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Major Neumi Leweni Deputy Secretary for Information

Shangri-La Fijian Resort & Spa, Yanuca Island, Sigatoka Saturday 29th November 2008

The Attorney-General and Minister for
Justice

The Acting Chief Justice
Members of the Judiciary
Members of the legal fraternity
Distinguished Guests
Ladies and Gentlemen

I am indeed honoured to be part of your
annual conference and especially to share
with you my views on the theme "Freedom,
Accountability and Responsibility" in
Media and the Law in Fiji."

Your invitation letter rightly pointed out that
the topic has a fairly wide scope and while I
will try to confine my address within the
framework of the theme, I would like to beg
your indulgence as I focus on particular
areas of significance to Fiji.

I acknowledge my fellow panellists the
Honourable Jocelyn Scutt, Puisne Judge of
the High Court of Fiji, and the Chairman of
the Fiji Media Council, Mr Daryl Tarte.

Media Freedom and Constitutional
Guarantee:

Ladies and gentlemen, you will no doubt
have heard that Government is currently
working on a media promulgation. It is only
natural for anyone to expect that concerns

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will be raised on this development. It is also natural, especially for certain sections of our population, to form the perception that Government may be out to curtail media freedom or the public's freedom of expression.

However, I wish to place the record straight and in the process, allay any fear or concern that media freedom may be curtailed.

Many of you may have heard of the Prime Minister, Commodore Voreqe Bainimarama's assurance to the nation during this year's World Press Freedom Day, and that is Media Freedom in Fiji is guaranteed under the Constitution. This guarantee is specifically contained under Section 30 - Freedom of Expression, and Section 30 (b) Freedom of the Press and other Media.

The Attorney-General and Minister for Justice will also confirm with you that there is absolutely no plans to curtail media freedom.

Instead, Government recognizes and values the role of the media as a public watchdog that keeps Government and other institutions fully accountable to the public.

Government recognizes that the media has a significant part to play in conveying information for the purposes of informing, educating and entertaining the public, and that information ranges from the more serious issues of politics, economic, social and cultural interests to the lesser serious matters of entertainment and sports, etc, depending on one's perception.

Media and Government as Partners in National Development:

In particular, Government recognizes that it needs to foster and cultivate an improved relationship with the media as partners in national development.

You will all agree that we have arrived at a critical juncture in our nation's 38 years of independence. This is a crucial time when we need to ask ourselves where do we go from here, given our history?

For Government, the answer appears to be very clear, and that is for both the media and

Government to work together in the same way that Government should work in partnership with the private sector and the public towards building a better Fiji for all.

We don't necessarily want the media to be pro-government, but it needs to be pro-Fiji. It ought to be more objective, fair and responsible with its reporting. Journalists must strive to develop a more holistic understanding of issues and they also need to develop more pride in the country.

They need to report facts in their critical analysis of both local and international issues. For example, has any media organization compared the position that Australia and New Zealand took in 2000 when an interim government was appointed, and the stand they now have with the current interim government?

Has the media compared how Australia and New Zealand reacted to the abrogation of the Constitution in 2000 and the position this government has taken in upholding the Constitution?

During the events of 1987, members of Parliament were locked up. The then interim government appointed the currently suspended Chief Justice under a decree after abrogating the Constitution. Did the media highlight this and the fact that certain members of the judiciary were drafting decrees while members of Cabinet were held hostage?

Has the media highlighted the fact that the judiciary is completely independent in Fiji? Why does it relentlessly undermine the judiciary? Is it because they are carrying the flag for some disgruntled lawyers and politicians?

How many times in the past 18 months or so has the media run stories that have not taken into account the facts and what Government has been saying?

Ladies and Gentlemen, I am not saying that the media has to be pro-Government. If Government does something positive report it, or if Government or a Cabinet Minister does something that is corrupt then by all means highlight it.

Fiji is a developing nation and there are many systematic injustices that need to be

addressed. The media needs to recognise this.

I know that some journalists, editors and publishers are writing stories and giving a certain slant because they are carrying the agenda of people with vested interests.

If a media outlet has a particular political view then it must declare its position.

After all, members of the public expect the media to be neutral.

Media Accountability and Responsibility:

In this context, ladies and gentlemen, Government continues to appeal to the media to use the enormous power and influence it has to help move the country forward.

Like any other professional industry, the media should help create a positive environment amongst all communities throughout the country. It needs to help build bridges.

It is also crucial at this stage that the media should re-look at the issue of accountability and responsibility with its own actions. It should use the same yardstick it uses to measure others performance - from the Government, judiciary, the legal fraternity, the NGO's, the private sector and the public at large - to assess whether or not it too is being fair, accurate, responsible, honest and accountable.

To avoid using the same yardstick to measure its performance tantamount to unfairness and biasness.

Commentators in favour of media freedom will say that the media currently has a code of ethics and that it is self-regulatory. Many of you might ask whether this self-regulation is indeed effective in the media industry?

From the experiences Fiji has had to-date, the issue of self-regulation appears to be wanting to a great degree. It is considered highly ineffective. This objective concern is not only confined to this Government. Members of the public and previous Governments have also raised the same concern frequently, but have not been able to adequately address the issue.

I wish to emphasise what Government has been saying all along that while the freedom of speech and expression is guaranteed under the Constitution, this freedom is not an absolute right.

Government believes that the public, which also includes the legal fraternity, have a collective responsibility to continuously remind the media that it too needs to be held accountable for its actions.

Media Code of Ethics:

Government recognizes and appreciates that the media has a code of ethics, which is enforced by the Fiji Media Council.

The code of ethics provides guidelines for journalists to report and interpret news and current affairs accurately. It further provides that media organisations should not publish material that is inaccurate, misleading or distorted by wrong or improper emphasis or any other factor.

And, if a significant inaccuracy, misleading or distorted statement is published then the media organisation must correct this promptly with due prominence and, where appropriate, an apology.

All members of media have a duty to maintain the highest professional standards. Editors and publishers in particular are duty-bound to ensure that the code of ethics is applied to material being published.

Many of you in the legal fraternity may be involved in representing clients who have filed lawsuits and defamation cases against some media organizations and personnel. This in itself indicates that inaccurate reporting is a serious matter of concern, and that members of the media are not adhering to the code of ethics.

Clearly defined boundaries - Media Promulgation:

Ladies and gentlemen, allow me now to re-visit the media promulgation issue. Government, through the Department of Information and the Attorney-General's Office have been working on amalgamating existing laws pertaining to the media under one promulgation.

The existing media laws are currently located under different Acts and have not helped in enabling a clearly defined boundary for the media industry.

Bringing the media laws together under one promulgation will help the media industry to better understand the boundaries it should work within.

The promulgation will as discussed provide a mechanism through which media organizations and complainants will be able to present and resolve their issues before an independent tribunal.

The promulgation will also give statutory powers to the Media Council to hear complaints and give binding rulings. Appeals will be heard by the Tribunal.

It would not be pre-emptive of me to say at this stage that the media promulgation will not only continue to encourage media freedom and freedom of expression, but that it will importantly encourage a greater degree of responsibility.

As soon as the draft is formulated consultations will be held with individual media organizations and the Media Council.

Ladies and gentlemen, in concluding, I urge you - members of the legal fraternity - to assist the media industry, Government and the nation as a whole towards a Fiji that embraces and guarantees freedom of expression with responsibility.

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