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**The Alistair Berkley Memorial Lecture
held at the LSE on Friday 21st May 2004**

“Media, the Law and Peace-building: from Bosnia and Kosovo to Iraq”

JO BEALL:

Thank you, Nik, from all of us, for your thought-provoking and sobering exposition which started off our event today in a very appropriate way I think. I'd like to now call on Simon Haselock to speak to us. He is the Director of the Media Development Team for the Coalition in Iraq appointed by the UK's foreign office. Previously he was Media Deputy High Representative for the UN coalition in Kosovo and before that liaised with the media on behalf of NATO and other media agencies in Bosnia. Not surprisingly his association with the CPA has sparked controversy here today. We are all very mindful of the deeply disturbing events in Iraq of which we have been reminded by Nik. However, Simon Haselock has also been controversial for the media policies that he has promoted in all of his postings. He has often argued against the imposition of censorship. He maintains, and I quote him, that *'open and rigorous public debate is a prerequisite for the development of democracy and this can only be achieved when there is unfettered access to vigorous, free and independent media.'* This has placed him at loggerheads with some who argue that closing off certain kinds of public debate is essential in the very fraught process of peace making. We are very pleased that he has agreed to come here and to share some of his experience and ideas with us. So thank you, Simon, and if you could please take the podium.

SIMON HASELOCK:

First of all I find myself in a difficult position of trying to respond to the sorts of issues that Nik has been talking about and so I don't intend to in that sense. I don't come here as a spokesman for the CPA. I come here to talk about the principles of trying to establish freedom of expression, free speech, in post-conflict societies and to discuss some of the institutional issues that arise from that. I am very happy to talk about the specific issues that Nik raises in our discussion and I think it is actually an extremely good way of running into the sort of subjects that I'm going to talk about, after having listened to that presentation we've just seen. As I'm not a television person, or a media person in the sense that he is, I shall not use any media aids or PowerPoint as I could not possibly compete with that. So I'm going to speak from a few notes and let me just start by introducing myself a bit more.

I describe myself in these circumstances as a complete fraud, I got into this

sort of business by default. I was a soldier for most of my working life. I was in the Royal Marines for 23 years and I spent much time in many theatres including 8.5 years in Northern Ireland in various incarnations. And I ended up in Bosnia as a spokesman for NATO where I first found myself confronted with the media when I found myself facing press conferences seven days a week in front of 200 young people, a sort of press pack of the time, having to deal with the sorts of questions. Not quite to the extent we hear now, we were in somewhat more of a benign environment in those days. But still I am both poacher and gamekeeper in the sense that I've been a spokesman and somebody who has been an advocate of media reform. In Bosnia we came to the notion of media intervention in terms of reform, on the basis that the media had fallen into the hands of the three protagonists, the groups who were prosecuting the war, and who after the war ended had essentially grabbed control of the three parts of the media. The Croats, the Serbs and the Bosnian Muslims had basically orchestrated among themselves their own particular highly politicised media. It was considered, rightfully, that if they continued to hold that control it was retarding the political process. There was a need for a systematic reform of the media in Bosnia to enable a freer and independent process and we can talk about that specifically in a minute.

When I was thinking of what I should call this presentation, and I thought of the title of *'Shouting Democracy in a Crisis Theatre'* which was a deliberate plagiarism from a quote taken from a US judge from a famous court case in America. I think it was about 1919, it was over a First Amendment issue where Judge Holmes said *'the most stringent protection of free speech would not protect a man from shouting fire in a crowded theatre and thus causing a panic'*. So the notion that I want to discuss and follow up on is this - that the freedoms we associate with democracy, bring with them certain duties and responsibilities. When people talk about freedom of expression issues, they refer always to Article 19 of the International Convention of Human Rights. In that convention it very clearly articulates what those duties and responsibilities are and it also articulates the circumstances where they can be legitimately restricted and how they should be so. Maybe we can talk about that a bit more in the discussion period.

So the reason for plagiarising Holmes's quote is to examine the difficulties and dilemmas that are associated with trying to embed democracy in societies that have little or no understanding of what democracy is. Similarly and conversely, often those that are doing the shouting i.e. shouting democracy, have no idea or no notion of the society in which they are trying to shout it. I'm not talking about the theoretical thing you need to do that. I want to discuss the questions that it raises and perhaps draw out some of the practical problems associated with it. If we have time I would like to discuss some of the Do's and Don'ts that emerge. I am going to keep it quite short as I think, given the circumstances, we would get more benefit from discussion than from anything that I might say. The experiences that I am going to

discuss have been drawn from my own personal experiences in Bosnia, Kosovo and latterly Iraq, as well as from my previous experiences as a soldier.

Many people can tell us what freedom of expression is, and what is needed to achieve it, but few in my view can understand the practical problems involved in trying to create it. So what are the assumptions regarding all these interventions when we talk about my experiences regarding Bosnia, Kosovo and now Iraq? Whatever has happened, however well or badly the circumstances may have gone, the essential goal or declared aim has been to establish a stable and democratic regime in places where there have been for generations harsh, oppressive and totalitarian regimes. Also in these same societies the population has been deeply scared and traumatised by war, inter-ethnic violence and inter-regional violence. These are common denominators in all these three areas and other areas. Now, given the wisdom that you can give to me much better than I can say to you - when you look at institutional democracy there are four pillars of democracy. There is the legislative answerable to the electorate, there is the executive answerable to the parliament or the legislative; then there is the independent judiciary which is independent of both those two and answerable to the laws presented by the legislative; and finally there is the fourth pillar, or the fourth estate, of democracy which is the media. This is indeed and should be the antagonist and conscience of the other three.

My business and my aim in these places I've been, and now in Iraq, is to try and encourage the development of that fourth estate of democracy. I've already been quoted as saying that in order to have a democracy, a rigorous, independent and free press which encourages thorough debate and the free exchange of opinions and ideas is an essential prerequisite for that democracy. How on earth can you hold elections as a political objective in these environments and societies unless people can understand, have the opportunity to listen and discuss and exchange ideas and information and know what the hell is going on? Indeed, after an election in one of these circumstances has taken place, one of the main tests of the efficacy of that election is how free and fair was the debate that took place prior to the election itself? The dilemma, or dilemmas, in this society, going back to what I was saying earlier about freedom of expression, is in establishing the right balance between freedoms on the one hand and responsibilities on the other and in making sure that, in achieving that balance, there is the lightest possible touch from any international government agency or government agency, whatever it might be.

So what's the problem? Well I am now going to talk about the common characteristics that emerge from these sorts of societies. And I rather recall when I first went to Iraq I went to the Pentagon, which was quite an interesting and frightening trip and maybe we can discuss that at a later date.

I was in various offices where people wagged their finger very sternly at me and said *'the Balkans is nothing like Iraq you cannot draw any comparisons between the Balkans and Iraq and we are not going to do it that way, its not going to be the same and remember it is a completely different place'*. When I actually got there and started dealing with the issues I found that there were remarkable similarities, although clear differences in a lot of ways, but some remarkable similarities which in my view is characteristic of these states which are emerging from generations of totalitarian rule.

What are they? First of all, they are deep rooted and extremely difficult to shift, or even to understand. The first thing is that they often do not understand what we are talking about. We have this great high-falutin' talk about democracy and independence and they will grasp on those things and talk about it as if they know what it is superficially; but actually when it comes to what democracy really means they don't understand the concepts in the same ways we do. And this is not me being patronising or anything it is just simply a question of experience and it is very difficult for them to gain that understanding. For instance, in all these places one of the prime instruments we have established to regulate the activity of the media in a benign way is to establish the same sort of institutions we have in our own countries (i.e. some form of regulatory agency like we now have here, which is OFCOM, which regulates broadcasting. In America you have the Telecommunications Commission). Trying to establish that kind of institution as an independent agency is something to which they say *'yes of course it has to be independent, of course it must be free of special controls'* and then we say *'fine'*. But then they come back to us and say *'well okay but if it is going to be independent and not controlled by the government then who is going to control it? Who is going to be in charge? Who are they answering to and what is the controlling mechanism?'* They cannot understand that there can be an institution that is actually independent on the basis that it is only answerable to the law and statute, like the judiciary should be. It's the same for the judiciary - if you talk about an independent judiciary, they don't understand that this is not an institution that is not controlled by the state and by politics and by political persuasion. They don't understand it and we don't understand that they have a different view of these sorts of things. As I said, they have this control freakishness - which is not something I mean in a critical sense - it is just the reality of their experience- they expect strong top-down leadership. And it is very difficult for them to understand and to give people responsibility at the low levels. They don't get it.

The conspiracy theory predominates; everything that happens is created by some grand design. They believe that if something goes wrong it is because someone intended it to go wrong or there was some evil hand behind it. And of course we all know that cock-up theory predominates over conspiracy in most cases because with any experience of these things you know that the ability to organise a conspiracy is significantly more complicated than the

reality of cock-up.

The next thing is the cult of personality and this is very interesting, in the Balkans in particular. They still look at Tito as the revered personality of the former Yugoslavia. If you are described as “a Tito” in any of the ex-Yugoslavian countries this is not an insult it is a huge compliment and that to a certain extent demonstrates their approach towards leaders. And of course for different reason, but in a similar circumstance, in Iraq at the moment there are many people who are now saying Saddam Hussein was a strong leader and it was better under him.

The obsession with qualifications, and I think that this is an interesting one - the notion that everyone has to have high and academic qualifications before they can even ever think of being anything. The reverence for university degrees, and I speak as somebody who joined the Marines when I was 19 and have no university degree so I'm possibly going to get shot down in flames. But the fact is if they talk about journalism they want to see people being journalists who in their eyes are qualified to be journalists. In other words you cannot, and should not, have the right to be a journalist unless you have the requisite qualifications. And how do you judge what those qualifications should be? You might decide to issue licences for journalists for them to be able to practice and in order to get a license you must have a degree in journalism from the University of Mind-bending in Baghdad. This is the sort of thing you have to be careful of. The fact is that we all know that anybody can be a journalist. Anybody is entitled to write what they like and that is essentially what we should be encouraging.

The other thing is unrealistic expectations and that is something that actually affects us as well. There is a belief that as soon as an intervention takes place everything will be resolved in a very, very short space of time. There's a huge crossing curve between the expectation of the population and the ability, even if efficiently managed and that is another issue, of the international community to actually deliver it. That curve is something that is a huge tension.

When you look at the media, what are the things specifically in the media, which happen in all these circumstances? It happens in Kosovo, happened in Bosnia and happened in Iraq. First of all, immediately after the intervention there was an explosion of media, there was a huge blossoming of media. For instance in Bosnia, I think at one stage in a country of a population of under 4 million they had something like 270 broadcasting stations, 70 of which were television. In Baghdad quickly after the war there were 80-90 unlicensed radio stations, just grabbing transmitters, grabbing frequency spectrums and broadcasting. There was in Iraq, until a few months ago, something like 260 newspapers. It has now come down a bit, not the ones that have been closed down, but 260 or so and it is now about half but we'll talk more about that in

a minute.

The second thing is that there is a general lack of professionalism and this is quite a controversial one because many people in Bosnia and Kosovo will argue that there is a high standard of professionalism in the press. There are always exceptions that challenge the rule. There are some very competent journalists and there were some very competent journalists at the time of the intervention; but the middle ranking level of the profession is not professional in the way that you or I would see it. Rumour is often reported as fact. Opinion is predominantly mixed with news. Polemics, hyperbole and journalism of mobilisation is something that takes. '*Bota Sot*' is a newspaper in Kosovo which is a particularly good indicator of one which supports a particular political persuasion and attacks in a very ruthless way all the opposition, not in a way that we would be familiar with but in a way that is designed specifically to antagonise popular opinion. Revenge and finger pointing. Again in Kosovo there's a famous case with the *Dita* newspaper where they started to publish photographs of Serbs who were accused of being members of paramilitaries. These Serbs, either they themselves or people thought to be these people, were then subsequently murdered in brutal circumstances almost immediately after the photographs were published.

Another factor is the huge staffs which are attributed to information and the media. There is the institution of the Ministry of Information which all these societies had. It is something we would not wish to have at all - Ministries of Information are things of the past. I think the last time there was a Ministry of Information here was during the Second World War. But they have a Ministry of Information, and in Baghdad, for instance the Ministry of Information was the institution which controlled and employed all journalists, the whole television system, the whole radio system, the newspapers, were run directly through the Ministry of Information. And the Ministry of Information was also the ministry which enforced the rule that nobody could possess satellite dishes - it was a criminal offence up until the middle of last year to actually possess a satellite dish and the punishment for that was fairly ruthless.

The final point I want to make about this is the fragility of anything that you might achieve in the short term. Although you might think that you have embedded some successful institutional change, because these problems are so deep-rooted they will very quickly reappear if you scratch beneath the surface. We've just seen that very recently in Kosovo after the 11th of March riots where the RTK - Radio Television Kosovo - which is the public television broadcast service of Kosovo, of which we had all been rightly and justly proud and there has been an awful lot of investment gone in and EBU considered them to be the best public broadcaster in the region. It ran an interview with a child whose brother was drowned on the television without any comparison or any statement from the police or any interview or any

balance. These very, very dramatic pictures of this little boy saying that his brother had died and the implication was placed upon that - not that he actually said it himself - that he had been chased into the river by some Serbs and some dogs and as a result of that his brother had drowned. This was a single image which created the tension which resulted partly in the riots which ended up with 22 people dead and something like 11 - 16 Serbian Orthodox churches burnt down and hundreds of Serbian houses torched.

Now let's look at the international community themselves. I think there's a misconception, and to a certain extent I'll take this as part of the defence of my position, that the international community is somehow some single living breathing organism which speaks with one voice and is a single entity. It is not. It is a multi-headed hydra and the heads are all looking at each other and all the time arguing amongst each other. The notion that multilateralism and unilateralism are different with the idea that small coalition of the willing as in Iraq is somehow inherently more effective than the United Nations is a misnomer. There is a dynamic that these sorts of interventions are extremely difficult and in my experience certainly the UN is by no means any less efficient than the institutions we see that have been established in Iraq.

There's also a belief in the international community that they will get it and this also refers to what I have said already about the misunderstanding about democracy. There's a notion somehow that all you need to do is to give the democrats the ability to speak and it will somehow fix itself. That all you need to do is allow sufficient oxygen into the system and they will all breathe. That of course, sadly, is not that case. Particularly if you come from the position where you want them all to be like us and there is this notion, that of course everybody wants to be like us. From the US perspective everybody actually wants to be a clone of America and that this somehow is the answer to everything. I was listening to an American Colonel the other day saying that at the American War College he had been taught that no democracy had ever gone to war with another democracy, so therefore the way to prevent war was to establish democracies everywhere in the world and everybody would live happily together forever. And the other interesting notion from that was America has been the longest established democracy because democracy had not really been established in Britain until 1812. And for a moment I couldn't quite understand why 1812 and racked my brain to think about what was significant about 1812 and then I realised of course we had a war with America in 1812 - so therefore if we had been a democracy we couldn't possibly have been having that war. Thus the War of 1812 in America was the defining moment of when we became a democracy.

These are the sorts of attitudes which the international community brings to the table and which are sometimes quite difficult to shift. There is also an unrealistic expectation and I accept that this is sometimes driven by political requirements but it happened in Bosnia, it happened in Kosovo and it

certainly happened in Iraq. The political need to achieve things is unrealistic, as opposed to the practical ability to deliver it. When NATO first went into Bosnia it was a declared aim we would only be there for a year - that we would somehow in 12 months have established what we wanted and the whole of the NATO and the international community would be able to withdraw. Well, NATO is still there, albeit in significantly less strength than it was in 1996. And the international community is overseeing, for better or worse, the development of democracy there. And again there is still a large military presence in Kosovo and the UN is still there and there is still a lot to do. And whatever happens on June the 30th there will still be a need, for better or worse, for significant international community assistance, albeit through the current countries, or the UN or both.

There is also a contradiction as well (which we can discuss more in question time) in the international community between the declared aim on one hand to establish freedom of expression and on the other hand the need to prevent the sorts of things specifically that Nik had been talking about. It is the notion that we must stop people reporting on things and that certain information shouldn't be got out and that people who are inciting violence should be prevented from doing so. And there is great tension between these two sides and this has been to a certain extent one of the problems I have had in Baghdad. As soon as you mention the R word - Regulation - there is a misunderstanding by people in the international community about how things are done in their own societies, let alone what should be done in the societies they are in at the moment. For instance, if you mention regulation - and I suspect some of you would think this is a bad word - that somehow regulation of the media means something of censorial activity, that we are going to do something bad. Well, as Nik will attest, the media is extremely tightly regulated in our societies in all sorts of ways. Not ways that are necessarily designed to constrict freedom of expression but in order to make the marketplace work better and in order to ensure that people have the technical freedom to be able to broadcast on a frequency which is not going to be interfered with. In order to ensure legal standards are maintained in terms of the ability of people to have rights of reply, the ability of people to have a responsibility and a duty to tell the truth. These sorts of things are embedded in our own societies to the extent that we don't even notice them and when people in America talk to me about the fact that they live with complete freedom of expression and media freedom in America, it is just nonsense. You know they may not have laws which restrict it but they have huge legal precedent in terms of all the various court cases and libel suites that have been raised over the years which act as a law which regulates. Just ask Janet Jackson about whether there's any media regulation in America and she will 'bare all' I'm sure.

The other thing is this tension between public and commercial television. I don't want to talk about it too much here because I'm conscious of the time

but we can discuss it, is that there's also a tension in North America and Europe between the utility of public broadcasting and the need for commercial broadcasting. It is my belief, and I think it is general now in terms of conflict resolution, that the notion of public service broadcasting is extremely important. It does a number of things much more quickly and through legal responsibility which you can't get through commercial broadcasting. But again in the US the notion of public broadcasting is synonymous with state and state broadcasting is synonymous with the sorts of things which used to happen in these centralist regimes. It is extremely difficult to get people to understand that what public broadcasting gives you is the ability to require a broadcaster not to be controlled but to deliver certain services and have the funding necessary to be able to do it. And there is no other way you can do it. We could not build an information mechanism in Iraq, or Iraqis could not build an information mechanism in Iraq, if they had to rely on the basis of a commercial investor. They may only, for instance, want to provide a service which targets a particular section of the community or a particular region of a community where they are most likely to get advertising revenues.

Finally, there is the notion that when you intervene in these areas each country, each part of this multi-headed hydra, wants to have a bit that it can stick its flag on. So it decides that it is going to back a certain product. So rather than having a broad co-ordinated strategy to deliver and embed certain principles, they pick out their favourite newspaper, their favourite radio station, their favourite television station and that becomes the success story rather than the need to create the overall infrastructure necessary to have a much broader environment. Again the broadcasting network in Bosnia is a classic example of that and also in Iraq, the Iraqi Media Network is another example. The notion that you can deliver all this through some sort of silver bullet, that one single institution can solve all your problems, is very strong.

To finish off I thought I'd talk about some Do's and Don'ts.

First the Do's...

The first thing is **Do** understand the importance in terms of the embedding of democracy in a place. Now everybody says it, but we are talking about it in real practical terms. We have tremendous difficulty getting requisite funding. People talk a lot about the IMN having cost some 100 million plus dollars. Now how much does it cost for a Cruise missile, how much does it cost for a tank and how much does it cost every time you fire a sophisticated anti-tank weapon? The sort of money that is involved in military intervention is huge by comparison to the sort of money you need to actually deal with the media in a serious way - but do they? You know, to try to get 10 million here or 10 million there is extremely difficult. It comes from different budgets and people don't understand how much these things cost. The BBC, I'm sure Nik will correct me if I'm wrong, has annual revenue of over 2 billion pounds

created through the licensing.

NIK: 2.5

SIMON: 2.5 billion. In Iraq to establish the IMN, I think so far, totally there has been something less than 200 million dollars put aside for the establishment of the principle public broadcasting service for a country the size of France with a population of 26 million people. This costs a lot of money if you want to get it right and it needs to be factored into the planning process when you get involved. It is key and it needs to be done.

Do have a clear strategy to overcome the core infrastructure problems I have tried to describe. Again, it stands as obvious but it never happened. There are a number of things; you need to look at: the legal framework is important, if you want to bring in people who have the professionalism, the expertise and the technical ability to the marketplace. For instance, in broadcasting, broadcasters and people who back broadcasting institutions whether in the Middle East or in the Balkans, need to have some form of legal certainty as to how they will be able to operate - what protections they'll have, technically, legally and in terms of their money. Similarly, what the regulatory structure is going to be. How are you going to break up the frequency bands, how are you going to allocate licences, what are the rules you are going to establish for things like ownership, should political parties own radio stations? Who should fund them, who should own them in terms of percentage, should there be a 51% local requirement for people to own? These are issues for which, unless you discuss them early and at the very beginning, you are just making a mess further down the road.

Lack of professionalism. Why do we get so irritated at some of the things that we see both in the Balkan and the Iraqi media? It's not because they're all necessarily deliberately trying to manipulate the news it is just that they don't necessarily understand how to report the news. The good journalists in these circumstances, of which there are many, and there are people in this audience who will back this up, tend to be snapped up by the international organisations. In the Balkans all the best Balkan journalists worked for the international wire services, for CNN, for the big newspapers. The local press don't have a look-in so they get the second level of people, but they are the people who are actually more responsible for informing the local population than the international press is. So you need to have established training mechanisms and have a strategy for that.

The infrastructure itself. We have talked briefly about public service broadcasting- we may discuss that more in questions, but a news agency is the sort of infrastructure upon which journalists depend. If you had a news agency for instance in Iraq it would be an opportunity where people would be able to draw upon to write properly reported and professionally drawn up

stories about what has happened and that would add professional rigor and backbone both to the radio and to the newspapers.

Thirdly, and very importantly, **do** consult widely with the locals, and again this seems to be an obvious one but it is the obvious ones which people never get. Now this is not in contradiction with what I said about the lack of professionalism. They are your partners. You have to work with them. Do not think that you are just going to go into an area, establish what you think is the right mechanism, impose it and then leave. You have to build the constituency and they must be included at every level and make sure that they understand.

Fourthly, allow maximum transparency and I can talk quite a lot perhaps later from a spokesman's point of view from having been a soldier and in NATO about the advantages and disadvantages of dealing with these difficult issues in certain ways. I've always been an advocate that the more contrite and the quicker you respond in an honest way the better and the more likely you are to be believed and we can talk about that later perhaps also.

Finally the Don'ts:

Don't go for the quick fix and it is very tempting particularly when there are political elections at stake and I have mentioned the OBN in Bosnia and the IMN and the notion that there is a single silver bullet that will solve all problems.

As I said, **don't** just support your favourite project for national prestige so that you can have your flag on it. There needs to be a co-ordinated strategy that deals with the infrastructure problems rather than the mechanisms themselves.

Don't think it will be easy. Even if everything was going swimmingly well it would take years in all these places to achieve what we would like to see and certainly not the time scales which the politicians impose on us.

Don't ignore the locals. I suppose having come from Iraq it would be appropriate to finish with a quote about not expecting perfection and letting them do it for themselves. It is particularly interesting that T.E. Lawrence had a famous quote from his book *The Seven Pillars of Wisdom* that noted "*it is better that they do it imperfectly than for you to do it perfectly; for it is their war, their country and your time is short.*"