



**The Government of Tonga Seeks Further Clarification of Certain
Issues Raised By
Mr. Pesi Fonua, Editor of the Matangi Tonga
in the Media Over The Last Couple of Days.**

The Government of Tonga again requests the clarification of certain issues raised in the media over the last couple of days. It is disappointed that again the media have failed to present a complete picture of the issues at hand.

In a recent article on 13 February 2004 "TONGA: Media laws claim another scalp" the editor of Matangi Tonga, Mr. Pesi Fonua told Radio Australia that, *"Our licence has been withheld because under the new legislation, the Media Operators Act, where it is required that a foreigner can only hold no more than 20% in a media company. That's where our license is being withheld because my company is owned by me and my wife and my wife is, under the new Act, considered to be an alien."*

Restriction on foreign ownership of media is not specific to Tonga. Australian born media tycoon Rupert Murdoch became an American citizen in 1985 to comply with U.S. legislation restricting the control of U.S. media assets by foreigners.

In the same article Mr. Fonua also stated that his company has asked for a *'12 months grace' period in order to restructure the ownership of Vava'u Press but was refused.* "

This is not a complete and balanced portrayal of the facts. The article imputes that the Department of Communications is withholding Mr. Fonua's application. The Department is complying with the requirements of the Media Operators and Newspaper Acts 2003. Mr. Fonua's first application does not comply with the law and cannot be granted. Section 2 of the Media Operators Act 2003 and section 10(2) of the Newspaper Act 2003 do not provide the Department with the option of discretion. It is strict compliance with the law by which both the applicant and the Department are bound.

The Tongan Government will continue to raise objections to one-sided news reporting when the media fails to afford it the right of reply.

A meeting was held between the Department and Mr. Fonua on Monday 20 January 2004 to discuss his application. Mr. Fonua was informed that his application could not be processed because it was contrary to section 2 of the Operators Act 2003 and section 10(2) of the Newspaper Act 2003. He requested a 'provisional licence' in order to facilitate the restructuring of his company to meet the requirements of the law. This request was declined because the Acts do not provide for such a licence. Matangi

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Tonga's article infers that the Department had a choice in refusing his request. Even if such a licence existed, it would be again, contrary to the law. If Mr. Fonua's request was granted both the Department and Mr. Fonua would be in breach of the Media Operators Act and Newspaper Act and therefore liable. Mr. Fonua then requested 3

weeks in which to restructure Vava'u Press, Mr. Fonua was reminded that he could not print or publish, as required by the law.

At the press conference hosted by the Department of Communications 6 February 2004 and the press release issued there, the application lodged by Mr. Fonua on behalf of Vava'u Press, for the newspapers Matangi Tonga, Lulutai and 'Eva, was not included in the newspaper licenses applications declined because it was put on hold at the request of Mr. Fonua who requested 3 weeks, at the meeting held on 20 January 2004, in which to restructure Vava'u Press to fulfill the legal requirements. Not presenting the full picture was unfair and painted the Department unfavourably.

On 9 February 2004 a second application was received by the Department with Mr. Fonua as the principal applicant for the newspapers Matangi Tonga, Lulutai and 'Eva. On 10 February Mr. Fonua contacted the Department and asked that his application be put on hold. This was done. At this juncture it is inappropriate to discuss his second application any further as it is yet to be processed and considered by the Department.

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