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The Difficult Birth of the Fourth
Estate: Media Development and
Democracy Assistance
in the Post-Conflict Balkans

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How can donors and managers of international democracy assistance programs contribute most effectively to the democratization of media systems? Would unbridled pluralization of the private media sector, or strict regulation and focus on public service media contribute best to democratization in post-ethnic conflict areas where ethnic stereotypes and hate speech may dominate public discourse? This chapter blends an international relations perspective with media theory, and offers detailed recommendations for international organizations regarding media development and regulation as well as technical and political considerations in South Eastern Europe.

1. Introduction

The issue of assistance to promote democratic media in post-conflict countries has become an acute concern for the Western world, with recent large-scale interventions made by international organizations in Bosnia-Herzegovina, Croatia, Kosovo and Serbia. However, the fact that most organizations (the so-called ‘democracy assistants’) come from various countries accustomed to media models that differ significantly has turned the process of building the Fourth Estate in the Balkans into a gigantic experiment guided by an infinite number of theories.

Concerns about which media model may be most appropriate for this large conflict-torn region – a US-style free market, British public service, a German federal model – have been expressed over the past decade by international organizations in charge of media development and regulation in the Balkans. However, these concerns have never connected with the lively debate regarding media models in the academic community.

1.1. Scope of the problem

Almost universally, donors tend to assume that their strategies, where they exist, are (1) correct, and (2) that the outcomes of their undeniably admirable efforts are destined to be positive or, in the worst case, neutral.

However, solid evidence has shown that a mistaken strategy of media development can have disastrous long-term effects, and that inappropriate or bad timing in intervention can actually harm the process of democratic development by slowing down the process of consolidation and, in certain cases, even facilitating a backslide into authoritarianism or nationalist conflict.

There is currently substantial empirical and historical material to prove that major errors have been made in the field of assistance in building democratic media in the post-war Balkans. Some of these mistakes have been corrected while many have been repeated, leaving external observers with a depressing feeling of *déjà-vu*.

The international missions to Bosnia-Herzegovina and Kosovo are the two most spectacular examples of democratic intervention to date. The case of Bosnia-Herzegovina in particular was an entirely new experiment in the field of media (the crucial role of which has been recognized as a result). This led virtually every large international organization such as the Office of the High Representative (OHR), the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and others to have a stake in building the Fourth Estate. The lack of coordination, duplication of effort, and conflict of interest between international organizations in Bosnia slowed and often paralyzed decision-making and media development.

This lack of coordination was resolved (at least at the institutional level) in the United Nations (UN) Mission in Kosovo, where four 'pillars' were placed under the UN 'umbrella'. Each 'pillar' had a specific set of competencies, with media being assigned to the OSCE. Therefore inter-organizational conflicts and competition was less of an issue, but the problem of intra-governmental struggles within the same pillar sometimes stagnated decision-making. The OSCE, the primary actor on the media scene, is composed of a staff that is normally 'seconded' by the foreign offices of member states. Cooperating governments often assume that 'their' key staff members can control media development according to their state's preferred model.

Thus, control over policy making often takes place through the appointment of representatives of specific governments in powerful positions while the same governments act as major donors in the chosen field. In the case of Kosovo, regulatory and other decisions that should by definition have been transparent such

as the licensing of broadcasters, were often murky. Certain governments became (in)famous for attaching political strings to their generous donations.

While such institutional problems take their toll, the lack of coordination between the donors and the organizations in question remains the primary cause of waste and the duplication of efforts and financial resources.

1.2. Target audience

Many of the recommendations made in this paper are directed first and foremost at donors rather than international organizations, and are organized along the usual lines of democratic intervention by external actors: Assessment, Implementation, Capacity-Building. Each of these stages is addressed in reference to three focal concerns in emerging media: regulatory, technical and development.

The present policy proposal can be read as a supplement to an original paper written by the Group of Media Experts¹ for the OSCE Mission in Kosovo in July 1999. While this paper attempts to fill in the details and address the pitfalls contained in that specific document, I believe that its more general proposals can be applied in any post-conflict country where international organizations have been tasked with creating a free and responsible media environment.

1.3. Defining the boundaries

Some of the characteristics of a post-conflict country undergoing (an imposed) democratic transition are as follows:

- a volatile security situation;
- the parties involved in the conflict still reside within the territory of the country;
- economic development is limited due to war or the previous regime;
- the area's tradition of democracy is short-lived or non-existent;
- respect for human rights and the rule of law is weak;
- no tradition exists of purely private, truly free media due to hostilities and conflict;
- the broadcasting and printing infrastructure may have been severely damaged.

1. The report, dated June 1999, addressed to the international administration in the Balkans was prepared by Mr. Mark Thompson, author of *Forging War* (1994), Mr. Dan De Luce from the Office of the High Representative in Sarajevo and Dr. Regan McCarthy, head of the OSCE Media Department in Bosnia and Herzegovina. The present policy proposal was prepared in Fall, 2001.

I will also for the moment assume (although such an assumption may be controversial) that the European model of pluralism *within* the media is more appropriate for post-conflict countries than pluralism *of* the media. By the model of pluralism *within* the media, I mean a European model of public service media with fewer but higher quality stations whose programming is varied and addresses different interest groups and political factions. Pluralism *of* the media is represented by a US free market model of numerous media outlets addressing narrow audiences.

With that in mind, the German model would seem to be particularly relevant to the Balkan situation due to (1) its original external imposition by the Allied powers after the Second World War; and (2) its overriding interest in the promotion of political pluralism and the prevention of domination by any one group (in order to exclude the possibility of the centralized abuse of media power such as that manipulated by Hitler).

The West German model originated as a direct result of American and British attempts to impose a BBC-style media model supervised by regional government. This decision was intended to ensure the internal pluralism of any broadcasting activity carried out in the country and to ensure that the regulation of such pluralistic programming could never be centralized in the hands of the national government.² As a result, regulatory powers were entrusted to each of the original nine regions or *Laender*. (Porter, V.—Hasselbach, S. 1991). This characteristic of the German system meant that internal pluralism was ensured by the composition of Regional Broadcasting Councils made up of representatives of “relevant social groups”. This structure is distinct from the British model, which oversees broadcasting content nationally by a single regulatory body made up of ‘independent’ appointees (“the Great and the Good”). It is also different from, for example, the Italian system which (although now changed) provided for the division of the three main television stations among the three most powerful political parties.

Obviously, in a country torn by ethnic strife, the regionalization of supervisory power would be counter-productive. In this case, a national body which promotes pluralism by its own composition or via strict legal constraints would be more effective in the consolidation of a national media system and the opening of political dialogue.

With regard to the question of public service broadcasting versus a free market model, the difficult economic situation in the Balkans and the lack of stable democratic institutions, or even the rule of law in the case in Kosovo, suggests that the

2. An attempt to do precisely this, made by Konrad Adenauer in 1959, was deemed to be unconstitutional by the Constitutional Court in 1961.

public service broadcasting model could contribute to building social cohesion. A model that 'leads by example' is attractive as a first step in the creation of a free broadcast media. If a small number of regulated, internally pluralistic and professionally-advanced stations are present at the national level, subsequent market openings should make way for established, high quality and (hopefully) responsible private broadcasters who can provide familiar alternatives to the public.

2. The state of the media in Kosovo

Sadly, many Balkan countries have either just emerged from war or are threatened by conflict. The opportunity now exists in many territories for the implementation of imposed rather than evolved media models emphasizing plurality. The trend towards significant numbers of privately run radio and television stations in each of these countries already represents a kind of free market in broadcasting (Bosnia has 240 stations, Kosovo, 130). However, political discourse continues to focus on ethnicity and nationalism—a situation that demands the promotion of internal pluralism. Historical events have contributed to a lack of journalistic professionalism and a paucity of legislation governing many aspects of media activity. Furthermore, democratic defense mechanisms relied upon by most mature democracies tend to be in a precarious state in Balkan countries. This means that the risk of nationalistic abuse and/or demagoguery is unacceptably high. Important democratic defense mechanisms include media laws and regulation, journalistic professionalism, the relationship between journalists and politicians, and accepted but unwritten ethical and professional codes which regulate the media in democratic societies.

One of the most striking characteristics of the Kosovar media after the war was the rapid overcrowding of the print and broadcast media scene. Approximately one year after the war there were seven Kosovo-wide daily newspapers and about 38 regularly printed newspapers. According to the OSCE Media Monitoring database, in October 1999 there were just 24 radio stations and one television channel. Five months later, in March of 2000, the number of indigenous radio stations on the air had doubled and there were four 'local' television stations.³

While most of these limited, local, low-power and erratic radio stations were relatively amateur, it should be noted that at the height of this media explosion, Kosovo, a region of 2,000,000 people, had 93 FM stations run by local broad-

3. Two of which were owned by Albanians from Albania. It should also be noted that one third of the total stations (25 out of 93) are Serbian language stations. Three additional are Bosniak.

casters and about 60 more stations run by NGOs, KFOR or international broadcasters such as the BBC, Deutsche Welle (DW), Radio France Internationale (RFI) and Voice of America (VOA).

An important characteristic of the local radio stations was the fact that they almost exclusively targeted one ethnic community, ethnic Albanians.⁴ Thus the Serb community had very little voice and was almost always portrayed in a negative context. Serb broadcasters acted in a similar fashion. As far as program content was concerned, most Kosovar broadcasters aired music or entertainment rather than producing news.⁵ The most common practice regarding news was the retransmission in local languages of news programs produced by foreign broadcasters such as the BBC or DW.

It is not the aim of this paper to investigate the causes of the broadcast glut which developed in such a small province. Nevertheless it should be noted that a similar pattern of media development took place in other countries such as Bosnia, with its 240 radio and television stations, and many Central and Eastern European countries which witnessed an equally impressive outburst of enthusiasm for the privatization of media and overall freedom of speech after 1990. It should be emphasized, however, that virtually all media outlets in Kosovo were either entirely or partially supported by foreign donors. Their assistance ranged from generous and consistent financial support including the purchase of studio or transmission equipment to professional training activities.

The scope and breadth of the problems faced by many of the newly formed media outlets is hardly surprising, with the most significant obstacles being financial. Most radio stations were run on cheap, basic equipment and with a small number of young, largely untrained staff members.⁶ The main source of income for most of the stations was 'musical wishes', i.e. song dedications phoned in by listeners (the average cost of such a service varied from DM 0,50 to DM 1 in larger cities). This income was hardly enough to pay the salaries of the staff, who often worked on a voluntary basis. The fact that no electricity bills were collected and no licensing fees levied for the first year certainly helped many of these broadcast stations survive.

4. The only exception was *Radio Kontakt* owned by Sonya Nicolice, a Serb woman, which broadcasts programs in both Albanian and Serbian, but is under constant military protection for security reasons. Multiethnic programming still belongs to the domain of public service media and some internationally-run broadcasters.

5. This may be due to several factors: economic (news production is more expensive, there is a need for reporters in the field and recording equipment), lack of professionalism (anybody can air music), fear of repercussions (there was a significant pressure from local politicians as well as possible sanctions from the Temporary Media Commissioner for hate speech).

6. According to OSCE Media Monitoring Coordinator, the average age of radio journalists was 20 and for about 80 percent of them this was their first working experience in the field of media.

Apart from financial burdens, another important problem was the low level of professionalism among Kosovar journalists.⁷ Opinion was mixed with fact, hearsay was published as news, and unfounded accusations (mainly concerning ethnic minorities) resulted at times in those accused being threatened, forced to flee, or even killed.⁸ The right of reply, the presumption of innocence, or simple verification of sources were hardly the rule in Kosovar journalism.

Though there are and have been continuous initiatives aimed at raising standards through training, the Kosovar media is largely populated by an older generation of journalists trained under communism and a younger generation not trained at all. Problems associated with the establishment of a self-regulating mechanism remain significant. In a post-conflict situation where democratic traditions do not exist, responsible professionalism in this field must be imported and nurtured. Despite significant efforts by international donors, the association of journalists in Kosovo remains weak.⁹

It has become axiomatic that journalism is not a profession one learns at school but by observing older, more experienced colleagues. However, for this to work a pool of older professionals to serve as models needs to exist. Such a pool is not available in a region, where the journalistic profession was first limited by socialism and then eradicated by ten years of authoritarian rule. The exaggerated number of media outlets stretched thin the small pool of experienced senior editors who could teach ethical journalism to a new generation of reporters.

Another extremely serious problem faced by Kosovar journalists was pressure from local politicians regarding access and positive coverage. The OSCE conducted a journalistic protection program and reported on numerous cases of the harassment and killing of journalists. Even if direct threats were not received, this dramatic situation created an atmosphere of fear and intimidation among journalists attempting to act independently.

7. The only school of journalism in Kosovo shut down during Milosevic's regime. This left Kosovar journalists without any possibility of learning the profession or even exercising it, since all Albanian-speaking media were also banned. Clearly, short training programs for journalists offered by donors, though of good quality, could not replace specialized schools or a professional working environment.

8. See http://news.bbc.co.uk/hi/english/world/europe/newsid_752000/752692.stm for details on Petar Tupoljski's case. For more such examples in the Kosovar press see Kosovar Albanian Press *Dita* 4 July 2000, *Bota Sot* 4 and 11 September 2000, *Epoka e Re* 25 September 2000 and numerous others (available from Media Monitoring Division, OSCE MiK).

9. It took over 16 months for the AMK (Association of Kosovar Journalists) to issue its code of conduct. When the AMK developed its code of journalistic practice, it sent copies, and a cover editorial describing the association and the rights and responsibilities of journalists to over 50 Kosovar media outlets. According to a member of the board not one, even those belonging to AMK board members, printed or broadcast either the code or the editorial. This does not inspire a great deal of faith. It comes as no surprise that the Association does not put any pressure on their unprofessional colleagues.

3. The role of donors in the development of the Kosovo media: possible unintended outcomes

As mentioned, the impressive vitality of the media scene in Kosovo would not be possible if it were not for the economic and technical support of foreign donors. Paradoxically, numerical pluralism of the media in Kosovo occurred largely by default. While the primary aim of some donors was to build numerous commercial radio and television stations in the province (pluralism of the media), others who strove to establish a public service media model ended up unintentionally doing the same – creating more media, but with a public service orientation.

What can possibly be wrong about supporting a vigorous media scene in newly democratizing, post-conflict areas? In the eyes of many donors, the worst that can possibly happen is that as a consequence of healthy commercial competition, some outlets will ‘make it’, while others will not. The only preoccupation seems to be financial. Most donors simply assume that once released from the state monopoly and the shackles of authoritarian control, legal and ethical norms that regulate the media and protect journalists, and standards that require objective reporting, will compel broadcasters to provide balanced coverage to different political viewpoints and will spontaneously govern the relationship between journalists, politicians, and the public.

4. The dangers of unregulated media

While absolute freedom of the press, liberalization of the media, and media pluralism are often dogmatically considered to be necessary conditions for democratization (with pluralism of the media established by default), I will argue that promoting the unconditional freedom of public debate in the delicate phase of democratic transition and consolidation could spark chaos and a reversal into autocratic regimes, precipitation of nationalistic conflict or, in countries where nationalism is not an issue, significantly slow down the process of democratization and adversely affect its quality. The delicate phase of democratic consolidation is characterized by insecurity and an ever-present danger of reversal to previous regime practices; these are good reasons for this period to be carefully regulated.¹⁰ The lack of defense mechanisms generally found in

10. It should be pointed out that this is the period in which democratic assistance is most efficient and needed.

democratic institutions, especially those related to the media, creates a greater risk of backlash.

An emblematic model is one posited by Linz and Stepan, in which a modern consolidated democracy is segmented into five 'arenas': political society, rule of law, state apparatus, economic society, and civil society including the press (Linz & Stepan 1996, p. 14). Each arena provides checks and requires support from the other arenas if all are healthy and functional.¹¹ The idea that the state apparatus would limit civil society, whose primary organizing principle according to Linz and Stepan is freedom of association and communication, would seem at odds with the end goal of a democratic society. This regulation, however, is not an indication of antidemocratic action by the state, but is rather a product of the need to mend dysfunctions in civil and economic society. Freedom of association and expression, essential for civil society to work effectively, is not simply a result of state acquiescence. As the dangerous divisions in Mitrovica, Kosovo, testify, these freedoms did not exist after the UN assumed control of the province. The market economy was not strong enough to prevent aberrations in media ownership, and the failures of civil society tended to be both mirrored and perpetuated in the press. Civil society, like the economy, was more akin to a gaseous cloud trying to form into a mass while random elements drove its actions one way or the other. In such contexts, attempts to regulate the media should be evaluated as a method of forming this mass into an effective element of democracy, one that promotes true freedoms and is able to fulfill its role *vis-à-vis* the other institutions.

The most dramatic example of ill-assisted media is, of course, the case of Rwanda. There, an internationally-supported pseudo-private station, Radio-Television *Libre des Mille Collines*, forged a propaganda machine that played on Hutu fears of the former Tutsi elite, creating a distorted and inflammatory version of the history of relations between the two groups. This contributed to the genocide of 800,000 Tutsis and moderate Hutus (Snyder & Ballentine 1996).

It is impossible to evaluate precisely the effect of this propaganda. But according to Holly Burkhalter, the Washington director of Human Rights Watch, "jamming the hate radio was the action that, in retrospect, might have done the most to save Rwandan lives" (Burkhalter 1994-95). Amazingly, the radios were instead allowed to withdraw from the advancing Tutsi army into the safe area of the French Army zone, where they continued to broadcast. NGOs such as Human Rights Watch and Africa Rights, along with many independent schol-

11. The state and the rule of law would normally limit life-threatening speech in civil society. Also, for example, civil society and political society would use their powers to address abuses and corruption in the state apparatus. For more examples of the interplay, see Linz & Stepan (1996).

ars, concluded that the international community needs to encourage Rwanda and Burundi to democratize, to foster an independent press, and to bring the perpetrators of genocide to justice (Burkhalter 1994-95). Upon closer inspection, it becomes obvious that their prescriptions contradict their own analyses of the causes of the Rwandan genocide. NGOs continue to advocate precisely those measures that their analyses have demonstrated triggered the killings, i.e. an increase in political pluralism and the promotion of an anti-government media.¹² Analyzing the situation in Burundi, *Reporters sans Frontières*, for example, now warns that the “error committed in Rwanda in the name of the principle of the liberty of the press must not be repeated in Burundi.”

What lessons have been learned from the dramatic examples of Rwanda, Bosnia and Kosovo?

5. Conclusions on moral responsibility of democracy assistants

Kosovo was unfortunately a good example of an entirely unregulated province. When the UN took over its administration, the province completely lacked governmental structures, and its judicial system was non-existent. (There was fierce debate as to which set of laws should be applicable in Kosovo, the one from before 1990 or the Yugoslav one applied to the province by the Milosevic regime.) Most Serb judges had fled the province while Albanian judges had not worked in their profession for the preceding ten years. Furthermore, political society was virtually non-existent, as elections were organized only in November 2000 (local ones), while Kosovo-wide suffrage was planned for the fall of 2001.

Civil society also remained very weak. The media was in a state of absolute chaos: as noted, almost 100 pirate stations mushroomed throughout Kosovo in the first year after the war at a time when no broadcast or press laws were in place (other than the old Yugoslav information law of dubious human rights value). Even self-regulation was non-existent since, as discussed above, the association of Kosovar Journalists was inactive, notwithstanding the support and pressures of outside actors for the creation of a self-regulatory media regime. Previous mistakes continue to be repeated—the creation of large numbers of private broadcast stations and a vigorous print media continues to be seen as a positive indication of admirable commitments by donors who recognize the importance of the media in consolidating new democracies. In my opinion, the Kosovar example

12. These inconsistencies can easily be seen if one compares Africa Rights, “Rwanda”, pp. 32-34 with p. 720 or Des Forges “Rwandan Crisis” pp. 1,9 (from Snyder and Ballentine, 1996).

clearly demonstrates that a coherent donor strategy and proper timing continue to be lacking.

The professional level of reporting was poor following the conflict in Kosovo. With the exception of one or two daily papers, slander and hate speech flourished in the local press, and people were defamed in an arbitrary manner. Frustrated by the inaction of the judiciary, Albanian journalists created their own justice by publishing letters from the public denouncing alleged (this word however never appeared in the articles) “war criminals, ostensibly walking on the streets of Kosovar towns unpunished” and offering their names and addresses.¹³

Responsibility for the final outcome of democracy assistance does not belong exclusively in the hands of international organizations who craft policy, such as the UN or the OSCE. The picture of ‘good’ donors and ‘bad’ international organizations in charge of policymaking in developing countries is no longer sustainable.

Governmental organizations create laws, but donors giving support to individual media outlets have a dramatic impact on building the Fourth Estate in an organized manner. However, as much as they may hope to, donors do not act independently, but in context.

Instead of supporting numerical pluralism of the media, they should concentrate on its quality and on building professionalism among journalists, making sure that—preferably in concert with international organizations—what happened in Rwanda, Bosnia-Herzegovina and Kosovo is not repeated.

Unfortunately, most donors are more concerned with quick final evaluations and tangible results than with difficult-to-measure, overall ‘quality of democracy’ benchmarks which are visible only years later. It is far easier to write in their final reports that they have established a radio station, provided studio and transmission equipment, and trained journalists for three days. As Carothers (1999) puts it, “the evaluation tail often wags the programme dog”. Long and often boring trainings of journalists, persistence in setting up journalists’ associations, and the drive to ensure that professional ethics are upheld are far more important in the long run than creating 100 stations of which less than half will survive economically once the donors pull out due to shifting interests.

13. Lazar Selimi of the Institute of War and Peace Reporting said of the standards of Kosovar reporting “they are not seeing any alleged Serb war criminals sentenced, and the mentality of the people is that someone who has committed crimes should be punished. They think it is morally right at a time when we’re not seeing results from the international community”. http://news.bbc.co.uk/1/hi/english/world/europe/newsid_752000/752692.stm.

Democracy assistance is an art, not a science. Over ten years of joint efforts by various international organizations, foundations and private sources have undoubtedly¹⁴ contributed enormously to democracy assistance in the post-communist countries of Eastern Europe. Although there is no plausible method to measure the effects of such activities on the democratic development of the assisted country, it is now clear that some strategies are more efficient and effective than others. However, some strategies can be deleterious if not well timed.

This is also true in constructing a democratic media. I believe that it is more important to build the institutional basis for the media to function properly than to emphasize numerical pluralism as an indication of success. This means a need for professionalism, self-regulatory mechanisms, strong associations driven in their activities by professional ethics, and good laws protecting both journalists from abuses by politicians as well as politicians and citizens from arbitrary accusations by journalists.

Experience from Bosnia and Rwanda showed that, in the absence of the properly functioning five arenas, unregulated media may be dangerous and can encourage, rather than calm, nationalistic tendencies. International organizations in charge of policymaking should consider temporary control over the media, in concert with donors, in order to prevent what happened in these countries, while strategically working on preparing the basis for a truly democratic Fourth Estate.

Before offering policy recommendations for the future, I would like to point out that an additional aspect of this subject should be further analyzed—a *meta-policy analysis* is needed consisting of empirical research aimed at establishing whether and when policy advice itself tends to be followed with regard to the media. This could help guide policymakers in focusing their practical recommendations on successful solutions. Such a study would also assess the role that internal and external politics play in certain contexts and propose ways of mitigating their effects. I hope to be able to carry out such research to support these conclusions and increase the scope of this work in the future.

6. Recommendations

There are three central problems for which I will recommend solutions in this chapter:

14. But here again, how does one measure such an ineffable quantity?

First, the *dangers of poorly planned assistance* to the development of the Fourth Estate in post-conflict areas, which may *cause an outburst of ethnic conflict rather than fostering peaceful cohabitation*.

Second, the reasons why international organizations in charge of *media regulation and development* in the Balkans have been largely *ineffective*.

Third, strategies to help *donors avoid waste, duplication and few results*.

6.1. Phase 1: Set up phase

From the outset of a mission, it is essential that international administrations assert authority over all media sources and establish clear and meaningful benchmarks for the relaxation of such authority over time. The media must receive equal attention as other areas of international concern, and must not be subsumed within other divisions. Media policy and development should be separate from press/public information. In order to be successful and efficient, regulation and reform should not be separated from other media development and policy activities.¹⁵

The importance of a good assessment of the local situation is surprisingly underestimated. International organizations which establish missions in a post-conflict country should take their time to evaluate the situation on the ground. There are obstacles involved: international organizations such as the UN, OSCE and EU are not single entities but rather conglomerations of governments and governmental delegations which are often not willing to wait for a thorough assessment. Considering their significant financial expenditures, they understandably want to see immediate and tangible effects. Headquarters in New York, Vienna or Brussels require satisfactory reports on measurable results achieved in the field to justify their often controversial budget proposal for the coming year.

While the initial set up phase is fraught with political pressures for quantifiable results, missions and governments alike should attempt to remain focused on the substantive and often invisible work carried out at this step which is the key to later success. The initial assessment phase should ideally consist of the following elements:

15. These recommendations were included in the policy paper for media in Kosovo by the Experts' Group, July 1999.

Media development issues:

- Identify the most dynamic and valuable local media actors (journalists or managers) worth supporting. This can be accomplished by dispatching a group of investigators familiar with the local language (though not from the area), and by organizing large meetings of local media representatives—at this point, anyone defining themselves as ‘journalists’.

- Commission a reputable agency to conduct a series of public opinion surveys regarding audience preferences for broadcast and print media. This rather costly initiative may be achieved through the establishment of a donor’s information exchange network and the creation of a commonly shared database and would, in the end, be extremely cost-effective. Needless to say, such surveys should be conducted periodically in order to provide both donors and international organizations with updated information regarding the local audience and give the policymakers better direction regarding the most effective strategy.

- Assist in the creation of a journalistic association to establish a self-regulatory mechanism, preferably with financial support for a great deal of journalistic, normative and legal training as well as salary support for key actors. Low salaries will decrease the perceived prestige and interest of those most qualified who will naturally search for alternative means of employment from the outset.¹⁶ As the Kosovar example has shown, it is essential to nurture a lively journalistic community aware of its own interests. Professional institutions such as the International Federation of Journalists should be involved in the process early on.

- Assess the need for journalist protection while evaluating the level of journalistic professionalism and training needs. A good analysis of the situation regarding minority media must also be a component of the initial needs assessment, particularly if one accepts the idea that media pluralism is a necessary condition for democracy.

Media regulatory issues:

- Analyze the old regime’s laws on public information and, if in contradiction with international human rights, work on a strategy for the immediate suspension of the relevant provisions. A review of other laws affecting media and the provision public information should also be conducted.

16. Usually in places where the international community ends up administering a country territory, the elite personnel resources tend to dry up very quickly. Understandably, the economic situation in such places is likely to be unfavorable and it is difficult to find dedicated volunteers for this, at least initially, full-time work.

Technical issues:

- Assess the damage to transmission sites and equipment during the conflict. Transmission sites, post, and telecom offices are often among the first targets of any war. Technical damage to towers, transmitters, buildings etc. should be evaluated if there is a recognized need for delivering objective, nationwide information aimed at preventing a backslide into conflict.

Political issues:

- Before donors find pet projects—a situation which inevitably leads to a strong atmosphere of mistrust and a lack of credibility—international organizations must make their policy decisions quickly and convincingly, insist on adhering to that strategy, and not lose momentum.

6.2. Phase 2: Implementation

Media development issues:

- Based on specific suggestions from all involved parties regarding appropriate funding and structures, a *public service broadcaster* should be established immediately under the authority of the international organization in charge of media. Claims to ownership, property or employment by an incumbent national broadcaster should not be recognized.¹⁷

- International news services such as the BBC, DW, RFI and VOA should expand their coverage of developments within the country by broadcasting a local-language version of their programme.¹⁸

- There is no need for a UN radio station, which would deplete the limited pool of skilled journalists and divert international support from other, more compelling projects. The UN's public messages can be conveyed through the above-mentioned public service broadcaster.¹⁹

- In parallel with the establishment of a public service broadcaster, efforts must be made from the outset to develop a domestic professional, *non-partisan news agency*.

- Close cooperation between organizations in charge of policymaking and donors is vitally important. While difficult, once reciprocal trust is established

17. This recommendation was included in the original policy paper by the Group of Experts, *supra* note.

18. *Ibid.*

19. *Ibid.*

between donors and local contacts, it is essential that donors do not abandon projects. Unfortunately, the unsustainable approach of *toccata e fuga* is frequently adopted. Donors often believe that giving money to start up a radio station or a newspaper is enough, while organizations in charge of regulation are often faced with recurring editorial abuse or hate speech. Responsible donors must be concerned about the behavior of their ‘protégés’ while support is provided as well as subsequently, and this can be accomplished, for example, by ensuring the provision of professional training. International organizations in charge of policymaking should provide donors with regular information necessary to fulfill their role successfully.

- In order to get a sense of the complete media development picture or ‘package’, donors should establish an *information-exchange network*, particularly in cases where donors specialize in a specific field (technical support, professional training, legal responsibility, improvement of management skills, etc.). Unfortunately, many donors nurture their own ‘babies’ without wishing to share the glory of the final creation with others. Given that some donors work better and faster than others and the burden of having to adhere to a ‘production chain’ mentality may slow down the whole process, this behavior is understandable. However, the creation of coalitions of donors who know and trust each other could go a long way toward solving this problem.

- Never promise the impossible and raise false expectations. Promising financial assistance to the private media is easy and may have good initial outcomes (in attracting broader media attention and identifying who is ‘out there’ and worthy of support, for example). False hopes inspire a grateful and faithful public, but not for long. Like the phenomenon of ‘donor fatigue’ when donors’ money and enthusiasm evaporates (commonly seen when there is another political crisis in the region), ‘recipient fatigue’ may be even more dangerous. Inefficiency or delays in the release of funds and unfulfilled promises of support can be detrimental to overall trust and respect between the two or more parties. A pragmatic approach is far more effective in maintaining credibility.

- Donors should keep in touch with policymakers to better understand actual local media problems. Although late, this was eventually accomplished in Kosovo. This recommendation applies particularly to governments that often appropriate significant amounts of money and seek to dictate political strategy.

Media regulatory issues:

- The measures outlined above should also involve assistance to ensure that established legal procedures are followed. Too often, donors concentrate solely on providing stations with equipment without bothering to help them apply for a

license. Of course, the fact that stations *must* apply for a license should be emphasized and understood clearly by all local media outlets. The OSCE in Kosovo was repeatedly faced with complaints made by donor governments that a radio or television station had not received a license. Financial support should be accompanied by logistic support, and it should be clearly understood that financial backing given to a station does not waive its legal obligations. Donors themselves are often not entirely clear about the regulations that they need to become familiar with.

- The media regulatory agency or organization temporarily in charge should either open an information office or hold regular meetings both with broadcasters and interested donors to train and inform broadcasters about their duties as well as their rights.

- Potentially controversial decisions should be implemented immediately from the outset. In some countries where conflict was fuelled by ethnic hatred (e.g. Rwanda, Burundi, Bosnia, Kosovo) an initial ‘hard hand’ on the media may be necessary to stop further incitement of violence. Temporary and emergency measures such as a hate speech regulation, applicable to both the print press and broadcast media, may be necessary to keep the fragile peace under control. However, such measures should *only* be implemented at the very initial phase of the mission when journalistic self-regulation is largely absent.

- As far as licensing procedures are concerned, most transition and virtually all post-conflict countries experience a significant proliferation of small broadcasters. In order to encourage some broadcasters to concentrate on the production of high quality programming, donors should encourage promising candidates to act as production houses and sell their programming to existing private stations or the nationwide public service media rather than support the emergence of further radio and television stations. This solution may be considerably valued in countries or regions with multi-ethnic societies, where freedom of movement is limited and access to information about the events ‘on the other side’ are seriously obstructed or even non-existent. The purchase of educational, cultural or even entertainment programs from local producers would also be an advantage for a public often subjected to low-quality, largely foreign programming (MTV is ubiquitous). In short, a more diversified and higher quality service could be offered. Furthermore, as the media situation stabilizes and copyright and other legal market norms take hold, the demand for programming will rise as stations drop out of the glutted marketplace.

- It is essential to involve the local community to the maximum degree possible and, in particular, various media interest groups (especially associations of journalists and broadcasters) in any decision that regards the future of the media in their country: for example, licensing procedures, broadcast and press

laws, codes of conduct, etc. Credibility and consensus will be much easier to obtain if the local community feels involved. The creation of an advisory body consisting of well-respected members of the local community can be tremendously beneficial and particularly useful in avoiding the perception that policymakers are ‘colonialists’. This advisory body will help prevent costly decisions that are unworkable due to the specific cultural context.

- Absolute transparency of decisions including policymaking, legal work, licensing and potential sanctions is essential. The local community has to be involved in every step of the process of building a democratic media to better conceptualize the ultimate democratic goal.

Technical issues:

- Specific donations should be well reasoned and wisely allocated. Donors often contribute very sophisticated studio or transmission equipment to the media, which cannot be used due to a lack of staff training or an inability to provide adequate maintenance. Sometimes older equipment with which broadcasters are familiar is preferable to expensive digital technology that is too expensive to maintain and too difficult to use without advanced and specialized training. Furthermore, spare parts for such equipment are expensive and often difficult to obtain, which may put them beyond the reach of most small broadcasters.

6.3. Phase 3: Capacity Building

- *Institution-building* efforts that improve and strengthen key institutions should be a major objective of any program seeking to better guarantee the success of reforms in transition countries. The training of local staff and the gradual transferring of power to local authorities, or ‘nationalization’, is a necessary element of institution-building (take the example of the IMC in Bosnia, which after two years is almost entirely nationalized). This logic is generally applied by large international organizations but should not be ignored by smaller internationally supported NGOs. The first year should be devoted to the intensive training of local staff, the establishment of a good working relationship with other organizations involved in similar fields, and the procurement of necessary technical equipment.

- The ‘train the trainer’ approach is essential in creating self-sustainable structures and initiatives.

- One of the most important recommendations for donors is not to abandon projects. It is preferable to give small but consistent donations rather than one

large, lump sum grant. Media outlets in post-conflict areas can be easily hijacked by local Mafias, strong governments, or nationalistic trends as the political tide dictates. Donors too often shift their interests to other areas and lose contact with previous projects. It is only when the regulatory agency sanctions or refuses to license an initially donor-supported radio or television station due to violations of local regulations that the donors become active again and sometimes react aggressively on the governmental level. Economic support requires responsibility. Donors should let recipients know that they are informed about activities and that their support is conditional upon cooperative attitudes and professionalism. Keeping track of the behavior of recipients is obviously in the interest of the donor, as the beneficiaries tend to use the names of their patrons as a legitimizing factor when problems arise. Donors must recognize that their support also carries with it the perception of tacit cooperation, which may color their own reputation. From the perspective of the regulatory agencies, experience has shown that no sanction has as much leverage as a warning call from donors. Close and trustful cooperation between donors and regulatory agencies is essential.

- International organizations and donors should appreciate the importance of training in the grant-writing process. Nowadays, these courses are a common tool of survival at every university. The capacity to write a successful application, plan a budget, and propose a project have become essential skills. In considering grants, donors should be mindful of the fact that the undeveloped economy of the assisted country may not be able to sustain as high a level of media activity as the donor may expect.

- Never ruin the local job market by paying the local staff more than median national salaries. It was a common practice in Bosnia-Herzegovina and Kosovo for the international community to attract local staff by paying extremely high wages, making professionals such as doctors, engineers, lawyers, and public prosecutors quit their jobs in the public sector to work as language assistants, security guards, or even drivers. There is a need for more coordination between those organizations that raise salary levels in their hunt for well-educated individuals and the organizations originally employing these professionals. If capacity building is a real concern for the international community, it should avoid such unfair competition and aim for long-term and targeted training to provide locals with sustainable positions.

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