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MEDIA POLICY, PEACE AND STATE RECONSTRUCTION

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DISCUSSION PAPERS

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On 28 March 2004, US troops in Baghdad padlocked the door of Al Hawza, a popular Shiite newspaper. Paul Bremer, the Administrator of the Coalition Provisional Authority (CPA), had ordered the paper to be closed for allegedly inciting violence against coalition troops. It was asserted that continuing to allow the flow of inaccurate anti-American rumours was hindering the possibility of promoting peace and unity. The decision was taken against the advice of the CPA's Media Development Director, Simon Haselock, and was met by angry cries of "where is democracy now". The Vice Chairman of the Committee of Concerned Journalists argued that the move was a step backward, noting that, "it's hard for me to see how the suppression of information, even false information, is going to help our cause".[1] The Council for Islamic Revolution in Iraq declared that, "punishing the paper will only increase the passion for those who speak out against the Americans".[2] In July, Iraq's interim Prime Minister, Iyad Allawi, issued a decree allowing the paper to reopen, apparently to show his "absolute belief in the freedom of the press". Himself a Shiite, this was seen by some as a way of currying favour with the radicals. If so, they were not impressed.[3] Soon afterwards his own concerns about critical media coverage were highlighted when his government closed down the Iraq office of the well-known Arabic-language media organisation, Al-Jazeera. Allawi explained:

> We have asked an independent committee to monitor Al-Jazeera for the last four weeks... to see what kind of violence they are advocating, inciting hatred and problems and racial tensions… This is a decision taken by the national security committee to protect the people of Iraq, in the interests of the Iraqi people.[4]

These events are indicative of the complexities and competing interests that drive media[5] policy in environments affected by violent conflict, and they draw attention to a conundrum that is not unique to Iraq. Should media freedoms be an essential aspect of peace building, or does peace building necessitate the restriction of dissent – in other words, censorship? Particularly since the end of the Cold War, the 'international community' (i.e. the vague entity which is primarily made up of rich-country governments, Non Governmental Organisations (NGO's), International Finance Institutions (IFI's) and the United Nations (UN) system), has tended to stress accountable governance as a centrepiece of both peace-building initiatives and programmes for social and economic development. There is, of

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[1] Jeffrey Gettleman, 'G.I.'s Padlock Baghdad Paper Accused of Lies', *The New York* Times (29 March 2004), at http://www.nytimes.com/2004/03/29/international/worldspecial/29PRES.html.
[2] Gettleman (2004).
[3] Tarek El-Tablawy, 'Controversial Iraqi Newspaper Reopened', *Editor and Publisher* (July 19, 2004), at http://www.editorandpublisher.com.
[4] 'Iraq Orders Al-Jazeera Office in Baghdad to Close', *Agence France Presse* (August 8, 2004), at http://www.commondreams.org/headlines04/0808-02.htm.
[5] When addressing issues of the media we are primarily referring to the local news media, and similarly when referring to media policy we are addressing strategies towards local media. Such media is usually at the centre of debates regarding free expression and is often the most threatening form of media during times of peace building.

course, a great deal of rhetoric and hypocrisy in this. Also as Simon Haselock has noted during his work in Iraq, "the 'International Community' is a multi-headed hydra and the heads are all looking at each other and all the time arguing amongst each other".[6] Nevertheless, this liberal agenda has tended to drive media policy. An open media is seen as a 'good thing', and has been promoted even in somewhat extreme circumstances, such as those that have prevailed in Afghanistan following the US-lead invasion. Here we ask if such a strategy is really appropriate.

Establishing a political framework is vital to peace building, and the crucial underlying aspect of this is the issue of security. Peace requires the acceptance of certain hierarchies and the prevention of violence, based on some semblance of the rule of law. In such circumstances, a degree of censorship may be essential. When Rwandan President Paul Kagame publicly states that his country is not ready for an entirely free media environment, he has a point. Local media, most notoriously the government radio station Mille Collines, undoubtedly played a significant role in the genocide. In the aftermath of social upheaval, the crucial short-term issue is not how to promote freedom of speech but rather how controls on expressing dissent should be exercised.

This paper begins by identifying and discussing the current prevailing liberal policy towards the media's role in 'peace-making' and 'peace-building'.[7] We will then proceed to assess whether this has been an effective or ineffective approach, and conclude by suggesting ways in which the debate can be reframed or expanded. In brief, we will argue that laissez-faire policies towards media development in societies that are in the process of resolving violent conflicts are unlikely to be the best option. While recognising that proposing censorship is problematic and controversial, we argue that there have to be restrictions on material that is divisive and inflammatory – although this inevitably raises questions of who should decide what is unacceptable and on what basis.

The media, violent conflict and peace

Despite a large and growing literature relating to peace initiatives, it is remarkable how the role of the media has often been ignored. The capability of the media to inflame hatreds and promote violence has been relatively well documented from early studies of the role of the radio in Nazi propaganda campaigns to the more recent examples of Rwanda and the former Yugoslavia.[8] This literature has highlighted the need to prevent the media from being used to mobilise populations for mass slaughter, and various strategies for intervening have been proposed by international agencies, policy-makers and analysts for what has been termed

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[6] Simon Haselock, 'Media, the Law and Peace building: From Bosnia and Kosovo to Iraq', Alistair Berkley Memorial Lecture, London School of Economics (21 May 2004), at http://www.crisisstates.com/News/berkley.htm.

[7] By the term media we are essentially referring to news media, although the points made also relate to other forms of communication. Peacemaking and peace building are terms that are widely used but rarely defined. We take peacemaking to mean the pushing forward of the project of peace sometimes through military intervention and sometimes through negotiation. Peace building will often involve peacemaking, but also suggests the establishing of institutions that will allow peace to become self-sustaining.

[8] See, for example, Mark Thompson, *Forging War: the Media in Serbia, Croatia and Bosnia-Herzegovina*, London: Article 19, 1994; and the various contributions to Tim Allen & Jean Seaton (eds), *The Media of Conflict: War Reporting and Representations of Ethnic Violence*, London: Zed Books, 1999.

'information intervention'.[9] Nevertheless, ways in which a media environment can be either constructed or regulated to promote peace have yet to be sufficiently explored.[10]

One recent attempt to do so is *Forging Peace*, edited by Monroe Price and Mark Thompson.[11] The text offers many useful insights, notably with respect to legally grounded preventative and intervention measures, but its focus is actually quite limited. The questions it poses and the conclusions reached are indicative of most of the literature: how the 'international community' can use media policy to simultaneously promote 'market democracy' and peace.[12] The assumption is that these projects are interlinked or even synonymous with one another. But the majority of war and post-war situations do not involve international reconstruction efforts of significant energy and resources to warrant such emphasis. In violently disturbed zones in Africa, for example, market democracy is not likely to be a possibility for a long time.

The *Forging Peace* approach nevertheless reflects the dominant liberal agendas of international organisations, most rich-country governments, and the main international news organisations that claim to be unified behind a policy of minimal media regulation. The World Bank has recently argued, in a book entitled *The Right to Tell*, that this will lead to economic development by increasing transparency. Staff at the Bank would probably nowadays accept that a free and vibrant media, as with all liberal programmes, actually requires a relatively strong state including, for example, a well-functioning legal system to protect individuals against libel or racist abuse. Yet, when it comes to war zones, the 'received wisdom' seems to be that the best way to counter divisive speech is to allow for more speech (so that multiple perspectives are available), rather than to impose restrictions. Along these lines, Ross Howard, Director of the Institute for Media Policy and Civil Society (IMPACS),[13] argues that the media are an imperative component for 'peace-building' because:

> At its best, [the media] is the safeguard of democratic governance. At its best means accurate and balanced reporting which fairly represents a diversity of views sufficient for the public to make well-informed choices. Reliable and diverse media that can express themselves freely provide early warning of potential outbreaks of conflict. They serve as watchdogs over leaders and officials and hold them accountable. They monitor human rights. Their presence is essential to the functioning of other civil society actors. In less optimal environments, the media can

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[9] Jamie F. Metzl, 'Information Intervention: when switching channels isn't enough', *Foreign Affairs*, 76:6 (November/December 1997), pp.15-20.

[10] As Gadi Wolfsfeld notes: " Why is there so much research about the role of news media in political conflict and war and so little concerning media and peace? … There is not one major study which has looked at the role of the news media in an ongoing peace process… Even the most casual observer cannot fail to be impressed with the ability of the news media to serve an either constructive or deconstructive role in the promotion of peace"
(Gadi Wolfsfeld, 'Promoting Peace through the News Media. Some Initial Lessons from Oslo Peace Process', in Tamar Liebes & James Curran (eds), *Media Ritual and Identity*, London: Routledge, 1998, p.219).

[11] Monroe Price & Mark Thompson (eds), *Forging Peace: Intervention, Human Rights and the Management of Media Space*, Edinburgh: Edinburgh University Press, 2002 - a follow-up to Thompson's *Forging War* (1994).

[12] Market democracy is a term that eludes exact definition but it evokes a combination of liberal economic policies with systems of accountable governance emphasising individual freedom, constraints on state power, human rights and some form of democracy.

[13] A Canadian charitable organization that can be found at http://www.impacs.org.

> still foster stability by providing essential information about humanitarian initiatives.[14]

As with so much of the literature, the starting point here is the benefits of the media at 'optimal performance'- i.e. in rich democracies.[15] From the perspective of Iraq, Rwanda or Afghanistan, Howard's comment about "less optimal environments" seems rather naïve. In such places, the media may not be restrained by the kinds of institutionalised legal and other mechanisms available in the US or the UK. Certainly the media can, and often do, have a much more significant impact than just providing "information about humanitarian initiatives" – one that is just as likely to be detrimental as positive. The Rwandan government's Milles Collines radio station was, after all, partly a product of an internationally supported peace and democratisation project.[16] Yet, in almost all of Howard's "less optimal environments", proponents of free expression are deeply reluctant to concede situations where restricting the media may be appropriate except in the most blatant or dire of circumstances.

In the aftermath of the genocide in Rwanda, there has been discussion about the warning signs and signals that might provide enough evidence to warrant disruption of broadcasters or the shutting down of a printing press before violence breaks out or immediately after. But much discussion remains focused on opening the media and encouraging more voices to counteract the offender, thereby promoting a 'marketplace of ideas'.[17] Not only does censorship disrupt natural media competition but it encourages elites to exploit information flows in their own interests. As Index on Censorship stresses, limiting free expression would only leave room for the pointless grant of protection for the ideas or prejudices that those in power approve or do not fear.[18] This line of argument has prompted several international donors to intervene in war-damaged places by funding opposition voices. Some agencies, such as USAID, have been known to subsidise anti-government papers that are barely comprehendible for the sole reason they are anti-government or have encouraged ethnic-related media outlets to proliferate. These policies are made with the idea that they will contribute to a variety of perspectives and thus promote understanding and peace.

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[14] Ross Howard, 'An Operational Framework for Media and Peace building', *IMPACTS* (January 2002), p.4.

[15] Even in places where the media have the characteristics that Howard refers to, there are grounds for scepticism about his assertions. The news media in the US, for example, have sometimes been important in safeguarding democratic governance, but have also failed to do so on numerous occasions. At the time of writing, President Bush has won a second term in office, in spite of the fact that his administration has systematically provided misleading information about the situation in Iraq, and has manifestly violated human rights at the prison at Guantanamo Bay. It has been noted by several analysts that the US administrations are generally good at weathering press criticism, so long as a policy is maintained. After a while, the press moves on to another issue. The 'CNN effect' only seems to work when an administration's policies are unclear or subject to change.

[16] The signing of the Arusha accords in 1993 enacted a power sharing agreement between the Hutus and Tutsis supervised by the United Nations. High on the agenda for the transition was the integration of the armies, the return of refugees and the development of free media, all of which would culminate in the 1995 multi-party elections.

[17] A term that goes back to a US court case of 1919 when Justice Holmes argued that ideas will compete against one another and that truth will prevail in this 'marketplace'. In the case (*Abrahms vs. The United States*), Holmes drew upon John Milton's *Areopagitica* (1644) and John Stuart Mill's *On Liberty* (1859), and argued in his *Abrahms* dissent: "But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market ... . That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment".

[18] See, for example, http://www.indexonline.org.

Not surprisingly, feelings run particularly high on the issue of media freedom amongst many journalists. But it is worth bearing in mind that like other actors in the peace industry journalists themselves are not immune to conflicts of interest. After all, whatever the integrity of their staff, global media networks obviously have self-serving motives. Press freedom in poor countries is a market into which they can expand and increase the use of their services. US economist R. H. Coase, amongst others, has drawn attention to these kinds of ulterior motives.

> The press is, of course, the most stalwart defender of the doctrine of freedom of press, an act of public service to the performance of which it has been led, as it were, by an invisible hand. If we examine the actions and views of the press, they are consistent in only one respect: they are always consistent with the self-interest of the press.[19]

Other conflicts of interest and disagreements about how to encourage press freedom help explain why current media policy in Iraq has ended up being so confused – as indicated by the closing down of the Al-Hawza newspaper against Simon Haselock's advice. On the one hand, the United States policy has been to create an environment in which multiple voices can be heard as an antidote to the Baathist regime's propaganda, or perhaps more importantly as an indicator of democratic governance or respect for 'human rights'. It is for this reason that the US government has made so much capital out of the fact that there are now an estimated 300 newspapers in Baghdad. On the other hand, the US government has reacted aggressively to what it regards as inaccurate or inflammatory reporting. There are, in addition, serious tensions between the occupying allies as to what is considered an appropriate strategy. The UK approach to developing a viable media is based upon its own experience with a state-funded public broadcaster. Simon Haselock, describes this problem:

> In the US the notion of public broadcasting is synonymous with state and state broadcasting is synonymous with the sorts of things which used to happen in these centralist regimes. It is extremely difficult to get people to understand that what public broadcasting gives you is the ability to require a broadcaster not to be controlled but to deliver certain services and have the funding necessary to be able to do it.[20]

Haselock has had to push for a public broadcasting mechanism in Iraq against US doubts. In his view there was no choice.

> We could not build an information mechanism in Iraq, or Iraqis could not build an information mechanism in Iraq if they had to rely on the basis of a commercial investor. They may only, for instance, want to provide a service which targets a particular section of the community or a particular region of a community of where they are most likely to get advertising revenues.[21]

However, like the Americans, the Iraqis have also found a state-funded yet editorially independent broadcasting instrument a difficult concept to grapple with. Also the incoming Iraqi government is much more concerned about controlling and constraining the flow of news through a new Ministry of Information (which is headed by a former Baathist

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[19] R. H. Coase, 'The Market for Goods and the Market for Ideas', *The American Economic Review*, 64:2 (May 1974), p.386.
[20] Haselock (2004).
[21] Haselock (2004).

intelligence officer) than grappling with the complexities of establishing an effective public broadcaster.

What has been happening in Iraq highlights the need to put the prevalent emphasis on press freedom and political openness into a context of what is actually going on, rather than linking it to an invocation of what would be ideal. Media freedom and responsibility in post war environments arise in what Roland Paris describes as an enormous experiment in social engineering that seeks to transplant specific economic, political and social models in war-shattered states in order to control civil conflict: in other words, pacification through political and economic liberalisation.[22] Experience has shown that this is highly problematic.

States emerging from violent conflict tend to lack institutional mechanisms for any kind of sudden transition to market democracy. Attempts to develop these institutions quickly during a peacekeeping mission by individuals and organisations that may not be entirely familiar with local dynamics can actually hinder attempts towards long-term peace. After political liberalisation, for example, Angola was struck by an increase in violence, while premature elections in Bosnia hindered reconciliation by reaffirming the separation of parties.[23] Similarly, critics of the UN mission in Cambodia have argued that economic liberalisation has promoted growing inequalities between the cities and countryside, while political liberalisation has exacerbated factionalism and has essentially encouraged the development of two separate but parallel governments fraught with tension.[24] Here (and as we are currently witnessing in Iraq and Afghanistan) the political concerns of external actors take precedence over the realities on the ground. There is a strong desire by the rich countries that have been actively involved to have a 'victory' – be it by establishing a media environment with 300 competing newspapers or facilitating elections in a short timeframe.

Rwanda is perhaps the most extreme case and has quickly become the textbook example. A peace process was linked to one of the worst genocides of the twentieth century. There is strong evidence that a drive towards political liberalisation with international support helped create the political environment which allowed the killing. In particular, Snyder and Ballentine have persuasively argued that the conflict was intensified by greater press freedom. Rapid liberalisation of the media was part of the Arusha peace accords.[25] It immediately spawned numerous news media outlets, largely dominated by opposition voices. Highly inaccurate and overtly biased editorials became prevalent. As Gerard Prunier puts it: "A vibrant press had been born almost overnight – in terrible bad faith".[26] The Hutu elite, already feeling threatened by the potential loss of power they were to face, did not take these developments lightly. One reaction were the radio broadcasts of the government's Milles Collines.

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[22] Roland Paris, 'Peace building and the Limits of Liberal Internationalism', *International Security*, 22:2 (Autumn 1997), p.56.

[23] Paris (1997).

[24] Paris (1997), p.65.

[25] In the Arusha accords in August of 1993, the 'international community' pushed forward a peace deal between the Rwandan government and the RPF. Under the new UNAMIR (United Nations Assistance Mission for Rwanda) the UN was sent in to monitor the ceasefire and oversee the political transition. Canadian General Romeo Dallaire, backed by then Secretary General Boutros-Boutros Gali, argued that at least 5,000 UN troops were required to keep the peace. The US in the wake of the debacle in Somalia argued for 500 troops, a compromise was reached with 2,500.

[26] Gerard Prunier, as quoted in Jack Snyder & Karen Ballentine, 'Nationalism and the Marketplace of Ideas', *International Security,* 21:2 (Autumn 1996), p.32.

In the wake of the genocide some international organisations, notably Human Rights Watch, continued to promote democratic accountability and take the position that a free media could have helped avoid the tragedy. Snyder and Ballentine argue that it was "precisely the threat of such accountability that provoked the slaughter".[27] In retrospect, most now agree that it would have been appropriate to clamp down on the hate speech of Milles Collines. Even Reporters Sans Frontières has warned, in regards to Rwanda's neighbour Burundi, that the error committed in Rwanda of applying the rule of laissez-faire in the name of the principle of liberty of the press must not be repeated.[28]

In Burundi, a new law on freedom of information has been enacted, and neither the 'international community' nor the government is restricting the hate speech that is presently being broadcast. Instead, they are relying on two radio stations based in the Democratic Republic of Congo to provide alternative points of view. After what happened in Rwanda, once again relying on a marketplace of ideas in a precarious environment appears to some analysts as very risky. Such concerns are a reason why there have been initiatives by groups such as BBC Monitoring to establish systems to identify warning signs of impending violence, based on media content analysis. This inevitably has methodological limitations. The same kinds of extreme or misleading statements may be widely dismissed by one population as nonsense, but widely accepted by another as 'facts'. It all depends on the specific political processes at work. Nonetheless, as we will discuss in the next section with reference to South Africa, media monitoring of this kind is surely a positive development. At the very least it may highlight circumstances that require closer investigation, and it makes it a little more difficult for strategically unimportant parts of the world to be simply ignored.

Overall, there has yet to be a consensus on what should comprise best practice in peace-building media policy. The ideal of press freedom continues to be promoted in a simplistic way, but on the ground there is a great deal of 'hand-to-mouth' improvisation and often there are manifestly contradictory strategies. There is as much evidence that internationally supported initiatives have exacerbated local circumstances as that that they have contributed to political stability. The record, in so far as one has been kept, is very mixed. Old formulas, such as the US example or even the British public broadcasting model, may be largely irrelevant. At the very least, circumstances are very different from one country to another.

The Media and State Reconstruction

We now turn to situations in which international media-assistance interventions have been less overt or significant than in the instances mentioned above. We comment briefly on various developments in Ethiopia, Uganda and South Africa.[29] In all three countries, efforts have been made to move beyond the simplistic free/unfree dichotomy of so much of the debate, and local governments have sought out alternative ways of conceptualising relationships between the media and state during complex transitions. In focussing on them we do not intend to suggest that they should become 'ideal types' to be emulated elsewhere, nor that they are the only countries grappling with these issues – we could have just as easily drawn on numerous other cases. They nevertheless raise important issues of broad

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[27] Snyder & Ballentine (1996), p.33.
[28] RSF, as quoted in Snyder & Ballentine (1996), p.33.
[29] We have chosen these three countries largely because of our own interests and experience. We just as easily could have used many other cases, including Ghana where the media has been instrumental in shaping the political environment.

applicability, and should have a much more central part in discussions about the roles of media in peace building than is usually the case.

Africa's so-called 'New Leaders', notably President Museveni of Uganda, Prime Minister Meles Zenawi of Ethiopia and President Kagami of Rwanda, have forcefully put forward an argument that they are pursuing a democratisation strategy that will minimize the potential for divisive violent conflict. Not surprisingly they have provoked a critical response from human rights organisations. Human Rights Watch, for example, argues that Museveni's development strategy, referred to as a 'movement system', is nothing more than "old wine in new bottles".[30] Similarly the progressive federalist constitutional structure Meles has crafted in Ethiopia has been described by critics as the façade of an authoritarian and bureaucratic regime.[31]

These leaders doubtless have their own ulterior motives; nevertheless their argument should be taken seriously. Supporters, for example, have argued that the Ethiopian People's Revolutionary Democratic Front (EPRDF) has been relatively successful in holding the country together while also allowing space for the expression of ethnic diversity. They commend the relative success of the current leadership, pointing out that there are few precedents to guide in the transformation of such a deeply traditional, authoritarian, underdeveloped and severely damaged country as rapidly as some suggest possible".[32] The case may be instructive, as it challenges us to re-think exactly what we mean by media development and what an appropriate trajectory might look like.

The conflict between the Ethiopian state under Meles Zenawi and the Ethiopian press has sometimes been intense. Certainly the government is not above persecuting individual journalists and newspapers. It has generally failed to cooperate with the independent media, normally excluding their journalists from official events – within the last ten years the private press has yet to be invited to one of Meles's press conferences. In 2000, Ethiopia had more imprisoned journalists than any other African country (an achievement that has subsequently been eclipsed by its neighbour Eritrea). Reporters Sans Frontiers has claimed that Meles is a "predator of press freedom".[33] In May of 2004, Ethiopia's Ministry of Information released the latest and likely final version of a draft *Proclamation to Provide for Freedom of the Press*.[34] Amnesty International, Article 19 and Human Rights Watch, along with both local and international journalists, have been deeply critical, arguing that it will further restrict the media and that it is indicative of a broader trend of deteriorating human rights conditions.[35]

However, it is quite possible to put a more positive spin on what has occurred. It could be argued that Meles's Ethiopia is pursuing a path of media development consistent with the

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[30] This argument is laid out in Human Rights Watch, *Hostile to Democracy: The Movement System and Political Repression in Uganda*, New York: Human Rights Watch, 1999.

[31] John W. Harbeson, 'A Bureaucratic Authoritarian Regime', *Journal of Democracy*, 9:4 (October 1998), p.65.

[32] Paul Henze, 'A Political Success Story', Journal of Democracy, 9:4 (October 1998), pp. 40-54.

[33] Reporters San Frontiers, Annual Report 2002
www.rsf.org/mra/jul02/jul02_front2.htm

[34] Essentially, the draft proclamation is part of an effort by the government to develop a regulatory framework that will concern itself not only with freedom of expression issues but freedom of information issues, making Ethiopia one of a handful of countries in Africa that have developed a legal framework for freedom of information. The South African group Resolve has been contracted by the Ministry of Capacity Building to consult on how to draft and implement these laws while the Ministry of Information has been focusing on the draft press laws.

[35] See, for example, Article 19, *Briefing Note on The Draft Ethiopian Proclamation to Provide for the Freedom of the Press*, London: Article 19, 2004.

agenda proclaimed by the 'New Leaders'. His government has combined aggressive constraint procedures with provision of relatively considerable space for dissent. It is striking that the text of the recent *Proclamation* has not ignored inputs by various local organisations and journalists. Many free-media activists think that the law is too restrictive, but they have to concede that some of their concerns have been taken into account, and in several instances they have seen changes addressing their points in the various drafts. Moreover, despite Ethiopia's low rating for press tolerance, there is a considerable amount of open discussion – some of it highly charged and vociferous. The government's harsh attitude towards the independent media has been matched by an equally aggressive response.[36] Indeed, the majority of Ethiopian newspapers make the indecencies of the UK's tabloid press seem mild. Even the Ethiopian Free Press Journalists Association has noted that alarmist and false reporting is very prevalent, as well as stories that lack sufficient evidence to substantiate their assertions. For many of the papers, it would appear that their sole purpose has been to try to de-legitimise the government or to antagonise particular groups. While the effects of the *Proclamation to Provide for Freedom of the Press* has yet to be properly assessed, the debate the government has facilitated about media responsibilities and the limits to what is acceptable to say, may not be misplaced. It may indicate that things are less simple than has been asserted, and that this government is struggling to come to terms with a free media environment by trying to create a viable framework in which it can operate, without undermining the overarching agenda of re-invigorating the Ethiopian state.

A particular aspect of Ethiopia's *Proclamation* that has been criticised by organisations promoting press freedom is the clauses that mention the illegality of false accusations. Article 19, in a briefing on the draft of the Proclamation, explained the basis of its reservations:

> ARTICLE 19 is opposed in principle to legal measures that prescribe the working methods of the media, or legal provisions requiring all news to be truthful. The media should be free to organise its internal working arrangements. Furthermore, goals of publications should not be prescribed, as this may be open to abuse on the grounds that a publication did not have these goals. Similarly, legal requirements requiring media to check the truthfulness of what they seek to publish are inappropriate. These matters are properly addressed in professional guidelines. In any event, it is well established that the nature of the newsgathering process means that the media may make mistakes.[37]

Article 19 has expressed similar views with respect to developments in Uganda. Here the organisation can claim some credit for influencing the February 2004 decision of the Uganda Supreme Court to declare that the offence of 'publishing false news' was incompatible with the right to freedom of expression. This relates to the court case between *Charles Onyango-Obbo and Andrew Mujini Mwenda* versus *The Attorney General of Uganda*. The written comments on the case, submitted by Article 19, exemplify the prevailing 'international' approach to many of the issues we have been discussing.

The Article 19 commentary opens by summarising the case in which two journalists were charged with publishing false news suggesting that late President Kabilia gave a large amount

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[36] In Ethiopia the print media (i.e. newspapers) is a mix of government and private. The radio and television remains almost entirely controlled by the government.

[37] Article 19 (2004).

of gold to Uganda. However, no comments are made about the specific details. Obviously the intention was not to address the particular case but rather use it as an opportunity to attack Section 50 of Uganda's Penal Code. This states that "any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the peace is guilty of a misdemeanour".[38] No attempt is made to assess the local context in which this code might operate. Rather, Article 19 makes its argument on the basis of principle, asserting that the false news provision is inconsistent with international and constitutional guarantees of freedom of expression and cannot be regarded as either 'reasonable' or 'justifiable' restrictions as allowed in instances of speech that may be threatening.[39] The legal cases cited are all from outside the African continent from either Europe or America. Indeed, the brief reads as though the author merely cut and pasted various segments from a report that may have initially been created for another purpose.

The position put forward by Article 19 is an interesting example of an international organisation using local legal mechanisms to prevent an African government from constraining press freedom. Doubtless many readers will think this was an entirely credible intervention. It is probably the case that 'false information' laws are more likely to be exploited by governments than more specific provisions on incitement to violence, which most African governments have on their statute books.[40] However, one immediate consequence of striking off section 50 of the Penal Code is that it removes a legal instrument through which the government of Uganda might try to contain hate speech.

Perhaps more importantly, the case illustrates a 'human rights' strategy that is unable to adjust to the specific context in which it is operating. As Jon Lunn has noted, there is a prevailing "international legal absolutism" evident among organisations such as Article 19. Specific historical or political considerations, that might be required to address the particular local realities of countries in complex transitions, are subordinated to the "global justice agenda".[41] It seems reasonable to ask whether this strategy is appropriate for countries whose primary goal is peace and state reconstruction.

President Museveni of Uganda shares many of Meles's perspectives on state reconstruction and political development; indeed he has probably been something of a model for Meles to emulate. Ugandan journalists have not always had an easy time, and there is no doubt that some have faced outright persecution. Nevertheless, as in Ethiopia, the parameters within which various kinds of media have been allowed to develop have been greater than most Uganda watchers would have thought possible in the mid 1980s. Visitors to the country are often amazed at the dynamism and critical qualities of the county's newspapers and radio stations. Not surprisingly, the independent newspapers are the more outspoken, but the

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[38] There is a following provision that the accused can offer defence by proving that he took measures "to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true". Article 19 report, *Onyango-Obbo and Mwenda vs. Uganda Attorney General*.

[39] Their brief suggested that Section 50 of the Penal Code that states: "(1) Any person who publishes any false statement, rumor or report which is likely to cause fear and alarm to the public or to disturb the public peace is guilty of a misdemeanor and (2) It shall be a defense to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumor or report as to lead him reasonably to believe that it was true" is in contradiction with Section 29 of the Ugandan Constitution stating: "(1) Every person shall have the right to- (a) freedom of speech and expression, which shall include freedom of the press and other media."

[40] In Uganda, part of the Constitution states that "no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest".

[41] Jon Lunn, 'The power of justice/justice as power: Observations on the trajectory of the international human rights movement', unpublished paper, January 2003 (available on request from Jon Lunn at j.lunn@lse.ac.uk).

government-owned *New Vision* is no mere propaganda device.[42] News media have been allowed to be openly hostile to government policies, and have frequently been able to take powerful individuals to task in much the same ways as journalists have done in post-transition South Africa.

In South Africa, the use of news media by politicians has had almost the opposite effects to those that occurred in Rwanda. The media was critical on details of government actions and policies – often very critical indeed – but was broadly supportive of the national reconciliation and state-building project. What has occurred in South Africa illustrates how a government's media policies may clash with the 'global justice' movement, and be bitterly opposed by many journalists, yet contribute substantially to essential political processes. At the time of the transition from apartheid to democracy there was the distinct possibility of the country being engulfed by civil war and political turmoil. Astute use of the available news media resources helped stop this from happening. One decisive example occurred after Chris Hani, a charismatic black leader who was popular in the townships, was gunned down in his driveway. President Mandela appealed for calm through the South African Broadcasting Corporation (SABC), pointing out that the woman who identified the perpetrators was a white Afrikaner woman. His action is widely assessed to have played a key role in diffusing a potentially explosive situation.

The relationship between government and news media has not been an easy one, however. After coming to power the ANC attempted to influence the SABC for its own purposes, prompting fierce debate within the country as to what the relationship between the new government and the public broadcaster should be. The SABC has had to fiercely defend its relative independence. A particular arena of tension has been a consequence of the government's determination to eradicate all forms of hate-speech, including subtle racial biases. For obvious reasons there has been a determination to push this policy to the limit, and systematic efforts have been made to ensure that all established media organisations are accountable on the issue. The South African Human Rights Commission even went so far as to subpoena editors of some of the most liberal and progressive newspapers, an action which was hugely controversial with journalists and human rights organisations. What ensued was a year-long investigation into identifying and defining racism in the media, and a great deal of debate about what should be done to prevent it.[43]

At one level the inquiry failed, in that it was unable to carry out the task it assigned itself (i.e. identifying subtle racism), but it facilitated an important discussion across society. It forced journalists and editors to step back and reflect upon the role they should play during the important transition period, and helped create a situation in which they became acutely aware of the unconscious ways in which they might be promoting counterproductive stereotypes. It has led to a considerable amount of unregulated self-censorship: there are many things now that just cannot be said. In the fragile circumstances of post-apartheid South Africa, this has surely been valuable – even if it has limited a journalist's capacity to tell the truth as she or he sees it.

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[42] To give just a couple of examples from 1998: *The New Vision* reported embezzlement of monies intended for fuel "for military operations against Joseph Kony rebels in northern Uganda, and the diversion of supplies, including medicines from the army to the LRA rebels" ('UPDF officer charged', *New Vision*, 6 April 1998*;* 'Two Kony bodyguards held in Kampala', *New Vision*, 11 April 1998).

[43] While the SAHRC is 'independent' of the government there are clear and strong links including between Barney Pityana, the former Chairperson of the SAHRC and the current leadership in the ANC.

It is also important to note that these pressures and constraints have not incapacitated the South African news media. Far from it, if anything it has increased their importance and made them more of a voice for the population as a whole than they ever were in the past. By and large, they have been vigorously outspoken, frequently launching exposés of politicians and sometimes even the government itself. Given the relative weakness of opposition parties in the country, the press has to a large extent taken on the role of holding the ANC to account.

In this respect, it must be recognised that the post-apartheid media in South Africa were still operating in an established and recognised legal system – the broader structural institutions were in place to provide recourse when due. This marks a critical difference from many other countries. In short, there were courts to turn to if someone had to sue for libel, there was a judiciary that remained strong, and executive leadership that worked within the legal framework. There were, of course, also entrenched hierarchies associated with these broader structural institutions. The Human Rights Commission challenged some of these, but only up to a point. In general, the ANC government has sought to guarantee the rights and safety of political and economic elites. This has been very unpopular with many political activists, not only in South Africa itself; but it is the case that functioning state systems require such hierarchies. As Mandela accepted, to change them overnight would have been catastrophic. Elsewhere, peace-building governments may not inherit similarly institutionalised social stratification. Ideally, this could be avoided – but that is not the way things work. Effectively hierarchies have to be established as part of the state construction process. This is one of the most difficult things for human rights organisations and development agencies to come to terms with, and lies behind much of the criticism levelled at the likes of Museveni and Meles.

Conclusion: a case for media manipulation?

As this chapter has argued, the current approach to media policy in countries emerging from violent conflict is problematic and needs to be re-thought. Let us conclude by reviewing the arguments put forth and suggest a possible way forward.

First, it is important to note the impact liberal ideology has had on ways in which media policy is constructed and the need to re-conceptualise the role of the state in media development. In the 1960s, Samuel Huntington suggested that open institutions such as a free press were "luxuries" transitioning states could ill afford. In short, he argued that the potential disruption of mass public participation was simply a risk that countries struggling to modernise need not take.[44] Such ideas were always controversial, and were understandably seen as discredited by the militarised autocracies of the 1970s. The promise, however, of political and economic liberalisation has proved almost as fruitless in most parts of the world. As this chapter has illustrated, the prevailing approach to media development is indicative of the broader ideological liberal approach to political development and is thus vulnerable to similar criticisms. Developing an open media environment, like other liberal projects, requires the presence of a strong state which includes, among other features, a well functioning legal and judicial environment.

Second, the prevailing approach towards the media in transitioning countries is structured around the experience and impressions of rich countries rather than local realities. While almost everyone is beginning to accept that markets have to be regulated, and that state institutions have to be strong for them to work effectively, the need for checks and balances in

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[44] Samuel Huntington, *Political Order in Changing Societies,* London: Yale University Press, 1968.

transitioning countries continues to be under-emphasised. This is partly because a free media continues to be considered by many journalists and NGO's as a human right. Article 19 of the Universal Declaration of Human Rights, however, is about individual and collective rights and liberties, not about the independence of media organisations.[45] Additionally, there is a tendency in rich countries for domestic media environments to be seen as something of an ideal, exemplifying the population's openness and freedoms. As most readers are well aware, the reality is more complicated. Rich countries do not have perfectly competitive marketplaces of ideas. While formal state censorship may be minimal, there are nevertheless mechanisms and codes of conduct that serve a similar role. In the UK, for example, simply by looking at who owns newspapers and funds TV stations one can see that the media market is constrained. Along a similar vein, many in the US media have made clear that they recognise their negligence and failure in the run-up to the war in Iraq when certain ideas that challenged the rational behind the war were not given a 'fair' and 'equal' voice.

The third argument we have made is that the tendency of journalists and human rights organisations to ignore the local realities and rather push their own 'international justice' agenda may be counter productive. While the media and human rights organisations have effectively lobbied, particularly in weaker states, against the use of state constraint they have similarly divorced issues of media liberalisation from the political context. Given the asymmetrical power relations between large human rights organisations with substantial lobbying power in rich countries, and poorer countries with leadership that is regarded as weak and semi-autocratic at best, it is easy to see how local initiatives or arguments for slower media liberalisation fall on deaf ears. Thus, foreign 'experts', often in line with rich countries, are increasingly defining and dominating processes such as 'truth' and 'justice'. As John Lunn describes, this approach is unfortunately something we are all familiar with:

> During the colonial period, Africans (and other colonised) were often viewed as children who were not ready yet for self-government. In the modern world, a similar characterisation is creeping back in. Locals are seen as lacking the capacity or maturity to govern themselves. ... new forms of trusteeship are justified on the basis that reactionary and opportunistic local political leaders cannot be trusted to rule justly and fairly.[46]

Given the complexity of political transitions and state reconstruction it would be unfortunate if viable local alternatives were not explored or tolerated because they may possibly contradict some of the expectations or standards of rich countries. As we described in this chapter, the controversial approach taken by Africa's 'New Leaders' may present one of these alternative strategies. Accepting such approaches, however, will necessitate some degree of systematic assessment on the nature and intentions of the current government. While such analysis is often difficult, it does clearly warrant further exploration and study.

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[45]The text of Article 19 is as follows: "Everyone has the right to the freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". We do note, however, that some of the world's most progressive constitutions, such as South Africa, have provisions for providing for the right to an open media. In addition, as certain norms have been accepted as 'standards', we recognise that this may be contested terrain, however, and conflating one with the other can be profoundly misleading. It may well be that there are good reasons for a government to want to control media organisations and to put limits on what they can say and how it can be said in order to protect the human rights of their citizens including their right to development.
[46] Lunn (2003).

Fourth, whatever the rhetoric about promoting freedom of expression, the situation on the ground is often muddled, contradictory and sometimes hypocritical. In places like Iraq this has been at least partly because US and other occupying troops from rich countries are themselves vulnerable to attack and have thus been inclined to shut down media outlets . But more generally, concerns about hate speech are supplanted in initiatives to create a space for promoting news manipulation, ideally without enforcement procedures or explicit controls. In many respects this is, of course, how news media in particular is effectively restrained in rich countries, including the UK and US. Also in Iraq and other war zones, while some international organisations are promoting multiple voices and freedom of speech, others are experimenting with mechanisms to manipulate the marketplace of ideas including efforts to promote peace by funding particular media outlets. This kind of 'peace media' approach has become popular with some donor agencies, such as Oxfam, and also with some large media organisations, such as the BBC. The intention is to make the content of the programmes more interesting and just generally better than the alternatives available. Results have so far been mixed, but such experiments are interesting and clearly have possibilities for development.[47] While peace media is certainly an important initiative that is gaining momentum and popularity, the general approach to media development continues to be dominated by the 'one size fits all' laissez faire project. As this strategy is not likely to be entirely abandoned, there is, however, the potential for slowing it down and concentrating on rebuilding institutions. Doing so would also suggest greater understanding from rich countries of the challenges faced by transitioning governments. It would also reduce charges of hypocrisy – such as those that emerged from Iraq – as it would demonstrate that it is not only rich countries that can be trusted to impose censorship and shape developing media environments.

Fifth, in instances when more institutionalised mechanisms that may exist in rich countries are either not present or functioning properly, explicit constraint may be required. When this is necessary, a crucial issue is by whom? Just as developing countries have successfully argued at the WTO that they are willing to buy into liberal market economics but they want concessions and safeguards – there are parallel lessons for the media as well. But giving the state too much control may also be a risky proposition as a long line of African autocrats has clearly taught. An alternative strategy will clearly require some degree of international or regional oversight as well as greater transparency and accountability.

One possibility is the establishment of a United Nations global media watchdog that could serve as a central component to ensure standards and procedures are adhered to and to prevent abuse. Monitoring, however, must be done according to certain accepted principles and undertaken in such a way that is not seen as simply reflecting the values and interests of the world's rich states. The proliferation of Truth and Reconciliation Commissions (TRC) offers a possible analogy for establishing a media oversight body with both local and international credentials. In Sierra Leone, for example, the TRC is a hybrid of local and international jurists. Independent Media Commissions might adopt this hybrid structure thus allowing for the participation of both local and international media bodies. These Commissions would

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[47] Oxfam-Quebec, for example, has sponsored a very successful peace programme in Somalia – Radio Galkayo. This programme tackles a variety of issues such as de-mining, concerns of women and peace and reconciliation. It is produced by some young journalists in the area and has been successful at spearheading community projects that have brought together various factions. Not all attempts at peace media are successful, and a recent attempt in Somalia by BBC Trust is indicative of just how problematic it may be. The BBC Somali service hosted a drama series to discuss conflict resolution. They however made a grievous error in selecting the choice of actors, and one clan regarded the drama as a plot by another clan to attack them (Gordan Adam & Lina Holguin, 'The Media's Role in Peace building: Asset or Liability?', *Our Media 3 Conference*, Barranquilla, Columbia (19-23 May 2003), p.10).

also serve as an important mechanism for facilitating local dialogue about past media abuses as well as discussions about responsible peace-building reporting.

In the case of Africa, another option may be found within the African Peer Review Mechanism (APRM),[48] a central component of Africa's new development initiative – the New Partnership for African Development (NePAD).[49] Everyone would feel more comfortable with limitations on media freedoms if states had to request permission to impose them. Perhaps a system could be established similar to how law enforcement officers must request a search warrant from a court. For example, if states subscribed to the APRM and agreed to be held accountable to prevent abuse, in return they would be allowed greater scope for restricting the media during precarious transitions and more time in which to develop the infrastructure for a free media.

These initiatives, however, will require further re-evaluation of the overall peace building agenda as well as some degree of compromise from the NGOs and human rights advocates that so passionately hold to their own perspective. While it is premature to propose a new approach to media in peace-building environments, we hope this paper has succeeded in questioning the underlying assumptions of the liberal approach. There is much research to be had in continuing to sketch out alternative frameworks for thinking about the media's role in transitions. It is our hope that future initiatives will be characterised by a greater focus on holding local strategies to account rather than the continued imposition of rich country strategies.

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[48] The APRM is an instrument that is used for self-monitoring by the participating countries. Both Uganda and Ethiopia are currently on the fifteen-member steering committee. Countries that have agreed to join the APRM submit to periodical peer reviews whose primary purpose is to foster the adoption of certain policies, standards and practices with the intention of achieving political stability and cooperation. For more information visit the African Union's website or the reports from the 2002 meeting where the APRM was established. See, for example, http://www.au2002.gov.za/docs/summit_council/aprm.htm.

[49] For more information on NePAD, see the official website at http://www.nepad.org.

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