶ Tess Newton Cain and Anita Jowitt, *National Integrity Systems Transparency International Country Study Report, Vanuatu 2004* (2004), 25.

⁵⁷ Shailendra Singh, ‘Investigative Journalism: Challenges, perils, rewards in seven Pacific Island countries’ (2012) 18(1) *Pacific Journalism Review*, 83, 91 – 92.

To what extent is the media active and successful in informing the public on corruption and its impact on the country?

No media in Vanuatu currently runs specific programmes aimed at educating the public on corruption, its costs, and how to curb it although some media supports NGO activities in this area.

Some media organisations support NGO activities aimed at educating the public about corruption. For instance, both the Vanuatu Times and the Vanuatu Daily Post newspapers provide a free weekly newspaper page to Transparency Vanuatu. Transparency Vanuatu also pays for weekly radio broadcasts on Capitol FM. However, there are no specific programmes initiated by the media to educate the public on corruption, its impact on the country how to curb it.

As discussed above, media outlets do, however, provide superficial coverage of a wide range of corruption related news stories. Whilst stories do not necessarily explicitly address why behaviour was corrupt and what the impacts of the behaviour were, the ongoing reporting of incidents does keep corruption in the public eye.

INFORM PUBLIC ON GOVERNANCE ISSUES

To what extent is the media active and successful in informing the public on the activities of the government and other governance actors?

Both public and private owned media is active in informing the public on regular activities of the government, although media can tend to relay government press statements, rather than actively reporting on issues so coverage is not entirely comprehensive.

Media, rather than official government information sources, is usually the first place to look for information on government activities. The news content of publically owned media is dominated by coverage of government events and activities. Reporting tends to be relaying government press releases and statements, rather than critical assessment of activities. As such it is reactive rather than proactive, so coverage is not necessarily comprehensive. However, it is non-partisan and will also broadcast press releases from the opposition. As all public media is broadcast only, a lasting print record of public media coverage of government activities is not produced.

Private print based media also, often, runs stories based on official press releases and statements. Again these will often be relayed, rather than actively analysed and reported on. They do, however, create a lasting record of selected government activities.