Social Media and the Tyranny of Distance – Pacific Access to Online Legal Information

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Abstract. The track assumes that the use of social media is widespread and can advance the professional and public need to understand or engage with the law. Is this a presumption that underpins the context of the "developing" world?
PacLII is the Pacific Islands Legal Information Institute. Its work started in the mid 90's and it became a LII in 2003. In the 15 years of its activity, PacLII has begun to host legal material from 20 jurisdictions with common and civil law backgrounds. All could be labelled "developing countries". PacLII's work covers a vast geographic area and is hostage to the tyrannies of literal distance.
PacLII's work has been underpinned by great strides in the spread of internet access and a growing commitment to free access to online legal information. Yet we do not use social media.
Is PacLII exhibiting Luddite tendencies in our thinking – are we missing out on a new revolution in communication? Perhaps the users can challenge our presumptions on the ineffectiveness of social media.

Keywords: Social Media, Distance, Developing regions, Access to legal information.

1. Introduction

The Pacific Islands Legal Information Institute (PacLII) is based in Port Vila, Vanuatu at the Emalus Campus of the University of the South Pacific. It is a project housed within the University of the South Pacific. The University is a regional teaching institution with its Headquarters based in Fiji and campuses there and in 11 other countries. The area covered is immense and faced with trying to teach students across such vast distances and with very limited access to any resources the challenges are huge.

In spite, or perhaps because of, the isolation and the tyrannies of distance, in Oceania there is a counterbalanced emphasis on social cohesion and human contact. Social communications cannot be underestimated. Because of their isolation people are very dependent on each other and survival

depends on tight social bonds and a closely woven social fabric of mutual dependency and support. People will often not respond to letters, phone-calls or emails until some kind of relationship has been established usually through a meeting.

Faced with the challenges posed for teaching across the miles the internet has been revolutionary, and was seized upon in the mid 90s by the then Dean of the School of Law, Professor Bob Hughes to establish an electronic law library that could be utilised by teaching staff and students to access the materials they needed for their courses. This then grew into PacLII with the assistance of the Australasian LII and it now has databases covering 20 different Pacific Islands jurisdictions and its work and support to the teaching of law has now, some nearly 20 years later, become eclipsed as the collections are a mainstay of the Law and Justice sector in the region as a whole.
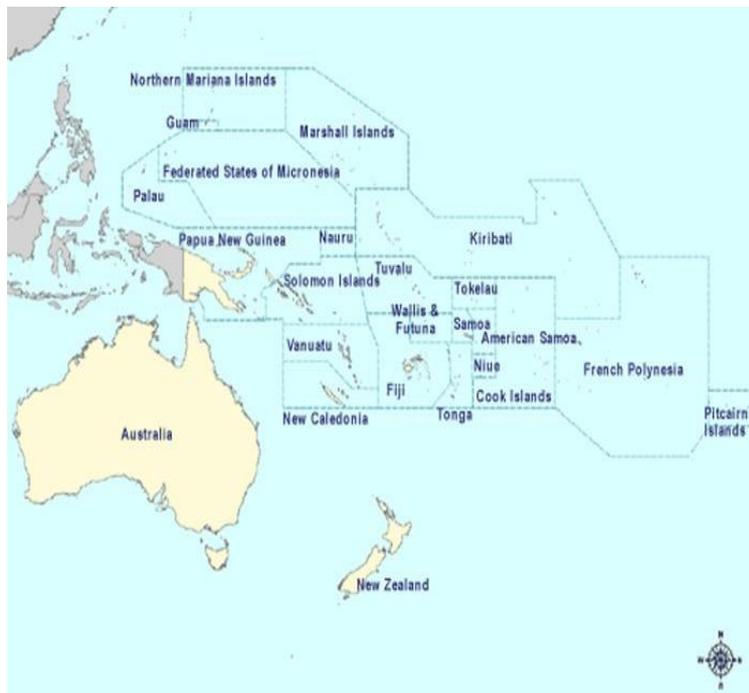
Countries covered by PacLII (except French Polynesia and Wallis & Futuna)

When PacLII began there was little understanding of the internet nor the valuable role it would play in collapsing distances - very few people had computers let alone internet connections - yet in what is effectively a very short space of time the feedback we now receive is that legal professionals in the region simply could not do their work if it was not for access to the materials published by PacLII. Back in 2005 in the Solomon Islands for example, each judge kept his own court decisions in arcadia binders in his own office. There was no central index and no copies in the Court library. To get a copy of a case you had to be one of the parties or their representatives or as had to be done on one occasion, spend a day rifling through all the folders on a judges shelves, while he was away on holiday until the case that someone in the Lands department thought they remembered from about 10 years previously could be found. Access to the Judge's chambers could only be gained if you were on good terms with the Court staff. It is indeed a revolution when one considers that only 8 years later nearly every High Court case from that country is now accessible online in a matter of minutes.

Connectivity in the pacific region is still not great - there are parts that are not connected at all - but already we are poised for the 'next generation' that it is believed will revolutionise the way in which people access online legal information - that next phase will be the result of new high speed internet access and the development of mobile technologies.

This paper will look at the scale of the distance that is the Pacific and how this is indeed a tyranny; what is the meaning of *access* to legal information and why it is important for the pacific; then the technology itself and the changes it has wrought and the changes it promises; what access to legal information in its current 'publishing' (or 'one way')format means for the region and how the development of social media and its 'interactive' (or 'two way') nature is a natural next step given the character of the region and its potential to take 'access' to legal information to the next level.

2. The Scale of the Pacific and the Tyranny of Distance

The Tyranny of Distance is an expression that might have been coined specifically for Oceania. The scale and distances are immense – and parts of it are the most remote corners of the planet.

It is made up of many thousands of small islands all separated from each other by seemingly limitless expanses of ocean; it is vast and disparate region, in which 10 million people inhabit one-third of the globe[1], It extends approximately 11,000kms from east to west and 6,000kms from north to south. It encompasses an area of approximately 50 million square kilometres which is roughly 40% larger than the area of Europe.
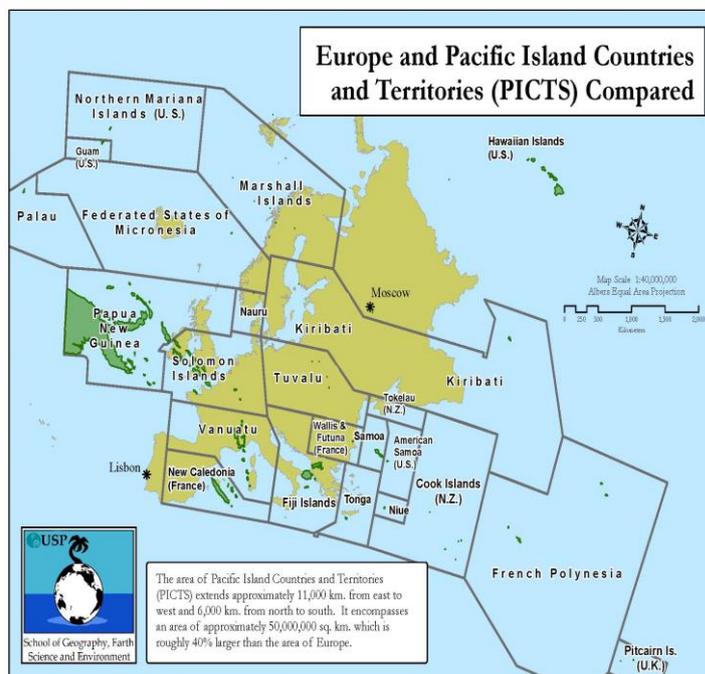
Europe and Pacific Island Countries and Territories (PICTS) Compared

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[1] Wilson, C. (2013), *Virtually at Sea in the Pacific.* Inter Press Service (IPS). Available at: http://www.ipsnews.net/2013/02/virtually-at-sea-in-the-pacific/.

A description by Austin Coates in "Western Pacific Islands", published in 1970, a British administrative region made up of the Solomon Islands, Vanuatu and Kiribati (an area 99% water and 1% land) –" a singularly difficult region to grasp geographically" he goes on to attempt to give an idea of the scale:

> "From the western end of the Solomon's Protectorate to Caroline Island, easternmost of the Line Islands, is a distance of 3,850 miles. The latitudinal distance between the most northerly and southerly points (Washington Island in the Northern Line Islands[2], and Aneitom in the New Hebrides) is just over 1,600 miles. Were one to place the western end of the territories over Western Europe, the eastern end would not even be in Europe; it would be in Asia. To be more specific, if the Shortland Islands, which is where the Protectorate begins on the west, were laid over London, then Caroline Island would occur in Siberia, somewhere between Omsk and Tomsk. Were the northernmost latitudinal point laid across London, the southernmost would lie level with the Canaries.
>
> The total surface area, a water area, is only slightly short of three million square miles, approximately the size of Australia; while the total land area is about 17,570 square miles, almost half the size of Portugal."

This vast watery landscape is indeed tyrannical in its effects – it promotes inaccessibility and inhibits communications on a number of different levels:

Transportation The main methods of travel from one country to another are by plane, and within countries are often by canoe. This makes travel extremely time consuming and expensive. A PacLII team of two recently left to travel to PNG to scan some documents – because of travel routes and times they had to travel through Fiji and it took them 3 days to get there – the return airfares for two were 341,160 vatu (£2272 or €2644)

Time zones The area covered by PacLII crosses seven time zones and the international date line. When it is 12 noon in PacLII central at Port Vila it is 10am in Palau, 1pm in Fiji, 2pm in Samoa and 3pm the day before in the Cook Islands

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[2] The Line Islands today are the most eastern part of Kiribati.

Language Within each country there are a multiplicity of languages –
Solomon Islands, population 552, 438 in 2006 has 70[3] local languages
(English is the official language with pidgin being the lingua franca);
Vanuatu with a population of 221,506 has 113 indigenous languages[4] (its
official languages are English, French and Bislama, a local pidgin); Papua
New Guinea the most populous country within the PacLII members with
just over 7 million as per the 2011 Census has the record of 820 indigenous
languages but 3 official – English; Hiri Motu and Tok Pisin[5]. So for the
majority of the peoples of the Pacific, English is not their first language.

Mail and Tele-Communications The mail systems are patchy at best and
also slow; telecommunications and internet are however improving.

Traditional physical access to legal resources in the Pacific islands region
are also limited.

3. Access to Legal Information in the region

All these factors combine to make access to legal information in the region
very challenging indeed.

There are few dedicated libraries. The USP's law library is housed in
Vanuatu and serves the law students located on campus. Within each
jurisdiction there is little or nothing in the way of libraries - law or
otherwise. Note the earlier example of the High Court Library in Honiara
where not even the High Court decisions were kept in the Court library,
which at that time was used more as a storage room for old books than a
functioning library.

So this was the physical environment in which the School of Law started its
internet project in 1996 putting the legal resources of the library on the
internet to be remotely accessed by their off campus students.

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[3] Wikipedia:en.wikipedia.org/wiki/Solomon_Islands.
[4] Both statistics from Wikipedia: en.wikipedia.org/wiki/Vanuatu.
[5] Wikipedia: en.wikipedia.org/wiki/Papua_New_Guinea.

As already noted at the time there was very little in the way of internet access and PacLII was proactive in that it was conceived and grown to be ready and waiting as people have got connected and were able to access the resource.

The traditional use of this technology has been to publish as an electronic library all the resources that we can possibly gather so that as at the end of 2012 PacLII comprised approximately 170 databases, containing 120,000 individual documents, and in this current technological climate computer generated statistics indicate that in *six* years from 2006 to 2012 there has been a *six* fold increase in the amount of data transferred.[6]

The importance of the resource to the region was noted in the 2011 Stakeholder survey conducted by the Pacific Institute of Public Policy. 60.6% of respondents identified PacLII as the most important resource for legal information and the next closest was libraries at 17.8%. Other traditional main suppliers of legal information such as Lexis Nexis was used by only 4.2% (possibly because of the high subscription charges and also the relative lack of regional materials).

A quote from the 2011 Stakeholder Survey conducted by PiPP:

> "One thing is certain: PacLII is unique in that the information contained here is not systematically available anywhere else as the Pacific is not viable for the likes of Westlaw and LexisNexis".[7]

Some courts and legislatures within the region now have their own websites. While these are useful repositories they are of limited research use as they form information silos, or "walled-in gardens'[8] with the material being accessible only in PDF and with the associated download difficulties in areas of slow internet speeds; absence of any search facilities and lack of linking to other related resources.

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[6] PacLII 2012 Report - Data transferred/Bandwidth in 2006 = 88GB and in 2012 = 575.24GB.
[7] Quote (anonymous) taken from 2011 PacLII Users Survey conducted by PiPP.
[8] Term used by Prof. Richard Leiter in his blog "The Life of Books". Available at: blog.law.cornell.edu/voxpop/category/adding-legal-commentary-to-free-access-to-law-services/.

So, PacLII currently provides access to legal information using a "traditional" website model. (it really is quite remarkable to be using the word "traditional" in association with the internet – a mark of how far things have come perhaps). PacLII put things up on a website and people visit the website to view, read or access the material either by browsing the shelves / databases or using the search engine – a broad-casting and publishing model. People sometimes communicate with PacLII either by emailing staff members direct or via the feedback page when they are having problems downloading something; a link isn't working or they need a document that the website doesn't yet have and want our assistance in tracking it down. PacLII further assist people in accessing the materials by providing training – basic through to advanced – in how to use the Search Engine, which is quite a new experience for many.

A few years ago to make a more direct and personal connection with users PacLII started a monthly email – PacLII Net - which would list all the materials uploaded during the previous month (too many are put up every day to list on the websites homepage) and also highlight any other points of interest such as new databases created.

PacLII Net is purposely kept short. It drops into people's mail boxes – they don't have to make the effort to visit the website – and it provides very basic information that can be speedily digested and helps to keep the user feeling more connected to the website as the email is a more personal tool. It is known that it is having this effect by the number of "thank you" responses received each month when its sent out – especially from users in the pacific and in Africa.
All of this effort is designed to collect and preserve the information and to show people our collections and help them to find their way around the collections to locate what they are looking for.

PacLII is in the business of not only providing access to law in the form of legal materials but its vision and mission statement behoves it to use its best efforts to utilise that publication to support the rule of law and to develop a pacific islands jurisprudence. PacLII needs to support *access* to its resources and *access* is not just the finding of the cases, legislation, articles, reports etc - it is about the ***understanding*** of them to a degree

where people are able to relate it to their own situations. As Professor Richard Leiter expresses very clearly on his blog[9] "The Life of Books" that

> "the sum total of all primary law in the country at every level and jurisdiction, will amount to only a minor portion of the materials that lawyers need in order to practice law, and the public need in order to understand it."

PacLII's mission is to, yes, publish pacific islands legal information on the internet, but hand in hand with that must be an objective to bring that information to as wide an audience as possible so that better understanding of the regions laws may be promoted to the benefit of all and so that the barriers of distance can be dismantled and a pacific islands jurisprudence developed.

It is indeed arguable that the vast volume of material and the language in which it is written, and the fact that it is not a series of rules but an interdependent and connected morass makes it very inaccessible indeed. In his paper on using social media to enhance access to free legal resources, Olivier Charbonneau cites the UNDP's Commission on Legal Empowerment of the Poor as asserting that:

> "Empowering the poor through improved dissemination of legal information and formation of peer-groups (self-help) are first-step strategies towards justice. Poor people may not receive the protection or opportunities to which they are legally entitled because they do not know the law or do not know how to go about securing the assistance of someone who can provide the necessary help. Modern information and communication technologies are particularly well suited to support interventions geared towards strengthening information-sharing groups, teaching the poor about their rights, and encouraging non-formal legal education."

If the aim is to bring the law to a wider audience – to an audience say of NGOs, civil society and others who interface between the establishment of

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[9] Collaboration and Open Access to Law: blog.law.cornell.edu/voxpop/category/adding-legal-commentary-to-free-access-to-law-services/.

law and the end users then social media in the pacific may be a way to take that forward. The region's emphasis on the personal and social with the benefits of modern technology could pave the way for a wonderful marriage of the two cultures – the "social" and the "technical" through "social media".

> "Online social networks have a lot in common with traditional society, which gives Pacific islanders a distinct edge as they learn to apply new tools to age-old tradition."[10]

Chat rooms and blogs and online communities can be created in a space where there is no physical space to overcome. So is the technology there to help achieve this?

4. The Technology - Current and Future

4.1. CURRENT

Over the last 15 years access to the internet has steadily spread throughout the region so that today email is a routine means of communication and the University employs distance learning based technology to teach across its 12 member countries.

Even so, challenges remain - there is incomplete coverage, it is slow and it is very expensive as access to the internet is via satellite connectivity. Many areas outside of major centres still have no access - it is estimated that 40% of population of the Pacific is still unconnected[11]; the average connection rate of 128 kbps is still the norm and in the remote areas it can be even slower on a dial up connection of say 36kbps; and incredibly expensive (a 256 kbps connection costs £66 or €77 per month) on very low incomes.

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[10] Pacific Institute of Public Policy (2012), *Net Benefits_Internet Uptake in the Pacific*. Discussion paper No. 20, April 2012. Available at: www.pacificpolicy.org/wp-content/uploads/2012/05/DP20-PiPP.pdf.

[11] Purcell, G.F. and Sandford, M. (2013), *Rural Satellite Connectivity Project for Pacific Island Countries.* Presentation at the Pacific Forum, Apia Samoa, 22sd April 2013. Available at: http://www.itu.int/ITU-D/asp/CMS/Events/2013/PacificForum/ITU-APT-S1_Gisa_Purcell-Maui_Sandford.pdf.

"Low-level dial up Internet connection can amount to 12.1 percent of the average monthly income in PNG and 9.5 percent in Vanuatu, but this rises to 85.5 percent of average monthly income in the Solomon Islands and 150.9 percent in PNG for low level broadband."[12]

So, for example, in PNG there is still a demand for PacLII to "dump" its entire collections of PNG materials every six months or a year, onto a disc, for it to be replicated and circulated by the Ministry of Justice to law agencies to provide offline access. It is useful for those who have to travel to courts that are located in the regions where there is no or very limited internet access but even in the centre of Port Moresby within a government office there may be only one computer with dedicated internet access which has to be shared.

There are major developments underway in the region set to have major impacts on the status quo - two in particular will influence the accessibility to the internet and the expansion of social amongst other forms of media:

1. The installation of the Southern Cross fibre optic cable
2. The dynamic spread of mobile technologies and smart phones

and with it comes a new way of communicating with enormous potential that collapses the distances.

Taking a closer look at each of these developments:

4.2. THE FUTURE

4.2.1 *The Southern Cross Fibre Optic Cable*
Submarine communication cables are not new – the first transatlantic cable being laid in the 1850's and the first trans-pacific cables in 1902-03 linking the US, Hawaii and Guam to carry telegraphy traffic. The modern cables use of fibre optics to carry digital data were first used in the 1980s to upgrade telephone capacity. The technologies have been so developed that as of 2012 "a typical cable can move tens of terabits per second overseas" …whereas only 40Bbit/s were offered on that route three years earlier in 2009[13]. Currently the main access to digital data in the Oceania region is

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[12] Wilson, C. (2013), *Virtually at Sea in the Pacific, cit.*
[13] Wikipedia: en.wikipedia.org/wiki/Submarine_communications_cable.

via satellite. As of 2006 only 1% of international traffic was via satellite link

Since the late 90's there has been increasing emphasis in the development of submarine fibre optic cables in the pacific with Australia considering them to be vital to the national economy and between 1998 and 2003 70% of undersea fibre optic cable was laid in the Pacific, partly driven by the expansion of Asian markets. But there has also been a push to harness this expanded cable network to benefit the developing world. In 2009 East Africa was connected to the broader Internet.

The Southern Cross cable runs from the west coast of the USA to Australia – through the Pacific Oceans' ring of fire which has posed, and will no doubt continue to pose, a few construction and maintenance headaches.
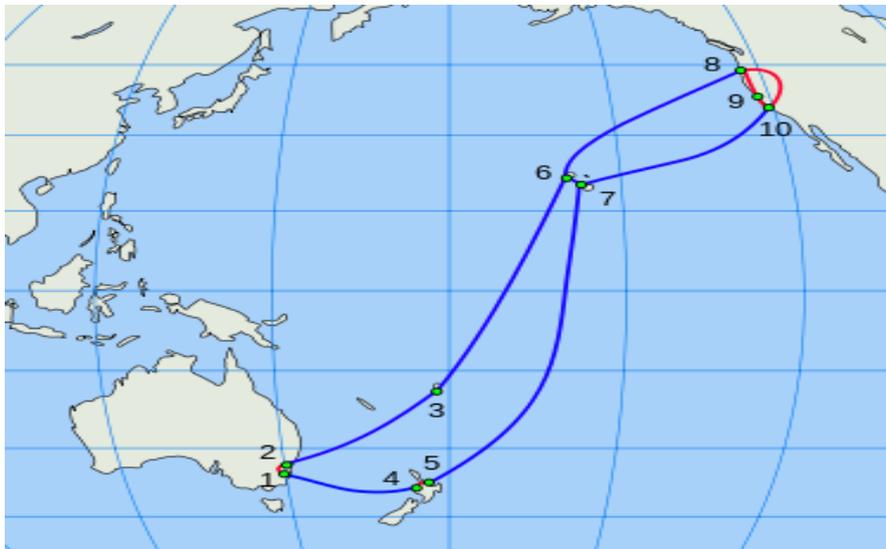
Source: www.telecomramblings.com/2012/09/equinix-brings-southern-cross-into-sydney

However because of the development of submarine branching units more than one destination can now be served by a single cable system – this is of immense value to the scattered islands of Oceania[14].
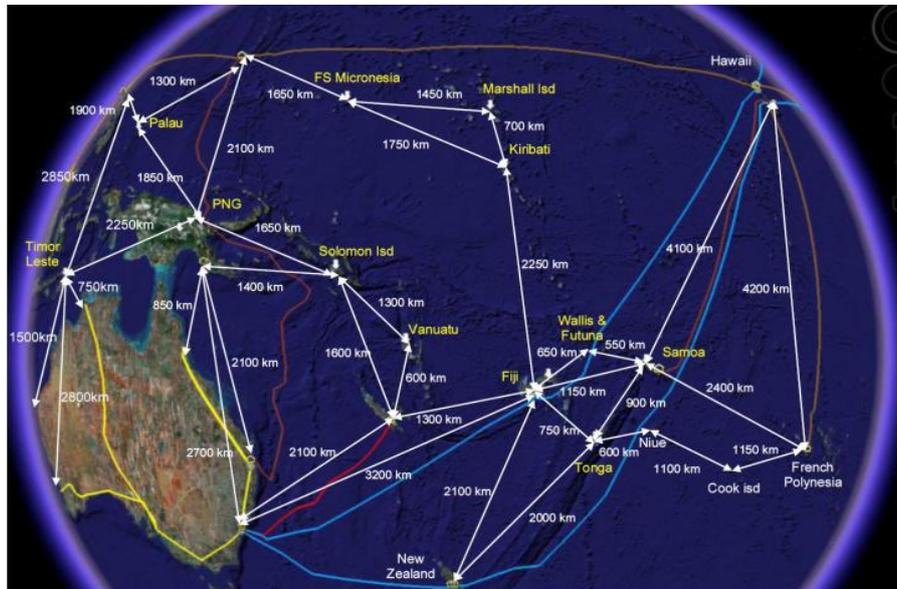
It was reported at the ITU Pacific Forum held in Apia in March 2012 that several countries already were connected to the cable technology, including Fiji and Samoa and planned to join them were Tonga, Palau, Yap in FSM, Vanuatu and the Solomon Islands.

Suva was one of the first and main connections, and it is reported by PiPP that:

> "Internet services have proliferated in Fiji, due largely to its strategic placement as a landing point for the Southern Cross undersea cable, which means Fiji has the cheapest internet fees in the region."[15]

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[14] The importance of this technology to the region has been acknowledged and encouraged in the Pacific Plan Digital Strategy of 2005 which was endorsed in 2006 by the ICT Ministers.

[15] Pacific Institute of Public Policy, *Net Benefits_Internet Uptake in the Pacific, cit*

Tonga connected on the 21st August via Fiji to a hub in Sydney. The project which cost approximately USD25million was financed by the Pacific Regional Connectivity Project and supported by the World Bank and the Asian Development Bank.

It remains to be seen how their marketing model will perform in providing improved connectivity and lower prices for ordinary customers. In Samoa where access to the Southern Cross has already been established, there is limited ISP provision meaning that only a small proportion of the available capacity was purchased and the sell on price so high that customers report seeing little improvement in service[16].

Vanuatu is scheduled to be connected towards the end of 2013 but there are questions over whether the three local ISP providers will participate given the exorbitant prices being asked for connections.

4.2.2. *The spread of Mobile technologies and the Smart phone*
There has been an explosion in mobile services in the region. In countries where there were very limited communications of any kind – even mail, or land lines, mobile technologies led in large part by Digicel have revolutionised communications. In the rural areas mobile network coverage has been provided for the first time. 95.5% of Vanuatu households now possess a mobile phone although 72% have never used the Internet. In Fiji, the regime is "embracing the importance of broad and deep investment in telecommunications capacity"[17] with plans to exempt smart phones from duties to encourage their uptake and also to build 10 new telecentres and encouraging competition amongst providers.

The PiPP paper contained a chart illustrating Mobile Penetration and regulation in the Pacific in 2010 sourced from the International Telecommunications Union Statistics service. This shows that outside of New Zealand in 2010 Vanuatu actually had the largest number of active mobile accounts as percentage of population in the region, closely followed by Samoa and then Fiji.

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[16] Reported in conversation between Author and USP Emalus Campus ITS manager.
[17] McGarry, D. (2012), *The Revolution may not be digitized.* The Pacific Institute of Public Policy. Available at: http://pacificpolicy.org/blog/category/pacific-voices/
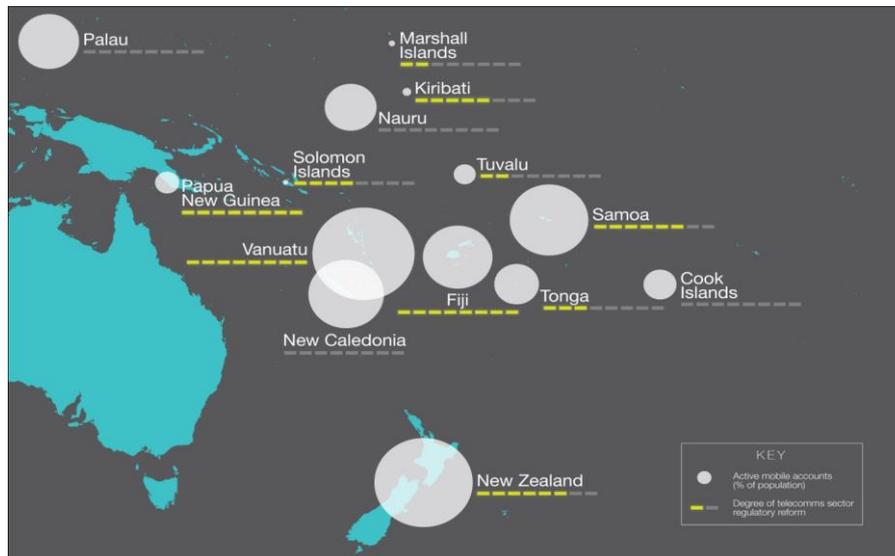
Mobile penetration and regulation in the Pacific 2010 Source: International Telecommunications Union Statistics service

Mobile telephony has become an integral part of many Pacific islanders' lives. Government policy commitment to universal access is necessary to make a start. Subsequently, robust, independent regulatory structures to enforce competitive markets (e.g. Vanuatu, Fiji and Samoa) can promote the widest possible access.

The statistics pages on the ITU website now show that mobile cellular telephone subscriptions are still rapidly increasing. The big explosion in numbers seems to have happened around 4 to 5 years ago when figures for Fiji doubled in one year 2007; in PNG the numbers tripled between 2007 and 2008; and in Vanuatu they very nearly quadrupled

How people access information is changing with advent of smart-phones. PacLII was a one stop shop for legal matters but the smart phone is a one-stop media interface – phone; internet; music; camera; book. Mobile technology means information that used to be accessed through a wired in PC can now be accessed anywhere anytime provided that there is an internet connection, and the spread of mobile technology means that it will be possible to access it anywhere. This has enormous potential for access to the resources provided by PacLII. Indeed, it seems that combined with the advent of the South seas cable that a perfect storm might be brewing.

5. Providing access to legal information via Social Media

As mentioned PacLII over the last three years sends out lists or bulletins of recently added materials and developments particularly worthy of note, and occasional responses are received.

Those who are avid users of Social Media however advise that if we send out a message and people email back – that is not of itself social media. It is not **public** – it is a private conversation. The essence of social media is that it comprises public platforms in which people are able to participate and have conversations on subjects of interest to them and other people can view them and participate also if they feel so moved or inclined. It is interactive. The mobile apps and the podcasts that PacLII also hope to develop in the future as tools in its arsenal of promoting access to its published information are also "one-way" and non-interactive models.

The use of social media is a means to an end – not an end in itself. So PacLII has to ask itself what it does and what does it hope to achieve and can the use of Social Media help it to do that? In answer to that question there are several answers:

  (i)   The need to connect with our younger audience members
  (ii) The need to grow our reach so that more people know about us and use us
  (iii) To build on the social platforms and structures already well understood in the region
  (iv) To move into areas of promoting the understanding of the published legal materials that are currently not available in the non-interactive environment.

5.1. A YOUNGER AUDIENCE

The Pacific has a very young demographic and it seems that social media is especially beloved among the young – the region has very youthful populations with 40% of PNG and 38% of Solomon Islands under the age of 15. Figures are similar for other countries in the region.

We need to respond to and engage with this growing demographic – in our survey of 2008 there was no request for a PacLII presence in social media – while 9 people out of 68 responded that they would like to see an RSS feed

on PacLII giving daily update of new additions, there were no comments or mention of social networks.

However 3 years later in the Stakeholder Survey of 2011, 35.5% of responders stated that they use some form of social media to participate in discussions relating to their work and it was suggested that PacLII engage with social networking services e.g. set up a Face book page, in order to establish discussion forums and to maintain constant discussion with users.

0 to 35% in three years represents quite a progression. It will behove PacLII to be ready for the uptake of social media in the way that it developed the website so that content would already be there as and when people became connected.

5.2. NEW AUDIENCES

There is the need to reach not only the younger part of our audience but also new audiences.
A major advantage over the "post it on the website" model or the "send out an email model" is that people who are connected to the face book page will receive instant notifications of new and interesting posts and that these can then be shared and commented upon – there is the potential for an **exponential** increase in the access to the information disseminated. In a linear model you pick your audience but this is a selective process, sending to people that you think may be specifically interested in that information and you don't know who you are excluding from your message. With social media the information is shared and passed on to wider audiences – fondly referred to as "the Dark Social" – the sharing that takes place that you have no way of knowing about.

Earlier this paper looked at the rise of internet and mobile technologies; the rise and rise of the smart phone; the social nature and interwoven social fabric of islands communities and the young demographic of the region. While some, indeed many of PacLII's users, especially at the senior level still prefer to be communicated with via a typed and signed letter on headed notepaper, even if that letter is then emailed rather than posted to their secretary, there is a growing section of the PacLII audience who gain

access to a substantial amount of information via social media such as face book, LinkedIn, u-tube, twitter and many others.

Even the older generation are not inured - a report from CBS news November 2010 found that the number of social media users over 65 had grown 100 per cent in the US throughout 2010, so that 1 in 4 were part of a social networking site.[18]

5.3. ACKNOWLEDGE THAT MODERN MEETING PLACES BUILD ON REGIONAL TRADITIONS, TO PROMOTE ACCESS TO JUSTICE AND THE RULE OF LAW

Social Media – "While 52 percent of the population in French Polynesia and 27.8 percent in Fiji are online, this drops to 9.9 percent in Kiribati, 5.9 percent in the Solomon Islands and 2.1 percent in Papua New Guinea (PNG). Despite growing popularity, Face book is still only used by a low 21 percent of people in Fiji, 9.89 percent in Samoa and 1.87 percent in PNG."[19] Various studies undertaken by PiPP however, show that social media is alive and well in the arena of discussing political issues and policy development – the Yumi Toktok Stret in Vanuatu, currently has 10,716 members[20] The phenomenon like the internet might be here to stay and be growing.

To consider utilising it in the sense of promoting understanding of law is to also encounter what is a very real concern to many and that which quite frankly has impeded PacLII's own foray into this new area of communication, and that is the issue of management and control of the discussion.

This is a social forum on which are being posting topics of law – what if people write comments giving thoughts or advice on subjects which may be misleading if not downright erroneous? PacLII is a small organisation – how would it have the time or resources available to monitor or moderate conversations. The Director was persuaded that she was being a little reactionary in this view and the best way forward was to try it. The dilemma recalled the opposition of a certain CEO of the Solomon Islands

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[18] Wikipedia: en.wikipedia.org/wiki/Social_media.
[19] Wilson C., *Virtually at Sea in the Pacific*, *cit.*
[20] As of 20th August 2013.

High Court who strongly resisted efforts to have a computer with internet access placed in the High Court library so that people could access PacLII, on the grounds that it would be used to surf for porn. In light of this it could be considered that the Director's views to the risks of social media could be considered overcautious also. And so the PacLII Face book Page was put up.

So far little has been seen in the way of comment and the fears of an avalanche of queries about legal interpretation or provision to an infinite variety of circumstances have not been realised.

But are these valid concerns anyway? It is not proposed to set up an online legal advice centre using social media. Social media is just that – it is for general discussion – the kind that people will have around their firesides or in the Nakamal, the Maneaba, the Fale Fakataha or other meeting houses or places. If the law is to become accessible to the people then it needs to be talked about and discussed. As noted earlier, the UNDP have recognised that formation of peer groups and non-formal discussion of legal topics encouraging non-formal legal education are important first steps in promoting access to justice – then online social media *fora* are ideally suited to this. As also stated by Olivier Charbonneau:

> "In online communities, however, I would certainly hope that we, laypeople and   jurists alike, may still discuss the law in general terms. There is a fine line to walk, but it is important for the legal community to recognize that the more people talk about the law, the more our society benefits from the Rule of Law"

The meeting places of tradition have been defined by their physical boundaries – and confined to small groups who know each other. The groups that talk about rules or laws are often also excluding to females or youth. In the meeting places of the future physical distances evaporate and other innate boundaries of gender and generation are gradually being eroded. This surely can only be a positive development for the development of an informed society.

6. The PacLII Face book Page

On 20th August 2013, PacLII launched its own Face book page[21]. It is a learning curve for the Institute as well. While there may be more suitable platforms, at the time it was considered that Twitter wasn't going to really suit as the number of words one can "tweet" are limited though time and experience with the social media genres may revise this view. Face book seemed the most popular to try (As of May 2012 Face book had 901 million users) though it is not without its concerns or critics.

A person has to have a Face book account themselves in order to access a Face book page – this encourages the "big brother" aspect of modern society which many find a repugnant conspiracy in which they refuse to participate. The PacLII Director is not a lover of the medium for this reason and had to re-activate her Face book page (which she had previously found was impossible erase or shut down completely) in order to launch the PacLII Face book page. When advising University staff that a PacLII Face book page had been launched it was found that she was not alone in this antipathy to the platform!

Issues of trustworthiness and reliability of information presented are also major concerns of social media where information sources cannot be readily checked. However, posts on PacLII Face book can only be made by PacLII and care is taken to ensure veracity of information the same as with the website itself.

PacLII puts up a mix of news articles and a few photos of the team in not only work but in personal roles – the aim being not only to share information but build a PacLII community or family – to put a human face to the work. Links are put up to other articles or websites concerning law in the pacific islands region which are not necessarily published on the PacLII website and this is believed to add value to the face-book page and can be a way of becoming more than a publisher of primary legal materials but a hub for broader analysis of Pacific Islands legal issues. So far there have been 186 likes but surprisingly little if anything in the way of comment or

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[21] www.facebook.com/paclii.

discussion. PacLII is beginning to explore the medium and may start to experiment with others such as Twitter..

Already PacLII is able to learn about and monitor the numbers of people who read the various posts through the pages "Insights" analysis, but also it is possible to gather a little more information about those people who access our Face book page because it is in turn possible to view their pages. In this way we have found to date that many visitors hail from Fiji but also as far afield as Switzerland and USA. Additionally and interestingly they seem to be nearly all very young people and none appear to be the same as those who subscribe to our PacLII Net monthly newsletter. We do appear to be reaching a different demographic.

7. In conclusion

In researching for this paper PacLII has become more aware of the spread of the internet and the mobile technologies that support social media. It has become more aware also of the potential use of social media in supporting access to legal information in overcoming the tyrannies of distance. It plans to build on this into the future The statement of the UNDP in supporting access to justice through promoting understanding of the law based around non-formal discussions utilising the next generation of technologies seems well married to the original concepts and advocacy of Daniel Poulin in his 2004 paper "Open Access to Law in Developing Countries". In that paper he acknowledges that the new forms of distribution i.e. the internet, "have made it possible to reach large segments of the population" and he cogently puts the arguments for access to legal information supporting the rule of law and a fully participatory democracy comprised of an informed citizenry. The limitations are acknowledged however in his comment:

> "*even if information must be conveyed by intermediaries before reaching its final recipient: the citizen*"

This is surely the gap addressed by the UNDP's Commission on Legal Empowerment of the Poor.

PacLII now looks forward to the next steps which could be initially setting up a discussion group for pacific lawyers alone to participate in to share their thoughts, queries and expertise and then broadening it out by forming

another open to anyone as the law affects us all and every and all aspects of our lives. Maybe it will become a true pacific community tied together by common interests only and overcoming the divisions created by the tyrannies of distance.

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