



United Nations  
Educational, Scientific and  
Cultural Organization



Empowered lives.  
Resilient nations.

*“Self-regulation will encourage responsible journalism, focusing on greater accuracy and honesty in the presentation of facts related to a news article. It will be a fast and efficient system, which will protect the vulnerable, and at the same time maintaining a free and responsible press” – Print Editor.*

# OPTIMAL CONDITIONS FOR EFFECTIVE REGIONAL MEDIA SELF-REGULATION IN THE PACIFIC ISLANDS

## A FEASIBILITY STUDY

March 2014



**Prepared by:**

Dr Ian Weber  
Media Consultant, Gold Coast, Australia

Dr James Johnson  
Senior Lecturer, Deputy Dean, School of Psychology, University of the South Pacific, Fiji

UNESCO Office in Apia  
P.O. Box 615  
Matautu-Uta  
SAMOA

UNDP Pacific Centre  
Private Mail Bag  
Suva  
FIJI

Pacific Freedom Forum  
[www.pacificfreedomforum.org](http://www.pacificfreedomforum.org)

## EXECUTIVE SUMMARY

Common concerns exist across the Pacific region among stakeholders over the quality of media reporting and the absence of common media standards and enforcement mechanisms with regards to journalism ethics and standards. Simultaneously, there is growing pressure on the media with increasingly tighter regulations being implemented to enforce professional media standards in the Pacific Islands.

This study used an analytical framework and evaluative criteria for identifying the specific conditions and factors for establishing media self-regulatory arrangements that meet key stakeholder concerns and needs at both regional and national levels in the Pacific Islands. The study draws on pre-existing schemes to identify a best practice criteria benchmark to determine when media industry solutions are likely to be effective. This benchmark is designed to guide not restrict the analysis, with the results supplemented by additional factors, including consultation with media stakeholders and case studies of media regulatory systems in developing and developed countries.

A survey method was used to gather data from media industry professionals. The survey consisted of three parts – general information (gender, age, occupation, media type, country of residence), a Likert scale to measure perceptions of the criteria and a series of open-ended questions for respondents to provide in depth responses on benefits of and challenges in establishing a media self-regulatory scheme in the Pacific Islands. Survey participants were guaranteed anonymity and confidentiality of their responses. Initial findings from the study were presented to media professionals at the Pacific Islands News Association's (PINA) 3rd Pacific Media Summit 2014 in Noumea, New Caledonia in February to clarify and extend researchers' understanding of the preliminary analysis.

A total of nine key findings were derived from the analysis of the data. These are summarised below and expanded upon in 6.0 Summary of Findings section:

1. Number of responses exceeded expectations given the short implementation time period. Such a response indicates that media professionals support the establishment of a self-regulatory scheme as an important step for the industry to take more responsibility for their professional conduct.
2. Majority of survey responses to the 12 criteria range from Very Important to Important, thus supporting the best practice criteria as a benchmark for the implementation of a media self-regulatory scheme.
3. Survey responses consistently indicate that Training in law and ethics should be prioritised by a media self-regulatory scheme. Recognising this criterion as important suggests that the media industry wants to address the criticism leveled at it by its own members and governments in relation to the quality of journalism in the Pacific Islands.
4. Survey responses indicated a second consistent trend in relation to prioritising Public Awareness. This result supports the need for a strong presence of the scheme at the national level so key stakeholders – media industry, citizens and governments – understand not only the specific objectives and functions of the self-regulatory mechanism but also the media's general roles and responsibilities to increase the freedom and vibrancy of media and thus contribute to sustainable development within the region.
5. Survey responses indicate, when identified within national contexts, a distinct diversity of opinions on what criteria should be prioritised. This result supports the central role of strong National Media Associations in developing a self-regulatory framework that addresses specific localised needs of media professionals.
6. While an independent regional self-regulatory system is an important goal for the development of media in the Pacific Islands it still has to function within a regulatory space in which governments control regulatory structure, thus focusing a potential system on the relationship between self- and co-regulatory systems.
7. Survey results indicate that respondents did not consider the three critical factors, as defined by OfCom, of adequate and proportionate resource commitments, involvement of independent members in decision making and transparency, as critical criteria within their specific context.

8. Responses to the open-ended questions revealed several challenges to the viability and sustainability of the scheme, specifically government interference (i.e. policies and regulations), cultural differences (i.e. fragmentation) and national media differences and individual personalities (i.e. factionalism) as key challenges.
9. Consultation process on a self-regulatory system needs to be broadened to include the opportunity for people from all 14 countries to submit formal input into the ongoing process of moving the concept forward.

The study provides several general and specific recommendations to establish a regional media self-regulation system. Given the significant number of responses from media professionals to the survey, there is clear and strong support for establishing such a system to improve professional journalism standards in the Pacific Islands. Based on the SWOT analysis of feasible media self-regulatory frameworks, the study overall recommends the adoption of Option C: Regional-National Media Self-/Co-regulatory system, but this process must begin at the national level with a strategy put in place and monitored by an appointed advisory body of eminent professionals and citizens. Furthermore, the overwhelming positive response to the benchmark criteria used in this study indicates that such an approach provides an evaluative framework for development partners to undertake a capacity building assessment of media associations at the national level.

The report makes a range of specific recommendations to enhance the feasibility of establishing a media self-regulatory system in the Pacific Islands. To achieve this goal of actioning the research results and moving the scheme forward, the following five recommendations are made:

1. Engage the United Nations Development Program (UNDP) Pacific Office to undertake a capacity building assessment of the current established National Media Associations in Vanuatu, Tonga, Samoa, the Cook Islands and Fiji from May to June, 2014;
2. Adopt the 12 best practice criteria as an evaluative framework for UNDP to assess the capacity of the listed national media self-regulatory systems to identify the needs of national media self-regulatory systems;
3. Secure immediate and sufficient funding from the United Nations to support the initial capacity building assessment phase of National Media Associations with the view to accessing key consultancies and advisory representatives to move the establishment of a regional-national media self-/co-regulatory framework forward;
4. Engage in broader community consultation from May to June 2014, inclusive of media, governments and citizens and consumers across the 14 nominated Pacific Island countries, with a view to providing an appointed advisory committee with appropriate level of knowledge to enhance the sustainability of the system, specifically during the critical start-up phase of capacity assessment and implementation; and
5. Establish a representative advisory body of seven to nine advisors to oversee the assessment of National Media Associations and drive development of a regional-national self-/co-regulatory system over a six-month period from June to December 2014 with membership of the body drawing from respected journalists and editors, eminent citizens (including legal, academic and public figures) and journalists and media practitioners (see Annex J for key considerations for planning, design and implementation of the scheme and a general overview of a possible structure – see Figure 17).

## ACKNOWLEDGMENTS

We would like to thank the Pacific Islands and international media community for supporting the “Media Self-regulation in the Pacific Islands” survey. The number of responses (209 completed surveys) indicates strong support for a media self-regulatory system in the region. Furthermore, a significant majority of respondents, in the open-ended question section of the survey, emphasised the urgent need for such a regulatory system to improve the professional standards of journalism so the media can contribute more effectively to development in the region. Focusing on standards, such as adhering to a code of conduct and development of training programs on law and ethics, demonstrates that the media in general recognise the critical role it plays in the sustainability of the Pacific Islands.

We would like to thank media representative organisations Pacific Islands News Association (PINA), Pacifica Media Association (PasiMA), a professional association that represents regional independent media owners, operators and principals, and Pacific Media Assistance Scheme (PACMAS), which supports better governance in the Pacific region for their support in promoting and distributing the link to the “Media Self-Regulation in the Pacific Islands” survey.

We would also like to thank research assistants Priya Chand and Sherita Sharma for their time and efforts to help contact media industry people throughout the Pacific Islands and to gather survey data. Specific thanks must go to Ms Chand for securing information on specific case studies on media regulation. Without her relentless pursuit of information, the study would have been significantly lacking in key supporting areas.

We would specifically like to thank development organisations – United Nations Development Program (UNDP) Pacific Centre, United Nations Education Scientific and Cultural Organization (UNESCO) and the Pacific Freedom Forum (PFF) – for initiating and funding this feasibility study (see Terms of Reference in Annex A). Specifically, we would like to thank Simone Troller, UNDP Governance Specialist (Human Rights and Civil Society), and UNDP Pacific Centre staff for their specific support in guiding and supporting the implementation of the feasibility study.

We acknowledge that the title of this preliminary report was borrowed, in part, from the Australian Communications and Media Authority (2011) publication “Optimal conditions for effective self- and co-regulatory arrangements: Occasional Paper”. The paper has proven to be exceptionally helpful in outlining key aspects related to regulatory mechanisms and to provide information on the United Kingdom’s OfCom best practice criteria benchmark that we have appropriated, and adapted to some degree, for this feasibility study. Where we have used information from the paper as a guideline for the literature review on media regulatory space we have provided appropriate attribution.

# CONTENTS

<b>Executive Summary</b> .....	<b>1</b>
<b>Acknowledgments</b> .....	<b>3</b>
<b>1. Introduction</b> .....	<b>6</b>
Purpose of the Study .....	6
Aims and Objectives.....	7
<b>2. Media Regulation and the Pacific Islands' Context</b> .....	<b>8</b>
<b>3. Method</b> .....	<b>12</b>
Survey Anstrument Structure and Phases of Implementation .....	12
Survey Analysis Processes and Procedures.....	12
<b>4. Results</b> .....	<b>13</b>
General and Demographic Information .....	13
Assessment of Perceived Importance of Initiatives .....	14
Assessment of the General Responses .....	15
Assessment of Nation-based Responses .....	15
Assessment of Media-type Responses as a Function Region .....	16
Assessment of Media-type Responses as a Function of Nation.....	16
Assessment of Open-ended Questions .....	16
Benefits of a Media Self-regulatory System.....	16
Challenges to Establishing a Media Self-regulatory System .....	17
<b>5. Media Industry Consultations</b> .....	<b>19</b>
<b>6. Summary of Findings</b> .....	<b>19</b>
<b>7. Media Self-regulatory Models for the Pacific Islands</b> .....	<b>20</b>
Option A: National Media Self-regulatory Scheme.....	21
Option B: Regional-national Media Self-regulatory Scheme .....	23
Option C: Regional-national Media Self-/Co-regulatory Scheme .....	24
<b>8. Moving Forward</b> .....	<b>26</b>
<b>9. Bibliography</b> .....	<b>27</b>
<b>10. Annex Section</b> .....	<b>28</b>
Annex A: Terms of Reference: Towards a Media Self-regulation Mechanism for the Pacific.....	28
Annex B: Country Profiles.....	31
Annex C: Case Study 1 – Singapore .....	35
Annex d: Case Study 2 – Indonesia .....	36
Annex E: Case Study 3 – Rwanda .....	37
Annex F: Case Study 4 – Australia .....	38
Annex G: Case StudY 5 – New Zealand.....	39

Annex H: Case Study 6 – Fiji ..... 41

Annex I: Best Practice Criteria and Abbreviation Key for Criteria ..... 41

Annex J: Planning, Design and Implementation Scheme – Key Considerations ..... 42

# 1. INTRODUCTION

Media in Pacific Island countries face varying degrees of enabling policy and legislative environments. However, common concerns across the Pacific Islands' region exist in relation to the quality of media reporting and the absence of common media standards and enforcement mechanisms with regards to journalism ethics and standards. These concerns are largely shared by media representatives themselves, as well as governments and the general public throughout the region.

National self-regulation mechanisms to enforce media standards have attempted to establish footholds in Vanuatu, Samoa, Tonga and the Cook Islands, as well as Fiji's current attempt to re-establish a national body as it negotiates ongoing government influence and factional instability. However, a 2012 study commissioned by PACMAS found that National Media Associations (NMA) in most Pacific countries were: "... struggling for relevance, dysfunctional and fractured. Many had stopped meeting and existed only in name; they had become "dis-associated" (Pacific Media Assistance Scheme, 2012; see also Founa & Manguy, 2012). Other professional representative bodies have also attempted to establish a presence with differing degrees of success at the regional level. The Pacific Islands News Association (PINA) is a regional organisation representing the interests of media professionals. It links radio, television, newspapers, magazines, online services, national associations and journalism schools in 23 Pacific Island countries (Pacific Islands News Association, 2013). However, PINA has lost considerable support in recent years because of its perceived failure to take the lead in representing regional media interests, including self-regulation, training and education. Pacifica Media Association (PasiMA) is a professional association of regional independent media owners, operators and principals. At a more practical level, the Pacific Media Assistance Scheme (PACMAS) is a 10-year Australia-government funded project (2008-2018) that supports better media governance in the Pacific Islands' region. Its goal is to contribute to the development of a diverse, independent and professional Pacific media system that informs Pacific peoples and gives them a voice in public life at local, national and regional levels. However, PACMAS's Fiji office was closed in Fiji in 2014 after considerable pressure from Fiji's military government.

In spite of such supporting bodies, media in the Pacific has come under immense pressure from governments to attain a higher level of professional journalistic standards, responsibilities and practice. In Tonga, the country's Parliament initiated training for journalists in parliamentary ethics as a way to improve journalistic practices and conduct in that country (Oritaimae, 2013). In Fiji, the military government-backed Media Information Development Authority's (MIDA) called for the country's media to improve standards of reporting, with proposed training workshops scheduled on the controversial Media Decree, Parliamentary practices and ethics and new Constitution (Drageset, 2013). However, the potential for improving journalistic standards and media freedom was curtailed considerably by MIDA's decision to force foreign entities, including non-government organisations, to gain permission from the organisation to run independent journalism training workshops. This has been seen by many independent observers as a "further clamp down on media freedom in Fiji less than 12 months out from the country's first elections" in eight years (Sovaraki, 2013).

As these examples illustrate, media in Pacific Island countries face an increasing degree of control over media freedoms, impacting on democratic reform and sustainability in the region. Furthermore, these examples reinforce the absence of media industry self-regulatory mechanisms that act to establish and enforce a common set of media standards in regards to journalism ethics and professional practices. Consequently, the media faces the real possibility of even tighter regulation that would retard the drive for democratic structures and media freedom in the Pacific Islands if the industry fails to take the initiative to set up functioning self-regulatory mechanisms and adhere to journalism practices that meet international standards.

## PURPOSE OF THE STUDY

Against this backdrop of tighter regulatory mechanisms to reinforce professional journalism standards and practices and the current absence of self-regulatory mechanisms to enforce media standards, there exists an urgent need to assess the feasibility of establishing a media self-regulation system for the Pacific Islands. As such, the purpose of this study is to build an analytical framework and evaluative criteria for identifying the specific conditions and factors for establishing self-regulatory arrangements that meet key stakeholder concerns and needs at both regional and national levels.



The study recognises that broader industry, citizen and consumer interests raise distinct issues for the development and operation of an effective media self-regulatory framework, including:

- ◆ Industry – interests of media industry stakeholders relate to identifying and, where possible, minimising regulatory burdens by supporting self-regulatory structures that enhance professional standards and practices by media organisations;
- ◆ Citizen – interests of the public as citizens relate to regulatory processes and decisions that improve citizen engagement, incorporate citizen perspectives, are transparent and accountable, and find ways that further citizen participation in establishing and nurturing vibrant and emerging democratic structures through self-regulatory mechanisms.
- ◆ Consumer – the interests of the public, as consumers of media, relates to having adequate protection and safeguards, and being able to make informed choices about their media consumption and the use of communication, information technologies and media services and products (Australian Communications and Media Authority, 2011).

## AIMS AND OBJECTIVES

The overall aim of the feasibility study is to enable an informed discussion among media stakeholders about possible self-regulation mechanisms at the regional and national levels with a view to exploring viable options to establish such a scheme in the Pacific Islands' region.

The feasibility study is defined by the following objectives:

- ◆ Present the various models of media self-regulation mechanisms and schemes;
- ◆ Define a benchmark of best practice criteria for establishing an effective media self-regulatory system;
- ◆ Engage in consultations with media professionals and development partners to assess the most important best practice procedures that guide the establishment of a self-regulatory system;
- ◆ Determine the extent to which relevant perceptions of a media self-regulatory system aligns with established best practice criteria that define the effectiveness of such a system at the regional and national levels;
- ◆ Discuss advantages and disadvantages of media self-regulatory schemes using lessons learnt from existing mechanisms through international case studies from developing and developed countries;
- ◆ Develop at least two options for establishing an effective self-regulatory scheme in the Pacific Islands; and
- ◆ Provide general and specific recommendations on what self-regulatory model would be the most viable for the Pacific Islands.

To achieve this result, the study will undertake the following actions:

- ◆ Provide a clear understanding of media self-regulatory mechanisms in the larger contextual framework of regulatory measures, including co-regulatory approaches;
- ◆ Outline a range of alternative regulatory and non-regulatory tools for consideration;
- ◆ Establish a clear evaluative criteria to measure and assess the feasibility of establishing a media self-regulatory system in the Pacific Islands;
- ◆ Discuss the context for self-regulatory media system for the Pacific Islands, including pressures, challenges and issues related to establishing such a mechanism;
- ◆ Access case studies – four developing countries; two developed countries – to illustrate how media regulatory schemes negotiate self-/co-regulatory space;
- ◆ Provide a cost-benefit analysis of feasible options for funding a self-regulatory system in the region; and
- ◆ Assess the feasibility of, and viability for, establishing a media self-regulatory system for the Pacific Islands.

In undertaking these actions, the feasibility study is designed to inform broader discussions about effective media regulatory mechanisms in an expanding and converging media and communication landscape in the Pacific Islands. It will identify the issues to take into account in the early, formative stages of considering, where discretion exists, whether to adopt a pure self-regulatory system and/or other media regulatory or non-regulatory arrangements. It will also assess whether education and/or training is a central requirement for a self-regulatory media system, in accord with the most vocal criticism of media in the region.

The study will be informed by current industry and academic literature on media regulatory approaches worldwide that constitute a comprehensive regulatory toolkit for addressing the situation of professional media standards and practices in the Pacific Islands.

## 2. MEDIA REGULATION AND THE PACIFIC ISLANDS' CONTEXT



*Media practitioners during the 2014 Media Summit in Noumea, New Caledonia. (Credit: Sheryl Ho/UNDP).*

Media regulation has moved beyond traditional ways of thinking in relation to regulatory frameworks to focus on the regulatory tools that can be deployed within a regulatory space. As Hitchens (2011) suggests, media policy and regulation that enables and governs media operations and functions must be considered across the entire environment, otherwise there is the risk of a regulatory imbalance and pressure points that would undermine key objectives.

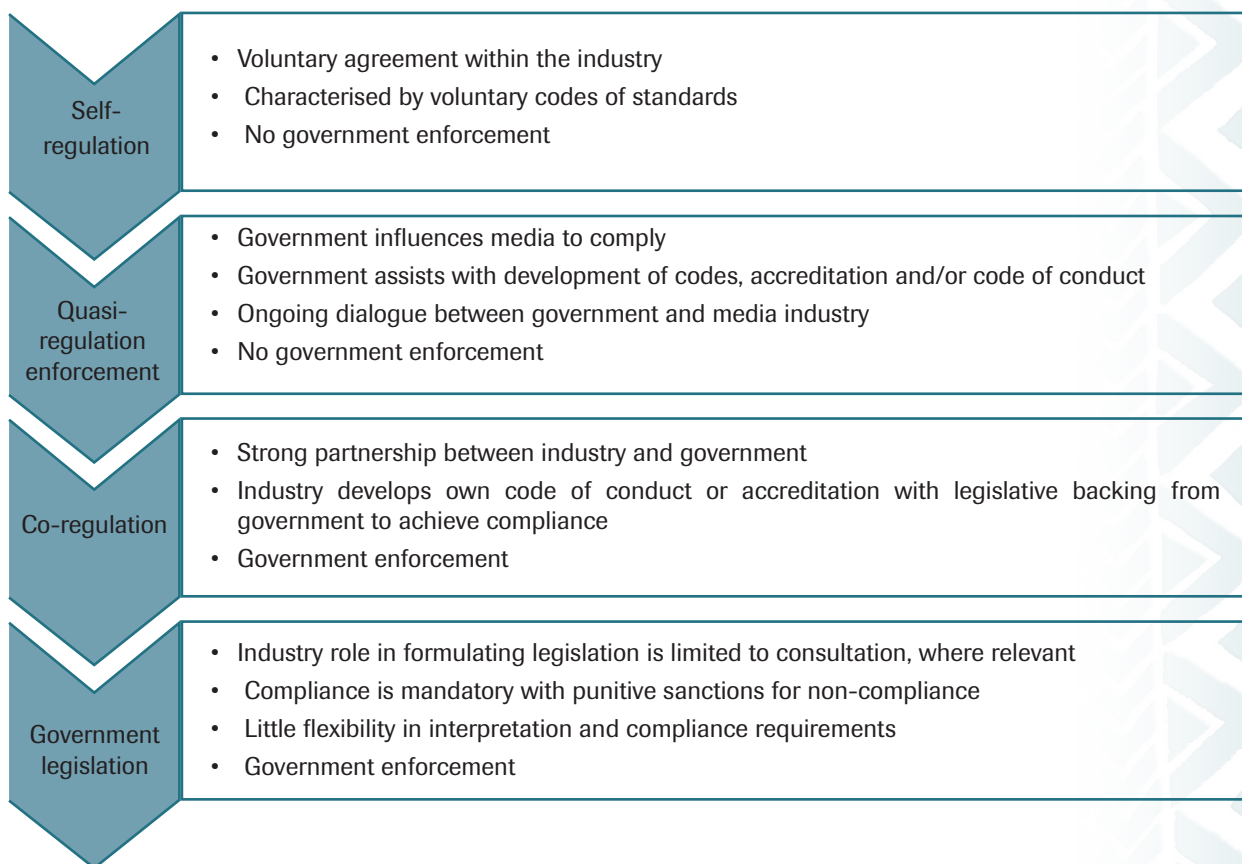
This regulatory space recognises that regulatory power and authority cannot be held within a single formal body (i.e. government), but dispersed between any number of entities – both private and public – with a shared and mutually beneficial raft of responsibilities. Such a system can accommodate a variety of regulatory tools from market through to self-regulation to centralised command regulation, enabling different jurisdictional responses to similar policy objectives. However, there exist a range of challenges to regulatory frameworks, including regulatory “bite”; scope of the regulation in relation to the range of media operators and funding; establishing an identity and thus credibility of the scheme among the diversity of stakeholders; and developing a simple, acceptable code of ethical and professional standards (Hitchens, 2011).

To address such issues, principles of regulatory process have been endorsed by several governments worldwide – including Australia (see Australian Communications and Media Authority, 2011; Hitchens, 2011), New Zealand (Barker & Evans, 2007), United Kingdom (Office of Communications, 2008; Carnegie UK Trust, 2011; Moore & Ramsay, 2012) and Europe (Richter, 2005) – to inform the development and choice of regulatory and non-regulatory tools. These principles include:

- ◆ **Sound analysis** – the case for action, including the fundamental question of whether regulatory action is required, needs to be clearly established. This analysis should include the desired response, a range of alternative options to achieve the objective, and an assessment of the impact of each option, and should be informed by effective consultation;
- ◆ **Informed decision-making** – to assist decision-makers and stakeholders understand the implications of options for achieving the objective of a self-regulatory mechanism and the likely impact of their decisions at the time they are making that decision;
- ◆ **Provisions of options** – the impact analysis should provide an adequate analysis of the cost-benefits of the feasibility study findings, and assess the net impact of each option on the community or community's as a whole, taking into account all impacts and significance of their implementation.
- ◆ **Transparency** – the information on which government regulatory decisions are based should be publicly available (Australian Communications and Media Authority, 2011).

A range of approaches for implementing media regulation exists, including market-based self-regulation, co-regulatory structures and direct government or statutory regulation. Several regulatory options and tools have been used to successfully address a diversity of policy issues, market issues, community issues and concerns related to media regulation measure (see: Figure 1, below).

**Figure 1: Regulatory Continuum**



Since the 1990s, international and government organisations have promoted self- and co-regulatory mechanisms as alternatives to direct legislation. Examples include Australia, New Zealand and the United Kingdom, which have all undertaken ongoing reviews of media regulatory systems over the past five years. Traditionally, self-regulation has been described as a viable option whereby industry voluntarily develops, administers and enforces its own solution to address particular issues facing the media with no formal oversight by the regulator (i.e. government-appointed authority). Self-regulatory approaches are characterised by the lack of legal backstop to act as the guarantor of enforcement of the codes of professional practice and ethical conduct (Australian Communications and Media Authority, 2011).

In practice, self-regulation without any form of government or statutory involvement is rare. Most often self-regulation has become embedded in the regulatory framework, reflected by a range of 'joint arrangements' between the regulator and the regulated. Such regulatory approaches are enclosed within the accepted term of co-regulation, which can be understood as a combination of non-government (industry) regulation and government regulation.

Co-regulation can mean that the media industry or a professional body representing the media develops the regulatory arrangements, such as a code of professional practice or standards, in coordination with government. This could pose important challenges for establishing a regional media regulatory arrangement that reflect a diversity of linguistic, geographic, political, regulatory, cultural, social, and media delivery issues and challenges. If established, such an arrangement would need to be administered by the industry with governments providing legislative backing to enable the arrangements to be enforced.

Co-regulatory mechanisms can include legislation that:

- ◆ Delegates power to industry to regulate and enforce codes of professional conduct and practice;
- ◆ Enforces undertakings to maintain compliance to such codes;
- ◆ Prescribes a code as a regulation, but the code only applies to those who subscribe to it, thus relying on voluntary compliance;
- ◆ Does not require a code of professional practice or standards, but has reserve power to make the code mandatory;
- ◆ Requires industry to have a code and, in its absence, government will impose a code or standard, thus reflective of the situations currently experienced by the media in the Pacific Islands;
- ◆ Prescribes a code as a regulation to apply to all industry members, in effect prescribed mandatory codes (Australian Communications and Media Authority, 2011).

According to the OECD (2009), when used in the right circumstances, self-regulation and co-regulation can offer a number of advantages over traditional command and control regulation, including:

- ◆ Greater flexibility and adaptability;
- ◆ Potentially lower compliance and administrative costs;
- ◆ An ability to harness industry knowledge and expertise to address industry-specific and consumer issues directly; and
- ◆ Quick and low-cost complaints-handling and dispute resolution mechanisms.

Critical for the feasibility study is also identifying drawbacks of self- and co-regulation, which include:

- ◆ Possibility of raising barriers to entry within segments of the media industry;
- ◆ Unintended monopoly power gained by participants that could restrict competition;
- ◆ Danger of regulatory capture;
- ◆ Potential to increase government compliance and enforcement costs.

Research by the Office of Communication (OfCom), the United Kingdom regulatory body that governs the communication industry, including the media, initiated an extensive process of consultation with relevant communication industry stakeholders as part of its ongoing review of regulatory structures. From the consultations, OfCom defined an evaluative framework for establishing optimal conditions for self- and co-regulatory schemes. From a broad perspective, research indicated that self-regulation is most likely to work where the following conditions were present:

- ◆ Industry collectively has an interest in solving the issue of regulation;
- ◆ Industry is able to establish clear objectives for a potential scheme;
- ◆ Industry solution matches the legitimate needs of citizens and consumers.

It also found that a regulatory scheme is unlikely to work if the following conditions were found:

- ◆ Incentives for individual companies not to participate existed; and
- ◆ Incentives for participating organisations not to comply with agreed industry and professional codes. (Office of Communications, 2008)

To achieve optimal conditions, OfCom’s consultations identified 11 best practice criteria for establishing self- and co-regulatory schemes within the communication industry, inclusive of the media. These criteria are: public awareness, transparency, significant industry participation, adequate resources (financial and human); clarity of processes and structures, ability to enforce codes, audits of performance, system of redress in place, involvement of independent members in decision making, regular review of objectives, and non-collusive behaviour (see Annex I). Of the 11 best practice criteria, OfCom’s analysis indicates that adequate and proportionate resource commitments (e.g. suitable funding and human resource allocation), involvement of independent members in decision making (e.g. respect from non-media stakeholders) and transparency (e.g. openness and public accountability in relation to performance) are critical to ensure effectiveness of all regulatory schemes (Office of Communications, 2008).

The 11 criteria will be used as a benchmark for the feasibility study. In addition, one other criteria has been added to the list, that of training, given the current criticism of the Pacific Islands’ media in relation to the lack of professional journalism standards and adherence to a code of ethics. The study adopts a pragmatic and flexible approach to applying the principles, and takes additional factors into account as appropriate to the specific case of the Pacific Islands. This means in each instance we look to engage the stakeholders in discussions on how best to achieve the desired outcome of a regional media self-regulatory scheme for the Pacific Islands.

To assess the success of a regional media self-regulatory system in the Pacific Islands, it is necessary to understand the context of the Pacific Islands media landscape. Two key studies provide insight into the complexity of this “mediascape”. A 2006 study, titled “Informing Citizens: Opportunities for Media and Communications in the Pacific”, focused on a range of issues related to media, governance and journalism standards. One of the key issues that emerged from the study was the need for independent regulatory bodies – at arm’s length from government – to ensure that broadcast licensing and media regulation processes were as fair and apolitical as possible. In six countries, broadcasting is the direct responsibility of the prime minister – the Cook Islands, Niue, PNG, Tuvalu, Tonga and Vanuatu. In other countries, such as the Solomon Islands and Tuvalu, the Prime Minister is responsible for public broadcasting, while commercial broadcasting is the responsibility of the minister who oversees telecommunications. A second finding links directly to this feasibility study in relation to journalistic standards and professional practices. It found a range of fundamental issues: overwhelming reliance on government-sourced information; news stories that use single sources, which failed the test of fair and balanced reporting; basic errors of detail; ignorance of the law; failure to confirm facts; corroborate allegations; failure to observe the rules of journalistic confidence; and poor editing of articles or broadcasts (Pacific Islands Forum Secretariat, 2006).

More recently, Pacific Media Assistance Scheme (PACMAS) released its “Regional State of the Media and Communication Report 2013”, which focused on media policy and legislation, media systems, media capacity building and content. The study provides an overview of current media operations throughout the region and media legislation within the 14 countries covered by the research (see Annex B). While not specifically addressing the issue of self-regulation, the information contained in the extensive baseline report is useful for setting the scene of media operations that encompasses the main remit of a regional media self-regulatory scheme.

### 3. METHOD

The study recognises that industry-led solutions are the most likely to succeed. As such, the study accesses media professionals' perspectives on media self-regulation in a way that matches the needs of the citizens and consumers, potential for organisations to participate in an agreed solution and the ability of the industry to establish clear objectives and priorities for a potential regulatory system.

A survey method was used to gather information from media professionals (industry, academic and non-government representatives). The survey instrument was developed by a research team, drawing on OfCom's best practice criteria benchmark, which was defined through extensive consultation with industry groups. The criteria were employed to understand media industry perceptions of their relative importance to establishing a media self-regulatory system for the Pacific Islands. We recognise that not all the criteria may be relevant or required for the Pacific context. As such, each criterion, once measured, will be weighted in relation to the objectives of the scheme and the importance placed on it by media professionals within their context.

#### SURVEY INSTRUMENT STRUCTURE AND PHASES OF IMPLEMENTATION

The survey consists of three parts (19 questions) – General and Demographic Information (gender, age, occupation, media type, country of residence), Best Practice Criteria using a Likert scale to measure individual perceptions of the 12 best practice criteria, and Open-ended Questions to allow respondents to provide in depth responses on the benefits of and challenges in establishing a media self-regulatory system in the Pacific Islands. Survey participants were guaranteed anonymity and confidentiality of their responses.

A three-phase strategy was used to distribute the survey to increase the response rate.

- ◆ **Phase 1:** An initial mail out was conducted via email to a data base of 250 contacts derived from several professional media contact lists. The email provided a short explanation of the feasibility study and a URL link to the survey, which was housed at a Survey Monkey online site.
- ◆ **Phase 2:** Follow up telephone calls were made to each media contact 48 hours after the link was emailed to check if the email had been received and whether the survey had been completed.
- ◆ **Phase 3:** Potential respondents were also identified via the LinkedIn database of business contacts, resulting in a further 201 media professionals being sent the link to the survey – these contacts were cross-referenced with the original contact list to avoid double-up contact.

From the combined contact list and LinkedIn data base, a total of 451 surveys were randomly distributed to individual media professionals and media academics. Survey data was collected in two stages, from December 1 to January 15 (204 surveys) and then from January 16 to March 1 (a further 17 surveys collected). The data collected from December 1 to January 15 was collated and analysed to produce a preliminary report, in which the findings were presented to media professionals at a one-day Pacific Islands News Association 2014 3rd Pacific Media Summit workshop in Noumea, New Caledonia in February, 2014. The workshop was designed to provide the researchers with opportunity to gain more information and clarification by media professionals on the findings, with that input being included in the final analysis and report. Results of the surveys collected in the second data collection period were then added to those collected in the first data collection period.

#### SURVEY ANALYSIS PROCESSES AND PROCEDURES

Analysis of the data was undertaken in a two-step process. First, a number of analyses were conducted to determine Regional, National, and Media Type perceptions of the most important criteria. These analyses determined the extent to which relevant perceptions of a media self-regulatory scheme aligns with established benchmarks that define effectiveness of such systems, inclusive of the three most critical – adequate and proportionate resource commitments (e.g. suitable funding and human resource allocation, involvement of independent members in decision making (e.g. gaining respect from non-media stakeholders) and transparency (e.g. openness and public accountability in relation to performance). Furthermore, the findings will also indicate what priorities should be given to specific criteria within a national context to enhance the future ownership and thus support of the recommended system at a localised, national level.

The response items were converted to a 5-point Likert scale (1-Very Important, 2-Important, 3-Moderately Important, 4-Of little importance, 5-Unimportant). Thus, lower scores demonstrate greater perceived importance. The exact statistical analysis involved a number of single-factor Analysis of Variances (i.e. ANOVAs). An ANOVA analysis assesses whether perceptions of importance among the 12 criteria statements are statistically different. Three main analyses were conducted in this phase of examining the data. The nature of these analyses is listed below.

1. *Pacific Region Analysis.* This analysis involves all responses to the survey. The ANOVA will directly compare the perceived importance of all of the criteria statements. Specifically, this analysis will reveal the relative perceived importance of criteria statements.
2. *National Analysis.* This analysis will involve an individual examination of the responses from each of the relevant countries in the Pacific Region. The ANOVA will directly compare the perceived importance of all of the criteria statements for each of the countries. Specifically, this analysis will reveal whether there are differences between responses at the national level in their perceived importance of criteria statements.
3. *Media Type Analysis.* This analysis will involve an examination of the perceived importance of each individual media type at the regional and national level. The perceived importance of all criteria statements will be directly compared for each media type. There will be a single ANOVA performed for each media type. This analysis will reveal whether there are differences across the various media type in their perceived importance of the criteria statements.

Second, the data set derived from the open-ended questions was coded to identify categories/themes and then compared to findings from the criteria analysis. The information derived from this analysis provides a deeper understanding of respondents' feelings and motives behind their answers to the criteria section of the survey, and thus assist in defining the feasibility of establishing a regional media self-regulatory system.

It must be also noted that several weaknesses exist in the adopted approach and these need to be acknowledged. Research participants, while large in number, present their particular perspectives, experience and knowledge that relates to the establishment of a regional media self-regulatory scheme and the benefits and challenges emerging out of such an initiative. Nevertheless, not all of the people we would have liked to have included were available, and the views gathered will always, as in every case, present only a partial though relevant view on the defined issues.

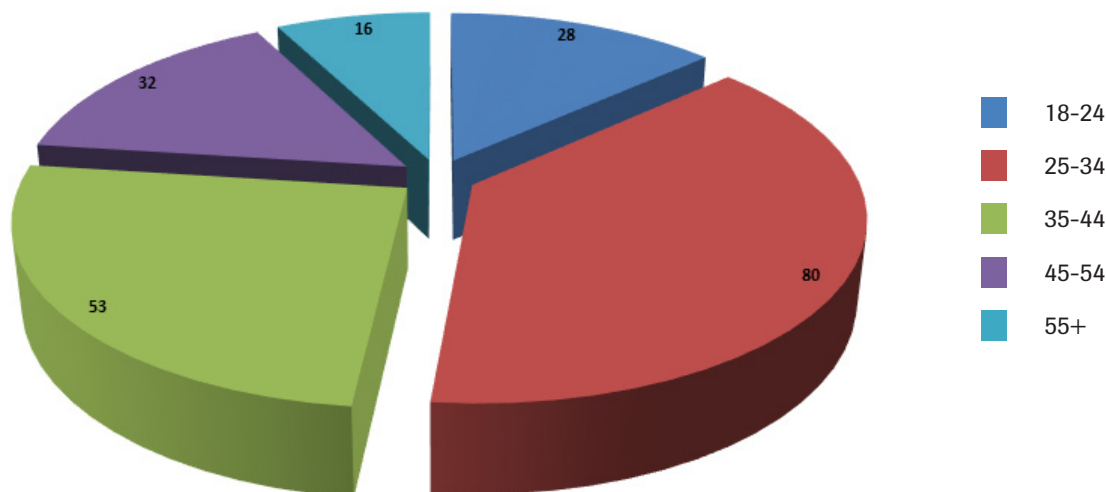
## 4. RESULTS

A total of 231 surveys were received during the data collection periods with 209 surveys completed in full, constituting a response rate of 46.34%. Of these, 157 responses were gathered directly from Pacific Islands' media professionals based in 11 of the 14 nominated countries.

### GENERAL AND DEMOGRAPHIC INFORMATION

As far as the gender of the participants, the sample included 85 females and 124 males. The age varied considerably with the majority of the participants from the 25-34 year bracket. The actual responses were 18-24 (28), 25-34 (80), 35-44 (53), 45-54 (32), 55+ (16). All four major Types of Media were represented with the greatest number of participants coming from the print media (85). The other participants were distributed among radio (31), television (46), and online forms of media (47).

**Figure 2: Distribution of Survey Participants by Age**



The survey was completed by media industry employees and media academics from 22 countries, including 11 Pacific Islands (FSM, Fiji, Kiribati, Palau, Solomon Islands, PNG, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, Republic of the Marshall Islands), as well as responses from Bangladesh, the United States, United Kingdom, Brazil, Qatar, and the Maldives (see Figure 3, below for results from Pacific Islands countries' residents). A significant portion of the participants were from Fiji (80) and a lesser proportion from Non-Pacific Island countries (52). The significant number of responses, we believe, shows the importance placed by media professionals, both regionally and internationally, on the role of the media industry in sustainable development within the Pacific Islands' region.



*Media self-regulation workshop during the 2014 Media Summit in Noumea, New Caledonia. (Credit: Sheryl Ho/UNDP).*

## **ASSESSMENT OF PERCEIVED IMPORTANCE OF INITIATIVES**

Participants gave ratings of their perceptions of the importance of each of the 12 criteria listed in Appendix I. Findings related to the importance perceptions from all countries have been combined (i.e. Assessment of General Responses), which will be followed by an examination of variations of importance perceptions between different countries (i.e. Assessment of Nation-based Responses and Assessment by Media Types).



**Figure 3: Perceived Importance\* of the Criteria from All Respondents\*\* and as a Function of Pacific Island Countries\*\*\*+**

Criteria	Total	Fed. States of Micro.	Fiji	Kiribati	Palau	PNG	Samoa	Sol. Is.	Tonga	Tuvalu	Vanuatu	Rep. of Marsh. Islands
Public Awareness	1.31	1.00	1.32	1.20	1.00	1.50	1.00	1.50	1.40	1.00	1.20	2.00
Transparency	1.64	1.33	1.63	1.60	1.25	2.25	1.90	1.50	1.40	1.00	1.70	2.00
Representation	1.64	1.33	1.63	1.60	1.25	2.25	1.90	1.50	1.40	1.00	1.70	1.00
Resources	1.57	1.33	1.63	1.80	1.00	1.42	1.44	1.10	1.60	1.50	1.62	2.00
Enforcement	1.74	2.00	1.85	1.40	1.25	1.37	1.60	1.20	1.60	1.00	1.79	3.00
Processes/Structures	1.43	1.33	1.34	1.80	1.25	1.25	1.40	1.30	1.20	1.00	1.41	3.00
Governance	1.54	1.00	1.56	1.60	1.00	1.87	1.40	1.50	1.20	1.00	1.20	4.00
Complaints/Redress	1.52	1.00	1.45	1.60	1.25	1.57	1.40	1.50	1.20	1.00	1.75	2.00
Respect	1.69	1.33	1.76	1.80	1.25	2.12	1.80	1.20	1.40	1.00	1.54	2.00
Monitor	1.65	1.00	1.64	1.20	2.00	1.75	1.55	1.30	1.60	1.00	1.70	3.00
Compliance	1.55	1.33	1.58	1.00	1.50	1.62	1.67	1.30	1.40	1.00	1.45	4.00
Training	1.25	1.00	1.16	1.20	1.25	1.00	1.40	1.20	1.20	1.00	1.12	3.00
Number surveyed	209**	3	80	5	4	8	12	10	7	2	25	1

\* Lower scores denote greater perceived importance – Likert Scale rating of 1 (Very Important) to 5 (Unimportant)

\*\* Number indicates total number of completed responses from all countries (n=209)

\*\*\* Numbers listed under each country indicates total completed responses from Pacific Islands' countries (n=157)

+ Countries included when respondents completed all sections of the survey (n=11)

## ASSESSMENT OF THE GENERAL RESPONSES

An examination of the responses of participants from all countries revealed that three initiatives were perceived as significantly more important than the other nine criteria. Specifically, across all of the countries, the following three initiatives were perceived as most important: 1) A self-regulatory scheme must engage in public awareness to ensure citizens and media consumers know their rights in relation to the media (i.e. Public Awareness); 2) A self-regulatory scheme must provide journalists with access to training in legal and ethical issues to improve professional journalism standards (i.e. Training); and 3) A self-regulatory scheme must establish clear processes and structures – agreement of terms of reference, institutional structures, funding arrangements, and time limits (i.e. Processes/Structures).

## ASSESSMENT OF NATION-BASED RESPONSES

Given that the bulk of the respondents were from Fiji, examination of their responses seems particularly important. Consistent with the general population of participants, the Fijians perceived Public Awareness, Training, and Processes/Structures criteria to be the most important. Interestingly, the analysis demonstrated that Public Awareness and Training initiatives were perceived in the most important three initiatives for five other Pacific Islands countries (i.e. Kiribati, Palau, Samoa, Vanuatu and FSM).

There was some degree of variation in the three most important initiatives among the other countries: a) Papua New Guinea (Training, Resources, Processes/Structures); b) Solomon Islands (Training, Resources, Compliance); and c) Tonga (Training, Governance, Processes/Structures). See Annex I for a full listing of the perceived importance responses for each Pacific Islands' country.

## ASSESSMENT OF MEDIA-TYPE RESPONSES AS A FUNCTION REGION

There was a fairly consistent pattern of perceptions across the various media groups. The analysis revealed that each group included the Training and Public Awareness criteria in their perceptions of the three most important initiatives. However, there was a significant degree of variation on the choice of the third important criteria. The third choices were: a) Governance for those in print and radio; b) Complaints/Redress for those in television; and c) Compliance for those in online media.

## ASSESSMENT OF MEDIA-TYPE RESPONSES AS A FUNCTION OF NATION

For print media, Fiji, Palau, Papua New Guinea, Samoa, Solomon Islands and Tuvalu perceived Training, Public Awareness, and Processes/Structures as the most important initiatives. Kiribati and Tonga rated Training, Governance, and Complaints/Redress as most important. Finally, Vanuatu found Training, Public Awareness and Governance to be most important.

For radio, Fiji, Papua New Guinea, and Vanuatu perceived the Training, Public Awareness, and Processes/Structures as the most important initiatives. Kiribati perceived Training, Public Awareness, and Compliance as the most important.

For television, Fiji and Vanuatu perceived Training, Public Awareness, and Processes/Structures as the most important criteria. FSM perceived Training, Public Awareness, and Governance as the most important criteria. Palau perceived Resources, Public Awareness, and Processes/Structures as the most important. Papua New Guinea perceived Training, Complaints/Redress, and Processes/Structures as the most important. Samoa viewed Training, Public Awareness and Complaints/Redress as the most important criteria.

For online media, Fiji, Kiribati, Tonga, Tuvalu and FSM perceived Training, Public Awareness, and Processes/Structures as the most important criteria. Vanuatu viewed Training, Public Awareness and Resources as the most important criteria. Samoa rated the Public Awareness, Transparency and Complaints/Redress criteria as most important. Papua New Guinea viewed Resources, Complaints/Redress and Training as the most important criteria.

## ASSESSMENT OF OPEN-ENDED QUESTIONS

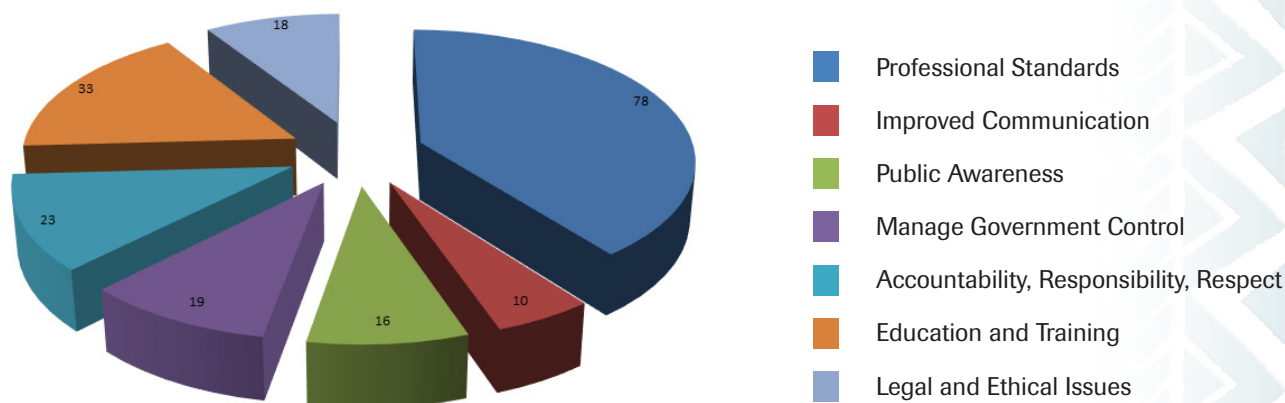
Responses from the two open-ended questions reveal a number of key aspects in relation to the benefits of, and challenges to, establishing a media self-regulatory system in the Pacific Islands. A total of 179 media professionals provided responses to the question: “What benefits do you think membership to a self-regulatory scheme would have for the media and journalists?” A total of 177 people responded to the final question: “What challenges do you see in establishing a media self-regulatory scheme for Pacific Island countries? Emerging from the responses is a range of category/themes that media professionals see as critical when establishing a self-regulatory system in the Pacific Islands.

## BENEFITS OF A MEDIA SELF-REGULATORY SYSTEM

“The industry needs to take the lead in establishing ‘best practice’ and agreeing to work to a best set of standards that are transparent and carry responsibility. It would also provide a level of autonomy and protection from alternative government-run watchdogs that make it more and more difficult for journalists to do their work without fear of retribution” – Freelance Television Journalist

Respondents identified seven key benefits for media professionals in establishing a media self-regulatory system: establishing clear professional standards (78); education and training to improve standards of journalism (33); accountability, responsibility and respect for the media (23); manage government control over the media (19); understanding of legal and ethical issues (18); public awareness of the self-regulatory scheme (16); and improved communication with stakeholders, including the media professionals nationally and in the region, consumers and citizens and governments (10) (see Figure 4, below)

**Figure 4: Survey Responses Indicating Benefits of Media Self-regulation**



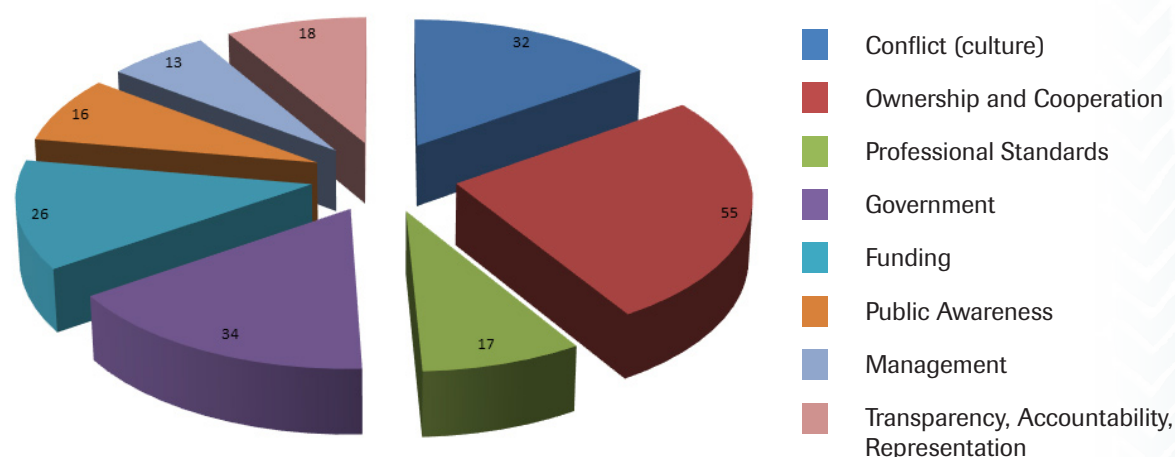
Two fundamental benefits that emerged from media professionals’ responses are the improvement of professional standards across the board, including understanding of legal and ethical issues. Central to achieving this goal is for a media self-regulatory system to conduct education and training programs that consistently deliver professional development programs and show improvement nationally and regionally. This focus on fundamentals of journalism would then contribute to an improved public image of the media in the region in relation to accountability, responsibility and respect. Further to achieving this goal, media professionals indicated that a self-regulatory system must also undertake strategic communication that creates public awareness of the mechanism including the media’s critical roles and responsibilities, that balances the growing reach and impact of government control over the media in the region through policies and regulations applied by quasi-government bodies (i.e. Fiji’s Media Information Development Authority).

*“... public awareness will solve the misunderstanding people have about the media. It will get them to really understand that the media works in the interest of the people and training doesn’t have to focus only on journalism but on other issues as offered in Pacific Studies. This will help the scheme to be open to establishing transparency” – Print Journalist*

### CHALLENGES TO ESTABLISHING A MEDIA SELF-REGULATORY SYSTEM

Respondents identified eight challenges to establishing a media self-regulatory system in the Pacific Islands region: ownership of the scheme by media professionals and cooperation across media to achieve industry goals (55); government interference and influence over the media (34); conflict at a regional (culture) and national (industry and personality) levels (32); adequate funding of the system (26); transparency, accountability and representation in decision making (18); lack of professional standards (17); lack of public awareness of the system and associated media roles and responsibilities (16); and management of the mechanism (13).

**Figure 5: Survey Responses Indicating Challenges to Media Self-regulation**





*Media practitioners during the 2014 Media Summit in Noumea, New Caledonia. (Credit: Sheryl Ho/UNDP).*

Three fundamental and related issues emerged from media professionals' responses. First, the data reveals considerable fragmentation at the regional level, given the diversity of countries and associated cultures, which contributes to a disjointed vision of how self-regulation works and benefits the media and society, resulting in a lack of ownership by the media professionals. Second, the data reveals considerable factionalism at the national level, with concerns over the lack of cooperation between different media groups and the impact of individuals who have their own personal vision of how the media should regulate itself. These concerns reinforce already known conflict situations that have hampered media development in countries.

*"...the challenge for this project is coordinating a media industry on a regional level that has a well-documented history of in-fighting, fragmentation and bad governance" – Former Television Journalist*

Factionalism is an issue that proven to be debilitating aspects in various attempts to implement self-regulatory systems around the world. In the case of OfCom research and in the Rwanda and Indonesian case studies, specific emphasis was placed on dealing with factionalism early in the process of establishing a self-regulatory system because it created disunity and thus posed the greatest challenge to the effectiveness and sustainability of self-regulation. Unity and fraternity are considered critical ingredients in the defence of media freedom and promotion of ethical practices in journalism, which requires a united journalistic voice in promoting and defending ethical conduct and against media repression (Office of Communications, 2008).

Third, lack of cooperation and coordination, as identified by respondents, within the national regulatory space is seen as a weakness in countering growing government interference, influence and control through increasingly repressive media policies and regulations within the Pacific Islands. This poses significant challenges for National Media Associations representing both journalists and the media to achieve broader roles (accountability and transparency) and responsibilities (to citizens and consumers).

*"Difficulty in coordinating an effective regional scheme relates to the wide geographic distances between South Pacific nations and the fractured state of media industry, diversity of opinions amongst media owners and individuals about the efficacy of the scheme, lack of practical support and commitment to the scheme" – Online Journalist*

## 5. MEDIA INDUSTRY CONSULTATIONS

A one-day workshop was conducted at the Pacific Islands News Association (PINA) 3rd Pacific Media Summit in Noumea, New Caledonia. A total of 12 media professionals attended the workshop and engaged in fruitful consultation and discussion within small groups on the following aspect:

1. Key findings presented in the preliminary feasibility report;
2. Possible options for a self-regulatory framework (i.e. national media self-regulation, regional-national media self-regulation and regional-national self-/co-regulatory system);
3. How to move the concept of self-regulatory system forward in the Pacific Islands, including development of regional Media Code of Conduct or Ethics, a 2-year media-led process, driven by expert group, supported by development partners, such as the United Nation Development Program (UNDP).

Four key aspects emerged from the consultation process. First, consultation groups indicated that to move the concept of a self-regulatory system forward there needed to be a focus on the national interests first as a way of building from the “ground up” through “strengthening/use of existing structures”. This would then lead to securing broader support for a regional self-regulatory system that has specific and complementary objectives.

*“Firstly, we need to get our national house in order (e.g. Samoa and Fiji). Each country has its own issues. Instead of jumping straight into a regional body we need to take some steps nationally first (e.g. such as Vanuatu)” – Media Professionals Group A*

Second, workshop participants also focused on the critical issue of factionalism within national media contexts. Much of the discussion focused around the impact of individual personalities with participants providing specific stories in which media consultative groups had forged a strategy to improve national media standards, but were then “hijacked by individuals” who then pushed for their own personal vision, which did not reflect the tenant or direction of the group or the interests of the broader media and those professional within the industry.

*“Much of the division/factionalism (in national media) has to do with personalities and egos – the solution is to GET RID OF THEM!” – Media Professionals Group B*

Third, the groups agreed that one of the key priorities of a self-regulatory scheme is to engage with the community and its various publics, including the broader media community, citizens, consumers and governments.

*“Educating and creating awareness-raising of what self-regulation entails for the media and publics ... assisting this would be the development of a Code of Practice (more general than Code of Ethics) Statement of Principles to govern a regional [self-regulation] mechanism” – Media Professionals Group B*

Fourth, both groups indicated that the consultation process needed to continue and be broadened to create a more inclusive environment for not only media professional but the general public within the nominated countries.

*“There is a need to continue the consultation process as currently it is not representative of the whole region ... this process needs to also be wider consultation” – Media Professional Group A*

## 6. SUMMARY OF FINDINGS

Analysis of the results of the study revealed nine key findings that have implications for the implementation of a media self-regulatory scheme. Accordingly, these aspects need to be accounted for in the planning, design and implementation of a media self-regulatory scheme.

1. Number of responses exceeded expectations given the short implementation time period. Such a response indicates that media professionals support the establishment of a self-regulatory scheme as an important step for the industry to take more responsibility for their professional conduct.

2. Majority of survey responses to the 12 criteria range from Very Important to Important, thus supporting the best practice criteria as a benchmark for the implementation of a media self-regulatory scheme.
3. Survey responses consistently indicate that Training in law and ethics should be prioritised by a media self-regulatory scheme. Recognising this criterion as important suggests that the media industry wants to address the criticism leveled at it by its own members and governments in relation to the quality of journalism in the Pacific Islands.
4. Survey responses indicated a second consistent trend in relation to prioritising Public Awareness. This result supports the need for a strong presence of the scheme at the national level so key stakeholders – media industry, citizens and governments – understand not only the specific objectives and functions of the self-regulatory mechanism but also the media’s general roles and responsibilities to increase the freedom and vibrancy of media and thus contribute to sustainable development within the region.
5. Survey responses indicate, when identified within national contexts, a distinct diversity of opinions on what criteria should be prioritised. This result supports the central role of strong National Media Associations in developing a self-regulatory framework that addresses specific localised needs of media professionals.
6. While an independent regional self-regulatory system is an important goal for the development of media in the Pacific Islands it still has to function within a regulatory space in which governments control regulatory structure, thus focusing a potential system on the relationship between self- and co-regulatory systems.
7. Survey results indicate that respondents did not consider the three critical factors, as defined by OfCom, of adequate and proportionate resource commitments, involvement of independent members in decision making and transparency, as critical criteria within their specific context.
8. Responses to the open-ended questions revealed several challenges to the viability and sustainability of the scheme, specifically government interference (i.e. policies and regulations), cultural differences (i.e. fragmentation) and national media differences and individual personalities (i.e. factionalism) as key challenges.
9. Consultation process on a self-regulatory system needs to be broadened to include the opportunity for people from all 14 countries to submit formal input into the ongoing process of moving the concept forward.

## 7. MEDIA SELF-REGULATORY MODELS FOR THE PACIFIC ISLANDS

Much discussion and conjecture exists in relation to the type of media self-regulatory system – national or regional – that would best work in the Pacific Islands. For example, national media self-regulatory bodies, such as those formed in Vanuatu, Tonga, Samoa, the Cook Islands, and the recently launched Fiji body illustrate the kind of professional support such groups to media professionals. At a regional level, organisations such as PINA, PasiMA and PACMAS undertake specific roles in relation to functions and representations of media professionals and organisations in the Pacific region (see Introduction for a short profile of their functions and responsibilities).

In acknowledging these ongoing discussions and considering the study’s findings, we present SWOT (Strengths, Weaknesses, Opportunities and Threats) analyses of three possible media self-regulatory approaches:

1. Option A: National Media Self-regulatory Scheme
2. Option B: Regional-National Media Self-regulatory Scheme; and
3. Option C: Regional-National Media Self-/Co-regulatory Scheme.

The analyses are designed to draw out key aspects to initiate further discussion on what scheme would be feasible and viable in the Pacific Islands’ region. As such, we use the 12 best practice criteria as a guide to conduct the SWOT analyses, but also draw into each analysis the role of government and culture because of the importance placed on these by respondents in the open-ended question section of the survey. It

must be noted that the following analyses are not exhaustive because each criteria can be interpreted in a variety of ways. However, they do provide a means by which to identify potential issues inherent in each of the schemes and to generate further discussion on the advantages and disadvantages of such media self-regulatory systems in the context of the Pacific Islands. The first step of that consultative process was to integrate the information gathered from the workshop staged at PINA's 3rd Pacific Media Summit into the SWOT analyses undertaken by the researchers.



## OPTION A: NATIONAL MEDIA SELF-REGULATORY SCHEME

A National Self-regulatory Scheme would see the establishment of media self-regulatory representation in each of the countries, but without a regional governing body to support operations. Advocates of such a scheme typically argue that the unique nature of their respective countries requires a national media association to deal with specific issues. Such schemes would rely on localised funding, specifically from national media organisations (see Fiji case study, Annex H).

**Figure 6: SWOT Analysis – National Media Self-regulatory Scheme**

	<b>Helpful</b> (to achieving objectives)	<b>Harmful</b> (to achieving objectives)
<b>Internal Origin</b> (attributes of the organisation)	<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• Strong focus on developing nation-based Public Awareness (1) initiatives to increase visibility and knowledge of the scheme’s objectives (also see weaknesses)</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Limited resources to fund Public Awareness (1) initiatives in smaller, less resourced countries</li> <li>• Limited ability to manage adequate levels of Transparency (2) in relation to operations and professional standards because of limited resources</li> <li>• Limited ability to establish and gain adherence to Enforcement (5) unless linked to government, resulting in possible direct influence of operations</li> <li>• Limited ability to establish effective Processes/Structures (6), specifically in smaller countries with limited funding opportunities/resources</li> <li>• Limited ability to apply adequate levels of Governance (7) because of limited resources, specifically in less funded, smaller countries</li> <li>• Limited opportunity to generate Respect (9) for the scheme because of questions over independence of local members, which constitute governing and committee processes and structures, because of possible government influence</li> <li>• Limited ability to Monitor (10) media industry and market trends at the regional-national level because of limited resources</li> <li>• Limited ability to monitor Compliance (11) of media to relevant competition laws and codes within each country because of limited resources, cultural and government influences</li> <li>• Limited ability to initiate Training (12) because of limited resources and access to professional trainers</li> </ul>
<b>External Origin</b> (attribute of the environment)	<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Potential to establish Representation (3) of media operators because of the smaller number of organisations</li> <li>• Potential to target Resources (4) at specific aspects identified in by each country’s respondents in the survey (see also Weaknesses and Threat)</li> <li>• Use national knowledge to address Culture-related issues that may hinder the implementation and operation of the scheme (i.e. factionalism)</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• Inability to attract substantial Resources (4) to operate an effective national office that meets the best practice criteria benchmark</li> <li>• Inability to counter impact of Culture (e.g. factionalism) on the scheme’s objectives of establishing universal professional standards (i.e. Code of Ethics)</li> <li>• Direct Influence of Government (i.e. censorship or self-censorship) on the scheme’s operation or members at the national level without support from a resourced regional office</li> </ul>

The SWOT analysis (above) indicates that one of the main advantages of a national scheme is that it has the flexibility and adaptability to focus public awareness communication on national media issues. This aspect is supported by the diversity of survey responses across countries and media. However, several aspects limit the potential of a national scheme, including limited Resources, which forms one of the three critical criteria, particularly important to smaller Pacific Islands’ countries. The two other critical criteria (Transparency and Respect) are also potential weaknesses of a nationally focused media self-regulatory scheme because success depends on the amount of resources available to the scheme. Several identified threats also raise concern over the viability and sustainability of a national media self-regulatory scheme, with direct government influence becoming a key factor in relation to the function, independence, management and processes/structures of the mechanism. Potential influences include possible censorship and self-censorship, which could impact on the acceptance of the scheme by potential members and funders because of a lack of independence. Finally, a national media self-regulatory scheme would not have the kind of contact and support a coordinated regional governing body would provide to members when issues of direct or indirect government and/or cultural influences potentially arise.



## OPTION B: REGIONAL-NATIONAL MEDIA SELF-REGULATORY SCHEME

Regional-national Self-regulatory Scheme offers a range of advantages over a national self-regulatory scheme that service only their country's media. A regional-national self-regulatory scheme would retain control over the three critical criteria identified by OfCom, specifically those of resources, respect through independent members, and transparency in relation to its performance as a way to ensure effectiveness of the scheme. Furthermore, the location of the scheme would need to be in a non-participating Pacific Islands country to ensure independence from government or cultural influences, avoid claims of favouritism, and counter the emergence of factionalism.

**Figure 7: SWOT Analysis – Regional-National Media Self-regulatory Scheme**

	<b>Helpful</b> (to achieving objectives)	<b>Harmful</b> (to achieving objectives)
<b>Internal Origin</b> (attributes of the organisation)	<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>Coordinated process of Public Awareness (1) at the national and regional level to increase knowledge and visibility of the scheme and professional standards</li> <li>High level of Transparency (2) with oversight undertaken by the regional office in line with professional standards</li> <li>Increased level of Representation (3) of media operators through coordinated approach between the regional governing body and national offices</li> <li>Increased ability to attract, generate and coordinate Resources (4) through the regional governing body's independence</li> <li>Increased ability to establish Enforcement (5) processes that have "regulatory bite", thus ensuring adherence to professional standards</li> <li>Establish Processes/Structures (6) that meet standards of transparency of operation</li> <li>Improve Governance (7) standards through the regional governing body monitoring implementation across countries</li> <li>Regulate Complaints/Redress (8) processes and procedures, thus enhancing the credibility of the scheme</li> <li>Maintain consistent Monitoring (10) of media industry and market trends at the regional-national levels through a well-resourced governing body</li> <li>Monitor Compliance (11) of media to relevant competition laws and codes within each country</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>Increase in Resources (4) required for operational expenses with the establishment of a regional governing body, in addition to national offices in each country</li> <li>Potentially less effective in guaranteeing Complaints/Redress (8) processes operate effectively without government support (i.e. joint regulatory arrangements), when required</li> <li>Potentially less effective in ensuring Compliance (11) to competition laws and codes because of separation from Government statutory legislations that governs the media</li> <li>Lack of trust existing between regional-national self-regulatory scheme and Governments because of limited co-regulatory links</li> <li>Difficulty in gaining support from Governments to delegate power to regional-national self-regulatory bodies to regulate and enforce codes of professional conduct and practice without establishing a co-regulatory relationship</li> </ul>
<b>External Origin</b> (attribute of the environment)	<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>Generate Respect (9) for the scheme through appointing independent members to committees (i.e. budget, complaints/redress handling)</li> <li>Initiate Training (12) in law and ethics to enhance professional standards and thus address criticism of the of journalistic standards in the region</li> <li>Use national knowledge to address Culture-related issues that may hinder the implementation and operation of the scheme (i.e. factionalism)</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>Impact of Culture (i.e. fragmentation and factionalism) on the scheme's key objectives of gaining acceptance of a set of universal professional standards (Code of Ethics)</li> <li>Direct or indirect influence of Government on the scheme's operation or members at the national level because of separation from the regulatory space (i.e. government regulation)</li> </ul>

The SWOT analysis (above) illustrates that one of the key advantages of a regional-national media self-regulatory scheme is that it can better focus on the three critical criteria – transparency, resources and respect, which would enhance the effectiveness and thus viability of a scheme. Of these, the most important function of a regional-national self-regulatory scheme is the potential to secure a broader range of funding to adequately resource the scheme, thus allowing it to establish viable and sustainable independent processes/

structures, improved governance mechanisms, a responsive complaints/redress system, monitor trends and enhancing compliance to laws and regulations. Specifically, the regional-national governing body could fund and organise through regional bodies, such as PINA and PasiMA, urgently needed training in law and ethics to improve the quality of journalistic practice across Pacific Islands' countries, a key weakness identified by both media professionals and Pacific Islands' governments. However, this model's main weakness is its lack of coordination with already established government regulatory frameworks. The main challenge for this scheme would be to build trust and understanding of specific roles between the self-regulatory governing body and government controlled media regulation. Failure to establish such linkages weakens the effectiveness of a self-regulatory scheme. If the scheme attempted to negotiate such linkages this would have to be done in a way that ensured it retained its independence in relation to funding, decision making and transparency.



## OPTION C: REGIONAL-NATIONAL MEDIA SELF-/CO-REGULATORY SCHEME

Option C attempts to bridge the gap between a regional-national media self-regulatory scheme and already established government regulatory frameworks (i.e. broadcasting) to promote a regulatory space in which the media can take responsibility for its actions guided by an agreed upon Code of Ethics that governs professional conduct. One of strengths of a scheme that represents media professional and organisations in the region is that it constitutes a single representative entity (not a disparate set of national regulatory bodies) that can more effectively negotiate with governments to establish workable, co-regulatory arrangements that support professional standards through responsible media and meets the developmental needs of governments in the region. To achieve this goal requires the scheme to set clear, guiding objectives for its membership to support and governments to accept. For example, the scheme could be charged with jurisdiction to:

1. Consider complaints about the conduct of the media and of others in relation to the media;
2. Promote of freedom of speech and “freedom of the press”;
3. Guide media in promoting developmental goals without sacrificing its key principles in relation to roles and responsibilities;
4. Maintain the highest professional standards by the media.

**Figure 8: SWOT Analysis – Regional-National Media Self-/Co-regulatory Scheme**

	<b>Helpful</b> (to achieving objectives)	<b>Harmful</b> (to achieving objectives)
<b>Internal Origin</b> (attributes of the organisation)	<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• Coordinated process of Public Awareness (1) at the national and regional level to increase knowledge and visibility of the scheme and media professional standards</li> <li>• High level of Transparency (2) with oversight undertaken by the regional office in line with professional standards</li> <li>• Increased level of Representation (3) of media operators through coordinated approach between the regional governing body and national offices</li> <li>• Increased ability to attract, generate and coordinate Resources (4) through the regional governing body’s independence</li> <li>• Increased ability to establish Enforcement (5) processes that have “regulatory bite”, thus ensuring adherence to professional standards</li> <li>• Establish Processes/Structures (6) that meet standards of transparency of operation</li> <li>• Improve Governance (7) standards through the regional governing body monitoring implementation across countries</li> <li>• Regulate Complaints/Redress (8) processes and procedures at the national level, thus enhancing the credibility of the scheme</li> <li>• Maintain consistent Monitoring (10) of media industry and market trends at the regional-national levels through a well-resourced governing body</li> <li>• Monitor Compliance (11) of media to relevant competition laws and codes within each country</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Increase in Resources (4) required for operational expenses with expanded national offices in each country</li> </ul>
<b>External Origin</b> (attribute of the environment)	<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Potential to build trust between the regional-national body and Governments by establishing clear Processes/Structures (6) and Transparency (2) in relation to openness and accountability of the scheme’s performance</li> <li>• Ability to negotiate with Governments to delegate power to the media industry to regulate and enforce codes of professional conduct and practice</li> <li>• Work with Governments to establish regulatory “back stops” to ensure Complaints/Redress (8) processes operate effectively and ensure Compliance (11) to competition laws and codes</li> <li>• Generate Respect (9) for the scheme through establishing independent members as part of governing and committee processes and structures</li> <li>• Establish Training (12) initiatives to address criticism of professional media standards and to generate potential income for the scheme</li> <li>• Address the influence of individual Cultures (i.e. factionalism) at the national level on regulatory mechanisms</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• Uncooperative Governments that see the scheme as a threat to control of the media</li> <li>• Impact of Culture (i.e. factionalism) on the functions within national representative bodies</li> </ul>

If planning, design and implementation is undertaken in a strategic and diplomatic way, a media self-/co-regulatory framework could offer the Pacific Islands’ a number of advantages over a strictly command/control or government regulatory framework. These advantages include:

- ◆ Greater flexibility and adaptability to deal with specific national issues relating to the media – need for such flexibility and adaptability is clearly evident in the diversity of perceptions about what criteria should be prioritised within national context, specifically individual responses to criteria and by media type, and to address fragmentation at the regional level and factionalism at the national level;
- ◆ Potentially lower compliance and administrative costs – given the geographic breadth and cultural diversity of the region, opportunities to lower costs is critical for the viability and sustainability of the scheme, specifically in the critical start-up phase in which the scheme needs to establish credibility and sustainability of practice;

- ◆ An ability to harness industry knowledge and expertise that addresses industry-specific and consumer issues directly at the national level – this would allow the scheme to meet the critical need identified in relation to Training on legal and ethical issues to improve professional standards of journalistic practice in the Pacific Islands region; and
- ◆ Quick and low-cost complaints-handling and dispute resolution mechanism in which decision making is seen to be fair and honest by all stakeholders, including the industry, governments and publics.

## 8. MOVING FORWARD

*“A self-regulation system won’t work if it doesn’t start at the national level. National Media Associations need to be empowered before we look at establishing a regional self-regulatory scheme” – Print Journalist*

The study provides several general and specific recommendations to establish a regional media self-regulation system. Given the significant number of responses from media professionals to the survey, there is clear and strong support for establishing such a system to improve professional journalism standards in the Pacific Islands. Based on the SWOT analysis of feasible media self-regulatory frameworks, the study overall recommends the adoption of Option C: Regional-National Media Self-/Co-regulatory system, but this process must begin at the national level with a strategy put in place by an appointed advisory body of eminent professionals and citizens. Furthermore, the overwhelming positive response to the benchmark criteria used in this study indicates that such a framework provides an effective and consistent evaluative framework for development partners such as the United Nations Development Program (UNDP) to undertake a capacity building assessment at the national level (see Recommendation 1 and 2).

The report makes a range of specific recommendations to enhance the feasibility of establishing a media self-regulatory system in the Pacific Islands. To achieve this goal of actioning the research results and moving the scheme forward, the following five recommendations are made:

1. Engage the United Nations Development Program (UNDP) Pacific Office to undertake a capacity building assessment of the current established National Media Associations in Vanuatu, Tonga, Samoa, the Cook Islands and Fiji from May to June, 2014;
2. Adopt the 12 best practice criteria as an evaluative framework for UNDP to assess the capacity of the listed national media self-regulatory systems to identify the needs of national media self-regulatory systems;
3. Secure immediate and sufficient funding from the United Nations to support the initial capacity building assessment phase of National Media Associations with the view to accessing key consultancies and advisory representatives to move the establishment of a regional-national media self-/co-regulatory framework forward;
4. Engage in broader community consultation from May to June 2014, inclusive of media, governments and citizens and consumers across the 14 nominated Pacific Island countries, with a view to providing an appointed advisory committee with appropriate level of knowledge to enhance the sustainability of the system, specifically during the critical start-up phase of capacity assessment and implementation; and
5. Establish a representative advisory body of seven to nine advisors to oversee the assessment of National Media Associations and drive development of a regional-national self-/co-regulatory system over a 6-month period from June to December 2014 with membership of the body drawing from respected journalists and editors, eminent citizens (including legal, academic and public figures) and journalists and media practitioners (see Annex J for key considerations for planning, design and implementation of the scheme and a general overview of a possible structure – see Figure 17).

## 9. BIBLIOGRAPHY

- Australian Communications and Media Authority. (2011). Optimal conditions for effective self- and co-regulatory arrangements: Occasional Paper. Canberra: Australian Government.
- Barker, I., & Evans, L. (2007). Review of the New Zealand Press Council. Wellington, New Zealand: New Zealand Press Council.
- Carnegi UK Trust. (2011). Regulation of the press: Nine key questions for civil society. London: Carnegie UK Trust.
- Drageset, D. (2013, September 30). New MIDA director attacks NZ, Australia for 'dictating' to Fiji media. Retrieved October 24, 2013, from Pacific Media Centre: <http://www.pmc.aut.ac.nz/pacific-media-watch/fiji-new-mida-director-attacks-nz-australia-dictating-fiji-media-8422>
- Founa, P., & Manguy, J.-G. (2012, December 14). Strengthening national media associations in the Pacific . Retrieved March 21, 2014, from Pacific Media Assistance Scheme: <http://www.pacmas.org/wp-content/uploads/2013/07/Strengthening-National-Media-Associations-in-the-Pacific.pdf>
- Hitchens, L. (2011). Media regulatory frameworks in th age of broadband: Securing diversity. *Journal of Information Policy*, 1, 217-240.
- Media Development Authority. (2013). Media Development Authority Singapore. Retrieved December 14, 2013, from Singapore Government: <http://www.mda.gov.sg/Pages/default.aspx>
- Moore, M., & Ramsay, G. (2012). A free and accountable media: Reform of press self-regulation - report and recommendations. London: Media Standards Trust.
- OECD. (2009). Alternatives to traditional regulation . New York: OECD.
- Office of Communications. (2008). Identifying appropriate regulatory solutions: Principles for analysing self- and co-regulation. London: Office of Communications.
- Oritaimae, H. (2013, September 15). Joournalist receive ethics training. Retrieved October 24, 2013, from Wansolwara student newspaper: <http://www.wamsolwara.org>
- Pacific Islands Forum Secretariat. (2006). Human Rights Initiative. Retrieved November 23, 2013, from Informing Citizens: Opportunities for Media and Communications in the Pacific: [http://www.humanrightsinitiative.org/programs/ai/rti/articles/informing\\_citizens\\_report.pdf](http://www.humanrightsinitiative.org/programs/ai/rti/articles/informing_citizens_report.pdf)
- Pacific Islands News Association (PINA). (2008-2013). About Us. Retrieved November 22, 2013, from PINA: <http://www.pina.com.fj/index.php?p=pina&m=about-us>
- Pacific Media Assistance Scheme. (2012, September 1). Strengthening National Media Associations in the Pacific. Retrieved March 21, 2014, from PACMAS: <http://www.pacmas.org/profile/strengthening-national-media-associations-in-the-pacific/>
- Parliament of Australia. (2013). Parliamentary Business. Retrieved December 12, 2013, from Parliament of Australia: [http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r4994](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4994)
- Reynolds Journalism Institute. (2006, August). Indonesia Press Council. Retrieved December 13, 2013, from Donald W. Reynolds Journalism Institute: <http://www.rjionline.org/MAS-Press-Councils-Indonesia>
- Richter, A. (2005). Co-/self-regulation bodies in the mass media. Moscow: European Audiovisual Observatory & Moscow Media Law and Policy Centre.
- RJI Donald W. Reynolds Journalism Institute. (2013). International code: InternationalL Federation of Journalists media ethics and self-regulation - Tirana Declration. Retrieved November 27, 2013, from RJI Donald W. Reynolds Journalism Institute: <http://www.rjionline.org/MAS-Codes-International-Tirana#>

Rwanda Governance Board. (2013). Move to self-regulation in media. Retrieved December 15, 2013, from Rwanda Governance Board: <http://www.rgb.rw/news-pages/news-details/artcile/move-to-self-regulation-in-media.html>

Sovaraki, A. (2013, October 9). Fiji Media Authority bans journalist training by foreign entities. Retrieved October 24, 2013, from Pacific Media Centre: <http://www.pmc.aut.ac.nz/pacific-media-watch/video-fiji-media-authority-bans-journalist-training-foreign-entities-8429>

## 10. ANNEX SECTION

### ANNEX A: TERMS OF REFERENCE: TOWARDS A MEDIA SELF-REGULATION MECHANISM FOR THE PACIFIC

Title	Consultant on Media Self-regulation Mechanisms
Type of contract:	UNDP Consultancy/Individual Contract; delivery-based contract
Duty Station:	Home based
Duration of the Contract:	37 days between November 20, 2013, and March 31, 2014.

#### Background

Media in Pacific Island countries face varying degrees of enabling policy and legislative environments. Common across the Pacific region are concerns over the quality of media reporting and the absence of common media standards and enforcement mechanisms with regards to journalism ethics and standards. These concerns are largely shared by media representatives themselves. Simultaneously, there are an increasing number of voices in the region that call for tighter regulation of the media. There is thus a risk that without functioning self-regulation mechanisms and adherence to journalism standards, Pacific media will be facing an increasingly restrictive legislative environment.

National self-regulation mechanisms to enforce media standards are non-existent currently, although efforts by development partners are underway and are likely to gain a foothold in some Pacific Island countries. At the same time, a number of media outlets across the Pacific have expressed their support for a regional media self-regulation mechanism to establish and enhance the adherence to media standards across the Pacific region. The establishment of such a regional mechanism has been promoted by the Pacific Freedom Forum.

In the context of UNESCO's efforts to increase the freedom of the media, access to information and to use communication as a means of achieving sustainable development in the Pacific, and UNDP's programs promoting human rights and freedom of expression, the two organizations, in partnership with the Pacific Freedom Forum, have decided to undertake a feasibility study on establishing a regional media self-regulation mechanism for the Pacific.

#### Objectives and Scope of Work

1. The overall aim of the feasibility study is to enable an informed discussion among media stakeholders about possible self-regulation mechanisms at the regional level with a view of exploring viable options to establish such a mechanism in the Pacific
2. The objective of the feasibility study is to present and discuss the various models of self-regulation mechanisms; their advantages and disadvantages based on lessons learnt from existing mechanisms; based on consultations with media and development partners in the Pacific; and taking to account a possible need to adapt these to the Pacific region.
3. The discussion on feasibility shall include at the minimum sections on: financing and sustainability of a regional mechanism; membership and appointments; relationship vis-à-vis national self-regulation mechanisms; as well as regional standard setting and enforcement processes.
4. The feasibility study shall include a clear presentation of at least two different possible media self-regulation models for the Pacific region including an outline of the process towards their establishment, and a recommendation with regards to the most appropriate model for the Pacific.

A consultant will be hired to develop the feasibility study in close consultation with media stakeholders and development partners across the Pacific region. UNDP, UNESCO and PFF staff will provide additional support, quality control, and advise to the consultant.

The international consultant on media self-regulation mechanisms will be responsible for the following:

- Take responsibility for the overall timely and high quality delivery of the feasibility study.
- Carry out a desk review of guidance documents as well as existing media self-regulation mechanisms globally, and discuss pro's and con's of existing models as well as their adaptability to the Pacific region.
- Carry out a review of legal and policy frameworks related to media regulation in Pacific Island countries.
- Develop a conceptual approach and organize in-depth consultations with media representatives, media associations, as well as development partners across the Pacific region and ensure ownership and reflection of their views in the feasibility study.
- Ensure the development of a clearly articulated feasibility study that presents and discusses a regional self-regulation mechanism for the Pacific in an accessible manner and transparently takes into account the views of media and development partners consulted during the process.
- Ensure high relevance of the final feasibility study for the Pacific region and ensure accurate reflection of existing legislative and policy frameworks related to media in the Pacific.
- Bear responsibility for the final editing of the feasibility study.
- Bear responsibility for incorporation of views and comments from media stakeholders and the partner organizations commissioning this consultancy.

### Expected Deliverables and Timeline

Activities	Deliverables	Number of Days	Due Date
Development of concept for and outline of feasibility study	Submission of feasibility study concept and outline to UNDP and incorporation of feedback	5 days	November 25, 2013
Consultation with media and development partners across Pacific region	Submission of summary report of consultations including list of stakeholders consulted	12 days	December 15, 2013
Drafting of feasibility study on basis of approved proposal and outline	Submission of draft feasibility study to UNDP and partner organizations	12 days	February 5, 2014
Presentation of and facilitation of draft findings with key media stakeholders during PINA summit	Submission of presentation and facilitation of one-day workshop	2 days	February 15, 2014
Revision of draft feasibility study taking into account comments from review team and media stakeholders	Submission of final feasibility study	6 days	March 31, 2014
<b>TOTAL</b>		<b>37 days</b>	

### Management arrangements

This is a consultancy managed by UNDP Pacific Centre and UNESCO. The consultant will report to UNDP Pacific Centre.

Corporate Responsibility & teamwork	<ul style="list-style-type: none"> <li>• Serves and promotes the vision, mission, values, and strategic goals of the United Nations</li> <li>• Plans, prioritizes, and delivers tasks on time</li> </ul>
-------------------------------------	--

People Skills	<ul style="list-style-type: none"> <li>• Ability to interact and to establish and maintain effective and harmonious working relations both as a team member with people of different national and cultural backgrounds.</li> <li>• Proven leadership skills and ability to motivate team members of different backgrounds and in different locations.</li> <li>• Ability to work under high pressure.</li> <li>• High degree of cultural competence</li> </ul>
Partnering & Networking:	<ul style="list-style-type: none"> <li>• Seeks and applies knowledge, information, and best practices from within and outside the UN</li> </ul>
Innovation & Judgment	<ul style="list-style-type: none"> <li>• Discretion, diplomacy and sound judgment in a politically sensitive environment.</li> <li>• Excellent organizational, coordination and interpersonal skills.</li> </ul>
Communication:	<ul style="list-style-type: none"> <li>• Excellent communication (spoken and written) skills, including the ability to convey complex concepts and recommendations, both orally and in writing, in a clear, concise style and to deliver presentations to external audiences, including audiences unfamiliar with the technical aspect of the topic.</li> </ul>
Job Knowledge & Expertise	<ul style="list-style-type: none"> <li>• Relevant experience (10 years +) with specific expertise in media freedom and in particular media self-regulation mechanisms.</li> <li>• Familiarity with relevant international guidelines and frameworks on media freedom and media regulation.</li> <li>• Significant experience in consulting with and briefing a wide variety of stakeholders;</li> <li>• Executes day-to-day tasks systematically &amp; efficiently;</li> <li>• Uses Information Technology effectively as a tool and resource</li> </ul>

## Qualification

Education:	<ul style="list-style-type: none"> <li>• Advanced University degree in journalism, law, human rights law, ethics, international development or related area;</li> <li>• 10 years of relevant professional experience in the area of journalism, media development, media regulation, human rights.</li> <li>• Significant proven expertise on media self-regulation mechanisms, in particular in developing countries.</li> <li>• Significant knowledge of international frameworks and guidelines relevant for media self-regulation mechanisms.</li> </ul>
Experience:	<ul style="list-style-type: none"> <li>• In-depth knowledge of legislative and policy frameworks related to media freedom in the Pacific region.</li> <li>• Proven research and writing skills including a substantial number of relevant publications</li> <li>• Significant experience in consulting with and taking into account views of large number of stakeholders.</li> <li>• Work experience in and knowledge of the Pacific is an advantage.</li> <li>• Previous experience in developing or implementing media self-regulation mechanisms is a distinct advantage.</li> </ul>
Language Requirements:	<ul style="list-style-type: none"> <li>• Proficiency in English. Excellent analytical, writing and report drafting skills</li> </ul>



## ANNEX B: COUNTRY PROFILES

Country	Population and Geography	Freedom House Rankings	Freedom of the Press & Media Practice	Independent Press Complaints or Ombudsman	Media & Communication Landscape				Media Policy and Legislation	FOI	Competition Laws
					Television	Print	Radio	Telecom			
Cook Islands	20,000 pop 15 islands, 12 inhabited, over 236 sq. km, mix of low-lying coral atoll islands and hilly volcanic rises	Not available	Yes	No	<ul style="list-style-type: none"> <li>• 2 commercial</li> <li>• 7 community on outer islands</li> </ul>	<ul style="list-style-type: none"> <li>• 4 commercial, only one with almost national coverage</li> <li>• 1 community</li> </ul>	<ul style="list-style-type: none"> <li>• 2 commercial newspapers</li> <li>• 1 daily</li> <li>• 1 weekly</li> </ul>	<ul style="list-style-type: none"> <li>• Telecoms monopoly, private company</li> <li>• 66% mobile penetration</li> <li>• Internet 'expensive and slow'</li> </ul>	<ul style="list-style-type: none"> <li>• Prime Minister is responsible for broadcasting and telecommunication portfolios.</li> <li>• Broadcasting Act of 1989 covers the provision of commercial and community broadcast licences.</li> <li>• Telecommunications Act of 1989 is tailored for Telecom Cook Islands.</li> </ul> Source: <a href="http://www.pacmas.org/about/countries/cook-islands/#sthsh.JZlbAgF7.dpuf">http://www.pacmas.org/about/countries/cook-islands/#sthsh.JZlbAgF7.dpuf</a>	FOI guaranteed	No
Federated States of Micronesia (FSM)	107,008 pop 607 islands, combined land area of 702 sq km, spread over 2,600,000 sq km of ocean, made up of 4 federated states	Free	Yes	No	<ul style="list-style-type: none"> <li>• 4 commercial one</li> <li>• in each state</li> </ul>	<ul style="list-style-type: none"> <li>• 4 government</li> <li>• 2 commercial</li> <li>• 1 church</li> <li>• 1 community</li> </ul>	<ul style="list-style-type: none"> <li>• 1 community</li> <li>• Bi-weekly</li> </ul>	<ul style="list-style-type: none"> <li>• Telecoms monopoly, public corporation</li> <li>• 25% mobile penetration, 20% access to the internet</li> </ul>	<ul style="list-style-type: none"> <li>• Communications legislation is broadly based on a US model.</li> <li>• States are responsible for media legislation and regulation, resulting in uneven development in this area.</li> <li>• Telecommunications is regulated nationally; FSM Telecommunications Corporation is the only telecommunications provider.</li> </ul> Source: <a href="http://www.pacmas.org/about/countries/federated-states-of-micronesia/#sthsh.5QY0Hxe8.dpuf">http://www.pacmas.org/about/countries/federated-states-of-micronesia/#sthsh.5QY0Hxe8.dpuf</a>	No FOI	No
Fiji Islands	868,400 pop 332 volcanic islands, approximately 110 inhabited, over 18,274 sq. km	Partly free	No	No	<ul style="list-style-type: none"> <li>• 4 commercial companies offering 20 channels</li> <li>• 1 church network</li> </ul>	<ul style="list-style-type: none"> <li>• 2 government</li> <li>• 10 commercial</li> <li>• 2 church</li> <li>• 2 community (one campus)</li> </ul>	<ul style="list-style-type: none"> <li>• 12 commercial (3 daily, 4 weekly, 4 monthly, 1 quarterly)</li> <li>• 1 student</li> <li>• 2 community</li> </ul>	<ul style="list-style-type: none"> <li>• Telecoms competitive environment</li> <li>• 84% mobile penetration, 28% access to the internet (in 2011), rapidly growing due to mobile phone expansion</li> </ul>	<ul style="list-style-type: none"> <li>• Media Industry Development Decree (2010).</li> <li>• The Television Decree 1992 (with an amendment in 2012)</li> <li>• Newspaper Registration Act, The Regulation of National Spectrum Decree (2009), the Defamation Act, and the Telecommunications Promulgation 2008</li> <li>• Telecommunications Regulatory Unit within the Department of Communications is responsible for granting broadcast licenses and regulating Fiji's telecommunications sector</li> </ul>	No FOI	Yes

Kiribati	103,000 pop 33 low-lying coral atoll islands, 21 inhabited, land area of 811 sq. km, across 3,500,000 sq. km of ocean	Free	No	No	1 government currently not operating	• 2 government • 1 commercial	• 1 government • 2 commercial • 1 church (all weekly or less frequent)	• Telecoms monopoly, • Government owned • 14% mobile penetration, • 10% access to the internet	• Ministry of Communication, Transport and Tourism Development (MCTTD) is responsible for regulation of media and telecommunications. • Within the MCTTD the Broadcasting and Publications Authority (BPA) is responsible for public service media. • Kiribati government has used licensing laws to control the media and media professionals. Source : <a href="http://www.pacmas.org/about/countries/kiribati/#sthash.Bsr5mXkF.dpuf">http://www.pacmas.org/about/countries/kiribati/#sthash.Bsr5mXkF.dpuf</a>	No FOI	Yes Telecom Act of 2004 allows for competition but so far services provided by govt-owned monopoly
Nauru	10,300 pop 21 sq km, phosphate rock island.	Free	No	No (Govt. media only)	1 government	1 government	1 government, monthly	• Telecoms competitive environment • 65% mobile penetration, • 6% access to the internet	• Key organisation is the Nauru Media Bureau, which is government-run. • Relevant legislation: Wireless Telegraphy Act of 1974 legislation. • Telecommunications have shifted from a state monopoly to a private monopoly. Source : <a href="http://www.pacmas.org/about/countries/nauru/#sthash.oOlv63E4.dpuf">http://www.pacmas.org/about/countries/nauru/#sthash.oOlv63E4.dpuf</a>	No FOI	Yes
Niue	1,538 pop Island of 260 sq km	Not available	No	Some reported issues	1 government	• 1 government • 1 hobby	• 1 commercial, every 3 weeks	• Telecoms government monopoly, but free public Wi-Fi • 38% mobile phone penetration, • 83% access the Internet	• Media and communication legislation in Niue includes the Communications Act 1989, the Communications Amendment Act 2000, the Broadcasting Act 1989, Radio Regulations 1972 and the Business License Act 1997. • A code of ethics is being drafted at the time of writing. • There are no news specific content requirements specified in law. • No special legislation exists for community media Source: <a href="http://www.pacmas.org/about/countries/niue/#sthash.PSIQHDOa.dpuf">http://www.pacmas.org/about/countries/niue/#sthash.PSIQHDOa.dpuf</a>	No FOI	Yes
Palau	26,610 pop > 300 islands, 8 inhabited, mountainous and low, coral islands, land area 458 sq. km	Free	No	Mostly, some reported issues	• 1 part government owned • 2 commercial	• 1 government • 3 commercial • 2 church	• 1 government, irregular • 3 commercial, two published irregularly and one twice weekly	• Telecoms near government monopoly • 80% mobile phone penetration • 6% access to the internet	• Communications Division within the Ministry of Public Infrastructure, Industries and Commerce is responsible for licensing and regulation of the communications industry, including licensing and handling complaints. • Freedom of media is guaranteed in the constitution and is generally respected in practice. • Media outlets use a range of international codes of ethics. • Telecommunications is open to local investment; foreign investment is more regulated. Source: <a href="http://www.pacmas.org/about/countries/palau/#sthash.AkdPMaCa.dpuf">http://www.pacmas.org/about/countries/palau/#sthash.AkdPMaCa.dpuf</a>	No FOI	Yes

Papua New Guinea (PNG)	7,013,829 462 sq. km, a group of islands including the eastern half of New Guinea island, mountainous interior (Highlands)	Free	Yes	Yes, but reported as ineffective	<ul style="list-style-type: none"> <li>1 commercial</li> <li>1 public</li> <li>1 commercial (satellite)</li> </ul>	<ul style="list-style-type: none"> <li>3 government</li> <li>7 commercial</li> <li>2 community</li> <li>5 church</li> </ul>	<ul style="list-style-type: none"> <li>3 commercial</li> <li>1 church</li> </ul>	<ul style="list-style-type: none"> <li>Telecoms competitive environment</li> <li>38% mobile phone penetration</li> <li>2% access to the internet</li> </ul>	<ul style="list-style-type: none"> <li>Relevant policy and legislations include the Broadcast Corporation Act 1973 the telecommunications industry act 2002; the Telecommunications Cable Television Service Licence fees; Regulation 2005</li> <li>the Radio Spectrum Regulation 1997;</li> <li>the Classification of Publication Censorship Act 1989; the Television Prohibition and Control Act 1986; the Defamation Act 1962; the national policy on information and communication (npiC); 1989 Censorship act; and the national information and Communications Technology Act 2009</li> </ul>	No FOI	Yes
Republic of the Marshall Islands	54,800 pop 29 coral atoll islands, 24 inhabited, land area 181 sq. km, spread over 1,210,000 sq. km of ocean	Free	Yes	No	<ul style="list-style-type: none"> <li>2 commercial with limited coverage</li> <li>1 US armed forces</li> </ul>	<ul style="list-style-type: none"> <li>1 government</li> <li>1 commercial</li> <li>2 church</li> <li>1 US armed forces</li> </ul>	1 commercial, weekly	<ul style="list-style-type: none"> <li>Telecom monopoly, private owned, government controlled</li> <li>7% mobile penetration</li> <li>3.5% access to the internet</li> </ul>	<ul style="list-style-type: none"> <li>Main policy and legislation in the Marshall islands includes:</li> <li>Radio Communication Act 1993;</li> <li>Marshall Islands National Telecommunications Authority Act 1990</li> <li>Political Broadcast Access Act</li> <li>Communications section of the Ministry of Transportation and Communication registers radio and television stations but does not take any further role in regulating the media.</li> <li>No specific media legislation and no restrictions on media content.</li> </ul> <p>Source : <a href="http://www.pacmas.org/wp-content/uploads/2013/10/04.-PACMAS_Marshall-Islands-Country-Report_FINAL.pdf">http://www.pacmas.org/wp-content/uploads/2013/10/04.-PACMAS_Marshall-Islands-Country-Report_FINAL.pdf</a></p>	No FOI	No
Samoa	183,900 pop 2,831 sq. km, includes 2 main islands, several smaller uninhabited islets; a narrow coastal plain with rugged volcanoes in the interior	Free	Yes	Yes	<ul style="list-style-type: none"> <li>2 commercial</li> <li>1 church</li> <li>1 commercial (foreign-owned)</li> </ul>	<ul style="list-style-type: none"> <li>1 government</li> <li>5 commercial</li> <li>4 church</li> <li>1 community</li> </ul>	<ul style="list-style-type: none"> <li>2 government</li> <li>3 commercial</li> <li>3 commercial (foreign-owned)</li> <li>1 community</li> </ul>	<ul style="list-style-type: none"> <li>Telecoms competitive environment</li> <li>91% mobile penetration</li> <li>7% access to the internet</li> </ul>	<ul style="list-style-type: none"> <li>Broadcasting Act 2010 allows for the establishment of a regulator within an Office of the Broadcasting Regulator</li> <li>The Code of Ethics was developed by JAWS (Journalists Association of Western Samoa)</li> <li>Telecommunication Act 2005 (with the 2007 and 2008 amendments) allowed for telecommunications regulatory responsibilities to be managed within the Office of the Broadcasting Regulator</li> <li>Samoa has also developed policies in the area of ICTs and e-Government.</li> </ul> <p>Source : <a href="http://www.pacmas.org/about/countries/samoa/#sthash.HoRczF30.dpuf">http://www.pacmas.org/about/countries/samoa/#sthash.HoRczF30.dpuf</a></p>	No FOI	

Solomon Islands	538,000 27,986 sq. km, 992 islands	Free	Yes (some self-censorship reported)	Yes	<ul style="list-style-type: none"> <li>• 2 commercial international</li> <li>• 1 government international</li> <li>• 1 church international</li> </ul>	<ul style="list-style-type: none"> <li>• 4 government</li> <li>• 2 commercial</li> <li>• 1 church</li> <li>• 1 community</li> </ul>	<ul style="list-style-type: none"> <li>• 4 commercial</li> </ul>	<ul style="list-style-type: none"> <li>• Telecoms competitive environment</li> <li>• 50% mobile phone penetration</li> <li>• 6% access the internet</li> </ul>	<ul style="list-style-type: none"> <li>• Media legislation includes the Broadcasting Act 1976, the Television (Amendment) Act 1996,</li> <li>• Telecommunications Act 2009 and the draft Solomon Islands Broadcasting Corporation Bill 2003</li> <li>• Freedom of speech and freedom of the press are guaranteed through the Solomon Islands Constitution (Article 12)</li> <li>• Media Association of Solomon Islands (MASI) has been developing a code of conduct for journalists and media practitioners</li> <li>• Telecoms are governed under the Telecommunications Act 1972, under which the Ministry of Post and Communications is the regulatory authority</li> </ul> <p>Source: <a href="http://www.pacmas.org/about/countries/solomon-islands/#sthash">http://www.pacmas.org/about/countries/solomon-islands/#sthash</a>. SKFDQRPl.dpuf</p>	No FOI	No market competition in telecom, and no liberalisation legislation in place.
Tuvalu	9,847 pop 9 islands, land area 26 sq. km	Free	No (govt. media only)	No	No service	1 government	1 government	<ul style="list-style-type: none"> <li>• Telecoms government monopoly</li> <li>• 20% mobile phone penetration</li> <li>• 40% access the internet</li> </ul>	<ul style="list-style-type: none"> <li>• Freedom of media was specifically included in the Tuvalu Media Corporation Act of 1993, but since being de-corporatised in 2008, the Tuvalu Media Department is no longer separated from the government.</li> <li>• Public Order Act was used in 2011 to ban political meetings for a short time</li> </ul> <p>Source : <a href="http://www.pacmas.org/about/countries/tuvalu/#sthash">http://www.pacmas.org/about/countries/tuvalu/#sthash</a>.Kn3fpxf1.dpuf</p>	No FOI	No market competition in telecom, and no liberalisation legislation in place.
Vanuatu	245,600 pop 12,189 sq. km, 83 Islands (65 inhabited)	Free	No	No	<ul style="list-style-type: none"> <li>• 1 government</li> <li>• 2 foreign government</li> <li>• 2 church international</li> </ul>	<ul style="list-style-type: none"> <li>• 2 government</li> <li>• 1 commercial</li> <li>• 1 community</li> <li>• 1 church</li> </ul>	<ul style="list-style-type: none"> <li>• 2 government</li> <li>• 1 commercial</li> <li>• 1 community</li> <li>• 1 church</li> </ul>	<ul style="list-style-type: none"> <li>• Telecoms competitive environment</li> <li>• 76% mobile phone penetration</li> <li>• 8% internet access</li> </ul>	<ul style="list-style-type: none"> <li>• Government broadcaster VBTC administers broadcast licences in Vanuatu.</li> <li>• Under the Newspaper Act 1982, newspaper owners must be Vanuatu citizens.</li> <li>• Freedom of expression is guaranteed in the constitution, but there is no specific protection for freedom of media, and threats against journalists are fairly common.</li> <li>• Media Association Blong Vanuatu (MAV) has a code of ethics for its members but no mechanism for enforcing its provisions</li> </ul> <p>Source : <a href="http://www.pacmas.org/about/countries/vanuatu/#sthash">http://www.pacmas.org/about/countries/vanuatu/#sthash</a>.HE7L1klb.dpuf</p>	No FOI	No market competition in telecom, and no liberalisation legislation in place.

## ANNEX C: CASE STUDY 1 – SINGAPORE

Regulatory Characteristics	Print and Broadcast (Singapore Media Development Authority)	Advertising (Advertising Standards Authority of Singapore – ASAS)
Type	Co-regulation Involves the government, media industry and the public in formulating regulation. Allows industry players to give inputs and feedback	Self-regulation
Complaints	Complaints handled through various consultative committees – 10 advisory committees and 2 appeals committees.	Anyone can submit a written complaint to the ASAS to request for a ruling against any form of advertising that is alleged to have contravened the Singapore Code of Advertising Practice (SCAP). Has the power to ask an advertiser to: <ul style="list-style-type: none"> <li>a. Amend or withdraw any advertisement which is contrary to the SCAP; or</li> <li>b. Withhold such advertisement until it has been modified</li> </ul>
Funding	Government	
Decision-maker Membership	15-member MDA Board of Directors Regulatory, representing various ministries (Defence, Culture Community & Youth, InfoComm Development Authority), Economic Development Board, industry, school principal, academics and trade unions. Board consists of five key divisions: Content & Standards, Policy, Licensing, Outreach and Digital Broadcasting Deployment Office. Group oversees all policy making functions including the development of content and consumer policies, codes and guidelines. It ensures all business licenses are properly-administered and enforced to engender fair market conduct and effective competition	ASAS Council comprises representatives from advertisers, advertising agencies, government agencies, media owners and other supporting organisations. CASE provides secretarial support for ASAS
Free Press Advocacy	No	Yes
Coverage	Print, broadcast and Internet	Regulates advertising in newspapers, television, radio and Internet
Penalty	Fines media organisations for violation of the Media Development Authority of Singapore Act – Code of Practice	Issues sanctions: <ul style="list-style-type: none"> <li>• Withholding advertising space or time from advertisers, and withdrawal of the trading privileges from advertising agencies. Both sanctions are applied by the media owners</li> <li>• Adverse publicity: ASAS has the option of publishing details of the outcome of the investigations (i.e. naming of those who may have offended against the code. This is particularly so for recalcitrant offenders</li> </ul>
Appeal Rights	Yes	No
Ombudsman Approach	No	Yes
Dispute Mediation	No	Yes
Waiver Against Court Action	No	No
Code	Yes – SMDA Code of Practice	Yes – Singapore Code of Advertising Practice (SCAP)
Instigate Action	Yes	Yes

Source: Media Development Authority, 2013

## ANNEX D: CASE STUDY 2 – INDONESIA

Regulatory Characteristics	Print (Indonesia Press Council)	Comments
Type	Self-regulation	
Complaints	Commission for Public Complaints	
Funding	Funded by journalists and media owners associations, media companies and unattached assistance from the state and contribution from other private or NGO donors	
Decision-maker Membership	9-member council consisting of journalists nominated by journalists associations; executive members of media companies nominated by media owners associations; and public figures nominated by journalists and media owners associations	
Free Press Advocacy	Yes	
Coverage	Print	
Penalty	<ul style="list-style-type: none"> <li>• Settlement through the right of reply.</li> <li>• Settlement through the Press Council.</li> <li>• Settlement through legal channels.</li> </ul>	<ul style="list-style-type: none"> <li>• This method of settlement gives opportunity to individuals or groups to present versions that differ from the printed or broadcast reports. This is the shortest, most practicable, and least expensive channel. The right of reply is guaranteed by law.</li> <li>• If the two sides are unable to reach agreement, they can call the PC as mediator. This requires more time, probably several weeks or months, depending on the case.</li> <li>• When one or both sides are not satisfied with the decision of the PC, or one side or both do not wish to apply to the PC, they can go through the legal channel, the courts.</li> </ul>
Appeal Rights	Yes	
Ombudsman Approach	No	
Dispute Mediation	Yes	The Press Council will not handle complaints related to media reporting that is under due process of law or being tried in court or that might be used in a court trial, unless the complainant is prepared to sign a statement pledging not to use the PC's recommendation in any legal process or court trial
Waiver Against Court Action	Yes	If the two sides are unable to reach an agreement, they can call the PC as mediator. This requires more time, probably several weeks or months, depending on the case
Code	Yes	Code of Ethics
Instigate Action	No	

Source: Reynolds Journalism Institute, 2006

## ANNEX E: CASE STUDY 3 – RWANDA

Regulatory Characteristics	Rwanda Media Commission (RMC)	Comment
Type	Self-regulation	Law N°02/2013 on regulating media (known as the Media Law) was adopted on 11 March 2013, and brought a raft of media reforms among them the shift in regulation of the media to journalists, a function previously executed by the government through the Media High Council. Article 4 of the Media Law bestowed new duties on journalists to ensure that they set up professional standards which are to be enforced by the new self-regulation body, the Rwanda Media Commission. Under Article 19, journalists undertook training to sensitise them on their responsibilities to ensure that self-regulation operates effectively
Complaints	<ul style="list-style-type: none"> <li>Complaints heard by the Board/Ethics Committee</li> <li>Composed of 7 Commissioners (4 of these are competitively elected from respected journalists and editors, remaining three sourced from Rwanda's eminent citizens but also elected by the General Assembly of journalists and media practitioners).</li> </ul>	<p>See also Appeal Rights</p> <p>Eminent citizens are well respected and retired judges or law professors/senior lecturers; media professors or senior lecturers as well as well-respected citizens that command broad citizen respect from any field; say from business, civil society or industry</p>
Funding	Commission is mainly funded by donors including GIZ, Panos Paris and UNDP, as well as initial government funding	Concerns over independence with an emphasis on becoming self-reliant as soon as possible
Decision-maker Membership	7-members board (4 board members competitively elected from among respected journalists and editors while the remaining three are sourced from among Rwanda's eminent citizens but also elected by the General Assembly of journalists and media practitioners. The eminent citizens are well respected and retired judges or law professors/senior lecturers; media professors or senior lecturers, as well respected citizens that command broad citizen respect from any field; say from business, civil society or industry).	Elections to the Board is conducted through a General Assembly of all registered journalists or card carrying journalists, media houses and journalist associations elects the members of the Board, through the secret ballot.
Free Press Advocacy	Yes	Charged with protecting media freedom, registering new media houses and provide accreditation for journalists
Coverage	Print, radio, television and Internet Media	High Council promotes capacity building and speaks on behalf of media organisations. Rwanda Utilities Regulatory Agency regulates the Internet on technical issues. Rwanda Media Commission regulates content
Penalty	No power to sanction or punish, priority given to prevention	Functions as an intermediary between the public and media practitioners to promote media ethics, but can make public announcements and request journalists to make a public apology or correction. Article 15 of the Media Law allows the body to deal with violations against the journalists rights
Appeal Rights	No	If complaint is unsuccessful the complainant can choose to have recourse via the High Court
Ombudsman Approach	No	
Dispute Mediation	No	
Waiver Against Court Action	No	See "Appeal Rights"
Code	Statement of Principles	Charged with promoting ethics and media professionalism

Instigate Action	Yes	<ul style="list-style-type: none"> <li>• Commission can initiate action against a media house or journalist but has not yet occurred</li> <li>• Implement suspensions and order a public apology</li> </ul>
------------------	-----	---

Source: Rwanda Governance Board, 2013

## ANNEX F: CASE STUDY 4 – AUSTRALIA

Regulatory Characteristics	Print (Australian Press Council)	Broadcast	Advertising (Advertising Standards Bureau)
Type	Self-regulatory	Statutory Authority	Self-regulation
Complaints	<ul style="list-style-type: none"> <li>• Complaints may relate to news reports, articles, editorials, letters, cartoons, images and other published materials.</li> <li>• Complaints must usually be made within 30 days of the first publication of the relevant material.</li> </ul>	Complaints made directly to the station. If there is no response within 60 days, or complainant is remains satisfied with the response, a complaint can be lodged with the Australian Communications and Media Authority (ACMA).	Complaint process is transparent and accessible to all members of the public. The process provides fairness for complainants and advertisers. Privacy issues are also considered.
Funding	Funded by constituent bodies	Funded through the broadcasting, radio communications and telecommunications taxes, charges and licence fees	Funded by a levy paid by advertisers
Decision-maker Membership	23 members consisting of: <ul style="list-style-type: none"> <li>• Independent chair and nine public members, who have no affiliation with a media organisation</li> <li>• Nine nominees of media organisations, which are “constituent bodies” of the Council</li> <li>• Four independent journalist member, who are not employed by a media organisation</li> </ul>	<ul style="list-style-type: none"> <li>• Composed of a chairman, deputy chair, one full-time member, five part-time members, and one associate member.</li> <li>• The ACMA is managed by an executive team comprising the Chairman (who is also the Chief Executive Officer of the agency), the Deputy Chair, the full-time Member, six general managers and 16 executive managers.</li> </ul>	The Board consists of 20 people from a broad range of age groups and backgrounds and is gender balanced – and is designed to be representative of the diversity of Australian society
Free Press Advocacy	Yes	No	No
Coverage	Newspapers, magazines, associated digital outlets	Television, radio	Print and broadcast
Penalty	Publication of decision	Publish investigation reports on the website, including a summary in its monthly newsletter and Annual Report	Case reports published
Appeal Rights	Yes	Yes	Yes – an independent review process provides the community and advertisers a channel through which they can appeal decisions made by the Advertising Standards Board. The review process is available to the advertiser and the person who originally made a complaint
Ombudsman Approach	Yes	Yes – Commonwealth Ombudsman	No



Dispute Mediation	Where applicable	No	Competitor complaints can be made to the Advertising Standards Bureau for consideration by the Advertising Claims Board. Objective of the Advertising Claims Board is to provide a system of alternative dispute resolution to address and resolve competitor challenges to advertising that might otherwise lead to litigation. With the complainant bearing the cost, the resolution system is designed to obviate the need for expensive and time-consuming court actions.
Waiver Against Court Action	No	No	No
Code	Yes – Statement of Principles	Commercial Television Code of Practice	Yes
Instigate Action	No	No	No

Source: Parliament of Australia, 2013

## ANNEX G: CASE STUDY 5 – NEW ZEALAND

Regulatory Characteristics	Press Council	Broadcasting Standards Authority (BSA)	Advertising Standards Authority (ASA)
Type	Self-regulation	Statutory regulation	Self-regulation
Complaints	<ul style="list-style-type: none"> <li>Initial publisher's complaints process</li> <li>Complaints must be registered within 2 months of publication</li> </ul>	<ul style="list-style-type: none"> <li>BSA has power to call witnesses</li> <li>Initial broadcaster complaints process</li> <li>Complaints must be received within 20 days of broadcast</li> </ul>	N/A
Funding	<ul style="list-style-type: none"> <li>\$NZD160,000 approx.</li> <li>Funded by publishers, EPMU</li> </ul>	<ul style="list-style-type: none"> <li>\$NZD1.2 million</li> <li>Funded 50:50 by industry levy and appropriation from Parliament</li> </ul>	<ul style="list-style-type: none"> <li>\$NZD730,000</li> <li>Funded by advertising levies and subscriptions</li> </ul>
Decision-maker Membership	11 members (independent chair, 2 EPMU, 2 NPA, 1 MPA, 5 public – appointed by the appointments panel)	4 members appointed by the Governor General on the recommendation of the Minister of Broadcasting (of these 4, 1 – the chair – should be a barrister or solicitor with not less than 7 years practice of the High Court, 1 after consultation with the broadcasting industry, and 1 following consultations with public interest groups)	<ul style="list-style-type: none"> <li>Board – 9 members (4 public, 4 industry, independent chair)</li> <li>Different people appointed for budget, administration and adjudication functions</li> <li>Appeal Board – 3 members (1 public, 1 industry, independent chair)</li> <li>Public members appointed by appointment panel</li> <li>Industry members appointed by ASA</li> </ul>
Free Press Advocacy	Yes	No, but one function to conduct research and publish findings on matters relating to broadcasting standards	No
Coverage	Newspapers and magazines, and their websites	Broadcasters (i.e. television and radio)	Members including print and broadcast media, advertisers

Penalty	Publication of decision	Broadcast of approved statement, order to refrain from broadcasting or refrain from broadcasting advertising, compensations for privacy breaches, costs	<ul style="list-style-type: none"> <li>• Requested to withdraw it advertisement if complaint upheld</li> <li>• Media members asked not to print or broadcast an advertisement that has had a complaint upheld against it</li> </ul>
Appeal Rights	Rehearing of new information	Appeal to the High Court	<ul style="list-style-type: none"> <li>• Yes, if proper procedures not followed, new evidence of sufficient substance to affect the decision, evidence provided to Complaints Board misinterpreted to the extent that it affected the decision, decision is against weight of evidence, it is in the interests of natural justice that the matter be reheard</li> <li>• Chair decides on appeal hearing</li> <li>• Appeals heard by Appeals Board</li> <li>• Appeals against Chair of the Board decisions referred to chair of Appeals Board</li> <li>• Chair of the Board can also order rehearing</li> </ul>
Ombudsman Approach	No	No	No
Dispute Mediation	Not promoted	No	Some advertisements modified or removed following notification of complaint to advertiser, agency and media Board can also act as a mediator or arbitrator of disputes
Waiver Against Court Action	Yes	No	No
Code	Statement of Principles		Yes
Instigate Action	No	No	Board can report to the ASA on advertising causing concern

Source: Barker & Evans, 2007

## ANNEX H: CASE STUDY 6 – FIJI

Regulatory Characteristics	Fiji Media Council	Comments
Type	Self-regulation	
Complaints	Complaints submitted to the media council	Media council responded to 95% of issues. However, if the council was not able to find any solution, it was referred to the Complaints Committee for a final decision
Funding	Membership fees from the media organisations	
Decision-maker Membership	Three people, including the council chair	
Free Press Advocacy	No	Implied in the design of the scheme
Coverage	Print, broadcast	
Penalty	No	
Appeal Rights	No	
Ombudsman Approach	No	
Dispute Mediation	Yes	See complaints section above
Waiver Against Court Action	No	
Code	Code of Ethics	

Source: Interview: Editor of PINA News, Makereta Komai

## ANNEX I: BEST PRACTICE CRITERIA AND ABBREVIATION KEY FOR CRITERIA

Criteria	Definition
1. Public Awareness	A self-regulatory scheme should ensure adequate public awareness to ensure citizens and consumers are aware of their rights, where the purpose of the scheme is to inform citizens and consumers and where participation in a scheme has reputational benefits, and where people have choice between members and non-members.
2. Transparency	A self-regulatory scheme depends on stakeholder confidence, which requires openness and transparency in operation and a degree of public accountability in relation to the scheme's performance. This includes, at a minimum, publishing annual reports – including a mechanism for objective review – on the schemes progress. Effective arrangements for wide public consultation on broader significant issues are also desirable.
3. Representation	A self-regulatory scheme should represent a very high proportion of media operators in the market place, or operators representing the vast majority of consumers. The scheme will then be in a position to influence and act independently of, individual members, to ensure that its influence extends across the industry.
4. Resources	A self-regulatory scheme should ensure there are adequate resources put in place to operate the scheme effectively. They must also ensure that the distribution of costs is proportionate and does not preclude smaller and less well-resourced players from joining the scheme. Staff resources need to be sufficient and skilled to cope with the volume and type of work which is likely to arise. Cost commitments should be based on what is required to achieve the objectives of the scheme, rather than on the willingness of industry to contribute.
5. Enforcement	A self-regulatory scheme requires an incentive for members to comply. Administering this requires disclosure and transparency of information from members so participants can monitor effectiveness of the scheme. Disclosure of non-compliance penalties is necessary for identified breaches.
6. Processes/ structures	A self-regulatory scheme should provide clear terms of engagement for scheme members from outset. These include an agreement of terms of reference, institutional structures, and clarity of funding arrangements, time limits to achieve the objectives where such limits are appropriate, decision making arrangements, and voting rights.
7. Governance	A self-regulatory scheme should establish sufficient governance and administration to achieve its objectives. A scheme needs to set and audit Key Performance Indicators (KPIs) to ensure consistency across the industry. Where KPIs have been set, they should be published and regularly reviewed in the light of changing circumstances.

8. Complaints/Redress	A self-regulatory scheme should provide consumers and citizens with the right to adequate complaint handling standards when dissatisfied by the initial response of the media provider. It is desirable to put in place genuinely independent appeals mechanisms that ensure that complaints are resolved quickly and effectively, and outcomes disclosed. An effective scheme will have an alternate address mechanism such as an independent arbitration, or an ombudsman scheme, which is easy to access and readily identifiable at the point of need and has even-handed and transparent procedures.
9. Respect	A self-regulatory scheme should derive benefits if it is respected by other stakeholders including consumer and citizen groups, government and parliamentarians. Consequently, a system involving a mixture of independent lay and industry members will be appropriate in both the scheme's governing body and further operating committees.
10. Monitor	A self-regulatory scheme should actively review trends in the market landscape and changes in citizen and consumer needs, and monitor whether their remit and operations are sufficient to meet these.
11. Compliance	A self-regulatory scheme should provide sufficient transparency and agree to comply with relevant competition laws and codes within each country to ensure a commitment to non-collusive behaviour.
12. Training	A self-regulatory scheme should provide professional development training and education to address criticism that journalists lack skills in legal and ethical training, reinforcing the need for a professional code of conduct.

## ANNEX J: PLANNING, DESIGN AND IMPLEMENTATION SCHEME – KEY CONSIDERATIONS

### Function

- Promote freedom of expression through a responsible and independent media and through adherence to high journalistic and editorial standards;
- Support education and training of media professionals in legal and ethical standards to improve professionalism within the industry;
- Conduct or support key research into media issues relating to member countries and utilise its consideration of these issues in its decision making;
- Sponsor an annual conference, as well as regular seminars and public lectures, where financially feasible, on media re-related topics and initiate an annual journalism competition/prize at one of more of the journalism schools (Technical Vocational Education Training diploma and university degree programs) in the region; and
- Produce occasional papers on issues impacting on the Pacific Islands' media.

### Independence

- Establish the self-regulatory body as an independent legal entity;
- Operate the self-regulatory governing body from a base in a non-member country within the Pacific Islands (e.g. New Caledonia) to enhance its independence in decision-making and from national political influence;
- Develop a constitution that reflects the self-regulatory body's legal entity and incorporate sections in order to enhance the perception of independence from funders;
- Secure multiple funding sources that enables the self-regulatory scheme to be amply resourced (financial and human) so it performs its defined functions in relation to the 12 best practice criteria benchmark (see Funding section below);
- Secure agreement with members (organisations and individuals) to accept the jurisdiction of the self-regulatory body in relation to conforming to the scheme's Complaints/Redress process, including the requirement to publish its decisions when required to do so; and
- Establish a provision for an independent review of the scheme's operations every five years.

### Management

- Appoint a full-time Chief Executive Officer (CEO) to undertake operational activities of the self-regulatory body, including overseeing the complaints process and to progress defined objectives and initiatives of the scheme. The appointee would need to be experienced in media, as well as trained in mediation, negotiation, financial management and conflict resolution;
- Appoint a Budget Committee to set the annual budget for the operation of the self-regulatory body;
- Promote the self-regulatory scheme to the community with the objective to increase visibility and accessibility of the organisation (supported by survey respondents' focus on Public Awareness criteria). In addition, we recommend the following:

- Establish a toll free number, which should appear on all of the scheme’s publicity, especially the website,
- Member organisations should be required to publish regular statement of rights of the public to approach the self-regulatory body,
- Maintain an up-to-date website, providing comprehensive information on the function, roles and responsibilities of the body, its operations, decisions and easily-accessible forms to facilitate lodgement of complaints,
- Appoint a special committee (including a communications officer) to increase public awareness of its services and functions,
- Establish a process of electronic tracking of complaints by the public, and
- Communicate regularly with similar organisations overseas – regionally and internationally.

## **Process/Structures**

- Establish the CEO as the “gatekeeper”, supported by a clear set of guidelines, to deal with vexatious complaints or those more appropriately dealt with by the Complaints Committee, or other agencies;
- Establish a “fast track”, continuously operating Complaints Committee (consisting of an independent Chair, a media industry member and a public member) to deal with complaints that benefit from rapid considerations;
- Set a clear and responsible time limit for submitting complaints on media conduct or content to the self-regulatory body – typically two (2) months, with the right of the CEO to receive a complaint within three (3) months in exceptional circumstances;
- Develop a readily-accessible protocol for media organisations to deal with complaints in consultation with the media;
- Establish as a priority a Statement of Principles that takes into account submissions from interested parties and Codes of Conduct/Practice from other jurisdictions and lead industry representative bodies (i.e. International Federation of Journalists – IFJ)
- Employ a graduated scale of penalties for media organisations or individuals who fail to adhere to the Statement of Principles; and
- Establish jurisdiction of the self-regulatory scheme to encompass online publications and social media usage in the same manner as for traditional publications and broadcasters.

## **Funding**

- Funding for the organisation should be derived from a diversity of sources to avoid reliance on one organisation and possible claims of manipulation or bias;
- Fund raising should be handled by the CEO/governing body and distributed to national bodies based on defined annual budgets (set by the Budget Committee), including member numbers and operating costs;
- Budget should include costs for the initial set-up of the scheme, inclusive of operational expenses for a three-year period;
- Funds should be derived from the following sources:
  - Media organisation memberships,
  - Media representative bodies’ (i.e. PINA, PACMAS, PasiMA) membership,
  - Media individuals (i.e. journalists, editors, photographers) membership
  - Non-government organisations (NGOs) membership,
  - Pacific Islands and regional governments, and
  - Media training activities (i.e. training workshops, speaking engagements, conferences, advertising, publications)



*Empowered lives.  
Resilient nations.*



United Nations  
Educational, Scientific and  
Cultural Organization

