

**RESTRUCTURING THE MEDIA IN POST-CONFLICT SOCIETIES:
FOUR PERSPECTIVES
THE EXPERIENCE OF INTERGOVERNMENTAL AND NON-GOVERNMENTAL
ORGANIZATIONS**

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Edited by

Monroe E. Price

Co-director, Programme in Comparative Media Law & Policy

Centre for Socio-Legal Studies, University of Oxford

INTRODUCTION

Monroe E. Price

Observers of the harsh ethnic conflicts of the 1990s, which disturb the glow of a post-Cold War peace, often remarked upon a new and dangerous tendency: the increased use of the media—and especially the electronic media—to encourage and sustain genocidal tendencies. Crudity and skill combined to produce propaganda extraordinary in terms of the nature and endurance of the resulting conflict, and the brutality of the elements of force. But this broadcasting-based genesis also had a significant impact on the texture and challenges of the post-conflict environment. A great deal has now been written about the patterns of media exploitation as they contribute to a vortex of destruction. Less has been elaborated about the efforts of international governmental organisations ("IGOs") and non-governmental organisations ("NGOs") to intervene so as to maintain a more stable and peaceful world order either in anticipation of conflict, during the conflict or in the ordeal following the conflict. This paper focuses, as a

background for the United Nations Educational, Scientific and Cultural Organization ("UNESCO") Geneva Conference, in May 2000, on post-conflict patterns that emerge, primarily drawing from four case studies—Bosnia-Herzegovina, Kosovo, Rwanda, and Cambodia.

BACKGROUND

After Rwanda, after the seeds of hate were cast in Yugoslavia, proposals began to be made for concerted action by the international community to forestall genocidal use of broadcast media that promoted or accentuated devastating, often genocidal, conflict. Some proposed an "information intervention unit" of the United Nations to respond to broadcasting efforts that might be used to incite violence in troubled areas." Such a unit would have three primary functions: "monitoring, peace broadcasting, and, in extreme cases, jamming radio and television broadcasts. It became a matter of common understanding to point to the explosive mobilising role Radio-Television Libre des Mille Collines ("RTLM") had in Rwanda with its

repetitious and explicit incitement for Hutu to slaughter Tutsi. That became the textbook example where preventive intervention by the international community should have been deemed suitable and, perhaps, necessary. Information intervention would be a way to broaden the range of intermediary opportunities available to the UN, NATO, or the United States as it engaged in peacekeeping measures in ethnic and other conflicts. There were increased voices contending that the world community's failure to halt the genocide in Rwanda exposed the weakness of an international system that forces states to choose between the extremes of massive, armed humanitarian intervention and mere symbolic action. Given the rise in the potential for conflict-fostering and genocidal media, the time had come to develop, refine, and institutionalise information-based responses to what Jamie Metzler called "incendiary mass communications."

The problem of what to do when the flames of conflict were temporarily under control, and when the effort at reconstruction would begin, posed different problems. In Cambodia, as a result of the 1991 Paris Agreements, the United Nations Transitional Authority in Cambodia ("UNTAC"), sought techniques and approaches to alter the structure and practice of information distribution prior to the 1993 elections. Shortly thereafter, under the Dayton Accords, Stabilisation Force ("Sfor"), the Office of High Commissioner, together with OSCE and a wide variety of NGO's, took steps to reshape and reform the media space in Bosnia-Herzegovina, recognising the critical relationship of altering the media as part of reconstructing society. It became clear that a new approach by the international community was emerging, with vastly important constitutional, political, and structural

implications. All of a sudden, the kind of machinery of administration was put in place, regarding the structure of media, that had not been seen as an imposition of the international community for almost half a century. In addition to the function of several international organisations, a variety of NGO's entered the field, also intent on building a media system that would contribute to achieving a more stable, plural, democratic society. Only recently, in Kosovo, variations on the Bosnia-Herzegovina themes were repeated, as the Office of Security and Cooperation in Europe ("OSCE") was given administrative responsibilities for reconstructing the devastated Kosovar infrastructure in connection with peacekeeping there.

Taken all together, in Bosnia, in the ensuing Kosovo theatre, in Cambodia and Rwanda and in relation to peacekeeping efforts worldwide, it could be said that two approaches, dichotomous to some extent, were tested, though the objectives were similar. First, there have been those who believed that to counter war and hate propaganda in most post-conflict situations, the international governmental organisations (however constituted) had to create alternative media outlets that were, at least initially, under IGO control. These modes often preempt media outlets associated with the belligerents or opposing ethnic factions. The logic is simple: to achieve content that is neutral and peace-oriented, a structure that is neutral and peace-oriented is required.

A second approach, fostered and encouraged more by NGOs than IGOs, appears less controlling. It focuses on strengthening local, indigenous media outlets, particularly those that strike a new voice, in the hopes of building a public sphere, a civil society, and the long-term machinery for peace and reconstruction. The

idea has been that constructing a network independent of the IGO's means that there would be a heritage of non-partisan information, the infrastructure for a pluralism would be established, and an informed electorate would emerge.

It is the function of this review paper to set the stage for discussing the advantages and disadvantages of each approach, for debating the appropriateness of various techniques in particular contexts, and for discussing their harmony, immediately and over the long run with deeply-held free speech principles. The studies that are included, most by outstanding journalists familiar with the regions, canvas the varying strategies and comment on their efficacy in the recent zones of experience (Cambodia, Rwanda, Bosnia, Kosovo).

Based on the papers, we can ask whether these two approaches are truly dichotomous. We can also examine some of the benefits and drawbacks that underlie each approach. For example, imposing or constructing an alternate, imposed, media can alienate substantial portions of an indigenous population. Such populations may perceive a press that is administered, or too closely associated with international organisation and government funding, as foreign, alien, and to be spurned for the media that had their allegiance before. Local journalists sometimes resist working for those deemed outsiders or react negatively to the control that intergovernmental organisations exercise over the display of information that these outlets direct at the local journalists' own countrymen. When these internationally-sponsored media are successful, on the other hand, because of their relative affluence, the best journalists might be siphoned off from the local media, weakening the long-term potential for developing a civil society. Composing

editorial teams can also be extremely sensitive and these teams are often built at the expense of local media outlets who often cannot compete with the alternative media in terms of employee work conditions and output quality. Finally, investment costs in creating the alternative media outlets can be very high and, once the international mandate is complete and the established infrastructure withdrawn, an immense void in the information space can be left.

Focusing primarily on local, indigenous media outlets also has its drawbacks. In post-conflict contexts where the society was torn asunder through words as well as other weapons, almost all stations are often affiliated with a highly partisan political party or a local power. Patterns of professional journalistic ethics and responsibility are often in decline and, as a result, the level of professionalism of local media outlets is often relatively low when measured against international standards. This lack of professionalism further undermines any claim of independence that these local media outlets claim. Neutrality and objectivity may not be the currency of the day. The international community often feels itself threatened by the lasting embers of bitterness as displayed in the media while local and foreign journalists may also become victims of intimidation or violence.

FACTORS FOR ANALYSIS

As one reviews the four instances of international media intervention in a post-conflict environment, it should be against a purposive background: given military concerns, inordinately difficult circumstances on the ground, and the usual inter-cine contests within the international community itself, how can the processes of media restructuring and support take place in a way most consistent with international

norms of freedom to receive and impart information? In distinguishing among the four case studies (and as a way of considering other sites for post-conflict information intervention) a number of other questions might be highlighted:

- a. What is the relationship between the structure and role of the media in fuelling conflict and the needs for reshaping the media space of a particular state in the post-conflict arena? What was the media structure on the ground at the initiation of the post-conflict assessment? Is the conflict-related media still intact, in terms of structure and personnel? Was there a tradition of media independent of the state, and was such media pluralistic? Is there access to a core of professional journalists with national experience?
- b. What demographic aspects of the post-conflict context impact on the nature of the media-related strategy? What role do neighbouring states and their media play in the conflict and post-conflict era?
- c. What was the authority of the international community in terms of media intervention as it began to deal with the post-conflict atmosphere? How well established were indigenous NGOs prior to the conflict?
- d. What changes in the environment might lead to shifts in strategies and the appropriateness of differing international responses? For example, what is the residuum of hate and intimidation and to what extent is it affected by the use of the media space?
- e. What issues of coordination, among IGOs and between IGOs and NGOs, present challenges to optimal implementation of various strategies? To what extent are the

coordinating problems, military versus civilian, short-term versus long-term, instead ones of budget constraints?

Once we have examined these factors we are better prepared to address, or reformulate, more fundamental issues involving long-term commitments that enhance democratic institutions and develop an environment hospitable to international free speech norms. Then, there will be a better understanding of what strategies the international community should adopt concerning the local media during peace keeping operations and how such strategies can prevent or modulate programming that intensively promote hate, racist, and fiercely nationalistic speech in an incendiary way. Then, too, strategies can be fostered that encourage greater professionalism in the journalistic and publishing community and, as well, among regulators. In these environments, special care must be taken to assure that non-partisan information is provided to local populations without exercising control over the editorial content of this information. Finally, these are contexts in which the physical safety of local and international journalists is questionable and, if an atmosphere approaching the international norm protecting freedom of speech is to be approached, questions of safety and security must be addressed.

With this as an introduction, we turn to the case studies.

PART II:

THE CASE STUDIES

BOSNIA-HERZEGOVINA

Monroe E. Price

Bosnia-Herzegovina presents an unusually comprehensive case study of the difficulties, in a harsh, complex post-conflict environment, of rebuilding and reshaping the media, both to allow a peace process to go forward and, simultaneously, to rebuild institutions that create a more stable and democratic future. It is an especially important case for the study of intervention and management of the electronic media, considered to have a primary role in shaping public attitudes. Other forms of communication—newspapers, mass rallies, and the various manifestations of civil society—all played their part. But the focus here is on television and radio. The wounds of war, funding uncertainties, competition or confusion among players in the international community, governmental and nongovernmental organisations, debates about first principles of human rights—all of these play a part in a story in which there are few, if any, easy answers.

In Bosnia-Herzegovina, as in elsewhere, the conditions for post-conflict administration could be found within the war and the period that preceded it. Media was used to spread terror and fan the flames of war in the former Yugoslavia. Several months before anyone in the region outwardly bore arms, nationalist leaders in the various Yugoslav republics began laying the groundwork for war by planning media campaigns. Slobodan Milosevic sent paramilitary troops and technicians to seize a dozen television transmitters in the northern and eastern parts of Bosnia in the

spring of 1992. These areas are close to Serbia and had substantial Serb populations. As a result, more than half the people in the territory of Bosnia-Herzegovina began receiving a television signal controlled by Belgrade rather than the usual television from Sarajevo. Bosnian leaders begged U.S. officials at the U.S. embassy in Belgrade to jam Serbian television broadcasts. The idea of a unified Bosnia information space, with a national signal emanating from Sarajevo, was immediately fractured, and the stage was set to wage a fierce propaganda war that would precede any actual fighting.

The Serbs were not the only ones who understood that the key to power and influence was television. Well before any fighting began in Bosnia, Croatian television, like Serbian, was airing nationalist broadcasts discussing how the Serbs intended to exterminate the Croat population in order to form a "Greater Serbia." These incendiary programmes suggested to Croats that they were in mortal danger from the Serbs and that they should arm themselves before it was too late.

Firmly under the control of the nationalist leaders who would lead the war, Bosnian Serb controlled Serb Radio and Television used the same tactics, during and after the conflict, as Belgrade television had before the war. Croatian television from Zagreb began broadcasting reports claiming that Islamic fundamentalists were trying to create a state where Catholic Croats would be oppressed and subjugated. Independent voices existed, taking views contrary to the official perspective, but they were routinely harassed, mostly unread or unheard, and did little to change public opinion.

A. The Dayton Accords

The war in Bosnia, a brutal combination of psychological manipulation and physical violence, ended with the December 1995 Dayton Accords. The military component of the Dayton Accords took weeks to plan and was stated in great detail. The civilian aspects of the Dayton Accords were not prepared with the same attention. The Accords stipulated that the Organisation for Security and Cooperation in Europe ("OSCE") would organise elections that the United Nations would oversee. They also called for the creation of an unarmed civilian police force to oversee the conventional police forces in each entity. Furthermore, they gave the United Nations High Commissioner for Refugees power to oversee the return or resettlement of displaced peoples or refugees. A High Representative chosen by the Contact Group would coordinate the activities of the different organisations. The aim of these sections of the Accord was to reconstitute Bosnia's former multi-ethnic nature and create a Bosnian national identity against a backdrop of continuing ethnic hatred and loyalties.

The Accords specified that the OSCE would set up a Provisional Election Commission ("PEC") to oversee the elections at the federal, entity, and municipal levels. The PEC was specifically empowered to adopt electoral rules and regulations concerning the registration of political parties, voter eligibility, international observers, and other measures to ensure that "open and fair electoral campaigns" could take place. The parties were required to obey the PEC rules stipulated in the Accords, as well as any rules and regulations the PEC would create pursuant to the agreement.

B. State of the Media After the Dayton Accords

To maintain control over their territories, nationalist Bosnian Serb and Bosnian Croat leaders clung to their party-controlled media. The Serb-held parts of Bosnia were still covered by broadcasts of the rabidly nationalist Serb Radio and Television ("SRT") and the Croat-held parts of Bosnia continued to receive broadcasts from the rabidly nationalist Croatian Radio and Television ("HRT"). The Bosniak-controlled part of the country remained under the coverage of Bosnia-Herzegovina Radio and Television ("RTBiH").

The three ethnic groups started vying for more effective use and control of the airwaves in their spheres of influence. Croats, Serbs and Muslims all repaired war-damaged television transmitters on mountains in their respective territories, attempting to broadcast their respective frequencies as far and wide as possible. The Serbian government in Belgrade set up a television transmitter in Serbia near the border of the newly-created Republika Srpska to broadcast Serbian television throughout the Serb-controlled entity. In addition, the Serbian government aided the Bosnian Serbs in repairing war-damaged transmitters. The Croatian government added additional transmitters in Croatia near the Bosnian border to broadcast Croatian television into Bosnian territory, and aided the Bosnian Croats in repairing existing transmitters and installing new ones. More important, the Zagreb authorities used a front-company under nominal Bosnian Croat control to re-broadcast the HRT signal throughout most of Bosnia. Assistance was received from the Norwegian government to renovate and repair some twenty-one television transmitters to enhance the coverage of the multi-ethnic voice necessary

to facilitate reconciliation. All parties in the war were clearly intent on continuing to spread their wartime doctrines during the peace brought about by the Accords.

C. Dayton Implementation and the Media

Just days after the Dayton Accords were signed in Paris, Ambassador Robert Frowick, the American who headed the OSCE mission in Bosnia, arrived in Sarajevo to begin planning for the elections. Frowick and the other diplomats implementing the Dayton Accords realised that changing the state of the partitioned and nationalistic media was crucial for unifying the country as envisioned by the Accords. Without a stronger multi-ethnic voice, Bosnians—Bosniaks, Serbs and Croats—could be limited to information from their respective fiercely nationalistic and separatist television programmes. If alternative sources of information were not provided across the country, the same nationalist leaders who waged the war and still controlled the airwaves were likely to be voted back into power. For the elections to be a success in terms of the Accords, the international community considered it necessary to play a role in adjusting media practices to assure a fuller and freer debate before the elections.

The organisations involved in implementing the peace plan called on Bosnian politicians to soften their media's nationalist and provocative programming. The OSCE established a Media Experts Commission ("MEC") as a sub-commission to the PEC. The MEC issued a set of rules and regulations the media was expected to follow that included "providing true and accurate information," "refraining from broadcasting incendiary programming," and running OSCE and international election-related statements and advertisements. It

also ordered the three television systems controlled by the ruling parties in Bosnia's entities to provide opposition political parties with the same amount of advertising time as the ruling nationalist parties. It then set up a monitoring group that could write citations for media violations of its rules and regulations.

In addition to establishing rules governing the existing media, the OSCE helped finance a special broadcast network, the Free Elections Radio Network ("FERN"), part of a project initially started by the Swiss government, to provide "objective and timely information on the elections" to the people of Bosnia-Herzegovina in all entities. The project envisioned reaching seventy percent of Bosnia-Herzegovina well before the elections, with signals equally split between the Muslim-Croat Federation and Republika Srpska. But the Bosnian Serb leadership claimed they could not install the transmitters FERN needed because the roads leading to the mountains where they needed to be placed were mined. The OSCE and the Swiss government did manage to get FERN on the air in Banja Luka, but within days, the Serb authorities blocked its transmission. When FERN went on the air in July 1996, only two months before the vote, it reached only forty percent of the territory of Bosnia-Herzegovina, all within Muslim-Croat Federation. FERN thus had no impact in Republika Srpska, where the population was most in need of alternative sources of information.

D. Office of the High Representative and the Open Broadcast Network

Even before the creation of FERN, the Office of the High Representative proposed creating an independent television network with the stated intention of providing

balanced information prior to the elections. The network's aim would be to provide "unbiased information" from both local and international journalists as well as commercial programmes from around the world to the whole of Bosnia-Herzegovina. The network came to be known as the Open Broadcast Network ("OBN"). The then-High Representative, Carl Bildt, developed the concept during February and March 1996 and announced it in April. Governments and NGOs committed to establishing the OBN included the United States Information Agency ("USIA"), member states of the European Union ("EU"), both bilaterally and through the European Commission ("EC"), and the Soros Foundation's Open Society Institute ("OSI").

From the outset, there were two opposing concepts regarding the structure of OBN. The first was to build a new network with journalists covering all sides of the ethnic conflict, as well as a large number of staff and officers brought from outside the country. The second concept was to provide training to the existing independent stations, then build an affiliate network that would connect them. Although the then-High Representative, Carl Bildt, had advocated the first version, nearly all the donors wanted the latter. They argued that a wholly new operation would have been perceived as imposed and would therefore lack credibility among Bosnians on all sides. By August, just a month before the elections, OBN was still not on the air and both the peace mediators and the donor nations realised that the project's impact on the September elections would be negligible.

The OHR, OSI, USIA and the EU continued with the project, finally creating a network of television stations that went on the air a few days before the election. Only a handful of stations, all but one in the

Muslim-Croat Federation, agreed to be a part of the OBN. Only an estimated one-third of the Bosnian population could see it, with no coverage in Republika Srpska. And for its debut, the opening credits were written on a piece of paper, crookedly held by a pair of visible hands.

FERN and OBN were not successful in their goal of creating a more pluralistic media across Bosnia-Herzegovina before the elections. Neither were other attempts to alter the media environment. UNESCO established a programme bank in Sarajevo. It asked European countries to donate some of their national broadcasting about history, arts and culture. These programmes would be broadcast on television stations across Bosnia-Herzegovina, helping to improve content and to avoid piracy. However, the effort had little success in producing more balanced broadcasts from the television stations. NATO troops also made an effort to spread alternative information. They created their own radio station, Radio Mir, or Peace Radio. USAID sponsored election advertisements that called on Bosnians in both entities to utilise their right to vote to ensure "peace, democracy and the future of their country." The OSCE ordered all three party-controlled television stations to air the advertisements. However, according to local Bosnian newspapers, much of the population viewed the ads as condescending.

Despite the negligible impact of the respective efforts of OBN, FERN, NATO and the others to provide the most ill-informed public with more objective information, and despite the fact that the nationalistic, party-controlled television stations in each entity continued to have the most influence over the respective ethnic populations, the OSCE went ahead with the September 1996 national elections. Not surprisingly, the same nationalist leaders

who led their respective peoples through four years of war were re-elected.

Although the national elections were over, the international community in Bosnia-Herzegovina placed an emphasis on establishing an independent and pluralist media in the country, with preference that it could be accomplished before the municipal elections were to take place the following year, in September 1997. The donors held another meeting, this time in Brussels, in October 1996, one month after the national elections. They agreed to continue supporting OBN until it became profitable, which they estimated could take anywhere from three to five years.

Even with the pledged support, the network was plagued with difficulties. The various sponsors started bickering with each other over how the network should be run. The Bosnia-Herzegovina state communications directorate sent a letter to the OHR accusing the international community itself of violating international law by, in effect, granting a license to OBN without coordinating with the legal authorities of Bosnia-Herzegovina, and a complaint was filed with the International Telecommunication Union, claiming interference with the existing frequencies.

As the difficulties grew, it became clear that neither the Bosnians nor the donors were happy with OBN and that few people were watching it. Finally, in April 1997, the OSI withdrew its money and support, dealing the biggest blow yet to the network. There were rumours that the whole project would collapse. But the donor nations and the EU vowed to continue financing the project and, in August 1997, OHR hired a new team of Bosnians and trained them to run the station.

E. Direct Aid- USAID, SOROS, EC/EU, and Others

OBN was not the sole mode used by USAID and USAID, among others, to create and develop a more pluralistic press. Europe and Newly Independent States ("ENI"), part of USAID, were disbursing contracts to Internews and IREX to provide training and buy equipment for television stations other than OBN. The Office of Transition Initiatives ("OTI"), another branch of USAID, established offices in Banja Luka, Sarajevo, Tuzla, and Zenica and began providing direct grants to independent media. OTI disbursed 6.3 million dollars to media in Bosnia-Herzegovina between February 1996 and November 1998.

By the spring of 1997, the situation had changed somewhat. Several months before the municipal elections, the U.S. had decided to back Biljana Plavsic, a one-time Karadzic associate who had turned against the war-time leader and established a stronghold in Banja Luka. A tendency on the part of a local media source to favour Plavsic was likely to yield greater U.S. financial support. In the spring of 1997, OTI gave out \$4 million dollars in media grants to 19 newspapers, 27 radio stations and 8 television stations. Few, if any, independent sources of news and information had been available in Republika Srpska in the spring of 1996, but by the next year, television, radio, and newspapers supported by OTI helped inform the public about the power struggle between Plavsic and Karadzic. The alternative media financed by OTI attempted to uncover past instances of government corruption, economic distress, and lost opportunities. This laid the groundwork for Plavsic to consolidate power.

In addition to these efforts by USAID, the EU and OSI, various

governments also gave direct grants, for training and equipment, to various independent media in both Republika Srpska and the Muslim-Croat Federation. For example, OSI set up a broadcast training school in conjunction with the BBC where young journalists were brought to Sarajevo from all over Bosnia-Herzegovina for six weeks to receive training from BBC journalists and producers.

In spite of these efforts to create alternative sources of information across Bosnia-Herzegovina, the media remained divided into three mutually antagonistic components based in Republika Srpska, Bosniak-controlled Federation territory and Croat-controlled Federation territory. The respective party-controlled television stations remained the most influential media outlets and the main source of news for each of Bosnia's ethnic groups. The international community's attempts to create an alternative to the party-controlled media had not been sufficient to combat the nationalist television stations, which continued to stir up hostility. Indeed, the respective media were not only hostile towards each other, but also towards the international community and Sfor. Sfor and the OHR felt that much of their work toward reconciliation was being jeopardised by the news and propaganda of nationalist television and radio.

In 30 May 1997, the members of the Steering Board ("Board") of the Peace Implementation Council ("PIC") of the Contact Group had their semi-annual meeting in Sintra, Portugal, to review the progress of Dayton's implementation. Regarding the relationship between the media and the Dayton Accords, the Board concluded that more needed to be done to "encourage independent publishers and broadcasters," in order to prepare the ground

"for the elections [and enable] wider access to information and promote political pluralism." These conclusions were formalised in the Sintra Declaration ("Declaration"), which OHR treated as an extension of the Accords, though neither the elected Bosnian officials nor the original signatories to the Accords were required to sign the Declaration.

The Declaration attempted to encourage independent media in a variety of ways. In addition to calling for more support for the development of OBN, the Declaration called on the authorities of Bosnia-Herzegovina to "give every possible form of practical assistance with respect to licenses, frequencies, free access by the High Representative to news media and the ability of the OBN and other independent media to broadcast." The Declaration then stated that The High Representative, "has the right to curtail or suspend any media network or programme whose output is in persistent and blatant contravention of either the spirit or letter of the Peace Agreement."

F. Seizure of Transmitters

This last extraordinary provision of the Sintra Declaration seemed to establish the power of Sfor and the OHR to block media outlets throughout Bosnia and that power was exercised in the seizure of television towers in Republika Srpska. For more than six months in late 1997 and 1998, the NATO Stabilisation Force, under orders from the Office of the High Representative controlled key broadcast transmitters there for "security protection." In the midst of a key election, a candidate, Biljana Plavsic, favoured by the international community, to oppose and succeed Radavan Karadzic in Republika Srpska was being attacked viciously on the electronic media. She was portrayed by SRT as a "traitor to the Serb

nation" and a "pawn of the international community." Unless Plavsic could more effectively reach the people receiving broadcasts from SRT, her chances of winning the electoral battle were considered slim.

For this and other reasons concerning the suppression of certain virulently anti-Sfor sentiments, calls for action and reactions to these calls escalated. On August 14, a high ranking U.S. Senator suggested that U.S. planes jam SRT signals while simultaneously transmitting "broadcasts that depict the true reasons for [the Serbian people's] isolation and poor standing in the international community." The Bosnian Serb information minister, Miroslav Toholj, stated that any U.S. administration operation to jam SRT would be considered an act of war. Several days later, on August 18, OHR requested that SRT broadcast a statement intended to inform the Serb public about the content of the Sintra Declaration and the obligation of leaders on all sides in Bosnia to abide by it. SRT refused and in a fateful report it compared Sfor with the Nazis and referred to them as "occupying forces." With the logo "SS-for" instead of S-for, the broadcast alternated images of Sfor soldiers with World War II German Stormtroopers.

In response, on August 23, the new High Representative, Carlos Westendorp, sent a letter to Momcilo Krajisnik, the Serb member of the Bosnia-Herzegovina Presidency demanding that SRT broadcast an OHR statement explaining the Sintra Declaration by 10 PM that day. Westendorp called the broadcast comparing Sfor to Nazis "absolutely unacceptable." He suggested Sfor might take action by seizing television towers to stop the Pale media propaganda against the peace forces in Bosnia. SRT promptly submitted to Westendorp's demand, and broadcast the statement before

the deadline though the station complained that the High Representative's actions exceeded the bounds of the Dayton Accords and re-broadcast the clip comparing Sfor to the Nazis.

On August 22, in the next step of what became the transformation of SRT, U.S. troops seized a television broadcast tower in Udrigovo, a northeastern town, under the pretence that they were trying to prevent possible clashes between Plavsic's supporters and Karadzic's supporters. A week later, pursuant to an agreement, Sfor handed the tower back to the SRT authorities in Pale. Included in the agreement were the following conditions: that the media of the Serb Republic stop producing inflammatory reports against Sfor and the other international organisations implementing the Dayton Accords; that SRT Pale would regularly provide an hour of prime time programming to air political views other than those of the ruling party; that SRT Pale provide the High Representative with a daily half hour of prime time programming to introduce himself and talk about recent developments; and that the Serb Republic agree to abide by all the rules being established by what would become the international community's Media Support Advisory Group.

On September 26, the chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia, Louise Arbour, gave a press conference in Sarajevo, which was covered by SRT. An SRT Pale announcer introduced Arbour's press conference with a commentary claiming that the Tribunal was a political instrument and that it was prejudiced against the Serbs. The United Nations, which is a member of the MSAG, considered this a breach of prior understandings and demanded that SRT Pale

make a public apology on television. On September 30, SRT Pale did so, stating:

Serb-Radio-TV in this way wishes to apologise unreservedly for its misrepresentation of a news conference given by the prosecutor of The Hague Tribunal, Louise Arbour. We will read out a statement to this effect made by the prosecutor. The statement will be followed by the complete and unedited footage of the news conference given by Judge Arbour last Friday, during her visit to Bosnia-Herzegovina.

In spite of SRT Pale's apology, Sfor troops seized control of certain SRT transmitters the next day (October 1), thereby preventing SRT Pale from transmitting its broadcasts. They would not be returned from Sfor protection until there was a change in leadership among the Bosnian Serbs, and then not until April 1998.

G. Comprehensive Media Reform and the Independent Media Commission

The OHR recognised the peril of failing to provide clear and consistent guidelines to the media actors in Bosnia but, instead, intervening on a case-by-case basis. It decided to comprehensively reform the entire regulatory media regime in Bosnia. It determined to create an entire framework—an architecture of media law—with objective standards and a mechanism to determine whether a media violation occurred and the proper sanction for each violation. The reform sought to put into place a new legal system with tribunals, enforcement mechanisms, and licensing agencies with the result that the media system would no longer be "ethnically based and directly or indirectly associated to the main mono-ethnic political parties."

What would ultimately become the Independent Media Commission started life as the Intermediate Media Standards and Licensing Commission. This Commission absorbed the election-related functions of the Media Experts Commission and required all broadcasters to meet a set of internationally recognised standards of broadcasting in order to obtain a license. The OHR expected to create a judicial body with "powers of sanction to ensure compliance" with the rulings of the Commission. The aspiration was that international experts, and Bosnian representatives from both the Federation and Republika Srpska would staff the Commission.

This new reform was based on a December 1997 proposal to the OHR. According to this proposal, the intermediate Commission would remain in operation until institutions that could perform the functions of the Intermediate Commission were in place at the national level, the entity level, or the canton levels. The proposal justified this comprehensive action because "monolithic control allowed broadcasting in Bosnia to be used as a means to divide the ethnic communities." Not only was it true that "the distribution of poisonous propaganda was a major contributor to the war," but "it is still used to indoctrinate the communities." The OHR considered the Commission and comprehensive legal reform necessary to avoid a situation where the media "emphasiz[ed] separatism" and thus "h[eld] back the peace process."

Since the OHR felt that the systemic and architectural problems of the existing media model in Bosnia were so pervasive, it observed that restructuring all media, particularly broadcast media, in accordance with internationally accepted standards was the only way to achieve "pluralism and

inter-entity broadcasting." The new system would include "codes of conduct for programme content," modelled on "the established practice[s] in Western European democracies and in North America." The proposal provided that these codes would also apply to the press and the Internet. Until state agencies were established (and approved), the Intermediate Commission would establish, regulate, and enforce the Codes.

The Commission was to have three divisions. The first division was an all-media complaints commission. It would affirmatively monitor the press and broadcast media, investigate complaints regarding violations of the codes of practice, and recommend action on those complaints it found valid. The second division was a licensing sub-commission that would establish and administer structural and editorial licensing standards. All broadcasters seeking a license would have to conform to the licensing commission's standards. The third division was an intervention tribunal that would rule on disciplinary procedures and provide sanctions and penalties when appropriate.

The tribunal would have the authority to require "one or more on-screen apologies," or "one or more apologies to be published in the press and on radio." It could prohibit rebroadcast of an "offending programme or its content" and temporarily withdraw a license for access to the transmission system. Additionally, it was empowered to curtail a license or revoke a license entirely. Finally, it had the power to impose financial penalties on either the station or the directors or principals of the station regardless of whether the station was owned by the government.

By August 1998, the Commission had issued its first comprehensive notice with standards for programme content including a prohibition on the transmission of any material which incited ethnic or religious hatred among the communities of Bosnia Herzegovina and a requirement that general community standards of decency and civility be observed. The media were precluded from promoting the interests of a single political party. The right of reply was required when broadcast material "unjustly places a person in an unfavourable light, or otherwise if fairness and impartiality require it." A newspaper and periodicals press code incorporating many of the same principles was created but appeared to be morally, as opposed to legally, binding on reporters, editors and owners, as its terms were couched in ethics rather than mandatory obligations.

In the almost two years since the implementation of the IMC, there have been dramatic events and changes, all underscoring the complexity of imposing an elaborate legal structure in a speech-related area in a way that is designed, ultimately to have legitimacy and community support. Stations have been shut down for refusing to obtain temporary licenses, there have been great difficulties in gaining cooperation from the entities in nominating participants, and the IMC has been accused of actions that are strong-arm and inconsistent with its ultimate goals. It is a process still in formation and in need of thorough evaluation and assessment as a model for future post-conflict interventions. Serbia and Croatia continued to seek to use their media relationships in BiH to maintain centrifugal tendencies and, in some ways, to undermine the Dayton Accords. Zagreb's activity in this respect has been even more pernicious than Belgrade's. While RTS news broadcasts from Belgrade have not always been carried

into the Republika Srpska, depending on the fluctuating relationship between Bosnian Serb leaders and the Milosevic regime, all three channels of HRT television have been carried around the clock into southern, western, central, and northern Bosnia-Herzegovina. In the continuing attempt to make the Sfor mission effective, these retransmissions were seen as threatening the peacekeeping mission, interfering with the potential for fair elections and making difficult the possibility of shaping a multi-ethnic trans-regional identity. Ultimately, though political change in Croatia affects events markedly, this process of retransmission led to transmitter seizures and station closings as recently as this year.

A report on the conditions for the granting of broadcast licenses, in October, 1999, outlined problems as the IMC saw them at that time:

Partisan political control of public broadcasting: The large number of publicly-funded stations reflects continued partisan political control of most stations at the municipal and cantonal level.

Partisan political control of private broadcasting: Political groupings in both entities control or heavily influence certain private broadcasters through direct support or by guiding sponsorship and advertising funds to these broadcasters from party-controlled state enterprises (including PTTs) and nominally private firms with close ties to party leaderships.

Absence of a media market and foreign investment in media: Experience elsewhere in Central/Eastern Europe demonstrates that the emergence of a market economy and resulting advertising revenue serves to liberate broadcasting from

dependence on political groups. BiH currently attracts essentially no foreign investment in any sector, including media. Few if any broadcasters currently survive entirely on their marketing skills. In lieu of foreign investment, many of the more qualified stations depend on a diminishing, still poorly coordinated, flow of donations from the international community.

Rampant piracy: Uncontrolled piracy permits oversaturation of the market with non-viable, low-grade television broadcasting, discourages participation by major international advertisers and disadvantages those commercial stations with the skills to survive in a regulated market.

Absence of country-wide frequency planning: Three uncoordinated centres of licensing operating from 1992 to mid-1998 created major problems of interference among stations and were partly responsible for obstructing orderly development of economically viable regional and country-wide commercial networks. At the same time, certain stations have taken on the character of regional networks, not through normal competitive processes driven by quality or audience appeal but either through political connections or with artificial support from the international community.

Low-level of programme production and engineering skills: The general absence of regulations to establish quality standards in broadcasting has permitted the proliferation of sub-standard stations that compound problems of signal interference and are poorly equipped to provide any degree of public service. Even commercial broadcasters should be expected to provide a measure of public service in broadcasting in return for access to broadcast spectrum—a

public resource—but relatively few stations are able to do so.

CREATING NEW VOICES

Blocking virulence and reducing conflict-laden partisanship was one objective of the international community. A more affirmative role was creating a new pluralism through encouraging new free and independent media and, as well, enhancing a public service broadcasting system that would contribute to a unified and more coherent state. Numbers of outlets steadily rose. By the year 2000, Bosnia and Herzegovina contained a very high concentration of radio and television broadcasters; the IMC had given temporary licenses to 272 broadcast organisations using more than 750 radio and television transmitters, or one for every 4,700 people.

Numbers do not necessarily spell economic survival or a pluralism contributing to a public sphere. Variances existed in strategies between NGO's and among members of the international governmental community in determining how this goal of building an information-based, plural, stable and democratic state should be implemented. The OHR emphasised, though hardly exclusively, the use of its office and the IMC to restructure a publicly-funded and publicly-run public service broadcasting sector. Many of the NGO's, especially those funded by the United States Agency for International Development were geared to the support of local, ultimately commercially supported, but pluralism-enhancing private radio and television outlets.

Here the difficulties were ones of priorities, perhaps more than ultimate differences over outcomes. OHR and Sfor expressed needs for transmitter locations in

areas that were on borders between entities, while the NGO's might have preferred an emphasis in population centres more homogenous. European donors and the European Broadcasting Union came from a tradition vaunting the public service national approach while U.S. change agents were more inclined to the local and the private. The NGO's (with funding from government entities to be sure), emphasised journalist training and an increase in professionalism. The institutions established by the OHR were preoccupied with structuring and implementing a legal system of licensing and modulating separatist content that persists in the further ethnicization of politics. Government institutions were more concerned with the information-content of media while NGOs like Internews were interested in finding ways of making new outlets commercially viable.

On 30 July 1999, the OHR issued a decision aimed at establishing a Public Radio and Television of Bosnia and Herzegovina and a FBiH Radio-Television (both resulting from the liquidation of RTVBiH), as well as requiring a transformed SRT to serve as a public service broadcaster for the Republika Srpska. A decision of 31 August 1999, designed to bring Republika Srpska activities in frequency allocation and content regulation into line, met political and constitutional resistance from the entity, and demonstrated the difficulty of easily creating or imposing new structures.

The OHR called on UNESCO to provide assistance in the drafting of a permanent country-wide public service broadcasting law which would be adopted by all entities as well as the federal parliament. The law, when enacted, would replace the temporary decisions of the High Representative. UNESCO fielded a mission

to Bosnia in September 1999 (led by Marcello Scarone and with EBU and other experts), where they met with all entities and actors and submitted the draft which is now under consideration by the relevant authorities.

CONCLUSIONS

What arises from the Bosnian experience is a series of dualisms that cast light on post-conflict issues generally.

- Military strategies and needs have a different architectural form from those of most NGO's and those grounded only in civil administration. At the outset, particularly, Sfor, concerned about its own safety and the success of the peace-keeping mission, was preoccupied with security and the efficient fulfilment of its mission. The immediate post-conflict phase, in almost any context, had its own imperatives. In the longer term, the radical nature of steps to control the information space in time of crisis have to be moderated, as the goals shift to the building of more permanent institutions. Some, especially in the NGO community, captured this distinction as the difference between short-term and long-term goals.

- As a consequence of strategic differences, budgetary and planning conflicts persisted. The urgency and emergency of the initial assertion of the peacekeeping operation involved a need to use whatever tools were available, including the media, to present the authority and policy of the IGOs, especially Sfor, OSCE and the OHR. In the longer run it was necessary to engage in what might be called "peace broadcasting" or promotion of a unified public space. The funding and strategic elements of these processes

sometimes were in harmony, and sometimes in conflict with the third critical element of the process: the need to engender an indigenous media sector that would maintain itself in the long run, that could make itself, ultimately, independent of the international community, and that would contribute to a renewed civil society.

- Sfor and OHR requirements to communicate affirmatively conflicted with the need of outlets to demonstrate independence and gain audience loyalty. SRT and other outlets were used to carry, directly, the communiqués of the Office of High Representative, or later, of the Hague Tribunal. The distribution and encouragement of media was governed, in part, by the official need to extend a message that was unifying, mediating, and contributed to conflict resolution. The OHR, the OSCE and Sfor had a deep, important, and fundamentally psychological mission to accomplish. They realised that to accomplish their goals, attitudes had to be changed in a broad and deep way. There had to be a reconstructed attitude toward the return of refugees, the evolution of loyalty to a unified Bosnia-Herzegovina and a respect for the actions of the OHR and international governmental organisations. An illustration: during the war in Kosovo, the OHR and the IMC wished to ensure that the broadcasts within Bosnia-Herzegovina about that conflict were "balanced," reflecting the NATO position as well as that of Serbia. Steps were taken to make sure they were.

- NGOs and, to be sure, the outlets themselves, often had different goals, though not necessarily inconsistent ones. They wished to emphasise skills in audience-building, which might mean emphasising genres not related to news, or recognising the value of sharp points of view in gaining station-loyalty. Cooperation

with the IMC and the OHR, including the direct carriage of unwanted messages, might undermine listener or viewer loyalty to the station, or confidence that it was not serving conflicting masters.

- Constitutional strain between the central agencies and the entities also proved problematic in allowing the media structure in BiH to be restructured. In this respect, BiH is significant as a post-conflict case study: the Dayton Accords had designated a federated structure in which Republika Srpska and the Bosniak-Croat Federation had their own governments and broadcast stations, with the latter reflecting Bosniak and Bosnian Croat Perspectives. The tenuous idea of a pan-BiH perspective was not contained in Dayton as such; it has been imposed subsequently at the insistence of the High Representative. The demography was of divided populations with the desire to provide a renewed sense of ethnicity. All of this dictated some elements of a post-Accords media policy. There would have to be stations associated with the three main groups. There would have to be an effort to build a multiethnic binding media presence. The international community would have to deal with the use of media to continue conflict.

- Gaining respect for the rule of law while engaging in "top-down" implementation of rules: An emphasis on the rule of law resulted in the machinery of licensing, allocation of frequencies, establishing rules for regulation of content, and training and appointing personnel to administer the process. Post-conflict issues involved debates among the NGOs and the OHR over the sensitivity of these rules and their implementation to free speech norms. Conflicts existed between the entities and the OHR over power of appointment and scope of authority. In these ways, the

imposition of law and the imposition of the bureaucracy to make law work posed special legitimacy problems.

- In the field of free speech and media law, there existed a dualism in the leadership of the international community reflecting the differences between U.S. and European models when developing media structures and regulations. When the Council of the IMC and other entities considered approaches to media regulation, a consensus between European approaches based upon article 10 of the ECHR and U.S. models based upon the First Amendment had to be found. Similarly, the debate about public service broadcasting took place against the background of two different PSB rationales.

As with many complex undertakings, much criticism has attached to the idea that the post-conflict situation in Bosnia-Herzegovina was marked by chaos, too many actors, mixed objectives, circumstances in which each country wanted its own signature of representation even if that was inconsistent with a rational whole. The OHR is also criticised for being too dictatorial, too directed, and inadequately responsive. Undoubtedly all of these criticisms are true to some extent. It seems, however, a characteristic of post-conflict interventions, especially those that are multilateral and involve intergovernmental as well as non-governmental involvement, that the perils of crisis management are present.

Evolving political change in the region, as much as maturing institutions, will alter the role and reaction of the international community to its role in indigenous media development. Political transformations in Croatia and, potentially, Serbia, will have as much influence on post-conflict media intervention in Bosnia as the

direct actions of OHR and Sfor. The international community, itself, may alter its perception of how to structure the relationship between the entities and Bosnia-Herzegovina itself and this will affect post-conflict media policy. And in the best of worlds, professionalism, the building of an independent media sector, and the growth of a comprehensive, increasingly autonomous public service broadcasting sector will combine to hasten the likelihood of a mature and stable democratic state.

CAMBODIA

A. Lin Neumann

Nearly ten years after the 1991 Paris Peace Accords brought an end to communist rule in Cambodia and the beginning of a free press, the country's media institutions still have a lot to learn. Despite millions of dollars spent by the international community to train journalists and encourage free expression, sadly, professionalism is still rare in the Khmer language press and many journalists are in despair at the state of their profession. Radio and television are essentially under the control of the state and there is no functioning independent journalists' association to promote independence and ethical guidelines. "In some ways our press is too free," said Kher Muntit, a leading Cambodian journalist who works for the Associated Press in Phnom Penh. "There is no code of ethics, no professional standards. It is a big problem for those of us who care about our profession."

Journalists, educators and others interviewed in Phnom Penh recently were almost unanimous in citing the failure of most training programmes undertaken by international organisations in the last several years. Dr. Lao Mun Hay of the Khmer

Institute for Democracy said, "I think the way we have trained our journalists has not been very effective in inculcating professionalism. Seminars are opened and closed and that's it. There is no test, no follow-up, the courses didn't last long enough. Without a real program, it is a waste of resources."

Michael Hayes, the American publisher and editor of the biweekly English language *Phnom Penh Post* has informally trained a number of Khmer journalists at his paper, most of whom have gone on to work at wire services or left the country. As a former official with the Asia Foundation, before founding his paper in 1993, he is another harsh critic of existing training models: "Per dollar, the results are low but you can rest assured that every final report of every seminar documented successes. NGOs don't report failures. I know. I used to write those reports."

If the international community had considered more carefully the dire condition of the Cambodian media, the strategies might have been more long-term and realistic, according to Hayes. "It is very difficult here," he said. "Maybe it takes a generation to achieve real results." Hayes points to a very real problem: Given the genocide of the Pol Pot regime and almost continuous warfare in the country prior to the late 1998 collapse of the Khmer Rouge, the problems infecting the Cambodian body politic may have been very nearly insoluble. Certainly the media, with its emphasis on violence, retribution and political power has reflected the broader realities of the society in the transitional period.

More than seven years have passed since the UN-sponsored 1993 elections and the pullout of the United Nations Transitional Authority for Cambodia, the

body charged with keeping the peace after the Paris Accords and administering the first democratic elections under the agreement. Also included in UNTAC's ambitious mandate was the establishment of a free press. This was a formidable challenge for a country that had suffered constant tragedy since 1975. First, the Khmer Rouge killed most of the nation's intellectuals. Then after 1979 the country struggled through 12 years of Leninist rule and civil war under the communist regime led by Hun Sen following the Vietnamese invasion that ousted Pol Pot. "Cambodians do not have a common set of moral and ethical values," said Dr. Lao. "The Khmer Rouge destroyed all that."

GOVERNMENT INTERFERENCE

Bad taste and ethical lapses aren't the only manifestation of dire media problems. Khieu Khanarith, a former communist-era newspaper editor who is the Secretary of State for Information under the ruling Cambodian People's Party ("CPP"), threatened to suspend the publication of two newspapers identified with the opposition Sam Rainsy Party for alleged violations of the country's tough press law. Khanarith, who is technically the number two person in the Information Ministry but in practice is the government's media czar, determined on his own authority that the comments by the papers insulted the government and the King and could incite race riots. It was the first time since 1998 that the government had issued such threats against the press. Local observers became worried that the government would pursue further sanctions as the CPP consolidated its hold on power.

Historically, the threats are quite real. In 1994, the editor of *Samlong Yuvachon Khmer*, Nun Chan, was killed by still-unidentified gunmen following a series of

official threats. In 1995 the paper was suspended from publication for several weeks, and its editor arrested when Khanarith acted following the publication of articles critical of then-Second Prime Minister Hun Sen. In the intervening years, four other journalists have been killed in Cambodia and numerous others attacked; newspapers have frequently been shut down by official action. Hun Sen's July 1997 coup dissolved the results of the UN-brokered 1993 elections and his uneasy partnership with the winner of a plurality in that election, Prince Norodom Ranariddh and his National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia ("FUNCINPEC") party. After the coup, dozens of opposition-oriented journalists fled the country. Cambodia's most widely recognised journalists' organisation, the Khmer Journalists Association, effectively ceased to exist when its chairman, Pin Samkhon, fled into exile at the same time.

A related and wider problem is the lack of effective redress for libel and other civil offences in the Cambodian court system, which leads to a lack of professional restraint on the part of the media. While a free press is guaranteed by the 1993 constitution, it functions under a legal framework that allows the media to impugn reputations at will in the absence of professional ethics and standards. Thus the media on the one hand is left to its own sometimes crude devices and on the other is vulnerable to arbitrary government sanctions. This leaves journalists frequently feeling that there are no rules of the road to navigate, other than the protection of powerful individuals.

The legal environment and formal and informal government pressures are a further reflection of the broader problem of

impunity in Cambodia, in which many crimes go unpunished and corrupt courts and judges have been widely blamed for allowing a sense of lawlessness to pervade the country. In relation to the media, no one has ever been brought to justice in Cambodia for killing a journalist, for example, and many reporters live with the fear of being attacked for what they write.

The fractionalised political environment has made most newspapers hostage to one political patron or another and also distorted the economics of the newspaper business. Norbert Klein of Open Forum Cambodia, an NGO that monitors the local press, estimates that 99% of local advertising revenue goes to just ten newspapers—out of some thirty publishing regularly in Phnom Penh and 200 existing press licenses; *Rasmei Kampuchea* alone accounts for 23% of advertising revenue. His conclusion is that most newspapers are dependent for their existence on a web of patronage that has inextricably enmeshed political interests with the Cambodian media.

Michael Hayes of the *Phnom Penh Post* put it more bluntly, "No Khmer paper makes money so everything is subsidised by somebody." As a result, headlines often point accusing fingers at opponents, with opposition papers calling CPP politicians crooks and tools of the Vietnamese and CPP papers accusing opposition leaders of being stupid and corrupt. Most observers believe that wild headlines and unsourced stories—especially in the years of coalition government from 1993 to 1997—contributed to the political tension and fractionalisation that very nearly kept Cambodia from emerging from the darkness of its political past.

With Hun Sen finally having reached an accommodation with the former opposition FUNCINPEC party following his coup and the disputed 1998 elections, things seem to have calmed down somewhat in the press. In part this helps to explain a shift in the media away from FUNCINPEC and toward the CPP since the 1997 coup. With the CPP again the most powerful party in the country, it is able to set the tone for the media under its sway. FUNCINPEC is no longer fuelling heated headlines, according to local observers. Ranariddh, currently president of the National Assembly and a potential successor to the throne of his ailing father, King Norodom Sihanouk, has reached a personal compromise with Hun Sen. Also, the collapse of the Khmer Rouge in late 1998 following the death of Pol Pot means that the country is at peace for the first time in more than 30 years. "I hope the peace lasts," said Kher Muntit. "I am so tired of reporting on the Khmer Rouge."

INTERNATIONAL STRATEGIES

In many ways the international community was unprepared for the depths of the problems facing the Cambodian media in a country that has only had a chance at real peace since the collapse of the Khmer Rouge. "Post conflict? We have only had peace for a few months," said Sek Bariso of the Cambodian Communications Institute. "Maybe now we are in a post-conflict situation." In the years following the Paris Peace Accords, armed conflict continued in many parts of the country, occasionally flaring into open warfare, either between the Khmer Rouge and the central government or between FUNCINPEC and the CPP, as happened for several months following the 1997 coup.

Stripped of a base of professional journalists by years of civil war and

emerging from the shadows of one of history's darkest regimes, Cambodia's media was in as desperate a state as the rest of the nation in 1991. The few practising journalists had worked for the state media under the strict guidance of the communist government while others had been part of the partisan opposition press, much of it located abroad or in refugee camps along the border with Thailand and supporting various armed factions opposed to the CPP. Pin Samkohn, then-president of the Khmer Journalists Association, said in 1995 that the Khmer Rouge era so decimated the ranks of journalists that he knew of only ten Cambodians working as journalists at the time who were working as journalists before 1975, the year Pol Pot seized power.

Into this environment, UNTAC decreed that the press would be free as a precondition for elections but there was no infrastructure for a press. New newspapers had to be printed in Thailand and shipped into Phnom Penh. (Now there are a number of printing presses, however.) A communist culture of obedience and control had to be reformed almost overnight, since the clock was ticking on UNTAC from the moment it was established. A free press provision was eventually included in the 1993 constitution after the election and private newspapers began to appear.

It was never the UN's intention to get into the media business over the long-term but UNTAC realised that without a free press, it would be impossible to hold a real election but without a working press after 1991, the burden was on UNTAC to set up some kind of media in a hurry. This gave rise to Radio UNTAC, a widely acclaimed alternative source of credible news and information that many credit with helping to create the environment that made the 1993 elections possible and led to a 95% turnout

despite efforts by the Khmer Rouge to terrorise the populace into rejecting the polls. As the first broadcast station under a UN peacekeeping mission, Radio UNTAC pointed out the necessity of widely accessible news and information as a key component of a transitional environment. By all accounts, Radio UNTAC was popular and trusted, giving Cambodia, for the first time, a widely available source of non-biased news and giving political parties and candidates access to the media for the 1993 polls.

Radio is vital to Cambodia, which has a very low literacy rate and a population barely served by newspapers outside of Phnom Penh. But when UNTAC pulled out in late 1993, Radio UNTAC went off the air, perhaps prematurely, and the infrastructure left behind was not put to good use, according to critics. In some ways, the international community appears naive in retrospect for thinking that 18 months of UNTAC and the holding of elections would be enough to set the tone for the future. It was just not that easy. Gordon Adams of the BBC, who worked in Cambodian radio education, wrote in the magazine *Crosslines* in 1995 that there were no funds for transmitter costs, spare parts for the state of the art recording equipment were unavailable, telecommunication links to remote transmitters became inoperative, and the radio receivers which had been delivered to villagers fell into disrepair. In short, the operation was unsustainable, a fact that was compounded by the government's desire to maintain tight control over radio and television, even while allowing newspapers to speak their mind.

Radio UNTAC's operations manager, Jeff Heyman, countered in an email interview for this article that it was never UNTAC's job to sustain the media. "We did

give some thought, perhaps not enough, about what might happen after UNTAC's mandate expired," he said. "But, to be honest, 'press freedom' as a goal was not exactly in UNTAC's mandate. Our goal was to provide an environment for free and fair elections, and for the first time in such a UN mission, a broadcasting station was used to further this aim . . . with its role complete, the station had to close in order for the Cambodian people to finally take charge of their own destiny."

ELECTRONIC MEDIA CONTROLS

That destiny of the electronic media, if not in print, has come increasingly to resemble other authoritarian regimes in Southeast Asia. In this sense, Cambodia does not have a free press and the state exercises formal and informal control over the electronic media, with licenses to operate withheld from CPP opponents and granted to allies. It is a process that has been underway continuously since the 1993 elections, according to *Cambodian News Media* by John Marston (forthcoming in *Foreign Devils and Other Journalists: The News Media in Southeast Asia*, (D. Kingsbury et al. eds., Clayton, Victoria: Monash Asia Institute)). "The distinctions between corporate, party, and state media, which seemed fairly clear at the time of the 1993 elections, blurred more and more with the formation of joint ventures and the success of the CPP in consolidating its power in relation to state institutions," writes Marston. "Even before the 1997 coup, CPP had managed to dominate most of the large-scale media institutions in the country, and, after bringing FUNCINPEC radio and television into its camp at the time of the coup, was clearly the dominant player from then on."

With the exception of one very low-power radio station run by the Women's Media Center in Phnom Penh and the iconoclastic Radio Beehive owned by businessman Mam Sonando, Cambodia's airwaves are dominated either by the government or government allies, according to observers in Phnom Penh. For example, the Sam Rainsy Party, now the principle opposition voice in the country, has repeatedly been denied permission to open a radio station in recent years. The country's six television stations, which once broadcast some innovative public affairs programming—including a programme on state TV, cancelled in 1995, which allowed callers to ask government ministers questions live—is now quiet, with news self-censorship the rule on-air. Even major news stories, which are bannered in the newspapers, can be left out of the electronic news. The death of Pol Pot in 1998, for example, went unreported on Cambodian radio and television, according to Michael Hayes.

This vacuum of electronic information has been partly filled by Khmer language short wave broadcasts from the BBC, Voice of America, and the U.S.-government owned Radio Free Asia (whose Cambodian programming director, based in Washington, is Pin Samkohn, former head of the Khmer Journalists Association). But there are limits to the government's patience with these foreign outlets. An innovative agreement that would have given RFA an FM transmitter site in Cambodia was withdrawn by the Ministry of Information earlier this year.

It is a curious situation, to be sure, where the print press is unbridled to a degree rarely seen in most countries while the electronic media is government dominated. An opportunity clearly exists here for the

international community to exert efforts to pressure the government to open the airwaves to dissenting voices. It is clear to many observers that the print press has remained free in large part due to international pressure to respect freedom of expression. Before Cambodian democracy can be said to take firm hold, however, that freedom should extend to radio and television.

TRAINING EFFORTS

Anxious to help Cambodia dig out from its disastrous political maelstrom, UNESCO, the Asia Foundation, and a variety of other funders and agencies engaged in a number of training programmes for the media following the 1993 elections. They were part of an explosion of NGO activity in the 1990s that led to vast amounts of money being spent to rebuild Cambodia and establish a civil society. The rush of money and organisations into Cambodia during the period following the Paris Accords and the 1993 elections was not unlike the scramble to help Indonesia following the ouster of Suharto or the current drive to rebuild East Timor. In Cambodia, the West wanted to help but frequently, according to observers who were in Phnom Penh at the time, there was little coordination among funding agencies and NGOs, at least in media, and little long-term planning. Most of the media training efforts involved short-term seminars, with little follow-up or rigorous recruitment of students. The seminars appear to have had a limited impact on the journalists they were designed to serve. "I took part in some training courses," said Kher Muntit of Associated Press. "But their impact is really very little because of the political situation." Others note that while western notions of fairness and objectivity may be expressed at seminars, the

participants are in no position to impose such values on their editors and publishers once the training is finished.

UNESCO and its partner donors, principally the Danish and French governments, in 1994 began funding the Cambodian Communications Institute ("CCI") in partnership with the Ministry of Information, which donated a building to house the institute on the grounds of the ministry. In its first several years, the format of the training at CCI was mostly short-term seminars on a variety of subjects taught by foreign experts. Although now its current director, Sek Barisoth, says that longer terms courses are being offered to working journalists, in part, because short-term seminars have proven ineffective.

While Barisoth is personally respected even by government opponents, CCI has drawn criticism because of its connection to Hun Sen. A promised "Royal Decree" to give the institute an independent charter and Board of Directors has yet to be acted upon. Several journalists in Phnom Penh say they have been reluctant to work with the Institute out of fear that their comments in seminars may be monitored by agents of the government. Their fears are impossible to verify independently and Barisoth says government agents no longer show an interest in the Institute, although he admits that CCI continues to have image problems as a result of its formal link to the government.

The Asia Foundation, with its principal funding coming from the United States Agency for International Development, chose to work in the early 1990s with the Khmer Journalists Association in hopes of promoting a strong independent association to promote ethical standards and professionalism. The

foundation brought in an outside expert and helped to develop a code of ethics and a series of training seminars with the KJA but unfortunately, the association split into two factions in 1995, with Hun Sen's allies promoting a pro-CPP organisation, the League of Cambodian Journalists, and reportedly pressuring journalists to leave the KJA. As a result, the KJA became associated with Ranariddh's FUNCINPEC party. With the 1997 coup and Pin Samkohn's exile, the KJA effectively ceased to exist. The LCJ has also become dormant, leaving journalists without an active professional association in Cambodia.

The Asia Foundation distanced itself from the KJA following the split and has chosen to work on one of the more promising current initiatives in Cambodia: a one-year certificate programme in journalism at the University of Phnom Penh. Two of the most widely respected Cambodian journalists, Agence France-Presse's Reach Sambath and Kher Munthit of Associated Press, both teach in the programme and there is a desire to see the programme evolve into a degree programme in journalism. "Maybe we have to forget the old generation of journalists," said Reach, "and focus on the new ones if we are going to change Cambodia."

Short-term training programmes have not disappeared from the scene, partly because they are an easy sell to funders, who like to see concrete results from their efforts. The Canadian government, for example, is currently funding a year-long series of radio training workshops. As with many such seminars in Asia and elsewhere, the programme is directed by non-Khmer speaking trainers and is short-term; future follow-up is unclear and the programme is concentrating on politically neutral techniques rather than long-range skills and

potentially controversial topics. This is not to say that the Canadians, their NGO partner, or their trainers are lacking in good will or commitment. But the persistence of short-term training, despite mounting criticism from participants and others about the efficacy of these programmes in Cambodia and elsewhere is a sign of how entrenched the model has become. "I don't know how much good it really does," one consultant who makes his living doing radio training in the developing world told me recently. "But at least it doesn't hurt."

"Your short term training programmes always look good on paper," says Kavi Chongkittavorn, the Executive Editor of the *Nation* newspaper in Bangkok and chairman of the Southeast Asian Press Alliance, a regional advocacy group. "It makes a nice report for an organisation but it does no good." Kavi, who was a correspondent in Cambodia in the late 1980s and travels frequently to Phnom Penh, advocates the use of regional experts, third-country newspaper internships and local associations for training journalists. Unfortunately, he says, the international community wanted rapid results in Cambodia, something which in retrospect was probably impossible to achieve. "UNESCO and others wanted to make a quick foothold in the press. That is always the case. They spend the money too quickly and it becomes corrupt. The seminars are some kind of perk that gets passed around with no real effect. That is the problem."

PRIVATE EFFORTS

In the view of this writer, good journalists come from good newspapers and other media outlets. In that sense, probably the most effective media initiatives in Cambodia have come from private sources. A Thai newspaper group started *Rasmei*

Kampuchea in 1993, in a joint venture with powerful businessman and Hun Sen ally Theng Bun Ma. When the Asian economic crisis forced the Thais to relinquish the investment in 1997, the paper was established well enough to continue on its own. While *Rasmei* remains pro-government, it is arguably the closest thing Cambodia has to a balanced Khmer language broadsheet. Its editor, Pen Samithy, is credited with trying to professionalise and train his staff. Samithy freely acknowledges his personal links to the old CPP party—he was trained in journalism in Moscow in the 1980s—but says he is now free to criticise the CPP—and has done so editorially.

Samithy is part of an informal group—which includes Kher Muntit of AP, Reach Sambath of AFP, and Sek Bariso of CCI—which has met to discuss ways to professionalise the media and engender greater cooperation among Khmer journalists. The efforts are fledgling and may yet be derailed by the fractious political environment but such discussions should be encouraged whenever possible and broadened to include as many participants as possible. The long-term development of an indigenous and responsible press in Cambodia must be sustained by Cambodians themselves working through professional associations, perhaps in cooperation with other Asian journalists.

The two privately operated, English-language publications in Cambodia continue to serve the role of *de facto* newspapers of record and as training grounds for some Khmer journalists. The *Cambodian Daily*, technically owned by an NGO, was started by Bernard Krisher, a former *Newsweek* correspondent based in Tokyo, in 1994. Using his contacts in the industry, Krisher has been able to attract in-kind donations

from foreign media companies while recruiting an eager staff of young expatriate journalists who work long hours at low-pay in return for the excitement of the Cambodia story and the chance to build a reputation. It is a reasonable effort. The paper maintains high editorial standards, prints a few pages in Khmer, and trains and employs a handful of local journalists.

The *Daily*, along with Michael Hayes' biweekly *Phnom Penh Post*, which he began in 1993, is a must read for expatriates and intellectuals in Phnom Penh. *The Post*, which is operated as a private concern with no NGO status, may be the only newspaper in Cambodia completely supported through advertising revenue and newsstand sales. It has also been an important training ground for both foreign and local journalists and has gained an international reputation for frequently breaking significant stories in its pages. Both papers are the products of a more optimistic time, when foreign companies thought there might be money to be made in Cambodian media, but their persistence has been crucial in providing a source of fair-minded reporting in a politically charged environment.

Both publications have had an uneasy relationship with the government and, as recently as late 1998, Khieu Khanarith threatened to have them shut down and their journalists expelled from the country. International outrage, including the direct intervention of the American ambassador to Cambodia, prevented the government from acting on the threat.

CONCLUSION

International shame over the tragedy of the Pol Pot years and the complicity of many countries, including the United States, in failing to apply strong sanctions to the

Khmer Rouge even after they were driven from power by the Vietnamese in 1979, meant there was no shortage of goodwill available to assist the Cambodian media—and other civil society sectors—following the Paris Peace Accords. But given the large amounts of time and money expended to foster a free press, it is no wonder that many feel dismayed by the results. The newspapers are often too free and the electronic media not free enough. On top of that, Khmer journalists do not have even a professional association to defend their rights and expand their horizons.

In retrospect, it is easy to fault the United Nations for giving UNTAC a limited mandate in which to accomplish its goals or to blame those who provided short-term training for failing to see the limitations of their work. The problems go much deeper than that, however, and it may be that in the case of Cambodia only time and patience will lead to the kind of media environment and sustainable institutions that can truly contribute to building a democratic society. It is important, however, that the following lessons of the Cambodia experience be considered in future situations:

- Donors and NGOs should seek wherever possible to coordinate their efforts at journalism training and funding and to apply models that may yield long-term results, such as the development of a faculty for journalism education at the University of Phnom Penh and longer-term training courses for working journalists.

- Partnerships with the government, despite promises of independence, can hamper the effectiveness of programmes to reach a wide audience, as was the case at the Cambodian Communication Institute.

- Care should be given that the establishment of alternative radio outlets, like Radio UNTAC, have a long enough life to enable lessons and technology to be applied widely to the country involved.

- The creation and nurturing of professional associations is of crucial importance. Without a functioning journalists' association, the Cambodian media is hampered both in its efforts to negotiate with the government and to develop professional standards.

- Wherever possible, attention should be given to the lessons of neighbouring countries with similar cultures. In the case of Cambodia, Thai and Philippine journalists may have more to offer as trainers and role models than westerners, whose media is light years apart from that of Cambodia in terms of history and culture.

- Patience is a virtue. The international community did almost nothing about the Cambodian tragedy for fifteen years and then rushed in once the peace accords were signed with the idea of transforming the media almost overnight. It may have been an impossible task and a longer-term view could have contributed to more realistic expectations.

KOSOVO

Stacy Sullivan

INTRODUCTION

When NATO forces moved into Kosovo, putting an end to the province's 15-month war, the United Nations was vested with administering the region, essentially making Kosovo a protectorate. Officials of the UN-led mission would have the authority to govern until elections could be

held. Taking control of all state functions included management of the state radio and television apparatus and exercise of the regulatory power concerning media.

From the outset, the international administration looked to the very recent post-conflict experience in Bosnia to determine what mistakes, made there, could be avoided. It concluded that, there, NATO's implementation force ("Ifor") and its successor, the stabilisation force ("Sfor") had, in the beginning, failed to assert and use their authority to reform the media. This policy had to be altered, in Bosnia, after existing Muslim, Croat and Serb television stations undermined the peace process by broadcasting nationalistic and incendiary reports. Having made this observation, the United Nations Interim Administration Mission in Kosovo ("UNMIK") planned, from the outset, vigorously to regulate the media so as to accomplish the post-conflict goals.

Despite these efforts to learn from previous efforts at peace implementation and media reform, and for complex reasons local to the new post-conflict environment, many of the same mistakes that were made in Bosnia were being repeated in Kosovo.

BACKGROUND

The post-conflict issues in Kosovo are so intertwined with what went on before, though obviously incomplete. In Bosnia, propaganda and nationalistic and incendiary television broadcasts were whipped up intensely in the run-up to the conflict. In contrast, the media war in Kosovo was waged steadily and less overtly over a period of eight years. As a result, the hatred between Albanians and Serbs had a different psychological formulation, perhaps making it deeper seated and more difficult to

overcome. Kosovo did not have the same multiethnic structure as Bosnia-Herzegovina, and as a consequence, the tradition of a multi-ethnic community was not so rooted. The battleground in Kosovo was not limited to the regions of the former Yugoslavia, but unfolded also in Albania, Switzerland, Germany and the United States, in which Kosovar Albanian émigrés had established communities that were far bigger and better organised than émigré communities from Bosnia-Herzegovina. Finally, in Bosnia, the belligerents signed a peace agreement with the force of international law to end a war in which all sides were worn down after three and a half years. In Kosovo, in contrast, "a vague United Nations resolution formally concluded hostilities, leaving the status of the Serbian province in limbo and a weak United Nations mission in control of the Albanians and Serbs seeking revenge against one another."^[1]

The possibilities for post-conflict journalism partly depend on the nature of the indigenous journalistic pool, as this was molded since the Serbian regime of Slobodan Milosevic abolished the autonomy of the province in 1989. In July 1990, the authorities took over the provincial broadcasting station, Radio Television Pristina ("RTVP"), and dismissed all Albanians who worked there, replacing some of them with Serbs. Almost over night, the radio and television began broadcasting predominantly in Serbian. This output labeled those who supported an independent Kosovo "terrorists," "traitors" and "enemies of the state." The broadcasters continued to provide some programming in Albanian, but it was merely translated from what Serbian authorities produced, and few Albanians in Kosovo watched it. Produced in Belgrade, this programming had no credibility among Kosovar Albanians.

At the same time, the Serbian regime prohibited Albanians from gaining access to any new television or radio frequencies. With no reliable electronic media in their own language, Albanians came to rely on foreign broadcasts and the printed word for news and information. In time, the province was saturated with satellite dishes and Albanians tuned to Euro News, German programming and Sarajevo-based Bosnian television. But these foreign broadcasts reached only those who spoke foreign languages or had a good command of Serbo-Croat and many in Kosovo's predominantly rural regions speak only Albanian. Later in the decade, a group of enterprising Albanian journalists started a radio programme on the Internet called Radio 21, but only those few with computers, modems and telephone lines were able to tune in to it.

The main source of news for Albanians became the Albanian-language newspaper *Rilindja (Renaissance)*, which had a circulation of 8,000 and was essentially the mouthpiece of the "government" of the self-proclaimed independent "Republic of Kosova," which the Albanians elected in 1992.

Aware that the printed media did not have nearly the impact of electronic media, Milosevic left it alone. Much of this journalistic initiative became associated with Ibrahim Rugova, the "president" of the independent "republic" and head of the Democratic League of Kosovo ("LDK"), the political party with overwhelming support among Kosovar Albanians. Rugova instilled in his population the importance of speaking with one national voice against the "Serbian occupation" of Kosovo. The Albanian population rallied behind Rugova, and *Rilindja* became the main source of news and went essentially unchallenged save for a few other small newspapers or

newsweeklies that more or less toed the Albanian party line. Then, in May 1993, the Serbian regime cracked down on the state printing press and closed down all Albanian-language publications.

After negotiating with the regime, Serbian authorities allowed the Albanians to print a newspaper at the state printing apparatus, and *Rilindja* was reborn as *Bujku (Farmer)*. *Bujku* remained the mouthpiece of Rugova's political party and was the most influential newspaper in Kosovo for years. It often carried stories reporting that Kosovo's independence was imminent by distorting the remarks of Western leaders about Kosovo's status. Its editorial content thus raised false expectations among Kosovo's Albanians that foreign governments would soon recognise Kosovo as an independent state. At the same time, it exaggerated the abuses the Serbian regime was committing against Albanians.

Surprisingly, *Bujku* was able to publish largely without censorship, though Serbian authorities never gave it official legal status and could thus have shut it down whenever they desired. The paper did not have its own bank account and its journalists were largely paid from the proceeds of its foreign distribution, some 15,000 copies in Switzerland and Albania where tens of thousands of Kosovar Albanians had resettled after fleeing the Serbian regime.

Several Albanian-language publications sought to publish independently of the regime, but most of them did not survive, partly because Serbian authorities still controlled distribution agencies and partly because there was simply not enough money in Kosovo's ever worsening economy to keep them afloat. From December 1990 until June 1991, the newsweekly *Koha (Time)* began publishing in Kosovo. It went

out of business for lack of funds in 1991, and *Bujku* again became the almost sole source of news for Albanians.

After the fall of Albania's communist regime in 1991, Kosovo's parallel government arranged for a segment on Kosovo to be included in TV Tirana's nightly two-hour satellite broadcast. Although the programme had no feed from Pristina, Albanians across the province turned into the nightly broadcasts in huge numbers. Naturally, the content reflected the LDK agenda, exaggerating both Rugova's international status and Serbian abuses just as *Bujku* did. Meanwhile, Kosovo's Serbs, who comprised just under ten percent of the population, continued to tune in to the RTVP which broadcast incendiary Serbian propaganda about how the Albanians of Kosovo were creating a jihad and posed a great danger to the region's Serbian population. Abuses against Albanians by Serbian forces were never mentioned. The rift between the two communities grew.

In line with his foundation's general policy to support civil society, and realising the media even within the Albanian establishment was stifled, philanthropist George Soros provided funding for two newsweeklies. In 1993, *Zeri (Voice)* began publishing. Its roots went back to 1945 when it was started as an organ of the Socialist Youth. In its new incarnation, it was relatively independent. Unlike *Bujku*, *Zeri* was read mostly by a young, well-educated, urban audience, surviving through by the monies generated from its foreign circulation. Then, in 1994, *Koha* resumed publishing. It was by far the most critical, objective and professional publication in Kosovo, reporting on the shortcomings of both the Serbian and Albanian regimes. It was staffed by the best journalists in the province and, like *Zeri*, it also appealed to a

younger, mostly urban and educated readership. It was printed in a small, independent printing house in Pec^[2] and had a circulation of 4,000 in Kosovo and 5,000 abroad, mostly in Albania and Macedonia. In April 1997, with help of Soros' Open Society Institute, *Koha* was recreated as a daily with Veton Surroi as its editor. Under his leadership, *Koha* began to criticise the Rugova's leadership, thereby putting to rest the idea that Kosovar Albanians must always speak with a common voice vis-à-vis the Belgrade regime. The paper thus energised the stifled journalistic establishment in Kosovo and its circulation skyrocketed from 7,000 to 27,000.

That same year, A biweekly newspaper called *Gazette Shiptare (Albanian Gazette)* began publishing, serving to further diversify the media landscape in Kosovo. When the KLA began to emerge in 1997, *Bujku* echoed the voice of Rugova and repeatedly claimed that the guerrilla force did not really exist, but was a ploy created by Serbian authorities to portray Albanians in a bad light and to undermine confidence in Kosovo's pacifist resistance movement. *Koha*, by contrast, was more objective. But in time, it began exaggerating the strength of the KLA and during the war often ran nationalistic headlines proclaiming KLA victories. This may be due in part to Surroi's political ambitions. *Koha's* editor never made a secret of his desire to involve himself in the region's politics; many have speculated that his newspaper's reporting on the KLA was partly designed to curry favour with the guerrilla army so that Surroi would receive the political support of the KLA after the war. Still, his newspaper continued to publish the most accurate account of events until NATO began bombing the region in March 1999, and his staff was either exiled or pushed into hiding.

Journalists for all of these publications were routinely harassed, beaten, arrested and imprisoned. At least three Albanian journalists were killed for their writings. More than twenty-five were sentenced to jail with sentences ranging from one to twenty-eight years and another twenty were imprisoned for one to six months.

Aside from the main newspapers in Kosovo, Albanian émigrés abroad began taking part in the media war. In Switzerland, the Albanian community printed *Rilindja*—named after the newspaper in Kosovo that was shut by the Serbs—and distributed it to émigrés there and in Albania. In the United States, the émigrés published newspapers in New York and Boston and hired the public relations firm Ruder Finn to draw attention to their plight abroad. And most of the content emanating from the publications and PR companies abroad propagated the line of the Rugova's government.

To be sure, there were few voices in Kosovo's pre-war media establishment that called for any kind of reconciliation with the Serbian regime. Both Tirana TV and *Bujku* served to inflame relations, often exaggerating the extent of Serbian abuses against Kosovo's Albanians. While *Zeri* and *Koha* were more reliable, *Koha* tended to take a nationalistic tone during the war and his paper tended to exaggerate KLA's strength and victories. However, while none of the Albanian-language media outlets were particularly helpful in promoting reconciliation with Serbs, neither were they intensely incendiary in the style of Serbian media in Kosovo, Bosnia or Croatia.

THE POST WAR MEDIA SPACE

A. Overview

In sharp contrast to the situation before the conflict, when NATO peacekeepers moved into Kosovo following the Serbian withdrawal of military and police forces, there was essentially no existing media in the province. Close to a million Albanians, roughly half of Kosovo's population, had either fled or been expelled from the province and those who remained in Kosovo during the bombing had gone into hiding. Two-thirds of the province lay in ruins and there were virtually no functioning institutions.

The basic political framework influencing media policy was also radically different. In Bosnia there were existing regimes that were to interact with the international peacekeepers and the civilian administration that came with them. In Kosovo the United Nations and NATO's peacekeepers came to create what was essentially an international protectorate. The United Nations became the *de facto* government and its chief administrator, Bernard Kouchner, was named head of the UNMIK and the Kosovo Administration Council. Kouchner's basic mandate was to promote "the establishment, pending a final settlement, for substantial autonomy and self-government," and meanwhile perform "basic civilian administrative functions."

UNMIK was to work with four organisations to achieve its mandate: the United Nations High Commission for Refugees ("UNHCR"), which would be in charge of humanitarian aspects, the Organisation for Security and Cooperation in Europe ("OSCE"), which would be in charge of organising elections and building democratic institutions, and the European

Union, which would be in charge of reconstruction. The UN itself would have a division of civil affairs that would establish a functioning public administration.

Media reform fell under the OSCE's mandate, and as soon as the war ended, the organisation sent in a team of experts to Kosovo who had worked on media reform in Bosnia to Kosovo to provide an assessment of what was needed. Keen to avoid earlier mistakes made in Bosnia, the team recommended to the OSCE that it start out with a strong mandate to regulate the press, as well as the broadcast sector, and to reduce the international supervision over time.

"We don't want to make comparisons between Bosnia and Kosovo, because each is a very different case," said Doug Davidson, the American diplomat in charge of the OSCE's media affairs department in Kosovo. "Still, the international community entered Bosnia in 1995 and has learned lessons there on how to promote free and independent media and we are now using this experience to avoid repeating mistakes."^[3]

Pointing out that building a free and independent media is integral to creating an open and civil society as well as fostering peace and reconciliation, the OSCE almost immediately developed a plan that would enable it to take temporary responsibility for licensing of television and radio stations. This plan included a regulatory regime that would have the power to penalise, fine, or shut down media outlets that violated internationally established reporting standards. Prior to and during the conflict, both television and radio had been controlled by Belgrade.

Now, UNMIK and the OSCE announced that they would launch RTVP,

the provincial radio and television network in Bosnia, and would turn it into a public service broadcaster modelled after European standards. At the same time, the OSCE would provide financial assistance and training for local media outlets and their journalists as well as start its own news service that would be staffed jointly by locals and internationals.

The OSCE has not been able to achieve most of its goals in Kosovo. It has been dogged by international protests to its mission concerning implementation of its plan. These protests provoked UNMIK to restrict the OSCE mandate. In addition, there have been funding shortages, local resentment and bureaucratic obstacles overwhelmingly difficult to overcome. Nine months after the OSCE mandate began, local media outlets were still spreading propaganda and lies as virulent and incendiary as those published before the war. Though the media cannot be held accountable for the fact, and tensions between the region's Albanians and Serbs remained high, as evidenced by fighting in Mitrovica and continued revenge attacks on and expulsions of the province's Serbian population.

B. International Regulation

The OSCE's plan to regulate the media included the creation of a Media Regulatory Commission, modelled in part on the Bosnian precedent and on the functions of the Federal Communications Commission. This commission was supposed to write and administer a "Broadcasting Code of Practice" and a "Temporary Press Code" for print journalists, as well as to monitor compliance and instigate enforcement mechanisms. The Regulatory Commission would have the power to censor material judged dangerous

or incendiary, fine stations and or newspapers for violations, and order certain journalists or stations off the air. Because there were no standing courts in Kosovo and the existing laws were written prior to 1989 by a socialist government, the UNMIK planned to appoint an "international appellate body" to which local journalists could appeal the commission's decisions. The intention was that the OSCE would accomplish these goals with the advice of a UN-appointed committee of local journalists and civic leaders.

Even before the OSCE mission began, it drew the ire of international media watchdog groups who claimed that the organisation's plan to regulate the Kosovar press was a violation of press freedom. A summary of the OSCE's plan was circulated to various member countries who were asked to nominate personnel. It found its way to both to the World Press Freedom Committee ("WPFC") and *The New York Times*. The WPFC issued a strong protest and wrote a letter to UN Secretary General Kofi Annan protesting the OSCE's media plan on the grounds that it was tantamount to censorship and would enable a group of internationals to infringe on freedom of information in Kosovo. The letter urged the Secretary General to revoke the OSCE's mandate.

On August 16, Steven Erlanger, *The New York Times*'s Balkans correspondent, wrote an article entitled "NATO Peacekeepers Plan a System of Controls for the News Media in Kosovo." In it, he quoted Ronald Koven, the WPFC's European Representative, accusing the OSCE of fostering a "colonial mentality" and trying to impose on Kosovars unfair standards of codes and conduct. The *Times* followed Erlanger's article with an editorial on August 30, entitled "Kosovo's Incipient Media

Ministry," in which it stated that Kosovo's Albanians did "not need another group of outsiders to tell them what they can and cannot say." The paper accused the OSCE of trying to establish an unnecessarily large bureaucracy to do something that did not need to be done. The editorial concluded: "The best way to combat hate speech is not to ban it, but to insure that Kosovo's citizens have access to alternate views. There is added danger if the regulations are broad enough to bar other ideas the international community does not like. It is risky to ... attempt to regulate ideas and expression in a region where these powers have been so tragically misused."

Both Erlanger's article and *The New York Times*' editorial had a significant impact on the future of the OSCE's mission in Kosovo because it set off a debate within the United Nations about what kind of authority the OSCE should have. The *Times* articles also sounded the alarm bell for local journalists who immediately became wary of the OSCE's plans. Many of the region's best journalists, including those at *Koha Ditore*, had not objected to the intended media reform, and in fact welcomed the OSCE mission with the hope that it would put an end to the proliferation of slanderous and often dangerous allegations circulated in the local press. But the criticism from abroad was enough to put a hurdle in the path of the OSCE. In large measure, UN headquarters agreed that the organisation should not have so explicit and punitive a mandate to regulate Kosovo's media. Kouchner announced that the OSCE would continue with its mandate of media development, but that the power to sanction journalists and their media outlets would be significantly limited. The OSCE was thus constrained in its objective to reform the press without the authority to punish even

the most overt violations of international journalistic standards.

The OSCE proceeded to create the Media Board, comprised of independent intellectuals who would be responsible for advising the OSCE, and it has begun preparing a code of conduct for broadcast media. In the wake of the controversy over the Media Regulatory Commission, the OSCE was vested with the authority only to "encourage journalists to voluntarily establish an ethical code." The sanction of shutting down or censoring newspapers deemed irresponsible was rescinded, though the organisation still hopes to develop a mandate that will give it some authority over the broadcast media.

The limitations of the OSCE became apparent almost immediately. In October, 1999, *Kosova Press*, a KLA-funded news service, launched written attacks on Veton Surroi and Baton Haxhiu, the founder and editor of *Koha Ditore*, respectively, after their newspaper condemned the revenge attacks Albanians were committing against Serbs. Surroi wrote a column in August accusing certain Albanian elements of descending into fascism. He criticised the Albanian leadership in Kosovo for not condemning the attacks and equated the systematic intimidation of all Serbs to the racist policies of the Belgrade regime. Haxhiu pointed out similar criticisms in an interview with Germany's *Der Spiegel*. *Kosova Press*, which claims to be independent from the KLA but often espouses the KLA line, called Surroi a "traitor," and concluded, "[s]uch criminals and enslaved minds should not have a place in the free Kosovo." Later, the news agency referred to both Surroi and Haxhiu as "bastard ragtags," "ordinary mobsters," and "the garbage of history."

Kosova Press went on to allege that Surroi and Haxhiu collaborated with Serbian paramilitaries during the war and that they were now spies on behalf of the international community. It added, "[i]t would not be surprising if they (Surroi and Haxhiu) became victims of possible and understandable revenge acts." Given the tense post-war atmosphere in Kosovo and the KLA's history of killing Albanians believed to have collaborated with Serbs, the allegations were extremely dangerous. Indeed, the editors of *Koha Ditore* reported receiving threatening phone calls and death threats.

Koha Ditore responded to the attacks by republishing *Kosova Press'* text, accompanied by an editorial accusing the agency of "calling for murder." It further alleged that because *Kosova Press* was the mouthpiece of Kosovo's new interim government, such accusations amounted to more than hate speech, but could be interpreted as a "call to action," and that it therefore had a particular obligation to act more responsibly. The editorial went on to reiterate Surroi's earlier column, arguing that "the systematic persecution of a human being because of his ethnic or racial group is fascism, and the Albanian nation, as a victim of fascism, should not tolerate the attempt of the commentary to persecute those who don't think the same, which falls into the same category."

The OSCE was slow to react and when it finally did, a full month later, its actions were limp at best. The OSCE Representative on Freedom of the Media in Vienna issued a statement at the OSCE Permanent Council on October 7, expressing "serious concern" about *Kosova Press'* commentary and demanded that UNMIK take action to prevent such hate speech in the future. The OSCE's media coordinator in

Kosovo, William Houwen, called *Kosova Press'* wording "shocking," and said, "Goebbels couldn't have done it better." He added that his organisation was planning to regulate the electronic media but that the OSCE was not empowered to regulate the print media. Houwen also pointed out that UNMIK believed the bitter editorial exchange was something for the courts to rule on, but added that Kosovo has no judicial system that could enforce libel or defamation laws, even if they existed.

The editorial battle between *Koha Ditore* and *Kosova Press* was finally put to rest, but the media war in Kosovo continues. Almost all of the newspapers in Kosovo have a nationalistic bent and often print incendiary and dangerous reports based on false information. In one particularly dangerous example, the newspaper *Bota Sot* (*The World Today*), whose content is extremely nationalistic and anti-Serbian, printed an article stating that an American representative from Human Rights Watch was a homosexual after he issued a report condemning Albanian revenge attacks against Kosovo's Serbs. In the swaggering, macho and homophobic culture of Kosovo, such allegations cannot only undermine a man's credibility, but also leave him vulnerable to attack. The newspaper also accused journalist and human rights advocate Fron Nazi, who writes for the Institute on War and Peace Reporting as well as Press Now, of being a Russian spy, another life-endangering allegation. It has referred to NATO peacekeeping troops as the Serbs' "international body guards," and has equated the UNMIK with "the communists" who ruled Kosovo in times past.

Faced with the prospect of the nationalistic and sometimes hostile media undermining its mission, but still unwilling

to give OSCE the comprehensive and restrictive mandate it sought, UNMIK's executive, Kouchner, promulgated a regulation prohibiting hate speech on February 1, 2000. The regulation allows the possibility of a multi-year prison sentence or a fine for anyone who publicly incites or spreads hatred, discord or intolerance between national, racial, religious, ethnic or other such groups in Kosovo. Specifically, in order for hate speech to be punishable, it had to be directed at a group, not an individual, so the regulation would not have been applicable to any of the aforementioned press attacks.

Not surprisingly, most media establishments in Kosovo condemned the new hate speech regulation. *Kosova Press* accused Kouchner of infringing on journalists' right to freedom of speech, then went on to accuse NATO peacekeeping force ("Kfor") of ruining Kosovo's economy and creating a military regime. Equally predictably, *Koha Ditore* and the more moderate *Zeri*, came out in favour of the hate speech regulation, deeming it necessary during this period of Kosovo's development.

In the weeks since the hate speech regulation was enacted, Kosovo's media outlets found ways to spread hatred and incite violence without violating the terms of the new law. Several newspapers have begun publishing the names of Serbs they believe to have committed war crimes, not necessarily "hate speech" in itself, or speech that might incite violence. But context is important and these names were published along with home addresses and places of employment. Often, the sources of the allegations are anonymous and seldom is any proof of the crimes provided. The OSCE, again incapable of fining or shutting down the perpetrators, issued a statement that read: "The OSCE considers this

behaviour to be highly dangerous and irresponsible, and contrary to internationally accepted standards of journalistic professionalism and ethics. It only serves to deepen divisions in a society already torn by ethnic violence."

If those who published the names of the alleged war criminals had the intent that may reasonably be attributed to them, it seems unlikely that an OSCE press release affirming the dangerousness of their acts will dissuade publishers from doing more of the same. At the end of February, the OSCE announced that it had been encouraging professional journalists to voluntarily establish an ethical code and that it was holding regular roundtable discussions with Kosovo's journalists and international donors on media development policies. Recently, Kosovar journalists formed a professional association in which most news outlets have a representative.

The newly established organisation established a board of directors and a code of conduct. In the spring of 2000, the OSCE media affairs department began writing letters to the board's president about serious media violations, but usually to no avail. Moreover, newspapers affiliated with a political party—some of the worst perpetrators—were not permitted in the association and were thus not subject to its code of conduct. Thus, it seems unlikely that the OSCE's efforts, even when combined with UNMIK's hate speech regulation, would be sufficient to curb rampant abuses, threats, and incendiary reports in the print media.

C. Creating a Public Broadcasting Network

The situation with respect to the electronic media was somewhat different.

By spring 2000, the scope of the OSCE's regulatory mandate was still being debated. The OSCE was working to establish a Code of Practice for broadcast media as well as establish a Media Regulatory Commission that it would be able to monitor and punish abuses of radio and television broadcasts.

When NATO forces first arrived in Kosovo, there was no functioning radio or television in the province. UNMIK decided to accept OSCE's suggestion to re-establish Radio Television Pristina and turn it into the equivalent of a public European broadcasting network with the new name, Radio Television Kosovo^[4] ("RTK"). In this way, the mission would make a virtue of necessity. All of the employees of RTK in the post-1989 period were Serbs, and most had left the province with NATO's arrival, so UNMIK needed to start from scratch. UNMIK felt confident that if it resurrected the station under its supervision, it could ensure that RTK adhered to professional journalistic standards.

The decision to turn RTK into a public broadcasting service network—with the subcontracted help of the European Broadcasting Union and using local journalists under its supervision—also ensured that the international community would not repeat the same mistakes it did in Bosnia where it tried to create a new television station that simply could not compete with the pre-existing nationalist stations run by the Serb, Muslim and Croat governments of the country.

The Bosnian project was to involve the participation of local Serb, Muslim and Croat-run stations already operating. But that ambitious project took months longer than anticipated and was not working in time to have a significant impact on the OSCE-organised elections in 1996, one of

its primary purposes. Moreover, it was perceived by all parties in the Bosnian war as something imposed from the outside and simply could not compete with the nationalist government-controlled television stations already broadcasting in the region.

RTK, on the other hand, would be the only television station on the air, at least until others interested in creating television stations could apply for frequencies, raise necessary funding and create or purchase programming, and until the terrestrial transmitter network was rebuilt.

But creating public television proved far more difficult than foreseen. As in Bosnia, UNESCO provided technical assistance. The OSCE called on UNESCO to provide advice in the drafting of a country-wide public service broadcasting law. The draft law provided would guide PBS in the Province, most notably regulate RTK and any other public broadcaster in case they should exist. There were problems with staff. To begin with, almost all of the Albanians who worked at the station prior to 1989 wanted their jobs back. The way they saw things, they were employed by the station prior to the Serbian takeover, and now that the Serbs were gone, they could resume working. However, in 1989, the station was a large state bureaucracy that had employed some 1,700 people. Moreover, many of the former employees—journalists, technicians, camera operators—had not worked in radio and television for more than a decade and were unfamiliar with work at a modern, European broadcasting network. "If the Albanians had it their way, they would all get their jobs back and produce mediocre programming. What is needed is international management and real journalistic standards," said one official who asked not to be named. UNMIK and the OSCE did not have the funds to

rehire all of RTK's former employees, and they also believed the station needed new blood. Thus, UNMIK appointed an internationally-recognised administrator, Erik Lehmann, former chairman and president of the Board of the Swiss Broadcasting association, as the General Director and tasked him with hiring a staff of competent journalists. In the short term, the OSCE envisioned that Lehmann would hire two other international directors and appoint local deputy directors who would be groomed to replace the internationals. Eventually, the station would be run entirely by Kosovars.

By appointing internationals as managers, and hiring Kosovar Albanians from the émigré community abroad who had training in the West instead of those who worked at the station prior to 1989, RTK has created tremendous resentment in Kosovo. OSCE officials are somewhat hostile towards the station's pre-1989 employees. The Kosovar returnees, on the other hand, feel that the OSCE has come in and imposed a new television station without consideration for their livelihoods. At a recent count, of its 80 employees, which includes drivers, mechanics and security, only about a dozen were previously employed by RTVP.

RTK began transmitting two-hour evening broadcasts in Serbian, Albanian and Turkish on 19 September, 1999. However, only 30 minutes of the evening programme is locally produced, and the rest is purchased from Euronews, the Associated Press or taken from the archives of RTVP. And even to produce this, the OSCE had to lease equipment from the European Broadcasting Union because the equipment at RTK was outdated. It also had to transmit via satellite, an extremely expensive way of broadcasting, because the terrestrial

transmitters had been destroyed during the 1999 bombardment. Despite spending \$2 million in the first nine months, consensus among Albanians in Kosovo is that RTK, known as UNMIK TV, is of poor quality and has the air of something created by foreigners.

The OSCE hoped to be able to purchase new equipment and utilise it as a training facility to train more journalists in modern broadcasting, but this has yet to happen, partially because donor nations have been slow to provide their promised funding. The Japanese government recently promised to provide \$14 million in equipment for the station, but the OSCE says it is extremely short of cash and has not yet managed to raise the funds it needs to continue broadcasting. Thus, some of the internationals the OSCE brought in to run the station have to spend much of their time trying to raise money to keep RTK operating. The contract with EBU expires in June and the station is in need of \$4 million just to keep broadcasting for the rest of the year 2000.

Still, international officials working with RTK say they are acutely aware of the mistakes made in Bosnia and are making efforts to have local journalists produce more of their own programming. They are also trying to develop a business plan that will allow the station to be self-sustaining in four to five years when international donors begin to pull their money out of Kosovo. They foresee raising revenues through advertising and licensing fees as well as receiving government subsidies.

D. Other Electronic Media

Long before the international administration in Kosovo could get RTK on the air, municipal radio stations began

broadcasting. At least one television station in Albania, TV Klan, began transmitting into Kosovo, and Serbian Radio and Television transmitted to large swathes of the province from Serbia. Currently there are between 35 and 40 stations on the air. They are not under effective regulation by the international community or any other official body. In Kosovo's post-war atmosphere, in which relations between the region's Serbs and Albanians are still tense, these unregulated radio and television broadcasts have at times fuelled inter-ethnic tensions. Thus far, the OSCE, which is still trying to establish a mandate that would enable it to intervene to stop incendiary broadcasts, has been powerless to do anything about them.

The problems began as soon as some of the municipal radio stations went on the air. The Kosova Protection Force, the successor to the KLA, called on stations to broadcast information about a boycott of Serbian-produced goods. Many of the stations began airing nationalistic songs and calling on Albanians to carry out revenge attacks against their Serbian neighbours. In the town of Gnjilane (Gjilan in Albanian), Radio Gjilan was apparently broadcasting content so egregious that American troops from the Kfor cut off the station's electricity and arrested almost all of its personnel. To prevent the station from resuming transmission, Kfor announced that it needed the station's location, the top floor of the town's highest building, for its sniper unit. The station remains off the air and was reportedly looking for another location to set up its studios. The incident served to reinforce the already existing animosity between the Albanians and Kosovo's international administration. At the same time, Kfor appealed to the municipal stations to broadcast its own messages and has even paid for airtime to do so.

In an effort to bring some order to the airwaves, the OSCE announced that existing and future radio and television stations would have to apply for broadcasting licenses. The OSCE would, it has stated, approve or deny such applications principally based on the proposed station's ability to produce and finance its programming. When they received their licenses, however, the stations would be obliged to sign a code of conduct that the OSCE is currently developing. Various businessmen, publishers and potential politicians began drawing up plans for their own television and radio ventures as soon as the war ended. For example *Koha Ditore Zeri*, *Kosova Sot*, *Bota Sot*, *Rilindja* and Radio 21 have plans for television stations to accompany their radio and publishing empires.

E. Other Media Ventures and the Work of NGOs

Aside from its attempt to regulate the media and transform RTK into a public broadcasting network, OSCE attempted to start a web-based news service called *Kosovo Live*, staffed by local journalists with some international training. The service, as it is currently envisioned, will issue its reports in both Albanian and English and will function partly as a service for people outside of Kosovo, containing a media digest summarising stories in the local press as well as original reporting. Led by an American on leave from *Newsweek*, *Kosovo Live* does not plan to draw from the existing pool of journalists from Kosovo's newspapers, but rather recruit and train young, new journalists. The OSCE estimates that the service could be self-sustaining in one year. It is currently trying to raise the necessary funds.

- The OSCE also organised a course for Serb and Albanian journalists from the embattled town of Mitrovica to receive training together in Italy. Some sixteen journalists participated in the course in mid-January.

- Press Now and Internews have been providing training on how to cover an election to local radio journalists. The three NGOs concluded that Radio Kosova, because it reaches the entire population of Kosovo, was the best medium on which to focus. Together, they have purchased equipment to create a training facility in the radio building, but they plan to move the facility to the journalism faculty of the University of Pristina in the future. All three organisations will continue to provide follow-up training to local radio journalists.

- The Institute for War and Peace Reporting created a Balkan Media Resource Center with the Internet provider IPKO and a grant from the Ford Foundation to provide free Internet access to all of Kosovo's journalists for research and reporting in Pristina. The centre also provides a kiosk of local and international publications and an archive of press releases and other published reports on Kosovo. In addition, IWPR works with local journalists to create its news service, one of the most valuable in the region.

- The International Organisation for Migration ("IOM") and the United States Office in Pristina ("USOP") established the Kosova Information Assistance Initiative ("KIAI") at the Pristina National and University Library as well as six other centres in Prizren, Pec, Mitrovica, Ferizaj, Gnjilane and Gjakova, which provides free Internet access to anyone who wants it. The United States sought contributions from the American private sector, including Apple Computer Inc., Cisco Systems Inc., Gateway

and Silicon Graphics Inc. to undertake the venture.

SOME CONCLUSIONS AND RECOMMENDATIONS

Overall, the post-war media situation in Kosovo is bleak and the international community has been not only slow in reacting to it, but also seems intent on making many of the same mistakes it made in Bosnia. Bickering between the United Nations and the OSCE over an appropriate mandate to regulate the press has stymied the OSCE's operation and delayed necessary reform of Kosovo's media landscape.

Aside from all of the problems mentioned above, there is simply a lack of talented and professional journalists in the region, and those who fit that description are often lured into taking more profitable jobs with international organisations. Journalists, especially those who speak English, can earn more working as drivers or translators for the United Nations than they can working for any of Kosovo's media outlets. Thus, international organisations and donors should consider subsidising journalists' salaries to keep talented people in the profession.

Both Kosovo's International Administration and the NGOs involved in media reform need to rethink and redefine the meaning of "independent." Conventional wisdom is that independent journalism means objective reporting by an outlet that is not attached to political party. But financial independence is also extremely important. As evidenced by the crisis at the Open Broadcast Network in Bosnia as a result of donors pulling out, media outlets need to develop business plans that can sustain their operations in the years after international organisations and foreign

governments pull their funding out of Kosovo. Both the OSCE and NGOs should provide assistance in writing business plans and developing funding strategies for the future. Doing so will help prevent many of the nascent media outlets from either closing down or being co-opted by political parties in the future.

Both the OSCE and the NGOs working on media reform have focused the bulk of their activities in Pristina. Free web access and other media training in the capital are good things, but in some ways, the training courses are tantamount to preaching to the converted. There needs to be more of an effort to focus on rural areas where there is a true lack of information. This mistake was made both in Albania and Bosnia.

Realising that television is by far the most influential journalistic medium, almost every media establishment in Kosovo seems to want to create its own television station, including the newspapers *Koha Ditore*, *Zeri*, *Kosova Sot*, *Bota Sot*, *Rilindja* and Radio 21. Kosovo is a tiny province of about 2 million people and there is no way that six independent television stations, in addition to RTK, Serbian television and TV Klan from Albania can survive. Some of the proposed independent stations should be encouraged to partner with one another to pool resources or to create joint stations. Perhaps some of them should be encouraged to limit their ambitions to creating a television news programme that is aired on existing stations.

Both the Albanians and the internationals involved in media reform must work together to lessen the developing animosities between the two sides. There is a limited amount of funding that will be provided for media development in Kosovo

and both locals and internationals are competing for it. Both groups will be better served by working together. Efforts should be made to ensure that journalists who worked at RTVP prior to 1989 are included in any international training programmes that might bring their skills more up to date. While the OSCE and NGOs on the ground should hold local journalists accountable to international standards, they should not produce content themselves, but rather leave the Kosovars to do it so that RTK and other establishments with an international component are not viewed as ventures imposed on the population by the international community.

Finally, the United Nations should reconsider its decision about lessening the strength of the OSCE's mandate to regulate both the print and broadcast media. From the vantage points of New York, the editorial board of *The New York Times* may think the OSCE's ability to impose fines on journalists or shut down media outlets that do not adhere to internationally accepted standards of journalistic conduct amounts to an infringement of press freedom. But freedom of speech is far different from the freedom to incite violence or call for someone's death. The allegations frequently being printed or broadcast in Kosovo's media are dangerous and detrimental to creating peace in the region. *The New York Times* suggested that there was a healthy and vibrant press in Kosovo before the war and that, left to their own devices, Kosovars would simply recreate this. However, this conception of the pre-war media space is mistaken. The OSCE should be vested with a more vigorous mandate to put an end to incendiary broadcasts and nationalistic mudslinging currently taking place in the Kosovo's media space because such words are detrimental to the peace process.

LA COMMUNAUTÉ INTERNATIONALE ET LA QUESTION DES MÉDIAS AU RWANDA

Hervé Deguine

En 1990, les pressions des ONGs et de la communauté internationale convergent afin de contraindre le gouvernement rwandais d'accepter la libéralisation des médias. En 1994, les mêmes institutions pressent cette fois le pouvoir d'interdire les activités d'une partie de ces médias.

Que s'est-il passé au cours de la décennie passée et comment définir aujourd'hui une stratégie pour l'avenir? Cet article répond aux questions suivantes:

- Quelles solutions les ONGs et les instances internationales ont-elles envisagé après le génocide afin d'aider les Rwandais à lutter contre les médias de la haine et à rétablir le droit d'accès à une information libre et démocratique, et avec quels résultats ?
- Quelles leçons peut-on tirer de cette expérience et comment, dès lors, construire une stratégie pour les années à venir ou pour d'autres pays placés dans une situation analogue ?

* * * * *

En juillet 1994, dans le Rwanda d'après-guerre, où l'état n'existe plus et où quatre millions de Rwandais sont déplacés ou réfugiés à l'étranger, les médias ne constitueraient pas un enjeu central de la reconstruction nationale s'ils n'avaient joué un rôle essentiel dans la désagrégation de la société et dans la mise en œuvre du génocide. Les antécédents sont ainsi: vers 1990, après trente années de monopole quasi

absolu sur les médias, le pouvoir rwandais est contraint de tolérer l'apparition de médias privés indépendants, qui inspirent la floraison d'une pensée libre, susceptible de déboucher sur l'invention de nouvelles formes d'action politique. Convaincu de la menace que les presses privées constituent pour son gouvernement, Habyarimana crée ses propres médias privés. Au même moment, en Ouganda, les descendants des Tutsis exilés au début des années soixantes se lancent dans un programme de reconquête, offrant ainsi au gouvernement Rwandais une opportunité de justifier la mise en place d'un système répressif et d'une repansion d'idéologie extrémiste dans la presse écrite, et par moyen de la pro-hutu Radio Television Libre des Mille Collines ("RTLM"), un organe essentiel dans un pays largement rural et inalphabète.

A la veille du génocide de 1994, la pro-hutu Radio Television Libre des Mille Collines et les autres médias de haine et de propagande, nées dans le sillage de la presse démocratique, parfois en profitant du soutien d'ONGs ou d'ambassades et d'autres internationales, et dissimulés sous le vernis du droit à la liberté d'expression, sont devenues de redoutables armes de guerre.

La reconstruction de la presse rwandaise après la guerre s'inscrit donc dans le cadre d'une problématique particulièrement complexe. Comment un régime qui aspire à remplacer une dictature totalitaire raciste par une démocratie pluraliste multi-ethnique peut-il concilier le respect de la liberté de la presse et la nécessité d'empêcher le retour de la propagande génocidaire ? Comment les ONGs et les instances internationales qui ont échoué à prévenir le danger peuvent-elles désormais prétendre exercer un droit de regard et intervenir dans la reconstruction de ce paysage médiatique ?

C'est un défi d'autant plus difficile à relever que le gouvernement d'union nationale constitué à la hâte s'appuie sur une base de plus en plus étroite, n'étant parvenu à restaurer la confiance ni à l'intérieur du pays, ni chez les réfugiés, ni sur la scène internationale. Lorsqu'il chute en 1995, le gouvernement laisse bien des interrogations ouvertes. Les différents gouvernements qui se succèdent ensuite n'ont fait d'ailleurs que renforcer cette suspicion.

Le cas du journaliste extrémiste Hassan Ngeze, rédacteur du bimensuel *Kangura*, démontre les ironies de la situation. En 1991 Reporters sans Frontières et Amnesty International sont intervenues en son faveur, quand il est "injustement" arrêté par les autorités gouvernementales. Ngeze est aujourd'hui en prison, inculpé par le Tribunal pénal international pour le Rwanda pour crime contre l'humanité et incitation au génocide.

Le 12 octobre 1994, Jean-Baptiste Nkuliyingoma, ancien journaliste et ministre de l'Information du gouvernement d'unité nationale jusqu'à l'été 1995 (et aujourd'hui chauffeur de taxi dans la banlieue de Bruxelles), lance un appel pour relancer la presse publique et privée. Il a besoin de "300 journalistes formés" et de "beaucoup d'argent." Il ajoute: "Les journalistes assassinés étaient...des martyrs de la démocratie auxquels il faut rendre hommage en instaurant la démocratie et en respectant le droit d'expression au Rwanda" tout en "sensibilisant la presse aux idéaux de la réconciliation nationale."

Dès le mois de septembre, un programme d'aide d'urgence à la relance de la presse est lancé grâce au soutien de plusieurs ONGs, dont Amnesty International, le CPJ et Reporters sans frontières ("RSF"). Treize titres de la presse

écrite bénéficient ainsi d'une aide financière ou logistique. Les critères de choix sont simples: tous les journaux reçoivent une aide équivalente, à l'exception de ceux qui ont soutenu l'ancien régime. Le but n'est pas tant de soutenir les "bons" journalistes que de relancer, au plus vite, un embryon de presse dans un pays où le manque crucial d'information se traduit presque toujours par le développement de rumeurs dangereuses.

Les aides distribuées à cette occasion sont dérisoires: 1000 à 2000 dollars, quelque fois un ordinateur ou un fax. Mais dans l'univers de désolation qui caractérise Kigali à l'époque, cette aide relève du miracle pour ceux qui en bénéficient. Lors d'un récent séjour au Rwanda, en octobre 1999, j'ai rencontré un journaliste qui, cinq ans après, s'excusait encore de n'avoir pas su relancer son journal en 1994 malgré l'aide de Reporters sans frontières ! Par la suite, en 1995 et en 1996, l'Unesco a ouvert un centre de presse doté d'un important parc informatique destiné à faciliter la réalisation de journaux.

Les ONG qui interviennent sur ce terrain à partir de septembre 1994 sont conscientes des dangers que recellent ces aides. Ainsi, plutôt pour dégager sa responsabilité que pour véritablement prendre le contrôle de la situation, Reporters sans frontières fait signer des contrats d'aide avec chacun des journaux spécifiant notamment que les bénéficiaires de l'aide s'engagent à ne divulguer aucun message susceptible d'attiser la haine ethnique.

Au cours du deuxième semestre 1994, tous les journaux qui reparaisent sont publiés en langue nationale (kinyarwanda), à l'exception de deux titres francophones. L'année 1995 voit apparaître une presse rwandaise anglophone, qui s'ajoute à quelques titres importés de l'Ouganda

voisin. A partir de 1996, les journaux francophones se font de plus en plus rares, alors que les publications anglophones, plus riches, mieux faites, et surtout achetées par un public beaucoup plus riche et solvable, dominent.

Seule une poignée de journalistes a survécu au génocide et aux massacres politiques. Et dans un contexte de forte pénurie de cadres, la tentation est grande d'abandonner la presse pour d'autres responsabilités, plus attirantes et mieux rémunérées. La profession connaît donc un large renouvellement et une aggravation de la pénurie de journalistes expérimentés. Le contenu des journaux s'en ressent. Les périodiques rwandais sont pauvres en information et masquent leurs lacunes derrière un ton polémique, une emphase des dessins et des titres. Les conditions de travail dans la presse sont à l'image des autres activités au Rwanda. Pas de véhicules de transport, ni de moyens de communication modernes, ni d'appareils photographiques. La pauvreté rédactionnelle des journaux se traduit par une sous-utilisation de l'espace rédactionnel et un relatif gaspillage des ressources en papier.

Rien d'étonnant si les nouveaux magazines ont une existence précaire. Le tirage moyen des publications ne dépasse pas mille exemplaires, mais la diffusion payée dépasse rarement 500. Pas de quoi dégager des bénéfices ni étoffer les rédactions. Plusieurs titres sont rédigés et maquetés par un unique journaliste, recourant à des collaborations extérieures.

La diffusion de la presse dépasse rarement la capitale. Si Kigali offre l'aspect d'une ville dynamique dans un pays ruiné, les consommateurs de journaux demeurent néanmoins rares et peu solvables. Vendu 200 à 600 francs rwandais l'exemplaire, un

journal passe de main en main pour être "rentabilisé." Son prix représente une journée de travail d'un salarié agricole. Une grande partie du lectorat est constituée de salariés travaillant pour des organisations non gouvernementales ou de membres du corps diplomatique.

Faute de moyens matériels et financiers pour assurer la réalisation de véritables enquêtes journalistiques, mais également par manque de professionnalisme, la presse rwandaise s'affiche comme une presse d'opinion. Les principaux thèmes traités au cours du premier semestre 1995 sont le génocide, la grossesse des femmes violées, le jugement des coupables, la sécurité, les problèmes de propriété, la cohabitation des Rwandais et l'unité nationale, l'aide humanitaire et les promesses d'assistance internationale, le pouvoir, l'armée, l'Eglise, et les orientations politiques générales. A partir de 1996, une information plus consistante se développe sur la situation dans les camps de réfugiés. Mais, après 1997, la plupart des journaux s'orientent de nouveau vers des articles d'assez mauvaise qualité et au contenu diffamatoire.

Fin 1995, le ministère de l'Information commence à décerner des prix récompensant les meilleurs journalistes et le meilleur journal. Mais l'exercice n'est pas sans ambiguïté. Il peut permettre de justifier certaines sanctions à l'égard de journaux jugés insuffisamment "civiques" par les autorités. Une journaliste d'un quotidien gouvernemental, lauréate du prix du meilleur article écrit en faveur de la réconciliation nationale en 1998, a été arrêtée en 1999 pour "crime de génocide." Elle est morte en prison.

La reconstruction de la presse privée et de la presse publique se passe des

interventions étrangères. Les autorités gouvernementales entendent gérer elles-même ce dossier particulièrement sensible. Déjà, en ouverture d'un séminaire de janvier 1995 sur "le rôle des médias dans la reconstruction nationale," le ministre de l'Information avait rappelé, à propos de l'ancien régime, que "si le pouvoir l'avait voulu, il aurait appliqué la loi en vigueur et puni les journalistes qui semaient la division parmi la population," ajoutant que "cette loi sur la presse date du 15 novembre 1991, juste au moment où la machine infernale de propagande ethnique était en marche. Si l'on avait voulu respecter la loi sur la presse, les émissions de la radio *RTL*M auraient été suspendues dès les premiers jours de sa naissance" Le propos ne manque pas de pertinence. Les dérives de la presse sont devenues sa préoccupation principale. Au mois de janvier, l'avertissement tombe donc: "La nouvelle politique de l'information est la promotion de l'unité et de la réconciliation des Rwandais. Pour cela, rien ne sera ménagé, dans le but de respecter cette nouvelle politique." Le message est ferme: "On ne tolèrera pas de nouvelles dérives."

Un démarche "pédagogique" est d'abord adoptée. Les intervenants prennent acte des erreurs commises par la profession et, à nouveau, prennent des engagements afin d'améliorer la situation. Un mois plus tard, le 15 mars 1995, les responsables de la presse privée sont à leur tour conviés à faire leur autocritique. Une commission de contrôle est constituée au sein du gouvernement, regroupant des représentants du ministère de la Défense, de l'Information, de la Justice, des Transports et Communications et de la Primature. Mais le ministre de l'Information est déçu par la lenteur des travaux. "Lorsqu'on achète un journal, on est stupéfait. Le virus du meurtre n'a pas disparu. Ne voit-on pas des journaux qui tendent à souiller telle ethnies, telle

autorité ou tel parti? Certains journalistes ont gardé ce réflexe de souiller n'importe qui sans preuve (...). Des mesures auraient dû être prises au niveau de la justice, mais cela n'est pas encore fait parce que cette institution est encore confrontée à de multiples problèmes (...) Dès lors, certains journalistes se défoulent parce qu'ils savent que leurs forfaits resteront impunis. Le ministère de l'Information les a souvent rappelés à leur devoir (...). C'est pourquoi d'autres mesures plus contraignantes pourraient être prises pour que la presse ne redevienne pas un moyen d'incitation à la division dans le pays."

Au risque de ne pas distinguer le droit de critique et la liberté d'opinion de l'incitation à la haine ou à la division ethnique, les services du ministère de l'Information s'en prennent à l'ensemble des journaux rwandais, dont plusieurs sont frappés de mesures de saisie. Le 12 mai 1995, le gouvernement prend "les mesures adéquates" contre *Le Messenger*. "Quand la justice ne fonctionne pas encore, on ne peut pas laisser la presse traîner les gens dans la boue. La notion de responsabilité devient importante. Il ne s'agit pas, en soi, d'une politique délibérée," assure un collaborateur du Premier ministre.

Un journaliste soucieux de déontologie mais inquiet de ses droits, s'interroge: "Comment instaurer ce système de censure sans violer la liberté d'opinion? A quel moment est-on dans l'extrémisme? Quel mot ne faut-il pas prononcer pour courir ce risque ?" Le ministre de l'Information rétorque: "Je n'ai pas peur des critiques sur la censure, je crains deux choses: d'un côté, laisser trop de liberté à une presse irresponsable et ainsi exposer la sécurité du pays ; d'autre part, museler la presse et empêcher la liberté d'expression."

Les journalistes ont clairement conscience de l'enjeu du débat. Une partie d'entre eux ont même diffusé un communiqué le 6 avril 1995, à l'occasion du premier anniversaire du génocide, dans lequel ils présentent une sorte de charte morale à laquelle devrait se conformer l'ensemble de la presse pour éviter que les erreurs du passé ne se répètent.

On peut cependant s'interroger sur l'efficacité de ce type d'action. Déjà, en 1993, dans le cadre de jumelages organisés conjointement par l'Unesco, Reporters sans frontières et la Association Mondiale de Journaux ("FIEJ"), des mémentos consacrés à la déontologie avaient été rédigés et distribués au sein de l'Association des journalistes du Rwanda, qui regroupait alors la plupart des journalistes de la presse privée avec effet limité.

Or, le 25 avril 1995, un rapport sur la presse soumis au conseil des ministres porte un jugement alarmant sur le comportement des médias. Il décrit de façon précise les "dérives" auxquelles se laisseraient aller, selon le ministère de l'Information, les journaux privés. L'engagement partisan des journalistes est d'abord stigmatisé. "Le journalisme orienté dérouté les lecteurs ; il peut provoquer une méfiance au sein de la population, voire des troubles," affirme le rapport, citant en exemple des articles louant tel ministre ou salissant telle autre personnalité, et inversement dans un journal concurrent. Le rapport dénonce surtout la diffusion d'une information biaisée.

Deuxième dérive: le "divisionnisme." On évoque une caricature simpliste et "ethnisante" publiée dans *Le Partisan*: "Sur la couverture du journal, une caricature est faite d'un groupe de gens très serrés les uns contre les autres avec un nez exagérément écrasé, façon de les présenter comme des

prisonniers hutus. Ils sont gardés par un militaire au nez exagérément long, façon de montrer que c'est un Tutsi. (...). Le journal différencie les Hutus des Tutsis par la forme du nez. Ce n'est en rien différent de ce que les Blancs ont fait en mesurant la longueur du nez des Hutus et des Tutsis, c'est une façon de diviser les Rwandais en leur trouvant des différences physiques pas très évidentes," déplore le rapport.

Au chapitre de la calomnie journalistique, un article dans un journal gouvernemental, titre "Le préfet Rwangabo de Butare a écrit au président de la République en vue de protéger les Interahamwe" [militia hutu] n'échappe pas à la critique. Ce préfet, Hutu modéré rescapé des massacres de 1994, a été assassiné en janvier 1995 par des "inconnus." Le journaliste a-t-il réfléchi aux effets désastreux d'un titre simplificateur, sinon mensonger? Et pourtant, le dramatique souvenir des listes de noms publiées dans les journaux extrémistes d'avant-guerre ne refroidit pas certains enthousiasmes déplacés. L'exemple est donné par un journal qui livre une liste de personnes qui soutiendraient les Interahamwe et iraient même jusqu'à faciliter leur libération.

La pratique de la globalisation et de l'amalgame est également fustigée. A cet égard, l'Eglise est une cible privilégiée, systématiquement dénigrée ou suspectée sans réserve d'être liée à l'idéologie "Hutu power." De la même manière, on assimile volontiers tous les réfugiés à des Interahamwe. Apparue dès la fin de l'année 1994, cette tendance est allée en s'aggravant après les massacres de Kibeho et surtout après la destruction des camps de réfugiés du Zaïre en 1996 et leur retour massif au Rwanda jusqu'à la fin de 1997. Lors de notre dernier séjour au Rwanda, en octobre 1999,

nous avons d'ailleurs constaté que cette pratique a toujours cours.

Enfin, le rapport du ministère de l'Information note l'outrage aux bonnes mœurs et la pornographie évident dans un article extrait du journal *Le Partisan*, sensé évoquer le cas des femmes violées: "J'occupe la maison d'un Interahamwe au pénis mutilé et il m'empêche de dormir (...). Son pénis est constamment en action (...), puisqu'elle peut enlever tous ses habits et refuser de coucher avec toi, et toi tu rentres ton pénis, confus." Au Rwanda, pays où la morale est volontiers pudique, ce genre de texte est jugé incontestablement pornographique. *Le Partisan* joue sur la provocation à caractère sexuel pour vendre davantage, sans aucun souci de décence envers les très nombreuses femmes et jeunes filles violées. Il fait d'ailleurs l'objet de poursuites judiciaires entamées à l'initiative du parquet pour "apologie du viol." Cette pratique avait cours avant le génocide ; c'est une "recette" journalistique qui refait surface régulièrement, mais dont non n'a plus vu la trace au Rwanda depuis 1998.

Le gouvernement cherche à définir les axes de sa politique dans ce domaine en s'appuyant sur des exemples concrets extraits de la presse vendue à Kigali. Il réfléchit aussi à la possibilité de réviser la loi sur la presse dans un sens qui lui permettrait de durcir sa position. Cette perspective—qui n'a d'ailleurs toujours pas abouti—provoque d'ailleurs l'inquiétude de certains journalistes.

On a vu comment la presse se laisse parfois aller aux plus dangereux dérapages. "Pour couper court à ces dérives, il faut punir tous les écarts," observe le ministre de l'Information. Mais comment punir, en l'absence d'une justice en état de fonctionner et dans la mesure où "il serait pénible

d'arrêter et de jeter en prison les journalistes alors même que les prisons manquent pour les vrais criminels (...)?" Le ministère de l'Information estime "qu'il faut que des mesures soient prises pour limiter la liberté d'expression."

A cette fin, il propose de modifier l'article 6 de la loi du 15 novembre 1991 régissant la presse et qui reconnaît à toute personne physique ou morale la liberté de fonder une entreprise de publication de presse écrite. "Cet article serait complété par une autre disposition qui spécifierait que ceux qui veulent publier des journaux doivent, au préalable, établir des accords avec le gouvernement. Dans ces accords, le gouvernement exigerait toutes les garanties nécessaires pour un journal qui commence et, s'il constate le non-respect de ces accords, il serait aussitôt mis fin à l'aventure de ce journal. Si cette disposition est ajoutée (il faut le faire vite), tous les journaux existants devront demander au ministère de l'Information l'autorisation de paraître. Ce ministère, en collaboration avec la cellule chargée des questions de la presse, examinerait alors les antécédents de chaque journal demandant cette autorisation et, si nécessaire, le gouvernement établirait alors des accords avec les responsables de ce journal comportant, bien entendu, l'autorisation de paraître. Ainsi, de cette façon, les journaux auteurs de dérives seront écartés en douceur, sans faire de vagues, et les bons journaux auront les coudées franches et s'amélioreront."

Si elle n'est pas mentionnée dans ce rapport ministériel, la radio nationale ne fait pas moins l'objet de vives critiques. Particulièrement sensibles à ce média (d'avril à juillet 1994, *Radio Rwanda* a adopté une ligne rédactionnelle proche de celle de *RTL*), certains cercles de l'opposition rwandaise expriment leur

inquiétude sur la façon tendancieuse dont est divulguée l'information sur *Radio Rwanda*.

En août 1994, lorsque la nouvelle équipe rédactionnelle est constituée, le directeur, David Kabuye, déclare: "Nous sommes conscients d'être avec la radio nationale (*Radio Rwanda*) une radio publique. Nous misons donc sur les services en faveur des masses et leur éducation. Notre mission est de changer la façon de penser des Rwandais. Nous devons prôner l'unité, la démocratie, combattre la propagande. Nous devons être la voix du Rwanda et non celle d'une ethnie, d'un camp contre un autre."

Sept mois plus tard, ce n'est guère l'analyse qu'en fait le Premier ministre. Le 23 mars 1995, celui-ci fustige *Radio Rwanda* et menace: "La radio n'est pas la propriété du journaliste mais de l'Etat et, par ricochet, du gouvernement." La leçon ne sera guère retenue. Lors de la semaine de deuil national du 7 au 14 avril 1995, *Radio Rwanda* mène une campagne aux relents xénophobes inquiétants, avec comme principaux relais plusieurs associations de rescapés et de défense des droits de l'homme. Presque aussitôt, des expatriés sont menacés dans les rues de Kigali.

Le gouvernement rwandais prétend lui porter toute son attention et avoir donné des instructions pour corriger ces dérives. On évoque un problème "au niveau de la direction." Un appel à candidatures a été lancé pour l'ensemble des postes de direction. Mais les candidats n'auraient pas satisfait les attentes des responsables du ministère. Fin décembre 1999, David Kabuye est toujours en poste et la ligne éditoriale de la radio n'a pas évolué.

La lutte contre les médias extrémistes à l'extérieur du Rwanda

Le rôle des médias extrémistes dans la préparation de l'opinion publique au génocide et dans sa mise en œuvre est accablant. En dehors des travaux de Reporters sans frontières, de nombreux rapports l'ont démontré, notamment ceux de la Commission des droits de l'homme des Nations Unies. Cela n'a pas empêché les animateurs de ces médias de poursuivre leur travail de propagande et de négation du génocide en toute impunité jusqu'à la fermeture des camps de réfugiés de l'est du Zaïre en octobre 1996 et l'arrivée au pouvoir de Laurent-Désiré Kabila à Kinshasa en mai 1997.

Comment les journalistes des "médias de la haine" ont-ils pu reprendre leurs activités? Que sont devenus après juillet 1994 les journalistes qui ont collaboré à ces médias extrémistes? Hassan Ngeze est parmi les quatre journalistes—sur la quarantaine ayant collaboré aux médias extrémistes—à être sous les verrous en janvier, 2000. Non seulement les autres sont encore en liberté, mais, loin de se cacher, ils ont pu poursuivre leurs activités à l'étranger.

Dans les camps de Goma et de Bukavu (Zaïre) et à Nairobi (Kenya), on assiste dès le mois de septembre 1994 à la reprise des activités des journalistes exilés. Les principaux animateurs de *RTL*M, de *Radio Rwanda* et de plusieurs journaux de la haine se regroupent au sein de l'Association des journalistes rwandais en exil ("AJRE"), fondée en septembre, 1994. Les statuts de l'AJRE sont déposés au ministère de la Justice à Kinshasa. Une demande d'autorisation de fonctionnement est adressée au gouverneur de la région du Nord-Kivu. Apparemment, les autorisations sont accordées. L'AJRE a édité un bulletin

en kinyarwanda et en français, *Amizero*. Parmi les rédacteurs, on retrouve les noms de journalistes de *RTL*M et d'autres médias de haine. Dès le premier numéro, le ton est donné: on y glorifie *RTL*M, "radio immortelle." Le journal est diffusé dans les camps par un réseau de militants bien organisés.

De son côté, le bimensuel *Kangura* a repris sa parution depuis le Zaïre et le Kenya. Hassan Ngeze, le rédacteur en chef, continue la ligne éditoriale d'avant-guerre. Les initiatives prises par des ONGs locales et internationales contre ces médias extrémistes se sont avérées inefficaces, faute de relais dans les instances de pouvoir ou faute d'intérêt. Après dix mois de fonctionnement, l'AJRE fait face à des divisions internes. L'assemblée générale, qui se tient le 18 juin 1995 à Goma, aurait été marquée par un conflit entre une tendance "dure" de l'association, déterminée à combattre par tous les moyens le régime de Kigali, et une tendance plus "ouverte," soucieuse d'entamer le dialogue avec le gouvernement d'union nationale. L'une des activités clandestines de certains membres de l'AJRE consisterait dans l'organisation d'un réseau d'informateurs chargés de saboter les rapatriements de réfugiés. Par ailleurs, toujours à la suite de cette assemblée générale, des remaniements au sein de la rédaction d'*Amizero* auraient été opérés, afin de rendre cette publication plus "présentable." C'est qu'en effet, à la suite d'une campagne de dénonciation menée par Reporters sans frontières en décembre 1994, plusieurs ONGs font pression sur le gouvernement zaïrois afin qu'il procède à l'arrestation des journalistes de l'AJRE et à la fermeture de ses activités.

Le plus célèbre des chroniqueurs de *RTL*M, Kantano Habimna, écrivait dans *Amizero* du 15 décembre 1994 que "les

Hutus qui sont au Rwanda savent que nous sommes prêts à rentrer pour libérer le pays. S'ils ont refusé toute entente (avec le nouveau pouvoir), c'est qu'ils savent que c'est par la guerre que nous rentrerons. Les Tutsis savent que si nous faisons la guerre, cette fois nous vaincrons et qu'en plus ils seront exterminés."

Et *Kangura*, le journal rédigé par Hassan Ngeze, a quel public est-elle destinée? Quelles sont ses véritables motivations? D'où vient l'argent qui lui permet de vivre, de voyager constamment entre Goma et Nairobi, de publier et de faire traduire le journal? Il semble que, durant les premiers mois, le journal y aurait été en partie écrit dans un atelier de duplication à Goma. Il aurait été saisi et mis en page sur les ordinateurs de l'office du tourisme de Goma et reproduit au moyen d'un photocopieur. Des copies—quelques centaines d'exemplaires—auraient été assemblées dans une villa du centre-ville, avant d'être distribuées gratuitement dans les camps par Ngeze lui-même. Dans d'autres camps, le journal est vendu plus ou moins ouvertement par des réseaux de distribution improvisés. Mais, rapidement, le centre de production de *Kangura* s'est déplacé à Nairobi, où se trouve une partie de l'intelligentsia rwandaise en exil. La version "internationale" publiée en anglais visait notamment le public kenyan.

Kangura emploie volontiers la menace pour mobiliser ses troupes. Dans les premiers numéros, le style est très agressif et revanchard. Le journal annonce même un retour imminent à Kigali, promis pour "avant Noël," au besoin par les armes. Puis, au début de l'année 1995, il change de stratégie et se présente davantage comme un bimensuel d'analyse politique, ce qui n'exclut pas quelques dérapages. Le 29 mars, quelques jours avant les

manifestations qui doivent marquer le premier anniversaire du début de la guerre et du génocide, Ngeze adresse un communiqué au bureau de l'*Agence France-Presse* de Nairobi dans lequel il menace d'user "de tous les moyens disponibles, dont la propagande, en vue de la reprise de la guerre" si le problème des réfugiés n'est pas résolu. Il répond à un article publié par un journal kenyan selon lequel le gouvernement de Kigali a demandé l'interdiction de parution de ce journal qui nie le génocide. Ngeze dément et affirme que son journal est imprimé en Belgique. Il demande à la "communauté internationale" de tenter de "résoudre cette crise à l'aimable, sinon beaucoup de sang pourrait être versé."

En mars 1995, un émetteur aurait fonctionné sur Mugunga, le principal camp situé au nord de Goma. Cette radio aurait émis de 6 à 9 heures matin et soir, en modulation de fréquence, grâce à un émetteur mobile de faible portée. Personne, à ce jour, n'a cependant pu fournir d'enregistrements des émissions. Lors de la destruction de Mugunga en octobre 1996, aucune trace d'un tel équipement n'a pu être repérée. Mais quelques mois plus tôt, Gaspard Gahigi, ancien rédacteur en chef de RTLM, avait déclaré à l'*Agence France-Presse* à propos des accusations qui pèsent contre lui: "Ce sont des histoires, on n'a incité personne au massacre. Mais c'était la guerre, avec en toile de fond un conflit ethnique. Et avant de nous condamner, il faudrait que nous soyons jugés." Devenu peu après tenancier d'un bar dans le camp de Mugunga, le journaliste prétend avoir "la conscience tranquille." Il ajoute que RTLM n'émet plus, "mais nous avons tout le matériel," et "nous n'excluons pas de redémarrer une radio, peut-être sous un autre nom," car "le combat n'est pas fini."

Quelle a été l'attitude des ONGs et des organisations internationales face à la renaissance de ces médias extrémistes? De 1994 à 1996, les initiatives de Reporters sans frontières, du CPJ, de la Fédération internationale des ligues des droits de l'homme ("FIDH"), de Human Rights Watch et de plusieurs autres ONGs auprès de la Commission des droits de l'homme et du Conseil de sécurité des Nations unies, de l'Unesco et des autorités diplomatiques et judiciaires compétentes, en vue d'obtenir l'interdiction de l'AJRE et des journaux *Amizero* et *Kangura* n'ont pas abouti. (L'éventuelle disparition de cette publication doit plus à l'indifférence du public et au manque de moyen qu'à une intervention des autorités locales ou à une action des ONGs.)

Le 21 décembre 1994, RSF demande au secrétaire général de l'Unesco, Federico Mayor, d'attirer l'attention du représentant du Zaïre sur le danger que représente la reprise des activités des journalistes rwandais extrémistes dans les camps de Goma et de Bukavu, sans effet. Pas davantage que les plaintes et requêtes déposées en août 1994 en France ou à Genève à l'encontre de hauts responsables du régime, comme Agathe Habyarimana, épouse du président assassiné, Ferdinand Nahimana, responsable des programmes de *RTLM*. De nouvelles plaintes, déposées en décembre 1994, n'ont pas eu davantage de succès.

De Nairobi à Kinshasa, de Yaoundé à Bangui, en passant par Bruxelles, Genève et Paris, la plupart des responsables du génocide semblaient dans un premier temps ne pas craindre la justice de leur pays, et encore moins celle du Tribunal pénal international ("TPI") mis en place—avec beaucoup de lenteur et peu de moyens—par les Nations Unies en novembre 1994. Pourtant, le 27 février 1995, le Conseil de

Sécurité des Nations Unies a demandé à tous les Etats "d'arrêter et de mettre en détention" les personnes trouvées sur leur territoire "contre lesquelles il existe des preuves suffisantes" établissant qu'elles se sont rendues coupables "d'actes de génocide" au Rwanda ou "d'actes de violence graves" dans les camps de réfugiés (résolution 978).

Cinq ans après le génocide, quelques personnalités ont finalement été arrêtées. D'autres ont été contraintes de quitter leur confortable refuge pour des asiles moins accueillants. Le travail d'enquête qui a rendu possibles ces arrestations est le fruit du travail du TPIR, qui a fait du "procès des médias" une de ses priorités. Une équipe d'une demi douzaine d'enquêteurs travaille encore sur ce dossier à Kigali. Le procès des médias doit commencer en mars 2000.

Lecons et strategies pour l'avenir

La première leçon que l'on peut tirer de cette expérience pour construire une stratégie pour les années à venir ou pour d'autres pays placés dans une situation analogue est qu'il n'y a pas de solution unique pour la défense des médias démocratiques indépendants en période de guerre ou d'après guerre, ni pour la lutte contre les médias extrémistes. Chaque situation est particulière et les ONGs et les organisations internationales doivent inventer une solution spécifique afin de répondre à des problèmes particuliers, qui plus est évolutif. Cette capacité d'innovation de la communauté internationale doit se retrouver au niveau des acteurs, des moyens et des méthodes.

L'expérience rwandaise a montré que la communauté internationale ne constitue pas un acteur en soi. Elle est représentée localement par une multitude d'acteurs. Ces acteurs vont des personnes individuelles (ex:

les expatriés) aux agences des Nations Unies (ex: l'Unesco), en passant par des ONGs. Certaines ONGs ont parfois émis des velléités de regroupement, partant du postulat qu'un consortium d'ONG serait plus puissant qu'une constellation de petites entités. Une telle stratégie est erronée. Lorsque le gouvernement rwandais a décidé, pour des raisons politiques, d'expulser 38 ONGs du Rwanda en 1995, certaines ont pu rester sur place en raison de liens personnels tissés localement et grâce à la distance qu'elles entretenaient vis-à-vis de tout réseau trop établi. De la même façon, si toutes les agences de l'ONU ont le même statut, leurs identités propres leur permettent de se distinguer les unes des autres. En 1995, alors que le HCR était vivement critiqué à Kigali en raison de sa politique dans les camps de réfugiés, l'Unesco travaillait en bonne intelligence avec les autorités de Kigali dans le but de monter une maison de la presse. Et, simultanément, la Minuar [la force établie par les Nations Unies pour le maintien de la paix] tentait tant bien que mal de monter sa station de radio. Maintenir la diversité des acteurs—individus, ONGs, agences internationales—est donc une fin stratégique en soi. Cela suppose souvent que les grandes instances internationales apportent leur soutien aux plus petites structures, en leur sous-traitant une partie des tâches.

Deuxième conclusion importante: dans le cas rwandais, il n'y a pas de rapport entre l'importance des moyens économiques ou logistiques déployés et l'efficacité des actions menées sur place. Les 5000 soldats de la Minuar n'ont nullement empêché le génocide, alors qu'au Burundi voisin, un dirigeant, avec sa secrétaire, son chauffeur et son téléphone portable, a su contenir une partie de la violence qui n'attendait qu'une opportunité de se déchaîner. La radio de la Minuar a coûté des millions de dollars en frais d'équipement et de personnel, avec une

efficacité limitée (elle a commencé à émettre un an après la fin des combats ; elle a cessé d'émettre sans avoir résolu aucun problème ; elle n'a jamais su gagner la confiance de la population en raison de l'image déplorable des Nations Unies dans ce pays. Reporters sans frontières a effectué des investissements allant de 1000 à 20.000 \$ dans certains journaux rwandais sans jamais constater une corrélation entre le montant investi et les résultats obtenus. L'information est un produit très particulier, sensible, dont la valeur est appréciée par l'utilisateur en fonction de critères subjectifs.

Troisième élément de conclusion: aucune méthode de travail n'est meilleure que l'autre. Il est vain d'opposer le travail des journalistes étrangers à celui des locaux et de croire qu'une équipe expatriée couvrirait mieux les sujets qu'une équipe de journalistes locaux. Il y a certaines choses qu'il vaut mieux faire à la place des populations locales, parce qu'elles se mettraient en danger si elles le faisaient, et d'autres qu'il faut laisser dans les mains des spécialistes locaux. Seule l'expérience acquise sur le terrain permet de tracer les frontières entre ce que la communauté internationale doit faire elle-même et ce qu'elle doit laisser aux mains de la population locale.

Enfin, la lutte contre les médias extrémistes ne peut pas davantage se plier à l'énoncé d'une recette. Dans certains cas, il a suffi de dénoncer le mal pour qu'il disparaisse. Dans d'autres, le recours à la menace s'est avéré suffisant. A l'inverse, dans les cas de violence extrême, la menace ne sert plus à rien et les résolutions de la communauté internationale n'y changeront rien. A partir d'avril 1994, RTLM est passée sous le contrôle de jeunes extrémistes qui ne comprenaient pas le langage de la menace et qui, vivant dans l'instant et sous l'influence

de la drogue parfois, ne pouvaient être arrêté que par l'usage de la force. Dans ce cas, la communauté internationale doit faire usage des moyens dont elle dispose. Au Rwanda, elle ne l'a pas fait.

La promotion du droit à l'information passe par une multitude de canaux et d'actions. Les ONGs et les instances internationales disposent d'une multitude de moyens pour promouvoir le droit à l'information en temps de guerre et en période d'après guerre. Ces moyens sont gradués en fonction de la nature et de l'ampleur des problèmes. Dans le cas du Rwanda, nous avons identifié la mise en oeuvre des moyens suivants:

- La collecte de l'information. C'est la partie la plus importante du travail de soutien aux médias puisqu'elle permet de dresser un état des lieux et d'identifier les priorités. Entre 1990 et 1994, peu d'ONG se sont livrées à un véritable travail d'investigation sur les médias. On peut citer la mission d'enquête de février 1992 (Amnesty International, FIDH et HRW) et la mission d'enquête d'août 1993 (RSF et FIEJ, avec le soutien financier de l'Unesco). Certaines ONGs ont développé des réseaux de correspondants, soit en recrutant sur place des journalistes particuliers, soit en s'appuyant sur les branches locales de ces ONGs ou sur des ONGs partenaires.

- La synthèse des informations. Les données brutes sont peu utiles si elles ne sont pas synthétisées et hiérarchisées. Peu d'ONGs disposent d'équipes de recherche capables de mener ce travail dans la durée. Les organisations internationales ne disposent pas de ce type de structures et ne peuvent donc pas mener à bien cette mission. Quand bien même elles disposeraient des moyens nécessaires, elles manquent d'expérience et font souvent preuve d'inefficacité. Un

exemple: le Tribunal pénal international pour le Rwanda, l'équipe en charge de l'enquête sur les médias extrémiste, est composée de sept personnes travaillant à temps plein depuis six ans. Les résultats jusqu'à présent sont plutôt décevants. Outre les problèmes de personnes rencontrés au cours de cette période, le turnover élevé des effectifs, l'absence d'expérience, l'ignorance de la situation rwandaise, tous ces facteurs ont joué en faveur d'une accumulation d'erreurs et de retard qu'on n'aurait jamais pardonnés à une ONG.

- La diffusion des informations. Le travail d'enquête et de rédaction n'a de sens que s'il débouche sur une diffusion correcte des informations. Là encore, les organisations internationales font souvent preuve de maladresse: elles diffusent massivement, à grands frais, sans réel discernement et sans vraiment connaître les publics cibles. A l'inverse, les ONGs sont plus proches des publics cibles et diffusent de façon plus sélective. Amnesty International ou la FIDH ont développé toute une palette de moyens de diffusion, allant de la lettre ouverte aux autorités au tract, de la campagne d'affichage à l'opération médiatique, du bulletin diffusé aux militants aux rapports universitaires. RSF a observé qu'une lettre envoyée au chef de l'Etat au Rwanda, avec copie aux agences de presse, avait plus d'impact qu'une diffusion massive et non sélective de la même information. Plus d'un journaliste menacé a été sorti de prison simplement parce qu'une ONG parvenait à l'identifier à temps et à protester auprès des autorités.

- Les opérations d'aide aux journalistes et aux médias locaux: prise en charge de salaires, fourniture d'équipements professionnels, formations spécifiques, souscription d'abonnements de soutien, mise à disposition d'infrastructures. Sur ce plan,

ONGs et organisations internationales disposent de méthodes identiques.

· Les actions juridiques. A ce stade, l'expérience rwandais montre que les ONGs n'ont pas la capacité technique ou légale de mener à bien des actions juridiques. Elles ne sont le plus souvent entreprises que pour des raisons symboliques et ne servent qu'à orchestrer un retentissement médiatique autour d'un cas particulier. En revanche, les instances internationales disposent de moyens considérables qui peuvent affecter réellement le cours des événements.

Le cas rwandais constitue un précédent qui a déjà permis d'éviter une réédition d'un scénario identique. Au Burundi, en 1995 et en 1996, plusieurs médias extrémistes ont été interdits de parution ou de diffusion en raison des appels aux meurtres qu'ils véhiculaient. La présidence de la république et la primature se sont explicitement appuyées sur le précédent rwandais pour justifier ces mesures. Les ONGs de défense des droits de l'homme et de défense de la liberté de la presse se sont abstenues d'intervenir—quand elles n'ont pas elles-même soutenu en coulisse—contre ces mesures. Progressivement, l'idée s'est installée que la liberté de la presse n'était pas sans contreparties, et notamment n'allait pas sans l'obligation de respecter les règles déontologiques usuelles dans la profession.

PART III: CONCLUSIONS AND AREAS FOR FURTHER DISCUSSION

Each of the four case studies ends with a group of conclusions and recommendations, at least implied ones. The studies each reflect the views of their respective author. Here, some additional, more general observations might be added, tentative in nature and designed to provoke discussion. In this sense, they are to serve

the main function of this project as a whole: to set the stage for further review of post-conflict media restructuring involving the international community.

Balancing the Needs of the Many Actors

There is no single overarching strategy, with respect to the media that can be prescribed for the international community in post-conflict situations.

One clear lesson from the four case studies is that a uniform approach for implementation cannot be prescribed with respect to media policies in post-conflict environments. Specific historic distinctions and peacekeeping needs will be of paramount importance in indicating priorities, and in the staging of forms of international involvement. For example, in Cambodia, the infrastructure for an indigenous media system was wholly absent, while in BiH the situation was quite the opposite. Context is paramount.

The need for management of media space is deemed most necessary by the IGOs at the inception of peace-keeping operations. Yet, it is at that precise time that attention must be paid to the potential for an enduring civil society that is self-supporting and local to the society.

Especially where the vanguard of the peacekeeping is the military, the immediate need is for a system of distribution of information, not only about recovery, but about the peacekeeping force itself. In many of the representative post-conflict zones, media are devastated, while in others the existing media may provide the best tool for the international community's message to be distributed.

At the outset of peace-keeping operations, or even before if possible, there should be an analysis of the landscape of pre-existing media structures. These structures should be assessed to determine what basis exists within them and can be strengthened and used for a free and independent sector. The purpose of establishing indigenous private media and a public service broadcasting sector should be to enhance pluralism, foster the freedom to receive and impart information, and provide the basis for a more enduring public sphere.

The potential for a free and independent media and for autonomy of a public broadcaster from state control should be, if possible, built into the negotiations leading to the cessation of conflict. Furthermore, media structure and political structure are closely intertwined. The nature of the emerging government, the extent to which it is unitary or federal, the extent to which regional differences are or should be crucial—all of these should have an effect on the media structure planning process. It is inevitable that funders of media activities will shun recipients who have a record of fostering hate speech and encouraging violence. But with that exception, the international community should be seen as financing a broad range of opinion as a mode of encouraging speech.

Donor agencies need to balance their efforts to rebuild state capacities with support for private groups and institutions. Particularly in the early period of recovery from conflict, the legitimacy of a new government may be contested by broad segments of society. To foster political reconciliation, local ownership, and indigenous capacities for recovery, the donors must bolster the constructive involvement of opposition parties and civil

society actors in the political and economic life of the country.

Especially where there are severely limited local alternatives, more attention should be given to the role state-sponsored international broadcasters can play in enriching the post-conflict media environment. International broadcasters should continue to develop specific expertise for service in post-conflict zones.

The IGO's must balance short term objectives—maintenance of order, implementing a message—with long-term objectives, such as building an indigenous and professional media system that can contribute to a robust and plural civil society.

International Law and the Rule of Law

A rule of law approach is essential to inculcate in the society as soon and as extensively as possible. This means that the IGOs themselves act in a manner that is consistent with the rule of law.

The rule of law does not simply provide yet one more vehicle by which government can wield and abuse its awesome power. To the contrary, it establishes principles that constrain the power of government, oblige it to conduct itself according to a series of prescribed and publicly known rules. Adherence to the rule of law entails far more than the mechanical application of static legal technicalities; it involves an evolutionary search for those institutions and processes that will best facilitate authentic stability through justice.

Throughout all planning and implementation, IGO's and NGO's should adhere to international principles of human

rights and the freedom to receive and impart information.

This objective is virtually self-evident, yet it is complex in implementation. The Rwanda study demonstrates that in implementing such a principle, there is a need to recognise, that in some instances, media that may have the trappings of independence use that status to foster and prolong conflict or encourage genocidal activity. These are the exceptional cases, though in the wake of conflict the dangers are the greatest.

A continuing dialogue must be maintained between IGOs, NGOs and particularly press freedom groups so as a) to render the IGOs more conscious of the standards as defined by such organisations; b) to provide representatives of NGOs with some level of participation; c) to minimise public confrontations that derail achievement of commonly desired objectives.

In Kosovo, and to some extent in all cases, there were sharp disagreements between press organisations and other NGOs and the international administration. These are to be anticipated. But in some instances, such disagreements escalated into disabling disputes leading, at times, to unintended results and reduced effectiveness in reaching shared goals.

Increasing Coordination Between IGOs and NGOs

Coordination of activities among IGOs and between IGOs and NGOs must be improved.

As with many other aspects of international responses to post-conflict recoveries, a variety of areas for

coordination and improvement are necessary. These include: 1) planning the nature of the response; 2) mobilising resources, 3) deepening institutional reform within the bruised society; 4) harmonising aid conditions, 5) coordinating assistance locally, 6) improving the communication channels between headquarters and the field 7) enhancing recipient capacities, and 8) ensuring accountability in aid delivery and implementation.^[5] Ultimately, in the media sphere, implementing addressing each of these challenges is matched with the need to build a structure consistent with international norms concerning freedom of speech.

Efforts by the EU, the EBU, public service broadcasters and others to strengthen counterpart entities in post-conflict situations have been constructive. Affecting the media space is not an either/or between an autonomous public entity dedicated to enhancing public discourse and the significant efforts of private, local broadcasters pursuing indigenous aims.

General Conclusions

IGO should be careful not to exaggerate the role that media plays, independent of other forces, in promoting hate, conflict with authority and genocide in both the pre-conflict and post conflict situations. Blaming the media can open the danger of avoiding or ignoring deeper, less visible aspects of mass communication that are more significant in causing action.

Generous promises mean little unless they can be translated promptly into accessible, flexible resources that make tangible improvements in the daily lives of long-suffering populations.^[6]

Aid flows should be transparent, allowing stakeholders to assess progress and encourage donors to meet obligations in a timely fashion. Transparency will also reduce the obvious suspicions in the area of grants to the media.^[7]

Analytical tools should be developed to conduct longitudinal evaluations of recovery assistance in media restructuring.

If, as the Center for International Cooperation has recently suggested, a strategic facility for post-conflict situations is established, such a facility should address the media restructuring aspects of recovery assistance. Such a strategic facility should have the capacity to help fashion a tailored approach during early stages of recovery from conflict, help mobilise resources, that has a preparedness capacity, and assist in coordination between NGOs and IGOs.^[8]

BIOGRAPHIES

Hervé Deguine

Hervé Deguine is a French journalist who has written extensively about the recent conflict in Rwanda, including a contribution to André Sibomana's recent book, *Hope for Rwanda: Conversations with Laure Guilbert and Hervé Deguine*. The book, critically acclaimed, was translated from French into English. Frequently in Rwanda, his work has been cited by such groups as the United Nations Human Rights Commission and various non-governmental organisations.

A. Lin Neumann

A. Lin Neumann is based in Bangkok as the resident advisor to the Southeast Asian Press Alliance. He is a consultant on Asian issues to the Committee to Protect Journalists. He has written widely on the press in Southeast Asia and is a former foreign correspondent in the region. The views expressed in this article are his own.

Monroe E. Price

Professor Monroe Price is the founder and co-director of Programme in Comparative Media Law & Policy at the University of Oxford. He is the Joseph and Sadie Danciger Professor of Law at the Benjamin N. Cardozo School of Law, Yeshiva University, of which he was the dean from 1982-1991. Professor Price currently serves as the director of the Howard M. Squadron Program in Law, Media and Society and is the founder and editor of the *Communications Law in Transition Newsletter*. He was a Communications Fellow at the John & Mary R. Markle Foundation and a Fellow of the Media Studies Center of the Freedom Forum in New York City.

Stacy Sullivan

Stacy Sullivan is a former *Newsweek* correspondent who has covered the recent conflicts in Bosnia and Kosovo. She writes heavily on the influences that give rise to ethnic conflict and the impact of conflict on society. She also recently drafted a piece analysing the role of non-

governmental organisations in promoting international development and has been a frequent commentator on television programmes such as the "News Hour with Jim Lehrer."

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[1] Jane Perlez, Kosovo's Unquenched Violence Dividing U.S. and NATO Allies, *New York Times*, Mar. 12, 2000, at A1.

[2] Pec is the Serbo-Croat word for the city. Albanians refer to Pec as Peja. This study uses Serbo-Croat pronunciations simply because most of the international press do so, and thus the names and places are more familiar in Serbo-Croat than they are in Albanian.

[3] Quote taken from The Institute for War & Peace Reporting, "Kosovo Journalists' Deep Suspicion of OSCE Media Controls," By Garentina, Kraja, a correspondent for Koha Ditore, ON September 6, 1999.

[4] Kosova is the Albanian pronunciation of the province and given that the vast majority of the population is Albanian, UNMIK and the OSCE now use this pronunciation.

[5] Shepard Forman et al., *Recovering From Conflict: Strategy for an International Response* (Center on International Cooperation, New York University 2000).

[6] *Id* at 51.

[7] *Id* at 52.

[8] *Id* at 57.