Working Paper

Dušan Reljić

Media, civil society and the quest for transparency and accountability of the security sector

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Civil society, good governance, and the security sector

Media, civil society and the quest for transparency and accountability of the security sector

Dušan Reljić

German Institute for International and Security Affairs (SWP), Berlin

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1. Fundamental rights under attack

The International Federation of Journalists (IFJ), based in Brussels, concluded in a recent report on Journalism, Civil Liberties, and the War on Terrorism, that the campaign against terrorism, proclaimed by the US and other countries, after the attacks in New York on 11 September 2001, "is undermining more than half of the minimum standards in the 1948 UN Universal Declaration on Human Rights".[1] The authors of the IFJ report warned that in many countries world-wide within the apparatus of the state – particularly among the military, the police, immigration and intelligence agencies (the security sector actors) - there is widespread understanding that fundamental human rights can be sacrificed to fight terrorism.

As a result, all those who are concerned with freedom and the strengthening of human rights, appeal to media to be more vigilant in the scrutiny of government and, particularly, the security sector. Yet, evidently, it is becoming more

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[1] Journalism, Civil Liberties and the War on Terrorism,
A special report to the International Federation of Journalists and Statewatch
at http://www.ifj.org/default.asp?Index=3101&Language=EN (accessed 11 July 2005)

and more difficult, and dangerous, for journalists, but also human right groups and other independent actors, to exert democratic control over the armed forces and the security sector.

A most recent example from this very city drew international attention. A U.S. judge has sentenced Judith Miller, a journalist of The New York Times, to prison for refusing to reveal her confidential source to a grand jury investigating the leak of a CIA operative's identity. The judge ordered her held in a Washington-area jail until October, or until she agrees to testify. Miller said she will not and went to jail. (But Time magazine, involved in the same case, agreed to co-operate with the judicial authorities). The New York-based Committee to Protect Journalist warned that governments world-wide have taken note of the decisions made by the U.S. prosecutor and courts in this case. Citing recent examples from Cameroon and Venezuela, the Committee noted that repressive regimes who routinely jail journalists have already used this case to justify their actions.[2]

A recent report to the Parliamentary Assembly of the Council of Europe on the Democratic oversight of the security sector in member states called attention to the fact that if some western state are limiting and violating human rights, including the US, they are losing the moral authority to criticise authoritarian regimes for their bad human rights records.[3] It seems that there is a global trend, involving those countries that used to be champions of the freedom of speech, to undermine the capacity of non-governmental actors to exercise the fundamental rights to information and to the freedom of expression by legal impediments and political obstacles. This, in turn, means that journalists and media, human rights organisations and other so-called "watchdogs" world-wide, have a serious problem. They depend to a great extent on a stable and open international legal and political framework for their activity.

Worst of all, in some corners of the world, the worst form of censorship continues – this is censorship by killing. According to the International Press Institute in Vienna, 40 journalists, in particular those investigating corruption, drug trafficking and other illegal activities, have been killed so far this year. At least 11 journalists and media staffers have died in Iraq alone. Six journalists were killed in the Philippines, and two each in Bangladesh, Brazil, Colombia, Haiti, Mexico, Pakistan and Somalia. Journalists were also murdered in nine other countries. In 2004, IPI recorded 78 journalists killed world-wide.[4]

2. Example: Media and civil society against organised crime and corruption in Southeast Europe

Having pointed out to some serious new limitations to the role the media play in overseeing the public authorities and particularly in establishing conditions for the accountability of the security sector, it is now appropriate to

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[2] Committee to protect journalists CPJ jailing of U.S. reporter , 6 July 2005
at http://www.cpj.org/news/2005/USA06july05na.html (accessed 11 July 2005)
[3] Democratic oversight of the security sector in member states
Parliamentary Assembly of the Council of Europe, Doc. 10567, 2.June 2005.
Rapporteur: Mr Lluis Maria de Puig, Spain, Socialist Group
[4] IPI Death Watch 2004: 78 journalists killed in 2004
at http://www.freemedia.at/Death_Watch/d_watch2004.htm (accessed 11 July 2004)

provide an example of what the media could actually achieve in this respect. For instance in the effort to roll back organised crime and corruption in Southeast Europe.

Throughout this part of the world, after the 50-year one-party rule finally ended, organised crime and corruption exploded. Inter-ethnic clashes and wars of the past fifteen years in former Yugoslavia also contributed to the spreading of various forms of crime, paving the way for further, more serious violations of the laws. The smuggling of all sorts of goods, including weapons and illegal drugs, as well as economic emigrants via the Balkans to the European Union, and forcing into prostitution tens of thousands of women, some from other parts of Europe as well, constitute crimes that previously did not exist – at least not to such an extent - in South East Europe.

All the countries in the region -- Croatia, Bosnia-Herzegovina, Serbia-Montenegro, Macedonia, Albania, Romania and Bulgaria -- regardless of their varying progress in the area of transition and privatisation, face similar problems regarding organised crime and corruption. In many countries of the region the governments are either incapable or unwilling to truly curb illegal activities. To the contrary: there is ample evidence that some sectors of government, usually the security agencies, are involved in and even directly responsible for the most serious breaches of the legal order, i.e., organised crime and corruption. The judiciary also has failed to successfully curb the crimes in question. What is of particular concern is the fact that the areas which are under the protection of the United Nations, such as Bosnia-Herzegovina and Kosovo, are threatened the most by such breaches of the law. This substantially reduces the prospects of these regions becoming stable and embarking on independent development.

No country in the region has succeeded in radically transforming its law enforcement and security services and eliminating the ties between the government and organised crime. In many countries created after the dissolution of former Yugoslavia, government bodies, particularly the security sector, actually protect war crimes suspects, who, as a rule, are the chief organisers of crime and corruption as well. There are many examples showing that after the regional wars ended, many offenders retained their influential, senior positions in the economy or government. It is in their interest that the conditions in which they could continue to amass wealth through plunder and violence and go unpunished not be changed.

In addition to that, the presence of Al-Qaida and other international terrorist groups has been also been proved.[5] In order to finance their activities, together with their local supporters they are involved in the smuggling of weapons, narcotics, and various other commodities, as well as in many other forms of crime. There are also credible reports about the activities of former members of the now non-existent secret services of one-time communist countries of East Europe, who took advantage of their connections in the Caucasus and Central Asia, to open new channels for the smuggling of heroin, weapons, and other illegal deals. This network stretches over the Balkans all the way to Western Europe and the United States.

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[5] See Evan F.Kohlmann, Al-Qaida's Jihad in Europe. The Afghan-Bosnian Network, Berg, Oxford, UK, 2004.

It is important to note that the public learned about criminal and underground activities in South East Europe mostly from reports published by the independent news media. Such media would have not survived the wars for Yugoslav succession and the hardships of the post-conflict and transition period without support from civil society organisations and international donors. And vice versa – if it was not for the courageous reporting of independent media, civil society organisations would not be visible on the political scene. Also, external nation-building efforts stand no chance if there were no local civil society and autonomous media.

Journalists and the media in general can play the key role in raising the public awareness of and creating the right attitude to organised crime and corruption – in spite of all of their professional short-comings. The example of South East Europe proves this.

Yet, there are not many news media in the region that are systematically tackling the issues of organised crime and corruption. Especially state-owned media outlets avoid, as a rule, investigative reporting on this issue. In commercially orientated media outlets, particularly the tabloid newspapers, despite their relative frequency, such reports are often superficial and sensationalistic, and rarely delve deeper into the causes of organised crime and its true nature, or link its manifestations with similar occurrences either at home or in the region. Investigative journalism is yet truly to earn its name, which is certainly due to limited sources of income and poor market conditions in which the media operate.[6]

Indeed, organised crime and corrupt circles have managed to ensure influence over certain media outlets. This became rather obvious in Serbia when various events surrounding the assassination of Serbian Premier Zoran Djindjić on 12 March 2003 began to surface. Attempts by certain police and security services members to influence the public are also still quite noticeable. Some influential TV stations and other media outlets are owned by wealthy businessmen who became rich under unclear circumstances at the time the wars in former Yugoslavia were in full swing.

The Beta News Agency, a independent and private information enterprise, is among a few media outlets that are systematically tackling the issues of corruption and organised crime. This is being done through two Internet projects -- Clean Hands (www.korupcija.org) and Kriminal.net (www.orgkriminal.org). Both projects offer well-researched information, internet links, source documents, as well as facilitate access to other related web-sites. Such outlets cannot finance themselves on the market – they need support both from western donors as well as from the local civil society.

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[6] See Beta Media Centre, Ebart Consulting/Media Documentation, Institute for Philosophical and Social Studies in Belgrade, Press reports on Organised Crime in Serbia December 2004 – January 2005, a content analysis. Unpublished.

3. Analysis: Factors determining the capacity media to control the security sector[7]

An analysis of the performance of the media in public oversight over the security sector should limit itself to describing and understanding the open-ended, daily drama unfolding in the public sphere, wherein the media are only one of the determining factors. A dynamic model of analysing the performance of the media should include at least four assessment fields:

1) The political environment for the media;
2) The economic environment;
3) Journalistic skills;
4) The political psychology of the public.

An ideal situation involves the following: "A democratic state with opposition parties and a civil society, and financially healthy, independent news media."[8] To grasp reality, which is never an ideal situation, one must look into the factors actually affecting media performance.

3.1.

Three clusters of negative international political factors affecting media performance in fostering oversight and accountability of the security sectors have emerged in the past several years:

a) Steps taken by the U.S. government and many other western governments to restrict the freedom of reporting on issues which, according to the authorities, might harm the fight against terrorism. The implications of such steps were discussed in the introduction to this paper. But even as early as the NATO attack on Serbia in 1999, the readiness of democratically elected governments to treat news organisations as legitimate war targets became evident. This was made clear by the NATO bombing of the Serbian state TV (RTS) building, in April 1999 when 16 journalists and media assistants were killed. Israeli strikes against the Palestinian media, and other instances of targeting media organisations without any explanation, were quick to follow. In Iraq, since the most

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[7] This section is an abbreviated and revised version of Dušan Reljić, Conclusions, in Marina Caparini (ed.), Media in Security and Governance. The role of the News Media in Security Oversight and Accountability. P.333-345, Nomos, Baden-Baden, 2004.

[8] As Ross Harvard pointed out in "The media' role in war and peace-building". In Marina Caparini, Media in Security and Governance. The role of the News Media in Security Oversight and Accountability. P.147-16, Nomos, Baden-Baden, 2004.

recent war in that country started in March 2003, 63 journalists and media assistants were killed. Journalists are easy targets in wars.

b) The ongoing conflicts in Afghanistan and Iraq and the increased number of terrorist attacks, intra-state conflicts, and other forms of violence, especially in the Near and Middle East, have further diverted the developing countries' quest for more independence and credibility in their media. Poor economic conditions in the global economic system's periphery are proving a hindrance to a speedier development of the news media.

c) Consolidation of rulers such as Vladimir Putin in Russia as well as some other leaders in non-consolidated political systems in the former Soviet Union and elsewhere, who within their "controlled democracy" projects keep reducing the freedoms of the media. In China, the government is attempting to control even the internet; and some citizens have been jailed for expressing their views through this medium.

Combined, these negative trends are diminishing the world-wide performance of the news media, particularly in covering the armed and security forces or investigating corruption and organised crime. Sometimes, the situation seems grotesquely to recall the Cold War era, when most of the media carefully toed the official political line. In most cases, the authorities do not even need to undertake any specific action to prevent the media from challenging the official policies, especially when security issues are at stake. By misperceiving patriotism as unquestionable support of government policies, certain media organisations are actually turning themselves into veritable government mouthpieces. Numerous Russian media's coverage of the war in Chechnya, or some of the U.S. media's reporting on the attack on Iraq, such as noted on the Fox News Channel, are examples of such an attitude.

Even in the states with a long tradition of journalistic autonomy, the relations between the authorities and the media are worsening. The British BBC, almost synonymous for an independent media institution, found itself in an embarrassing position of having to fend off serious government criticism of its coverage of the war in Iraq. The Downing Street was not amused by the network's critical reporting, much as it didn't like BBC's coverage of the Falkland War, at the beginning of the 1980s.

True, the strengthening of supranational law, in the European Union and the area covered by the Council of Europe especially, has buttressed the position of the advocates of publicity. It is not by accident that much of the European Court for Human Rights' case law deals with Article 10 of the European Convention of Human Rights. The Convention has become an integral part of national laws of all CoE member countries. The freedom of speech, journalists, and the media have thereby been granted substantial, supranational guarantees. But in order to seek justice at supranational level, all national legal remedies must have been exhausted first. Only following that can a long-lasting process before the ECHR be undertaken, meaning that years may go by before a ruling that the human rights of a certain journalist have been violated is passed. Still, the ECHR case law already records a long list of confirmed violations of Article 10 of the European Convention of Human Rights in most CoE member countries. These verdicts are helpful in curbing the authorities' wilfulness, strengthening the journalists' rights, and encouraging the media to act in accordance with normative expectations.

2.2. The economic environment

Television (and other media, of course) is certainly not, as one of the former chairmen of the US Federal Communication Commission stated, "just another appliance...a toaster with pictures". Yet, indeed, media are also enterprises to be affected by the mechanisms of the market. However, at the same time, what the media produces is important for the public. Communication channels that are established and operated by mass media are vital to society. Without free and balanced political communication, democratic institutions will corrupt. Without accurate business information, markets will collapse. Without uninhibited information about new artistic trends, culture will degenerate.

Globalisation of telecommunication, harnessing technical advances of mind-boggling speed, have not led purely and simply to access by more and more of the world to new sources of information and entertainment. Media markets themselves have evolved with great speed, facilitated by innovation arising from digitalisation and by convergence. The effect has been a growing concentration of ownership both over the global and local communication channels and the content transmitted through them.[9] Concentration of media ownership and the strict application of market mechanisms on the media can harm their capability to perform in the interest of society. Media owners tend to reduce costs and increase profits at the expense of quality journalism. In most European countries of transition there is a proliferation of low-quality television programming. At the same time, private broadcasters, with few exceptions, do not invest resources or efforts to provide news and current affairs reporting of high quality.[10]

It is certainly rightly assumed that types of media ownership directly affect journalistic performance. Thus, in 1999 German public service broadcasters, which are not under the pressure to increase profit margins by the day, gave three to four times more airtime to events during the Kosovo-War than did their commercial counterparts. For, the more airtime is assigned to news and current affairs, the less is left for advertising or income-raising programs. At the same time, public service broadcasters were more critical of the government's efforts to justify German participation in the war, for instance employing investigative reporting to challenge the defence minister's numerous propaganda claims. It would be interesting to see more studies concerning the degree of interdependence between the type of ownership and a medium's capacity for critical reporting on public authorities and other powers.

It is worth noting that the international perception of the West as the beacon of human rights and press freedoms has recently been modified, not only because of the fear of terrorists, but also because of the ownership concentration issue. For instance, The Organisation for Co-operation and Security in Europe OSCE, the European Parliament and

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[9] For a short analysis of the international media system see Dušan Reljić, The Global Media Monsters: Private Media Dominate the World's Public Sphere. In: Weizsäcker U., Young O., Finger M., Beisheim M., (eds)Limits to Privatization. How to avoid too much of a good thing. A report to the Club of Rome. Earthscan, London 2005, pp.124-130.

[10] See forthcoming project report „Television across Europe: Regulation, policy and independence". A survey of 20 European countries. Open Society Institute New York/European Union Monitoring and Advocacy Programme Budapest/Network Media Programme London. www.eumap.org

other institutions expressed his concern over Italian Prime Minister and media magnate Silvio Berlusconi's attitude towards the media and democracy in general on many occasions during the past several years. The OSCE media watchdog pointed out that in Italy, one of the founding members of the EU, the present political leadership is not adhering to the constitutional tradition of Europe. The pluralism of the broadcasting media came into jeopardy, owing to an ownership situation that allowed the executive branch of the government to control both public and private broadcasters.

2.3. Journalistic skills

The entertainment industry has created a romanticised, unrealistic picture of the media control over the so-called "power ministries" – "*silovye ministerstva*" - a term used to describe the military, the police and the intelligence community in the former Soviet Union. In this context, media, along with a large portion of the public, tend to romanticise their position. They like to perceive themselves as dashing and fearless, television and movie generated reporters-heroes, ready and capable of exposing corrupt politicians, mobsters, and other enemies of open society. Most veteran reporters admit that such fantasies contributed much to their choice of profession. But journalists and the media rarely act as portrayed in *All the President's Men*. Investigative journalism requires strong resources – a publisher ready to invest in a prolonged investigation, journalists capable of such research, democratically-minded officials willing to support such efforts, and much more.

In reality, investigative journalism is the exception, not the rule. More often than not, it is "Sony journalism" – an east European phrase used to describe flocks of journalists spending hours in front of closed doors with their tape recorders and cameras, waiting for politicians to emerge and deliver their eight to ten seconds "sound bites" – that prevails. Ever since Billy Wilder's *Frontpage*, journalists' everyday life has been revealed as a series of frustrations and stress, widely divergent from the romanticised, enlightening vocation touted as morally superior to all others.

Recent research in Hungary and many other "new democracies" has shown that many reporters, usually quite meagrely paid, are willing to engage in public relations or even in blatant advertising on any topic for a handsome honorarium. Unfortunately, modest income is not the only reason for this. In Germany the www.journalismus.com web page lists several thousand companies offering discounts and other privileges to journalists. This differs little from petty corruption of the people otherwise most vocal concerning the purity of their professional ideals.

2.4. The attitudes of the public

Public trust in media is declining despite the rise in their total number; this much is clear from many reliable surveys.[11] People, generally, have limited confidence in the veracity of information transmitted through the media. Moreover, analysis shows that in the middle of the last century the public trusted the media more than today. At the time, radio and, most of all, television, were identified with states and statesmen, and both enjoyed widespread trust. Public authorities – states, politicians even media – are increasingly losing credibility. Media inflation seems to be working much like monetary inflation, it devalues its substance. Digital satellite television sets enable viewers to watch several hundred stations, so that the average media consumer is no longer able to cope with this enormous supply. The public is beginning to worry about the loss of its cultural and national identity, its social coherence and ultimately its democracy. In western democracies, a decrease in election participation spanning decades and an increasingly negative attitude towards politics seem to confirm such estimates. [12]

In mid-20th century, television, satellite telecommunications, and, finally, video technology, gave rise to much fantasising – let us just recall McLuhan's eulogies on the "global village." Digitalisation and miniaturisation of the most recent period have prompted a number of people to herald yet another new era, even the "death of distance." The introduction of the internet as a cheap and efficient global communications infrastructure stimulate wild forecasts on the "golden era of communications" – not only for journalism and the media, but for democracy and governance at the national, as well as the international level.

Although technical innovations open new political possibilities, technology alone can hardly be a factor of democratisation. What is crucial is the task a new technology is applied to. The internet has made it difficult for authoritarian governments to prevent access to information. Yet, most democratic governments have also passed laws on monitoring electronic mail. The state is now in a better position to monitor communications of individuals and entire groups then ever before. There is little to indicate that the public is about to oversee and control the use of new technological means.

5.   Conclusion: The media are the weaker party

The capacity of the news media to enhance transparency and accountability in governance and the public domain depends to a great extent on the authorities – it is possible only as much as the authorities themselves permit it. It is quite clear that journalists cannot tap the state, which can tap them, legally at that. Intelligence agents can recruit journalists (which they willingly and readily undertake), but journalists can only hope that the guardians of state secrets, for arcane reasons, will "leak" confidential information which may be in the public interest. The media and civil society organisations can attempt to obtain documents through freedom of information acts – but it is an easy

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[11] c.f Manuell Castells, The Information Age. Economy, Society and Culture. Volume II, The Power of Identity, Blackwell Publishers, Oxford 1997, p.313ff.

task for the authorities to limit the access to sensitive data. There is much else that the state can do and the media cannot, thus forcing a clear conclusion: the media are the weaker party, and can rarely prevail over a government's daily interest.

Anyhow, the main responsibility for the democratic control over the security sector lies with the democratic political institutions, basically the parliament, but also the executive, the judiciary and also international organisations. Yet, oversight by the media and civil society organisations can compensate to an extent for inadequate supervision of the security sector within the political process.[13] They can foster legality, legitimacy and efficiency as the main objectives of democratic oversight.[14]

Evidently, to enhance the media's capacity to contribute to democratic security governance, there is need to defende and improve the present level of human rights, especially the freedom of information and freedom of speech legislation and practice. It is also necessary to prevent excessive media concentration and to ensure media plurality. There is need to improve journalistic skills, permanently. Also, the public itself has to be educated so that it can understand both what the public authorities and the news media are up to.

What would be a useful contribution of social research in this context? I assume that it would be a rewarding task to investigate how non-private media ownership in the form of trusts, or public service broadcasting, affects the quality of its journalism, particularly the capacity of media to deal with the public authorities and strong commercial interests, including the security governance.

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[12] c.f. C.Edwin Baker, Media, Markets and Democracy, Cambridge University Press, 2002, p.148ff.
[13] For a convincing analysis of the beneficial impact of civil society and the media on the "enclaves of secrecy, largely unaffected by transparency norms" see Alasdair Roberts, Transparency in the Security Sector, The Maxwell School of Syracuse University,
[14] See Maria de Puig, ibid, p.9.