



Assistance to Media in Tension Areas and Violent Conflict

International seminar in Stockholm, 25–24 May 2003



Foreword

In the years since the end of the Cold War, two distinct tendencies affecting the media have been in evidence. First, a most welcome process of media liberalization has occurred in many parts of the world and, second, in the wake of 11 September, security measures have been instituted which, even in mature democracies, have raised serious concerns about civil liberties. In this context, the media serve as arenas where conflicting interests battle for control over populations and opinions, and as an essential instrument for ensuring democratic transparency and accountability and the monitoring of human rights abuses.

In situations of open, violent conflict, information and communication structures often break down completely, and this serves to highlight the acute need for reliable and credible humanitarian information about security conditions, population displacement and the political situation. But assistance to local media and information outlets eventually must turn towards capacity-building to ensure a sustainable transition to peace and democracy. The peace process itself requires functioning information channels and electoral processes need professional independent media that really work. Matters are complicated by the fact that, in a transition phase, exact definitions of what is ‘humanitarian assistance’, ‘reconstruction’ and ‘development’ are not always clear-cut; very often, for example, a situation categorized as ‘reconstruction’ simultaneously requires significant humanitarian

interventions. Clearly, if the challenges of reconstruction and democratic transition are to be met effectively, it is necessary to build a bridge between the immediate objectives of rapid response assistance and the longer-term goals of promoting freedom of expression and developing independent and pluralistic media.

In May 2003, UNESCO and Sida jointly organized a seminar on "Assistance to Media in Tension Areas and Violent Conflict", bringing together a select number of NGOs, UN agencies and donors for two main purposes: first, to discuss various experiences and perspectives on assistance to media in conflict situations and, second, to highlight the key issues relevant to conflict management and media support. The seminar, held in Vaxholm outside Stockholm, generated a number of recommendations that aimed at combining conflict management strategies and press freedom principles. These recommendations will be incorporated into the planning process leading up to World Press Freedom Day 2004, to be organized by UNESCO in Belgrade on 3 May 2004. In addition, they will be included in follow up donor discussions.

A comprehensive discussion paper was produced as background for the seminar's deliberations. The booklet before you is a compilation of the discussion papers produced for the seminar, reflecting the outcomes of the discussions. The contributions of those who provided papers and those who participated in the seminar are much appreciated.

UNESCO and Sida hope that this booklet will help to extend and deepen understanding of why assistance to independent media should be an integral part of overall international assistance in open-conflict and post-conflict situations. We also hope that the readers of this booklet will share with us their comments and suggestions for further development.



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Media and conflict management

Post-Cold War conflict

New conflict trends have emerged and intensified since the end of the Cold War. Among important developments, the revolution in information technology during the 1980's and 1990's has led to particular changes, resulting in the need for a redefinition of what we think of as war. This has wide-ranging implications for conflict management. In answer to the more comprehensive conflict management needs of civil wars and to the enormous growing potential and influence of the media, the post-Cold War era has also seen the introduction of multilateral peacekeeping and media assistance in tension areas and violent conflict.

Internal conflicts have been dominant since the end of World War II and this trend has increased. In the post-Cold War era most armed conflicts have been fought within the confines of state borders. The main actors in a civil war are usually the state¹ and at least one other 'non-state' actor. Most often internal conflicts are fought for control of the government² (as opposed to territory), such as the many conflicts related to

¹ An important defining feature of a state is that they are recognized internationally as representatives of their citizens and have the sole legitimate right to use force. In contrast, non-state actors are usually not recognized internationally and do not have the legitimate right to use force.

² According to the Conflict Data Project (CDP), it is estimated that for the year 2001 there were 34 ongoing-armed conflicts in the world. The CDP defines two main categories of conflict incompatibilities: "either government (type of political system, the replacement of the central government, or the change of its composition) or territory (a change from one state to another in the control of territory in an interstate conflict or demands for secession or autonomy in an internal conflict).

political transitions and democratisation. Civilians are also more directly implicated, as targets, victims, and even combatants. The dramatic increase in the number of refugees and displaced persons is but one indication.

Today, winning the "hearts and minds" of the population is often more important than winning outright battles. *Psychological* warfare and the means to influence people's attitudes and perceptions have become increasingly important. Media is an especially crucial actor and medium in this dimension of conflict. In contrast to the more conventional image of conflict as being between two state armies, the power relation between the main actors in an internal conflict is predominantly "asymmetric."³ Asymmetric not only in terms of material and military capabilities, but also in terms of non-tangible resources or "soft power,"⁴ such as credibility and legitimacy. This has implications for how a war is fought. In the conventional understanding of war, battles are the decisive forms of encounter, but because non-state actors are almost always militarily weaker than a state army, they are more dependent on, and tend to use, indirect methods.

Non-state actors are often highly decentralized in their military organization and include a wide array of groups, spanning from "freedom fighters" with significant public support to a disparate range of paramilitary groups, local warlords, criminal gangs, police forces, and mercenary groups. There has been resurgence in the importance of identity politics as a stated reason for armed conflict. It has also been argued that the identity politics of today are different from previous eras, because they tend to be more "fragmentative, backward-looking and exclusive".⁵ Identity is also both national and trans-national, due to factors like influential Diaspora communities and the use of electronic media.

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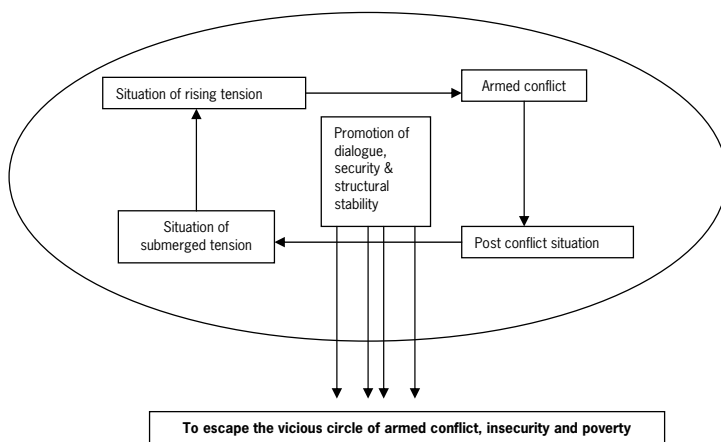
³ Meaning an important power imbalance between the primary actors.

⁴ "Soft power" refers to power based more on the ability to attract attention and to convince others and/or getting them to agree to norms and institutions, as opposed to "hard" or coercive, military power based on threat of violence, which is to an increasing degree considered less desirable.

⁵ Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*. Stanford, California: Stanford University Press, 1999, p.78

Conflict – a circular dynamic process

Political conflict is a natural part of all societies, but armed conflict is not.⁶ Escalation to violence is the product of an interactive dynamic process: A process that is not linear, but can oscillate between situations of submerged and rising tensions to open violent confrontation and post-conflict. It can be understood as a circular dynamic process that also functions on two levels that interact and influence each other: a decision-making or elite level and a societal level that implicates all parts of civil society. Different levels of political tension, insecurity and threats of violence characterize different phases of conflict. Not only do conflict management needs and roles of the media vary from conflict to conflict, but also according to the different phases of conflict.



Conflict circle on Conflict Management and Peace Building⁷

⁶ Just as poverty and ethnicity, alone, are not sufficient causes for the outbreak of armed conflict, that human nature is at times violent does not explain why and when there are armed conflicts in some countries and not in others, as is often assumed. For example, it is generally estimated that there are between 3,000 and 6,000 ethnic minorities in the world, of these groups it was assessed that a small percentage were considered at risk for escalation to armed conflict. Between the years 1990–1998, of the groups considered potentially at risk, only 27 resulted in war

⁷ Based on Sida's strategy for Conflict management and Peace Building (1999) and the OECD-DAC Guidelines: Helping Prevent Violent Conflict (2001)

The media are particularly important when setting a political agenda, acting as a catalyst by magnifying political successes and failures. In this regard, they are central agents in the construction of social frames about politics. Unfortunately, the complex role played by the media in violent conflict is often taken for granted, ignored or assumed by other actors.

Media and conflict escalation

Although causes of escalation are complex, a common root cause of internal conflict comes from feelings of extreme frustration. These frustrations are due to perceptions that certain basic needs are not being met. This includes not having access to material resources, or why people feel excluded from being able to take an active part in a political system that affects their lives. Although media coverage can often give the impression of the contrary, violent conflict rarely erupts unforeseen. Initially, political groups that question the authority of the state are willing to compete within established political structures, meaning that it is possible to identify escalation before open violent confrontation breaks out.

There are also other more indirect causes of escalation in which the media have a critical role. The '*security dilemma*' is one such process where the media can intentionally (as in the case of a propaganda machine) as was the case both in Rwanda and the former Yugoslavia, or unintentionally, act a catalyst to escalation. Perceptions of threat and fear are central to this process whereby actors involuntarily create a threatening atmosphere for other groups when they take steps to secure their own safety. Accumulating weapons or dehumanising depictions of other groups can lead to an escalation based on a security dilemma. People's vulnerability in insecure situations and lack of credible information sources induces people to act on a worst-case scenario. A build-up of arms and threats on one side often leads to other groups countering with the same measures. Beliefs that

security and stability are based on a zero-sum relationship and the annihilation of the opposing group, can lead to devastating consequences. Monitoring and having an in-depth understanding of political structures, actors and changes in tension areas is, therefore, essential for any conflict management initiative.

Media and open violent confrontation

While some important conclusions can be drawn from recent research on the topic of violent conflict and roles of the media, most of this research has focused on the influence of international or Western media.⁸ One example is the so-called ‘CNN-effect’, whereby attention and resources are routed away from “forgotten” conflicts, towards those with higher international media profiles.⁹ Moreover, the eyes of the international media can both spur and deter the actions of conflicting parties, with both positive and negative consequences.

Generally, in situations of open confrontation, it is exceedingly difficult for media to play a sustainable conflict management role. Violence usually results in the need to allocate blame, which is often reflected in the national and international media. In other words, in open armed conflict it is very difficult for journalists to be impartial, particularly for local journalists whose security is usually most threatened. Under these circumstances, and directly after the cessation of violence, foreign media interventions can play a critical role in assisting local journalists by providing the conditions and means to make sure that there is a basic level of functioning

⁸ The focus of this research is usually on national and international media's influence on Western policy-makers and international intervention.

⁹ Peace processes are usually characterized by long, drawn out successions of tedious meetings and, furthermore, some secrecy is often a prerequisite for success. This does not make good material for, in particular, international television media and most often the media tends to magnify the failures. However, short of military intervention, international media attention can have important consequences for a conflict, as there is a “clear correlation between media coverage and funding levels in humanitarian emergencies”.

credible information accessible to the general public. Credible sources of information in the media are essential to ensure stability and security during these critical phases and also to set the stage for long-term conflict prevention and media development in the violent phases of conflict.

Media and sustainable development

Despite the fact that national media holds one of the keys to successful long-term conflict management, relatively little research has been done on local media's conflict management role or on the effects and links between media interventions and long-term conflict management roles. Nevertheless, generally the political structures in a society largely determine what role the media can play both as an arena and actor in tension areas.

The realization that consolidated democracies do not go to war against each other, and that a democratic state system has the capacity to regulate shifts in power without resorting to violence, has led to the conclusion that promoting democratic governance is the best solution for sustainable prevention of armed conflict. In a functioning democratic system, the media plays an essential role in promoting and ensuring accountable and transparent governance. It provides all parts of civil society with credible and relevant information, thereby enabling people to make well-informed decisions.

However, the road to developing sustainable independent professional media is delicate and difficult. On the one hand, the consequences of democratisation leads to new opportunities and greater potential for the role media can play in societies undergoing political transitions. On the other hand, this also means that independent media are more likely to be viewed as a security risk. Weak-states, made up of decision-makers who have had most of their political experience in an authoritarian system, often feel threatened by critical, credible information.

Another tendency that calls for caution, particularly for media assistance initiatives, is that of applying a simplified

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conception of the media's role in democratisation based on the successes at the end of the Cold War in Eastern and Central Europe.¹⁰ There is one important difference between Eastern Europe and some of the countries where we see conflict today. This being that they do not have the unified and politically self-conscious civil societies required for a successful transition. Usually related to this, the state often lacks legitimacy and feels threatened by its own population and vice versa. Low literacy rates, few alternative credible sources of information, and an underdeveloped local professional media capacity, makes these societies particularly vulnerable to conflict escalation. Nevertheless democratisation holds the key to sustainable conflict management, because one of the essential elements for conflict management is that grassroots-level actors and decision-making elites do *not* perceive control of the state as a zero-sum relationship.

In a civil conflict, promoting communication between the parties, at all levels of society, is particularly important for at least two reasons. The first is that, "in internal conflicts more than in interstate wars, defeat of the rebellion often merely drives the cause underground, to emerge at a later time."¹¹ The second argument is that the media can provide an alternative venue of non-violent dialogue and communication channels, which is a positive method because it is an extension of "normal" democratic politics. One of the first steps after the cessation of violence is the need to reduce perceptions of threats and promote some degree of compromise, both at elite and grass-root levels of society. Media's role in this phase is important, particularly when the most essential dimension in an internal political power struggle concerns attempts to legitimise power.

¹⁰ For discussion see for example Marina Ottoway & Thomas Carruthers eds., *Funding Virtue: civil society, aid and democracy promotion*, Carnegie Endowment for International Peace: Washington D.C., 2000.

¹¹ Zartman, I. William ed. *Elusive Peace: Negotiating an End to Civil Wars*. Washington D.C.: The Brookings Institution, 1995, p.3.

Information strategies and local capacity

Informing the local population

In an open violent conflict, providing civilian populations with non-partisan information can be as vital as food, water and medical services. However, there are times when it is virtually impossible for local media to function. A state weakened by conflict is incapable of delivering public goods, and the basic structure and foundation to develop media is missing. Setting up structures to provide basic humanitarian information is sometimes necessary. In many cases access to impartial and reliable information about security, the political situation, displacement of people, and where to find shelter and refuge is vital for the local population. Assistance to media should be recognized as an essential part of any humanitarian intervention and DDDR process¹² such assistance must be implemented independently from political, military, economic or other interests, including the interests of the international community.

Media assistance in violent conflict situations also has another objective. Beyond straight information diffusion and news reporting, the incentive can also be to utilize the media for peace building activities such as developing innovative media programs that can articulate people's needs in these

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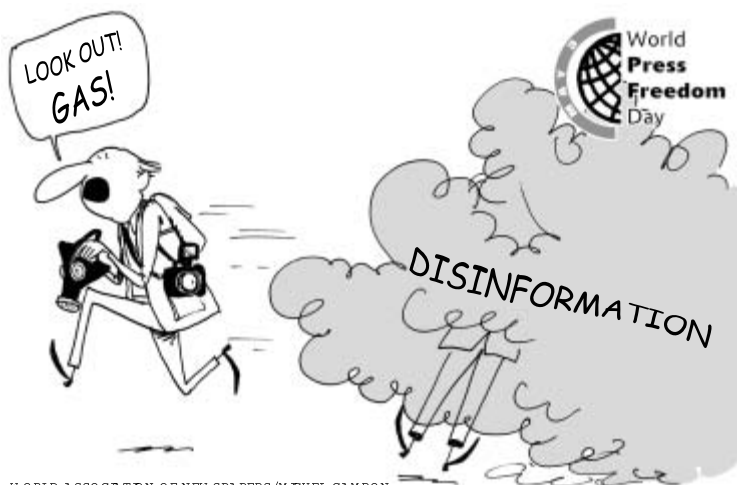
¹² Disarmament, demobilization, rehabilitation and reintegration

areas and create a space for dialogue. Intended outcome programming in which the aim is to combat attitudes and behaviours that may fuel the conflict, can offer a way to have different perspectives and initiate discussions on sensitive issues. This can be done by highlighting tolerance, collaboration and reconciliation.

Humanitarian assistance aims to deliver urgent aid, and assist and protect civilians, displaced persons and particularly vulnerable groups. However, sometimes there is an inbuilt incoherence between the humanitarian imperative and long-term objectives of stability, democratisation and development. Conflict management media initiatives that target the content of media to address the emotional needs of a population are constructive for post-conflict reconciliation and for addressing attitudes that may exacerbate hate and fear.

Unfortunately, because the very purpose of these initiatives is to influence peoples' attitudes, there is also an inherent risk that the media may not be perceived as a credible source of information in the long-term. This suggests that media interventions targeting content can complement, but not replace, professional independent news media as the main source of information. Ideally, a developed and pluralistic national media space can provide alternative and complementary perspectives that, together with the special humanitarian information outlets, create a more accurate picture of problems and solutions to political conflict. In order to address the incoherence between short-term and long-term assistance efforts in conflict situations, the international community must sharpen its methods to ensure a constructive transition between quick impact interventions and reconstruction and development. This is especially important for humanitarian information strategies, dialogue efforts and assistance to independent media.

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WORLD ASSOCIATION OF NEWSPAPERS/MICHEL CAMBRON

*World Association of Newspapers*¹³

Credibility

While different media and different conflict situations invariably require different conflict management priorities, there is, nonetheless, one essential element that is crucial for all types of media initiatives. For the media to be able to play a constructive and sustainable role in conflict management, *credibility* is essential. That is, credibility in the eyes of the local population, which requires having a good understanding of political structures and paying close attention to the political and cultural dynamics in a conflict prone society.

Therefore, content-based media interventions should as far as possible be based on local capacity. It is not the lack of competence among local journalists that risks undermining the credibility of the media, but rather the difficult political, military and economic conditions. One way to counter propaganda, has been to promote neutral and reconciliatory media products. Another, possibly more sustainable approach could

¹³ <http://www.wan-press.org>

be to provide the population with professional, independent and verifiable information.

Journalists – not peacemakers

Yet the active promotion of peace, desirable as it may sound, must always involve the assumption of some underlying political position. Professional journalists should not be encouraged to be solely peacemakers. Rather than promote particular solutions, the role of the journalist is to explain the interests that lie behind the positions adopted by the antagonists, which is the first stage of conflict resolution. This helps people to see where interests are shared and where the vital common ground might develop. Journalism can also act as a neutral ground through which groups can communicate with each other. Finally, the media can act as a public interest watchdog over the implementation of any peace agreement (particularly one that has been negotiated intensively and in secret). But, however worthy, this is a separate role from active intervention or the promotion of a particular "peace" perspective.

Journalism in conflict

Safety

It must always be remembered that conflict zones – and post conflict zones – are very dangerous environments for all journalists, but especially for local journalists. According to the Committee to Protect Journalists, 346 journalists have been killed between 1994 and 2003.¹⁴ One of the specific goals of any security strategy should be to provide safe conditions – in a practical manner – in which journalists can work. Safety training should be a priority for any journalist working in such an area. International journalists are often well equipped and protected, but it is the local journalists who are most vulnerable, particularly when the international media have left for a more exciting or newsworthy conflict elsewhere. Particular attention should therefore be given to guaranteeing the safety of local journalists.¹⁵

Above all, the international community should recognize that combatants in conflicts often regard journalists, not as neutral observers, but as targets to contest and control. Securing favourable media coverage for your side is a prime objective – and one that often overrides any direct military purpose.

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¹⁴ www.cpj.org for more information contact info@cpj.org

¹⁵ The International News Safety Institute, a global body campaigning for safety in journalism, was launched on World Press Freedom Day, May 3rd 2003, for more information see www.freemedia.at/INSI

Another serious challenge to address, is that journalists can be encouraged to be amenable to various interests and events, and opportunities will be staged for them, which is why they need a keen awareness of journalistic ethics. Training is an important means of equipping journalists to deal with this complex and fraught environment and adds to the overall culture of professional journalism.

Journalists killed in the line of duty during the last ten years: Confirmed

Year	Total
2003	36
2002	20
2001	37
2000	25
1999	36
1998	24
1997	26
1996	26
1995	51
1994	66

Source: Committee to Protect Journalists (CPJ)¹⁶

Working conditions

In the long-term, structural stability perspectives are also essential for improving working conditions for all journalists, including those working in conflict areas. Media support should be integrated into overall development and reconstruction strategies and aim at overcoming working environments characterized by poor pay, insecurity, casual labour, low moral and a general lack of professionalism. Poor working conditions remain a serious obstacle to improve journalistic standards,

¹⁶ www.cpj.org

and efforts are needed to combat corruption. Ensuring reasonable employment conditions and the rights of journalists is an essential link to advancing transparency and the promotion of respect for human rights.

Without such a long-term commitment, even in the first phases of intervention, humanitarian quick impact assistance can undermine the reconstruction of an independent media once the situation changes. It is not uncommon that the international community moves into the local media scene and disturbs the national media labour market, drains talent away from indigenous media to work on new sponsored media projects, and often provides salaries much higher than local standards. Such poorly thought out employment policies can create instability and damage possibilities for development of local independent media. It is therefore urgent to find strategies to fill the void between humanitarian quick impact support and the more long-term reconstruction of the local media in conflict situations.

Association building

The local media community should be encouraged to continuously discuss and enhance the professional standards of journalists. In order to promote a culture of journalism, the establishment of an independent journalists' association should be given high priority and should be linked to a respected international association like the International Federation of Journalists¹⁷. Such an association can provide a direct advocacy on behalf of the profession. In addition, publishers and editors should develop an employers' association, linked to the World Association of Newspapers¹⁸. These international bodies, representing the media profession, are much suited to provide useful means of disseminating information than a particular branch or agency of government. They would impartially uphold good

¹⁷ contact www.ifj.org

¹⁸ www.wan-press-info

practices and help create peer pressure to respect editorial independence, human rights norms and democratic values. Financial support to set up professional associations can be offered by the international community if such initiatives are genuinely cross- community and representative, and seek to uphold broad human rights and democratic values.

Conflict sensitivity and professional journalism

Laws lay the foundations of a democratic society. Economic reality determines the broad shape of the media – with some help from the regulatory regime. Neither, however, is any guarantee of independent, fair and professional journalism. Furthermore, a violent conflict situation presents specific challenges to the media and support may be needed to enable local media to uphold professional standards, which may be difficult or even impossible to sustain under certain circumstances. Journalists in general lack adequate training in conflict theory and may need additional skills or analytical instruments to report on the situation. In order to report a conflict and to be able to provide background and make judgment calls on ethical issues, journalist may need to understand the root causes of a conflict and the triggers that may fuel escalation of violence.¹⁹ Journalism training should be given a high priority and such training should concentrate on the following areas:

- Building a general awareness of democracy and human rights;
- Encouraging independent analysis and thought;
- Specific training in conflict journalism to include impartial interviewing, humanizing all sides of the conflict, and finding common ground;
- The techniques of investigative journalism;
- Strengthen civil society

¹⁹ Howard, Ross, "Conflict Sensitive Journalism. A handbook, International Media Support and Impacs, 2003

One of the great weaknesses of conflict-ridden societies is the absence of a stable civil society and culture in which the values of freedom of expression are assumed. Trade unions and employers associations are one manifestation of civil society. These unions play an important role in creating structural stability in post conflict societies. While regulation can play an important role in creating the climate for a professional culture in this situation, it cannot guarantee it. A whole range of civil society groups will have an interest and a stake in the media coverage of their society. They can monitor the media regularly, publish reports on what they find, and play an important role during elections. They can also play a significant role in helping shape media policy by providing an interface between the practitioners, public officials, the international community and the general public. Media fora can bring together representatives from all these sectors to see what consensus can be achieved around key areas of media policy. This should be actively encouraged.

Gender mainstreaming

All evidence shows that women are likely to play a key role in rebuilding a society that has been ravaged by war²⁰. Far too often women's political voices are marginalized and their experiences ignored. Armed men dominate the peace in the same way that they conducted the war. Consideration must therefore be given to the role of women in the media in post conflict societies. Women are also part of the conflict, and sometimes even active combatants, and their needs must not be overlooked in DDRR-processes and assistance programs.

This means involving and training women at all levels of the media – not just as journalists, researchers or presenters, but providing them with technical, production and editorial skills. The objective here is to create working cultures in the

²⁰ UNIFEM report

media, which are genuinely mixed and to create decision-making roles for women. Without women's presence in such roles there is no guarantee that programmes will be made or articles written that have genuine interest for women. In many of the societies where conflict has taken place women have lower literacy levels than men. Consequently, if women are to have access to the media, support for women in radio must be prioritised, and programmes produced that offer real benefits to women. Of course there should also be training to help identify and avoid sexism in reporting, provided as part of the general training offered to all journalists.

Press freedom and transition processes

Media and structural stability

This twenty first century challenge is produced by a wide range of global pressures, the ruthless exploitation of easily extracted resources, weak or collapsing states, poverty, ethnic rivalry and the legacy of imperial and Cold War politics. With such a range of causes, conflicts provide fertile ground for the work of analysts. Yet all agree that one of the biggest problems facing the international community in trying to intervene constructively is the limited capacity of the states where such conflicts rage. While some conflict-ridden states are established democracies, many are characterized by an absence of deep-rooted democracy, a paucity of effective governing institutions, few signs of a healthy and vibrant civil society, and no balanced and independent media outlets – print or broadcast.

The media have a crucial role to play in helping to provide the stability that is so necessary in conflict or post conflict areas. Of course, too many generalizations should not be made about this. All conflicts are different and the solutions to each conflict will, inevitably, vary. The single most immediate way of ending any violent conflict is to provide security and the rule of law – in the very broadest sense of the word – to

ensure enough stability to convince people that their lives are no longer at risk of arbitrary violence. Fear drives violence and overcoming this fear must be the prime objective of any international intervention. The creation of stable institutions is critical. This will also mean tackling the causes of conflict – particularly where the conflict is driven by the exclusion or subordination of different social groups. In all of these tasks – establishing security, building institutions and tackling inequalities – the media have an important role. By defining its role more clearly, principles for useful long-term intervention in support of the media will become clear.

Constructive approaches to assisting media in conflict situations should focus on long-term strategies, as well as short-term solutions to crisis and conflict conditions. In order to succeed, there is a need for a coherent strategy and greater coordination with the international community. As a start, efforts could be made to create a standing body at international level, made up of media representatives and international professional groups, to try to define ways of coordinating efforts, improving levels of funding and placing media assistance where it belongs – at the heart of development strategies. External assistance in complex and sensitive situations will almost always, in one way or another, become part of the conflict and it should not be assumed that aid automatically contributes to peace building. In fact, external assistance risks, directly or indirectly, fuelling the tensions. It is therefore imperative that assistance to media in a tension and conflict-ridden area be guided by risk awareness based on an analysis of conflict sensitivity prior to implementation.²¹

There is no simple model that can guarantee structural stability for the media in post conflict societies. Getting it right will need the right blend of approaches. It will almost certainly require a new legal and policy strand for the work of govern-

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²¹ The DAC Guidelines, "Helping Prevent Violent Conflict", OECD 2001

ments and economic support, with careful thought given to establishing the right mix of media structures. It will need intervention to foster an active climate of professional journalism and civil society participation. And it will need on-going research, monitoring and evaluation of the approach adopted. This should involve local organizations and media professionals alongside international organizations and the international community.

Media legislation and freedom of expression

The starting point of any long-term strategy to achieve structural stability for the media is a law guaranteeing freedom of expression. Any such law should be based upon the relevant international standards. The legal and policy guarantees should be tackled during the process of the peace talks themselves. These are not optional add-ons to the aftermath of a conflict, but essential building blocs of a new society. If they are to be a success, all sides in the conflict will need to discuss and agree upon their formation. There must be a more systematic international approach to rebuilding (or building in some cases) the media environment in post conflict societies by considering how to organize and task the international intervention.

The key standards derive from Article 19 of the Universal Declaration on Human Rights (UDHR), which guarantees the right to freedom of expression in the following terms:

‘Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’.²²

Although the UDHR, as a declaration, was not intended to be binding on States, Article 19 is widely regarded as having acquired legal force since its adoption in 1948, as customary international law.

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²² Article 19, UDHR, adopted by the UN General Assembly on 10 December 1948, Resolution 217A(III).

It is reinforced by the International Covenant on Civil and Political Rights (ICCPR), a treaty ratified by over 145 States, which imposes formal legal obligations on States Parties to respect a number of the human rights set out in the UDHR.²³ Article 19 of the ICCPR guarantees the right to freedom of opinion and expression in terms very similar to those found at Article 19 of the UDHR. Other important guarantees of freedom of expression are also found in all three major regional human rights systems, at Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,²⁴ Article 13 of the American Convention on Human Rights,²⁵ and Article 9 of the African Charter on Human and Peoples' Rights.²⁶

Because freedom of expression has a fundamental role in underpinning democracy it is among the most important of the rights guaranteed by the ICCPR and other international human rights treaties.

These international standards provide the basis upon which laws guaranteeing freedom of expression can be drafted. Such laws are not symbolic statements – they should spell out the rights of the citizens in clear and unambiguous terms. By making it clear to people what their rights are, they also clarify the obligations of public administrators in respect of those rights. Such clarity helps the watchdog function of the media and civil society immensely by providing benchmarks to measure progress. However, the drafting of such laws, while undoubtedly benefiting from international expertise, should be the responsibility of a respected group of national experts drawn from the conflict country. They cannot be handed down from above. Laws require legitimacy in both content (derived from international standards) and the process of drafting.

²³ UN General Assembly Resolution 2200A(XXI) of 16 December 1966, in force 23 March 1976.

²⁴ Adopted 4 November 1950, in force 3 September 1953.

²⁵ Adopted 22 November 1969, in force 18 July 1978

²⁶ Adopted 26 June 1981, in force 21 October 1986.

In situations where there is no hope of providing a functioning legal system or where the government's remit may not even extend throughout the country as a whole (Afghanistan is an obvious example), freedom of expression is even more vital. In such circumstances, the very minimum that should be insisted upon is that the government (and any international agencies which are exerting any political authority) should have a clear public policy on the media that complies with the relevant international standards mentioned above²⁷. Any public administration should state that it will respect the right to freedom of expression of the people as a whole and will recognize the unique role the media play in making that right a reality. Such a statement should make it clear that relations with the media will not be subject to political discretion, but will instead be guaranteed, preferably in law, but if not, through clear public policy statements. This creates transparency, itself an important first step in establishing the rule of law. It shows respect, for the ideal that no one, no matter their power and authority, is above the law and it demonstrates that there are certain principles that everyone has to respect.

Of course there are some specific issues that may require further legal consideration in these situations. The most obvious of which is the question of hate speech and incitement to violence, which has been the concern in a number of these situations – and often remains in many post-conflict societies. This is a difficult problem. In volatile, post conflict societies, incitement to hatred and violence carries great potential dangers, threatening to inflame the conflict again. At the same time, heavy-handed attempts at censorship, particularly by international organizations (or national actors whose authority may be disputed), can drive hatred into even more virulent forms. Tackling hate speech without this principled

²⁷ see text of report by the Ministry of Information and Culture in Dari/Pashto issued in February 2002

approach leads to a risk that hate speech restrictions can be abused and even used against those they should protect.

It is no surprise that the Special Rapporteurs²⁸ with a specialized mandate to promote freedom of expression have debated this issue. Their conclusions have set minimum standards for hate speech laws, namely that:

- no one should be penalized for statements which are true;
- no one should be penalized for the dissemination of hate speech unless it has been shown that they did so with the intention of inciting discrimination, hostility or violence;
- the right of journalists to decide how best to communicate information and ideas to the public should be respected, particularly when they are reporting on racism and intolerance;
- no one should be subject to prior censorship;
- and any imposition of sanctions by courts should be in strict conformity with the principle of proportionality.²⁹

²⁸ the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression

²⁹ Declaration by Special Rapporteurs for World Conference on Racism 2000

Media and democratisation

Access to information and means to communicate

A healthy media environment is one that is plural and diverse, able to carry the widest range of views, information and opinion that exists in the society. Since suppressing strongly held views or interests is one of the major reasons why conflicts become destructive, paying close attention to the general media environment of a society, which finds itself in a post-conflict situation, is instructive.

The first most basic task for any administration in a post conflict area is to ensure that people can access the means of communication by receiving broadcast signals and having access to basic electricity supplies, telephones and the internet (technology permitting). Following quickly from this, there is also a need to ensure the infrastructure exists to enable a broadcast industry to develop. Broadcasting is vital because it is the medium through which most people will get news and other forms of public communication.

Independent regulator

An early task should be the creation of an independent regulator to allocate wavelengths and undertake the necessary

broadcast licensing procedures. This body, established by law, should be independent of any government interference, whether through the appointment process, or control of its funding. Its members should be chosen through an open and public process and it should be accountable to the wider public through the legislative arm of the state.³⁰ The regulatory authority should rapidly produce a frequency plan showing how the airwaves will be shared between the public and private broadcasters and community broadcasters. It should specify the regional and local allocations and how the status of minorities will be guaranteed if this is relevant.

A dual system in broadcasting

The regulator also oversees more complex issues that involve the fostering of a dual broadcasting system, public and private. The requirements of the print media and broadcast media are quite different and need to be treated separately in this respect. To achieve the right plural mix of broadcast media and to specifically get the right balance between public service broadcasting and straightforward commercial interests requires state intervention. The starting point of public policy should be the existing state broadcaster – in most societies there will be some kind of state broadcaster, however discredited. As resources from the international community and private investors flow into a country, helping to stimulate the private media it is important not to neglect the state broadcaster but instead to begin the process of transforming it into a genuine public service broadcaster. This will present a challenge. Nevertheless the task of creating a new public service broadcaster is one of the most important in a post conflict society.

³⁰ For a more detailed elaboration of these principles see Access to the Airwaves ARTICLE 19, April 2002

Often in a post conflict society the policy objective is simply to allow the maximum private ownership of the media, on the grounds that this will produce the widest and most diverse range of voices. Yet there is a need for caution: in a bitterly divided society, a profusion of media and an absence of an overall "national voice" can exacerbate rather than heal divisions. To avoid this, and provide a situation in which private media can flourish without doing harm, high priority should be given to establishing a national public service broadcaster whose composition and programming can reflect the diverse strands of the society in question. Experience shows that programming which is informative, educative or demonstrates distinct cultural or linguistic strands, (all of which are crucial to the development of national identity) is best achieved by the creation of an effective public service broadcaster³¹. Such a broadcaster can play an important role in nation building, countering stereotypes and fostering tolerance.

A public service broadcaster requires a number of criteria to be met if it is to function successfully. It needs a clearly articulated vision, some kind of national consensus on its objectives, complete freedom from political interference and a strategy to consciously engage viewers and listeners.³² The goals of public service broadcasting should be defined in law. They will include the provision of comprehensive and balanced news coverage, the promotion of local program production guaranteed universal access and a commitment to serve all regions, cultures and linguistic groups. Such a service cannot be created overnight, but requires long-term support to develop.

The first stage of implementation is to establish a public service broadcaster (PSB) overseen by a fully independent

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³¹ see Wilton park Conference report Public Service Broadcasting in Transition States, www.wiltonpark.org.uk/web/conferences/

³² Access to the Airwaves

governing body whose autonomy and independence is guaranteed by law as with the regulatory authority.³³ Specific guarantees should be given on editorial independence and on funding arrangements. The governing body should be accountable to a multi-party body of some kind – the legislative assembly if one exists. The governing body should not interfere in the day to day running of the broadcaster. Its primary role will be to appoint the managers to run the PSB through an open and transparent appointments process (and with safeguards against arbitrary staff dismissal) and to ensure subsequently that the public service mandate is being fulfilled.

Independent civil society also has a role to play as a watchdog, ensuring that the public service remit is fulfilled. Consideration should therefore be given to the creation of Media Forums³⁴ to assess the performance of the public broadcaster and the policies of the governing body. Such forums should involve civil society: indeed there needs to be a consistent commitment to consultation with the public, through civil society organizations, political parties and other fora. In a post conflict society establishing the legitimacy of a single national voice is vital. There needs to be – for example – news bulletins and programmes which everyone in the society can watch, regardless of their position on the conflict, confident that they are receiving balanced and authoritative coverage. One of the important roles of civil society organizations is to provide feedback to the broadcasters on this complex and sensitive issue.

It is also vital to recognize the importance of enabling fair competition between the public broadcaster and the private broadcasters. The government's main responsibility here is to ensure an economic level playing field. The tax system should not favour one broadcaster over another and the allocation of government advertising must be strictly monitored to ensure

³³ Access to the Airwaves

³⁴ for example Civil Society Recommendations for Media Reform in Afghanistan July 2002, published by ARTICLE 19

fair access by all media. License fees should never be set so high as to favour the wealthiest and most powerful corporations – the ideal is to create relatively low entry costs. While it is impossible to be prescriptive in the abstract, any economic measures that impinge upon the media should be fair, transparent and non-discriminatory.

Developing open markets structures

Creating a climate where a genuine private media market can develop is another, complementary approach. In many post conflict societies the market for the media is very weak. The media, particularly newspapers are frequently supported by powerful groups – parties, factions, and businesses – to act as mouthpieces for their own interests. International intervention can be crucial in helping to provide economic support for new media outlets: pulling together with start up costs, professional expertise, even equipment and materials, all of which may be beyond the reach of many would-be owners, editors and producers. However, what the international community cannot do is treat its funding as a substitute for the development of a domestic market – particularly since media funded by international donors may lack the legitimacy necessary for it to be genuinely competitive.

International donors should consider a different approach when providing financial support. One model is to establish a media development fund, administered by respected local media professionals from across all communities, which can provide low cost loans to help new media get established.

Recommendations

from the Vaxholm seminar

25–27 May 2003

Freedom of expression and press freedom

The Universal Declaration of Human Rights provides a broad-based reference for dialogue, cooperation and follow-up. The fundamental basis of any long-term strategy to achieve structural stability for the media should be based upon the relevant international standards, and especially Article 19 of the Universal Declaration of Human Rights (UDHR), which guarantees the right to freedom of expression in the following terms:

‘Media freedom concerns society as a whole. It underpins development and democratisation and is a vital element of conflict resolution and peace building. In countries where media freedom is the exception rather than the rule, stagnation and conflict will usually prevail. An independent and pluralistic media is the foundation of a democracy and more often than not the only guarantee for transparency and good governance in conflict management and post-conflict development efforts’.

The combination of widespread poverty and human rights abuses can create grievances and feelings of injustice that may lead to armed conflict. Poverty alone is neither a sufficient nor a necessary condition for armed conflict but armed conflict

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always causes poverty. A free media is very often a guarantee for raising public awareness on developmental issues, especially poverty reduction, and can provide a forum for public debate on conflicting interests. Conflict management necessitates the strengthening of respect for human rights and for freedom of expression in particular. This promotes transparent governance, confidence in civil processes and democratic solutions to conflicts. If people have access to information and communication channels, as well as the capacity and capability to use them, they can combat impunity and draw attention to human rights abuses. This, in turn, helps create a public opinion that supports adherence to international law.

Conflict is a dynamic process where cause and effect interact, rather than a linear unfolding of events. Conflict prevention measures and media assistance should be formulated to strengthen the means of escaping the vicious circle of submerged tension, rising tension and violent conflict. Supporting an independent media is one of the principal ways of breaking this cycle.

Operational rules of engagement

- Participants recognized the unique position of the United Nations, which has the central and legitimate political role in global efforts towards peace and reconciliation. In media assistance, UNESCO as the specialized agency for communication can provide the most effective link between normative and practical assistance in the field. Furthermore, UN bodies such as UNESCO can act as intermediaries between different civil society partners and Member States, to ensure effective co-operation and use of international resources. There is a need to strengthen cooperation between UN agencies involved in media assistance projects in conflict zones in order to maximize efficiency and avoid a possible gap between immediate humanitarian assistance and long-term development support.

- To this end, it will be necessary to establish mechanisms to ensure information sharing between all international actors seeking to intervene in conflict or post conflict societies. The United Nations and its specialized agencies have a key role in providing a platform for information exchange, using discussion forums, newsletters, websites, to promote and increase collaboration/cooperation. Participants recognized that international actors had not sufficiently co-ordinated their efforts, or shared information in recent years, with the corresponding waste of valuable resources.
- Participants recommended that the objective of assistance in conflict or post conflict societies is to strengthen local media actors and local media initiatives during all phases of conflict management and levels of intervention. Assistance may, of course, be channelled through international and regional institutions and professional or civil society organizations.
- To this end, there is a need to assess local sustainability before and during different stages of an external intervention, by encouraging those international actors considering an intervention to undertake evaluations and impact assessments.
- All actors should also consider exit strategies for projects and programmes before assistance is undertaken.
- Participants also recognized the importance of advocacy efforts at regional level, using regional mechanisms where available. This might also involve strengthening media in the region and encouraging public opinion to address any conflict.

Conflict management and media monitoring

- Participants recognized that preventing a conflict was far more desirable than intervening once a violent conflict had broken out. To that end they urged international actors to develop better prevention strategies and allocate resources through appropriate channels, and be willing to take early action. Particular attention should be paid to early warning signs of conflict. Support should be provided to on-going research and monitoring mechanisms, be they local, regional or international. The local news media should be monitored as possible sources of early warning indicators.
- It is particularly important to understand the difference between genuinely independent media, and those media outlets that are primarily propaganda tools for the parties in conflict. Professional journalism and freedom of speech that promotes a diversity of opinion are the most constructive response to propaganda. There are, however, extreme cases where hate media may further incite violent conflict. In these circumstances it may be necessary for international actors, in particular the appropriate agencies within the United Nations, to take a lead role in establishing a "due process" to consider restrictions upon such hate media. Such due process would be through courts (if existing and functional) or through other legally established non-governmental mechanisms.
- In a crisis where open violent conflict has broken out, and where local structures have broken down or have been undermined, quick "impact" support can lessen the long-term damage, including to the media sector. The most common response to such a crisis is humanitarian assistance, the provision of which stems from international laws and humanitarian principles, based on impartiality, neutrality and independence. Assistance to media should be recognized as an essential part of this humanitarian assist-

ance. It too should be implemented independently from political, military, economic and other interests of donors and multilateral bodies, as well as recipients.

Media legislation and policy framework

- Participants recognized the importance of establishing a clear policy framework for media development in a post conflict society, which prioritises the involvement of local actors. The UN, donors, and international NGOs can all provide appropriate inputs for the development of such a policy, but it should be shaped and driven by local participants. Such a policy should take into account both public and private media.
- A central element of such a policy should be to transform the state broadcasters into public service broadcasters, turning state news agencies into independent news agencies, and setting up an independent system for the allocation of wavelengths for independent broadcast media. The creation of an independent sphere of broadcasting and broadcast regulation is one of the most crucial early elements of change. An independent public broadcaster and independent private broadcasting are crucial in helping forge a unified national culture that gives voice to all opinion, including that of ethnic or language minorities.
- Existing media laws should be reformed and to widen access and promote diversity of opinion and ownership. This goal should also be the stated objective of a new regulatory authority. International media NGOs and professional organizations have particular experience and capacity to support this process. UN agencies in turn can provide the co-coordinating platform for reform. Donors should participate and support the process.

Assistance to media outlets and dialogue initiatives

- Participants recognized the need to ensure that the media in a conflict or post conflict society are able to provide a means of articulating debate and discussion about the issues affecting that society. To this end they underlined the importance of promoting public service broadcasting that caters for all sections of society and encourage the public, private and community media to provide a platform for dialogue among local actors. In situations of complete collapse, the United Nations system could fill that function for an interim period by providing and operating media outlets itself.
- There is also a need to develop genuinely independent and pluralistic community media to reinforce diversity and access to media. Local actors, media and NGOs, supported by international, regional and national organizations, should lead implementation. International media organizations and NGOs as well as donors and the UN system should consider ways in which their intervention contributes to ensure independence, pluralism and professional standards.
- Assistance should be provided to marginalized and vulnerable groups to help them gain access to media outlets that voice their concerns, through public service, community media and independent private media as well as, if necessary, appropriate interim UN channels. This is a vital part of addressing the underlying grievances that cause violent conflict. Such an approach would also recognize the importance of vernacular languages in the media.
- It is necessary to help create the conditions for a genuine private media market to develop. International intervention could be crucial in helping to provide economic support for new media outlets: combining start up costs, professional

expertise, equipment and materials. However, external funding cannot be a substitute for the development of a domestic market – particularly since media funded by outside donors may well lack the legitimacy necessary to become genuinely competitive. Thus it is vital that the international community consider exit strategies for projects and programmes before assistance is undertaken.

Professional standards, working conditions and safety

- Participants recognized the need to promote awareness of human rights, and in particular freedom of expression, among civil society actors such as lawyers, the police and teachers, as well as state actors such as parliamentarians, local authorities and the military. Training programmes could be set up to encourage understanding of the importance of media independence and professionalism and to raise awareness on conflict management and the contribution of the media and journalists in creating democratic and structural stability. International media NGOs have particular competence to provide such training. The UN and donors should facilitate and support this process.
- It will be necessary to examine the social conditions of journalists in tension or conflict areas to determine appropriate aid. Such aid may include improving the economic conditions of journalists to help eliminate corruption. The different partners, including international media organizations, NGOs, donors and the UN system, should encourage respect for international labour standards in the employment of journalists.
- The local media community should be encouraged to continuously discuss and enhance the professional standards of journalists. Training by professional media organizations could include investigative journalism, skills on conflict management issues such as root causes of conflict,

possible roads to resolution, the mechanisms of peace processes, and reintegration of ex-combatants. Training should also identify how to avoid sexism in the media. This should be part of general training for all journalists.

- Assistance should be provided for the creation/promotion of broad-based and representative media institutions, such as journalists' and publishers' associations, unions, press houses and media institutes. International professional media organizations have particular competence to support the local capacity building efforts.
- Working cultures in the media should be created, that are non-discriminating, and also actively promote decision-making roles for women.
- International standards should be set up for safety training and equipment; and access expanded to risk-awareness training for journalists and media staff. A plan to raise funds for projects that will provide training, organized according to local needs, for those who currently cannot afford courses, including freelancers is also necessary. Support could be channelled through the recently created International News Safety Institute.

Overview of media assistance organizations

Selected NGOs, advocacy- and professional organizations

AINA

www.ainaworld.com

Asian Media Information & Communication Centre (AMIC)

www.amic.org.sg

Article 19

www.article19.org

Baltic Media Center (BMC)

www.bmc.dk

BBC World Service Trust

www.bbc.co.uk/worldservice/us/trust

Canadian Journalists for Free Expression (CJFE)

www.cjfe.org

Centre for Journalism in Extreme Situations (CJES)

www.cjes.ru

Commonwealth Press Union (CPU)

www.cpu.org.uk

Committee to Protect Journalists (CPJ)

www.cpj.org

Conciliation Resources (CR)

www.c-r.org

European Institute for the Media

www.eim.org

European Journalism Centre

www.ejc.nl

Fondation Hironnelle

www.hironnelle.org

International Association of broadcasting

www.airiab.com

International Freedom of Expression Exchange (IFEX)

www.ifex.org

Institute for Media Policy and Civil Society (IMPACS)

www.impacs.org

Institute for War and Peace Reporting

www.iwpr.net

Inter-American Press Association (IAPA)

www.sipiapa.com

International Alert

www.international-alert.org

International Federation of Journalists

www.ifj.org

International Media Support (IMS)

www.i-m-s.dk

International News Safety Institute

www.freemedia.at/INSI

International Press Institute (IPI)

www.freemedia.at

International Publishers Association

www.ipa-uie.org

International Women's Media Foundation (IWMF)

www.iwmf.org

Internews

www.internews.org

International Research and Exchange Board (CIREX Promedia)

www.irex.org

Media Foundation for West Africa (MFWA)

www.mfwaonline.org

Media Institute of Southern Africa (MISA)

www.misa.org

PANOS

www.panos.org.uk

Reporters Sans Frontières (RSF)

www.rsfl.org

Search for Common Ground (SFCG)

www.sfcg.org

South East Asian Press Association (SEAPA)

www.seapabkk.org

South East European Network for Professionalisation of the Media (SEENPM)

www.seenpm.org

South East Europe Media Organization (SEEMO)

www.seemo.at

World Association of Community Radio Broadcasters (AMARC)

www.amarc.org

World Association of Newspapers (WAN)

www.wan-press.org

World Press Freedom Committee

www.wpfc.org

Foundations and funding organizations

FORD Foundation

www.fordfoundation.org

Friedrich Ebert Stiftung (FES)

www.fes.de

Henrich Böll Stiftung

www.boell.de

Humanist Institute for Co-operation with developing Countries (HIVOS)

www.hivos.nl

Konrad Adenauer Stiftung (KAS)

www.kas.de

Media Development Loan Fund (MDLF)

www.mdlf.org

Open Society Institute (OSI)

www.soros.org

Rockefeller Foundation
www.rockefeller.org

Southern Africa Media Development Fund
www.samdef.com

Westminster Foundation for Democracy
www.wfd.org

UN and International organisations

Commonwealth Broadcasting Association (CBA)
www.cba.org.uk

Council of Europe
www.europa.eu.int/institutions/council

European Broadcasting Union
www.ebu.ch

Institute for Democracy and Electoral Assistance (IDEA)
www.idea.int

North American Broadcasters Association (NABA)
www.nabanet.com

Office for the Coordination of Humanitarian Affairs (OCHA)
www.reliefweb.int/ocha

Office of the United Nations High Commissioner for Human Rights (OHCHR)
www.ohchr.ch

Organization of American States (OAS)
www.oas.org

Organization for Security and Cooperation in Europe (OSCE)
www.osce.org

Stability Pact for South Eastern Europe

www.stabilitypact.org

United Nations Department for Public Information (UN DPI)
www.un.org

United Nations Development Program (UNDP)
www.undp.org

United Nations Educational, Scientific and Cultural Organization (UNESCO)
www.unesco.org

The World Bank Institute
www.worldbank.org/wbi

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