

GOVERNMENT OF THE KINGDOM OF TONGA
Press Release on Tuesday, 10th February, 2004



**The Government of Tonga wishes to correct
the Pacific Media Watch article
TONGA: IFJ protests over media shutdown
posted 7 February 2004**

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As an organisation dedicated to examining issues of ethics, Pacific Media Watch has failed to comply with issues of accuracy.

The Tongan Government would like to highlight areas of misinformation with the appropriate correction:

“...shutdown of all print media in Tonga as a result of the Media Act, which banned the publication of all newspapers whose publishers, distributors and importers did not possess licenses.”

The Tongan Government wishes to reaffirm that print media in Tonga was not shutdown. Distribution of newspapers was momentarily delayed because licence applications were incomplete. Licence applications were not satisfactorily completed until 2 February 2004. The responsibility for completing the application forms lay with the applicants. Two days after completion of the application forms newspaper licenses were granted 4 February 2004 and issued 6 February 2004. The Media Operators Act 2003 and Newspaper Act 2003 were passed by Parliament on 20th October, 2003 and gazetted on 27th November, 2003. Newspaper Regulations were passed and gazetted on the 16th December, 2003.

The Media Operators Act 2003 and Newspaper Act 2003 are different acts which deal with different aspects of print media. The Media Operators Act 2003 does not shut down all print media in Tonga. It provides a general framework for the licensing of print media together with conditions under which print media operate. No licence in Tonga shall be granted to any foreign owned print media or any media which is voted or owned by more than 20 per cent by foreigners or representatives of foreigners or foreign governments.

Both Acts are part of a process of legislative activity that began in 2000 with the passing of the Communications Act 2000. There are identical provisions in the Communications Act 2000 and Newspaper Act 2003 that deal with licensing and the supply of content.

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The Newspaper Act 2003 provides for the specific licensing and regulation of newspapers in the Kingdom.

“Subsequently the Government of Tonga has introduced the Media Act, in order to gain greater control over the Tongan media.”

The Newspaper Act, passed in Parliament in October 2003, ensured that newspaper operators are competent, committed to honesty, fairness, independence and the respect of rights of others. Recent issuing of licences is in compliance with the law. These are basic standards of journalism that was conspicuously absent in print media in Tonga before the Acts.

In a protest letter to the Government of Tonga by Christopher Warren, IFJ President the following incorrect claims were made:

“...on 7 January Government forces made it known that under no circumstances were newspapers allowed to be distributed without a license under the Media Act.”

Letters informing newspaper operators of the requirements of the Newspaper Act and its regulations were sent out firstly on 23 December 2003 and to others on 29 December 2003 by the Department of Communications. Public notices were made also on radio, television and the Internet on 19 December 2003.

“The Newspaper Act was only made public on 24 December, with the application deadline for licenses closing on 31 December, giving publishers only seven days to apply. The Registrar of Newspapers extended the deadline until 31 January to allow publishers time to prepare and lodge application forms, however all applications continue to await to be approved, consequently classifying all newspapers as unlicensed and therefore illegal.”

This statement is incorrect. The Media Operators Act 2003 and the Newspaper Act was gazetted on 27 November 2003. When an Act is gazetted in Tonga it is official and deemed as public notice. Further to this there were public notices reminding the public of the requirements of the Act on radio (AM Station), TV and the Government Website on 19 December 2003 by the Department of Communications.

“Penalties for an unlicensed publisher include a \$10,000 fine and up to one year imprisonment.”

This statement is incomplete and therefore misleading. It fails to account for the other criteria that would incur the penalties which include the sale and distribution of any newspaper which is unlawful under the provisions of the Act. Similar to all Act offences committed against it will incur a fine and or imprisonment.

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One would hope that the IFJ, as a beacon for journalists worldwide, would take the time to verify its facts and extend the courtesy and opportunity to the Government of Tonga to respond to these incomplete and incorrect statements.

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