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Preventing Media Incitement to Violence in Iraq

Summary

- The monitoring of Iraqi media reveals that inflammatory coverage does not necessarily consist of a direct call to violence, but instead takes the form of indirect or coded terminology that still has dangerous potential to foment conflict.
- Current regulatory and self-regulatory efforts designed to prevent media incitement to violence have, thus far, been insufficient.
- Lessons learned from post-conflict Bosnia, Kosovo and Sri Lanka can assist Iraqis in creating their own legal and self-regulatory mechanisms to limit inflammatory media coverage.
- There are a wide range of measures to mitigate inflammatory media coverage, including targeted training for media and government officials, broad support for a professional code of conduct, a full review of existing legislation relating to incitement, and the creation of a lexicon of inflammatory terms with guidelines for the proper use of these terms.

Introduction

On September 25–26, 2009, USIP's Center of Innovation for Media, Conflict and Peacebuilding assembled more than 50 Iraqi media managers, editors, government officials, academics and regulators in Istanbul, Turkey to discuss media incitement to violence in Iraq, as well as potential solutions for mitigating such inflammatory media coverage. The following summarizes the results from this conference.

Overview of Media Regulation and Self-Regulation

The first session of the conference provided an overview of the current media environment in Iraq. Presenters explained that the media's legal regulatory framework provides limited guidance for the prevention of media incitement to violence. Since the Iraqi legislature has yet to act on the passage of new media laws, incitement remains partly under the purview of Baath era laws. For example, the penal code instituted in 1969 includes provisions that punish incitement to violence with life imprisonment. In 2003, the Coalition Provisional Authority (CPA) issued Order 14 that specifically banned media incitement to violence. This order still remains in effect; the authority to enforce it has fallen to the Iraqi prime minister's office.

In 2005, the Iraqi constitution further authorized the Communications and Media Commission (CMC), as established by CPA Order 65, to regulate the media sector. The regulatory powers of the CMC include preventing incitement to violence relating to broadcast media, with certain

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guidelines for print media during election campaigns. However, the CMC has failed to adequately regulate this area, largely due to attacks on CMC's jurisdiction by the Iraqi government, ineffective enforcement capacity and efforts, lack of awareness of the CMC's regulations, and vacancies in key management posts. These vacancies were filled in the fall of 2009 immediately before this Istanbul conference, making it the first public platform for the new CMC management.

During this conference session, an Iraqi media manager noted that despite a limited range of supporting institutions, the Iraqi media have made progress in regulating its own sector. The presenter pointed to self-regulatory tools put in place in order to address biased and potentially inflammatory news coverage. For example, Iraqi editors, managers and journalists, with the support of the BBC World Service Trust and UNESCO, developed a self-regulatory code of conduct to serve as a moral and professional guide for audio and visual media in Iraq. With proper implementation by Iraqi media, this code could assist in combating hate speech while strengthening the media sector from within.

What is Incitement?

The CMC actually formulated guidelines regarding incitement some time ago. The CMC's Interim Broadcasting Program Code of Practice, promulgated in August 2004, specifically states that: "broadcasters themselves are responsible for the content of all material broadcast by them, whatever its source, and it is the responsibility of the broadcasters to ensure that their programs and services operate in compliance with the code."

The code goes further to clearly define incitement as: "broadcasting that 1) incites imminent (meaning close in time, immediate or impending) violence, ethnic or religious hatred, civil disorder or rioting among the people of Iraq and 2) carries the clear and immediate risk of causing such incitement."

Yet, many conference participants were unaware that the CMC had created these guidelines, and the new CMC management itself seemed to be unfamiliar with them. Other participants indicated that media incitement is a complex issue and very difficult to categorize. In fact, the "direct" incitement to violence identified by the CMC code does not cover a myriad of inflammatory language that could be considered "indirect" incitement. While this language might not lead directly to violence or intended to do so, indirect incitement can be extremely dangerous.

To provide specific context, USIP-commissioned the Al Mirat Media Monitors Network to monitor how certain terms were used by Iraqi media over a 30-day period in June 2009. A representative sampling of the results revealed broader trends, including how TV channels used potentially inflammatory terms significantly more than print or radio media.

One Iraqi satellite channel used the term "resistance" 66 times during the monitoring period, each time in reference to those responsible for attacks on U.S. troops. This same channel referred to "terrorist" attacks 36 times in which Iraqi civilians—but not U.S. troops—were killed. Another satellite TV station was recorded to have 62 uses of the word "martyr," all related to the death of civilians, journalists or elected officials apparently considered by the channel to be innocent victims—but not for the deaths of Iraqi police or soldiers. By examining the context surrounding each term, it is possible to see patterns of bias and the potential for incitement to violence.

International Case Studies

The final session featured case studies from three different countries that have recently experienced media incitement to violence. Each perspective took into account how the media sectors in each of the post-conflict countries were shaped by regulatory or self-regulatory efforts, or a

combination of the two. Iraqi participants were then able to discuss with the presenters how the lessons learned from the international case studies could be applied to the Iraqi environment.

- Lindsay Ross, former executive director of the Commonwealth Press Union, presented a successful case of media self-regulation in Sri Lanka. Here, diverse media stakeholders in 1997 sought to abolish defamation from the criminal code. After five contentious years, this was accomplished and, as a result, the Sri Lanka Press Institute was established in 2003, along with the Press Complaints Commission of Sri Lanka. Despite a bitterly divided country that endured conflict in 2009, the self-regulatory bodies survive and continue to actively represent media interests. The key lessons learned in establishing a successful self-regulatory entity include: cooperation among all media, leadership and patience by members, prohibition of government funding sources for the body, and a universally accepted code of practice.
- Dieter Loraine, a director at Albany Associates and a former deputy director general of the Communications Regulatory Agency in Bosnia, noted that the Bosnian media sector in which he worked has some similarities to the Iraqi media sector: the media industry was fragmented, broadcasters were run by political parties and media legislation was lacking. Over a period of 10 years, the Bosnian regulatory authority gained the trust of the media, government and public by licensing all broadcasters while securing broad agreement to a code of conduct and working with the government to establish broadcast policy. Loraine also detailed the creation of a Bosnian press council to self-police the print sector. Success was attributed to three factors: involving the editors, publishers and associations at an early stage, drafting a code that was adopted by the industry itself and including all relevant stakeholders as members of the press council.
- Naile Krasniqi, the chief executive officer of the Independent Media Commission (IMC) in Kosovo, discussed how, as an independent regulator of broadcast media akin to the CMC, she deals with media that violate the applicable code of conduct. She mentioned that Kosovo is a particularly didactic example for Iraq, given its ethnic and religious mix. Few incidents of incitement have occurred in recent years because of the strong regulatory framework put in place in Kosovo. Also, the IMC has weeded out potentially problematic stations during the licensing process, and has taken steps to encourage compliance. Krasniqi encouraged Iraqi participants to advocate for a strong regulatory framework, for the CMC to adopt regulations in accordance with international best practices, and for the CMC to communicate its rules effectively to licensees and the public.

Working Group Action Points

The participants broke into working groups on the last day of the conference to discuss and reach consensus on attainable action points.

Kurdish Regional Government (KRG) Action Points

The KRG participants first recommended the executive authority should attempt to re-activate relevant laws preventing media incitement. Subsequently, the general prosecutor will hold accountable those who violate these laws. Second, government relations with the media should extend beyond regulation, in part through the government's provision of training, support and grants. The legislative authorities must establish an independent High Board for the Press, composed of media representatives, the high judicial council, parliament, government and the

bar association. Finally, civil society actors should build media capacity and professionalism by adopting and implementing a well-crafted code of ethics.

National Government Action Points

National government officials presented four action points designed to significantly improve the Iraqi media environment. First, the existing criminal law should undergo an extensive review to ensure that it is sufficient. This review will culminate in a report prepared by the Legal Committee of the Iraqi Parliament. Second, the government should officially support the adoption of a self-regulatory code of professional conduct. Also, the government should support the CMC in its efforts to perform its duties as set out in CPA Order 65, meaning that this independent body (and not a government ministry) should regulate and license communications in Iraq. Finally, participants identified the longer-term goal of preparing new legislation that better addresses incitement.

Print Media Action Points

The print media participants supported the formation of a press council comprised of media professionals, experts, legal experts, academics and representatives of civil society organizations. This council should be independent and professional, and follow the implementation of ethical codes, investigate complaints from the public, media professionals and the government. During elections periods, the Iraqi Independent High Electoral Commission and CMC should put together an educational and training program that focuses on reducing occurrences of media incitement to violence. Media professionals should endorse a campaign aimed at reducing media incitement by barring the publication of inflammatory speeches and avoiding the use of biased or inflammatory content on publicly funded broadcasting systems.

Broadcast Media Action Points

The broadcast media action points dealt with self-regulatory measures directed at the media sector. Each organization should put together a list of expressions, language, and images that are potentially dangerous, and should pledge to avoid using these items. Each organization should commit to additional training geared towards familiarizing staff with editorial policies regarding incitement to violence; staff members should at least be familiar with CMC's Code of Conduct. Finally, the media sector should commit to broadcasting programs that respect the ethnic, cultural and religious diversity of Iraq.

Communications and Media Commission (CMC) Action Points

CMC delegates noted three points that would improve cooperation with media outlets, as well as the CMC's effectiveness. First, the CMC should hold a conference to discuss the Code of Conduct for broadcast media and address broadcast license conditions, especially each outlet's role in preventing incitement to violence. Concurrently, in order to allow the enforcement of these standards, the CMC should continue the ongoing process of issuing temporary licenses to unlicensed broadcasters while carrying out comprehensive monitoring and reporting. This will inform the long-term licensing process, as the CMC will only award such licenses to media outlets that have complied with the Code of Conduct. Finally, the CMC called for the support of international organizations, the Iraqi media and the Iraqi parliament. The parliament should move quickly to ratify the CMC law that has been before it since 2007. This law would allow the CMC to function properly as the independent regulator, without government interference.

ABOUT THIS BRIEF

Iraqi media stakeholders have identified media incitement to violence as a crucial issue, especially during election periods. As a result, USIP's Center of Innovation for Media, Conflict and Peacebuilding convened a conference on September 25-26, 2009 to explore the complex issue and to identify specific action points for mitigating inflammatory coverage in Iraq. This brief documents the findings of that conference. The event was managed by Theo Dolan, program officer with the Center of Innovation for Media, Conflict and Peacebuilding and the author of this report, along with partners at a business consultant firm, Albany Associates, and USIP staff in Iraq.

Next Steps

In advance of the national elections on March 7, 2010, USIP's Center of Innovation for Media, Conflict and Peacebuilding and its Iraqi partners took action by developing the "User Guidelines for Preventing Media Incitement to Violence: Elections Edition," a list of inflammatory terms commonly found in Iraqi media during election cycles. The guidelines include definitions of the inflammatory terms and suggested alternative uses. The resource, created by Iraqi media, was distributed to media outlets and government offices prior to the election day. For more information on these guidelines, please visit <http://www.usip.org/resources/user-guidelines-preventing-media-incitement-violence-in-iraq-elections-edition>

Going forward in collaboration with Iraqi and international partners, USIP's Center of Innovation will continue to implement the action points developed at the Istanbul conference. Among the center's planned activities are:

- **Extensive guidelines for Preventing Media Incitement to Violence**—Recognizing the threat of indirect media incitement, an Iraqi panel will study the current usage of language in the media to determine key areas of imbalance and excess that could incite violence. This analysis would lead to the creation of an Arabic-language lexicon of potentially inflammatory terms and specific guidelines for the professional use of these terms in broader contexts, beyond elections.
- **Media Leadership Dialog**—The center will continue to identify leaders in the media industry to engage in dialogs regarding how to promote media self-regulation in Iraq.
- **Citizen Monitoring Network**—To help fill a gap in media monitoring capacity, the center will identify a number of USIP-trained Iraqi facilitators who can be mobilized specifically to track media incitement to violence during times of heightened tension such as elections. The network would be designed to complement monitoring efforts led by the CMC.
- **Training of the CMC**—The center and its partners will seek to collaborate with the CMC in developing a training program tailored specifically for the regulatory body regarding the prevention of media incitement to violence.



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