

Democratic Enterprise: Sustaining Media and Civil Society

A Report of the Third Annual International Roundtable on
Journalism and Freedom of Expression

by Craig L. LaMay



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Foreword

Any conference about freedom of expression, media, or journalism is shaped by the news of the day, which infuses the discussions with relevancy and timeliness. When ensuing world events conspire to make the discussions grow in importance and urgency—even as the event itself fades into the past—the conference leaps from the ordinary to the significant.

That is what happened September 9–12, 2002, when the Aspen Institute Communications and Society Program and the Ford Foundation jointly convened “Building Civil Society with Sustainable Media: Models and Options” in Sanur, Bali, Indonesia. It was the third in an annual series, dubbed the International Roundtable on Journalism and Freedom of Expression—and affectionately nicknamed “Stone Soup” by participants (more on this later). We were journalists and broadcasters, educators, media specialists, leaders of nongovernmental organizations, advocates of the press and of freedom of expression, and foundation staff members coming from Chile, Kenya, Egypt, Indonesia, Russia, the United States, and elsewhere.

Our purpose was to probe deeply into the role that free and independent media play in strengthening and improving our communities and nations. We also hoped to make progress on the equally tough question of how to improve the odds that the media will serve the public’s broad interests rather than merely fill an owner’s pocketbook, prop up a government regime, or advance a hidden agenda. If we succeeded on that score, we also sought to come up with ideas to help independent media survive and thrive in the often hostile legal, political, cultural, and economic environments in which they operate.

Bali—known famously for the beauty of its environs and the spirituality of its people—may seem like an odd place in which to consider such vexing challenges. It turned out to be more relevant than we could anticipate.

Here’s what was on our minds at that time: The devastating terrorist attacks on the World Trade Center and the Pentagon in the United States had occurred precisely a year before (September 11, 2001), and the world was still convulsing in reaction. In October 2001, Britain joined the United States in launching airstrikes and a ground invasion on suspected al-Qaeda terrorist sites in Afghanistan. Journalists attempting to cover the action complained of being cut off by the United States and its military allies.

World politics, religious tensions, and human emotions teetered on the edge. The situation was exacerbated by a plunging world economy and the “dot-com implosion,” which hit media companies particularly hard. Stirrings of patriotism and concerns for national security clashed with civil liberties and free expression. Political dissent—especially dissent against U.S. policy and the tactics used in the war on terrorism—came under attack. As Craig LaMay, our conference rapporteur, recalls, “A majority of participants at the Aspen Institute conference described the fallout from September 11, 2001, as a disaster for the development of free expression and free media in their countries.” One participant after another described how in their country the war on terrorism had reincarnated in some way as a crackdown against political dissent or a “chill” on journalists and others who might otherwise have articulated unpopular viewpoints.

Instead of waning, these trends continued as world events marched on. Exactly one month after the end of our conference, Bali itself became the scene of death and carnage. On October 12, 2002, a terrorist car bomb exploded outside a crowded tourists’ nightclub, killing more than 180 people. Less than two weeks later in Russia, Chechen rebels held hostage 800 people in a theater in Moscow. In the United States, government agents armed with the newly approved USA Patriot Act continued massive dragnets against terrorism suspects, in the process sweeping up many hundreds of individuals—most often people of Middle Eastern or South Asian background—who were guilty of little more than overstaying visas or failing to report address changes. As the Bush administration skillfully drummed up support for a preemptive strike on Iraq, dissenters were brushed aside as unpatriotic or unsupportive of the nation’s security. In New York, even French wine was poured in the streets to protest France’s refusal to support an invasion of Iraq. By the time U.S. missiles blazed into Iraq on March 19, 2003, many American journalists seemed to have fallen in line, offering Pentagon-friendly accounts of the war—helped in great part by the military’s decision to “embed” journalists with the troops.

This admittedly narrow recounting of world events that took place before and after the conference offers many lessons. It reminds us of the collective state of mind that existed among the participants who came together on those balmy, peaceful days in Bali. It reminds us that we rely

heavily on journalists to keep us informed about complicated matters, at home and abroad, and that they sometimes sacrifice their lives to do so. It reminds us of the dire need for the media to include alternative—even unpopular—viewpoints. It reminds us that the concepts and status of “freedom of expression” and “independent media” are at once ambiguous, fragile, and complex. It reminds us that media issues should not be discussed in isolation from all that swirls around and through the media—including our conceptions of democracy and government, the social and cultural order that exists, economic structures, war and other geopolitical events, and so on. The state of media and state of civil society—to take us back to the focus of the conference—are conjoined, in ways that we are still trying to understand. Can civil society be vibrant without spirited media? Can media remain healthy if nobody cares?

All this is offered as a prelude to the pages that follow. Rapporteur LaMay, who is associate dean of the Medill School of Journalism at Northwestern University, has done a masterful job of bringing order to the four days of wide-ranging discussions. Rather than simply reciting what he heard, LaMay has connected the dots and added rich context from his own knowledge and research. The chapter headings hint at the broad arc struck by the discussions:

- 911 and Its Aftermath
- Case Study: Democratization and “Asian Values”
- The End of the Wave?
- Ends and Means: What Is Media Sustainability?
- Civil Society Realism and the Public Sphere

With regard to the direct charge to come up with ways to help independent media strive for quality and thrive in the marketplace, the conferees did identify several practical suggestions, promising ideas, and lessons learned from the experiences of others. As LaMay’s report makes clear, however, there are no magic bullets. Moving forward will require more attention, focus, and concrete action. This is the challenge bounced back to the participants and to others as well.

As noted above, the Bali gathering was the third in an annual series of international gatherings convened jointly by the Aspen Institute Communications and Society Program and the Ford Foundation’s Media, Arts, and Culture Unit. The two preceding roundtables took

place in Santiago, Chile, and Queenstown, Maryland, in the United States. All were grounded in the premise that leaders who devote their lives to these media issues could learn from each other's experiences and brainstorm solutions to complex problems. The sheer act of coming together has spawned important new networks and, on occasion, collaborative activities that might never have occurred otherwise. The activity came to be known as "Stone Soup" because of this spirit of sharing and collaboration. The nickname is derived from the folk tale about a beggar who claims he can make a soup from water and stones. It's a ruse, of course, to get curious villagers to contribute carrots, potatoes, and other ingredients to the pot. The payoff is that a tasty soup is concocted—enough for all to share.

Acknowledgments

The Bali version of "Stone Soup" was a delicious brew indeed. All of the participants (listed in the appendix) share in the success and deserve thanks. Melinda Quintos de Jesus, executive director of the Center for Media Freedom and Responsibility in Manila, Philippines, did an outstanding job of moderating the sessions.

Special acknowledgements need to be made to staff members of the Aspen Institute Communications and Society Program who patiently orchestrated the event across international boundaries and time zones: Charles M. Firestone, executive director; Lisa Dauernheim, senior program coordinator; and Sunny Sumter-Sana, project manager. A fourth Aspen Institute staff member, Amy Korzick Garmer, director of journalism projects, was indispensable to the success of the project but had to remain at home for a very good reason—the birth of Brian Garmer on November 1, 2002.

Craig LaMay deserves special thanks for producing this report and the two previous ones in this series.

The conferees will long cherish the contributions of Rucina Ballinger, a specialist in Indonesian dance, music, and culture, who organized a series of site visits and performances that gave us an extraordinary glimpse into the artistic, spiritual, and cultural dimensions of Balinese society.

The participants also owe a special round of thanks to the Ford Foundation's office in Jakarta, which co-hosted the event. Key staff

members who deserve mention include Suzanne Siskel, representative; Philip Yampolsky, program officer; and Pudji Agustine, executive assistant. Finally, gratitude must be expressed to all of the other participating Ford Foundation colleagues: Margaret Wilkerson, director, Media, Arts, and Culture; Martín Abregú, program officer, Andean Region and Southern Cone; Larry Cox, program officer, Human Rights and International Cooperation; Basma El-Husseiny, program officer, Middle East and North Africa; Joseph Gitari, program officer (Eastern Africa at the time, currently West Africa); Irina Iurna, program officer, Russia and Eastern Europe; Becky Lentz, program officer, Media, Arts, and Culture; and Linda Fingerson, senior administrative assistant, Media, Arts, and Culture.

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**Democratic Enterprise:
Sustaining Media and
Civil Society**

Democratic Enterprise: Sustaining Media and Civil Society

by Craig L. LaMay

Introduction

Democracy promotion has been an international ideal since the end of World War I, when Woodrow Wilson argued for his League of Nations and the right of national self-determination. Today democratization is an industry: In the past decade Western sources have pumped billions of dollars into Central and Eastern Europe, Latin America, and to a lesser extent Asia and Africa. The U.S. government alone is estimated to have spent more than \$1 billion during the 1990s on democracy assistance in Europe, with private sources contributing millions more.¹ Another source estimates the total of all U.S. media assistance (public and private) over the same period at \$600 million.² Media aid usually is subordinate to any of several other objectives in democracy assistance: promoting fair elections and universal suffrage; developing political parties; guiding legal, judicial, and administrative reform; strengthening civil society, public education and social services; and, above all, promoting free-market economies.

Democratization has had some remarkable successes. Arguably, the Cold War's concluding chapter was written at the North Atlantic Treaty Organization's (NATO) summit meeting in Prague in November 2002, when the 19 members of NATO invited seven former communist countries to enter the alliance in 2004, following three others—Poland, the Czech Republic, and Hungary—that became NATO members in 2000. In December 2002, the 15 European Union (EU) members invited 8 former communist countries, plus Malta and Cyprus, to become EU members. During the 1990s another entity, the Organization for Security and Cooperation in Europe (OSCE), constrained conflict from central Asia to southeast Europe and created a 55-nation forum for security and human rights that includes the United States and the Russian Federation. Americans paid little attention to these developments, but they are important because for most of its history Europe has been in an almost natural state of war, at great cost to the rest of the world. They also are important

because they position Europe to be an important balance of influence (if not power) to the United States. An important object of that influence will be the future of democratization efforts in much of Asia and Africa, the Middle East, and southeastern and eastern Europe.

In recent years policymakers, scholars, and donors have begun to reexamine those efforts. Some believe the so-called “third wave” has flattened out and even reversed course. Part of that reexamination has focused on the record of media-development projects.³ In the early to mid-1980s media assistance was a relatively small field, but it grew exponentially after the collapse of the Soviet Union, with aid going not only to the former communist states but also to postconflict and democratizing regimes around the world. Now funders—both governmental and nongovernmental—want to know what works: What kinds of projects enhance media independence and professionalism, and which are able to sustain themselves after the initial funding sources are exhausted or withdrawn? Economic sustainability is now at the top of the list of almost any overview of media assistance and its future challenges.⁴

This report is the third in a series exploring this topic—each the summary of a meeting of the International Roundtable on Journalism and Freedom of Expression, a joint project of the Ford Foundation and the Aspen Institute. The first report focused on how to create the enabling environment for civil society and independent journalism, the second on models for media sustainability. The third meeting of the Roundtable (which was held near Sanur, Bali, Indonesia, in September 2002) was intended to take ideas from those previous sessions and develop additional strategies for sustainability. Tragically, Bali turned out to have special significance for that purpose. Less than one month after the Roundtable adjourned, terrorists linked to al-Qaeda detonated a truck bomb in Kuta, killing more than 180 people. Whatever else the bombing did, it is almost certain to have an adverse affect on press freedoms in Indonesia, just as other recent events in the international “war on terror” have had around the globe, in developed and developing countries alike.

A majority of the participants at the Aspen Institute conference described the fallout from September 11, 2001, as a disaster for the development of free expression and free media. Some came from countries that already were backsliders—where a decade or more of efforts to create the social habits and the institutional and legal frameworks for democracy and an independent press have not taken root, and old forms of authori-

tarianism have reemerged. Most disappointing, the participants said, has been the signal from Western governments that restrictions on civil liberties, including press freedoms, are tolerable as long as they are couched in the language of national security and the broad label of “antiterrorism.” To those for whom such liberties are newly won, this is, as one Roundtable member called it, “a green light” for governments to reassert control over their media systems. More generally, the concern in Bali was that realpolitik priorities of the kind that characterized Western aid during the Cold War are back and that democratic aspirations will again take a back seat to concerns about global order.⁵ Much, of course, depends on how one defines “democratic”—as well as who does the defining. In any case, the realignment will affect the way donors—governmental and nongovernmental sources alike—think about the problem of free, independent, and sustainable media in transition societies.

It has to be said at the outset that for all the use these terms get, it rarely is clear what anyone means by them. A sustainable media sector, for instance, presumably is one that remains economically viable after donor aid is withdrawn, but in fact sustainability often is merely a proxy for any number of other goals that funders have in mind: economic development, civil society promotion, election support, humanitarian relief, and so on. Some of those goals may actually conflict; for example, economic development ensures neither democracy nor a healthy media system. The “how” of sustainability therefore is much less interesting than the “what”: *What* specific objectives does sustainability serve? The standard answer to this question is “free and independent media,” but those terms, too, are not self-explanatory.

These conceptual problems were the focus of the work in Bali, where the participants divided into three working groups to try to devise some practical solutions to them. The concerns and ideas that came out of those working groups are woven into the narrative that follows. The initial context for discussion in Bali, however, was the international war on terror; given Indonesia’s unfortunate renown in that war, this report begins by chronicling some of the effects of the antiterror campaign on expressive freedoms and press performance around the world.

911 and Its Aftermath

Security crises never argue well for press freedoms, and national and international security crises abound. The October 2002 bombings in Bali

were followed less than two weeks later by an attack on a Moscow theater by a group of Chechen rebels who held more than 800 people hostage for three days. The Russian military ended the standoff on October 25 with a gas attack on the theater that killed most of the Chechens and more than 90 of the hostages. In Indonesia, Russia, and elsewhere, the terror attacks of 2001–2002 have been accompanied by calls for renewed government restrictions on civil liberties generally and press freedoms particularly. Even before the Bali attack, the Indonesian House of Representatives had proposed revising the country's press and broadcasting laws to give the government greater authority to regulate journalistic "professionalism." The government also had proposed a secrecy bill that would decrease public access to government information and a security law that would allow indefinite detention of people thought to pose a security risk.⁶ In Russia, said Konstanty Gebert of the Media Development Loan Fund in Poland, "Authorities at all levels have used the war on terror to bludgeon into submission all criticism of the government, and especially of the war in Chechnya." During the Chechen hostage crisis, the Russian government shut down or threatened with closure several news organizations, and the Duma unsuccessfully sought to pass a broad array of antiterror legislation that included restrictions on news coverage of "extremist" acts.⁷ Such overt political control of the media is new, Gebert said, "and I don't see any mechanisms to reverse it."

Roundtable members from other countries told similar stories. Speaking about the terror attacks in the United States, Kenya, and Tanzania, Charles Onyango-Obbo, a columnist for *The East African* in Uganda, said, "For the first time the case for censorship has evidence, and those who want to argue against it have nothing so dramatic to make their case." In Kenya, said Rose Kimotho of Kenya's Regional Reach, the government "shelved" discussions of reforming the country's media law after September 11. The South African government has introduced legislation aimed at controlling right-wing extremists, but that also could be used against trade unions, AIDS activists, and others who protest government policies. "The bill curbs free expression in problematic ways," said Rhodes University professor Guy Berger, "including onerous powers of subpoena that could be used to force journalists to reveal their sources." Ibrahim Nawar of Arab Press Freedom Watch reported that governments throughout the Middle East have revived restrictive emergency laws left over from the days of colonial occupation. Almost all of the participants also said—as conference moderator Melinda Quintos de Jesus did in her opening remarks—that "longer-established western democracies have led the way"

in enacting press restrictions, in the process providing political cover for already repressive governments to clamp down harder on journalists.

Civil Liberties, the Press, and the U.S. Government

The conferees cited the U.S. government in particular for its willingness to curtail civil liberties and its efforts to control news coverage of the shooting war in Afghanistan. A little more than a month after the September 11 attacks, Congress passed the USA Patriot Act, which modified or amended 15 other federal laws and gave broad new surveillance, search, and detention authority to intelligence and law-enforcement organizations.⁸ The law eases restrictions on federal infiltration of civic and church groups and reduces limitations on the use of secret wiretaps by the Foreign Intelligence Surveillance Court; it also permits the government to get email and other electronic communications from Internet service providers (including schools) on the basis of a “good faith” belief that the information it seeks is valuable.⁹ Under the authority of the USA Patriot Act, the Federal Bureau of Investigation (FBI) has visited more than 2,000 American libraries seeking information about patrons and their library usage. Librarians are prohibited under the act from telling anyone—including the patrons targeted by the FBI—about the information they have been compelled to divulge.¹⁰ Such a search used to require a subpoena, but no longer; the law also lifts the subpoena requirement for searches of bookstores, newspapers, or any other private business.¹¹ The USA Patriot Act was passed without a committee report or public hearings and was followed by the Homeland Security Act (creating a new Department of Homeland Security) and a series of executive orders intended to strengthen the government’s power to prosecute the war on terror.¹²

Even as it seeks new information-gathering powers, the Bush administration has favored secrecy for many government operations and records. On October 12, 2001, Attorney General John Ashcroft ordered federal agencies subject to the Freedom of Information Act not to release documents until they had undertaken a “full and deliberate consideration” of any privacy or national security interests in requested materials. Ashcroft also ordered Immigration and Naturalization Service (INS) deportation hearings to be conducted in secret—an order that several press and civil liberties organizations in Michigan and New Jersey have challenged, with mixed results.¹³ Approximately 1,200 unidentified people—mostly men of Middle Eastern origin—have been detained nationwide as material wit-

nesses to the terrorist attacks or on immigration charges. When asked by reporters to identify those in detention, Ashcroft refused (citing privacy concerns), and the Justice Department has insisted that the burden of proof in these secrecy cases should fall on the press. The nut of the government's argument is that although the information in any single case may be harmless if made public, the aggregate of information available from all cases would compromise national security by tipping off terrorists to the government's intelligence sources and methods.¹⁴

This mosaic theory, as it is known, has evidence to support it. It is widely believed, for example, that the public criminal trials of the men who attempted to blow up the World Trade Centers in 1993 made available information about government techniques for monitoring terrorists, as well as critical information about what it would take to actually bring the towers down. One congressional source writes that "after information surfaced in news articles in 1998 and 1999 that the CIA's Counterterrorism Center was tracking bin Laden by intercepting his satellite phone calls, he reportedly stopped using such phones."¹⁵

The U.S. government's preference for secrecy will be difficult to overcome legally (presuming, as it does, that only the executive fully knows or comprehends the big picture),¹⁶ and in the current state of national anxiety few judges will be willing to question it. A clear sign of that deference came in early January 2003, when a federal court ruled that the government could indefinitely detain a U.S. citizen captured as an enemy combatant and deny that person access to a lawyer.¹⁷ The question is how long such extraordinary measures will stay in place. Speaking about the INS hearings, one military officer told *The New York Times* that transcripts of the proceedings "could be kept from the public for years, perhaps decades."¹⁸

American journalists who covered the 2001–2002 war in Afghanistan also had difficulty getting information from the government. As the military buildup in Central Asia began, the Pentagon did not acknowledge or seek to renegotiate with the press a 1992 statement of principles that had emphasized the need for "open and independent reporting" of future U.S. military operations.¹⁹ The document—codified by the Defense Department as part of its policy on "Principles of Information"²⁰—permitted the Pentagon to establish a credentialing system for journalists, to use reporting pools only in limited circumstances, and to rescind the credentials of any reporter who did not adhere to ground rules. The statement also called for the military to provide transportation and information centers for reporters whenever possible.

When the attacks on Afghanistan began on October 7, 2001, however, they occurred largely without U.S. journalists present. The largest number was on the U.S.S. *Enterprise*, far out in the Indian Ocean. Not until late November did reporters accompany troops on the ground, and not until mid-December did the Defense Department unveil its plan to open information centers for journalists in Mazar-e-Sharif, Bagram, and Kandahar—by which time the fighting had gone elsewhere.²¹ Only very late in the conflict did the military provide reporters with transportation or information. In February 2002, the Pentagon for the first time allowed a handful of reporters to follow troops into combat, on the condition that they would not file their reports until receiving permission from the military to do so. Throughout the war, other reporters who got near the front lines reported being threatened with arrest or confiscation of their equipment and work materials. On December 6, 2001, several reporters were locked in a warehouse by U.S. marines to prevent them from covering a story about American soldiers who had been killed or injured by friendly fire near Kandahar. In February 2002, Doug Struck of *The Washington Post* reported that a U.S. soldier threatened to shoot him if he went near the scene of a missile strike.²²

As this essay was going to press, the 2003 war against Iraq was winding down, with U.S. troops in control of most of the country. In that conflict, the Pentagon chose to embed reporters in military units that ranged from supply units to aircraft carriers. The military also assigned reporters to combat units for the first time since World War II, with the result that news reports from the war were current and colorful, if not always coherent or complete. About 600 reporters, a significant number of them from non-U.S. news media, were embedded. According to one media source, the Pentagon chose to give such extraordinary access on the theory that “journalists close to the action will be fairer and will fight the untruths sure to be spun by anti-U.S. propagandists.”²³ Of course they also may lose something of their credibility when they rely for their safety on the troops with whom they travel, but the problem of balancing access and perspective will always be most difficult in combat coverage, which tests many of the normal assumptions about the relationship between journalists and government. Certainly some of the reports that came from reporters embedded in military units were little more than paeans to patriotism, but others were masterpieces of war reporting. The immediate question, perhaps, is whether such access will be the norm in future conflicts or whether the Pentagon will make its access decisions on a case-by-case basis.²⁴

Crisis and Media Credibility

An important consequence of the war on terror, evident in the Bali Roundtable discussion, has been its polarizing effect on media everywhere. In Egypt, said Basma El-Husseiny, Program Officer of the Ford Foundation office in Egypt, the “confrontation with the West has led to a general deterioration of journalistic standards—always low and now lower” as media play to extremist views. In Indonesia, said Bimo Nugroho, executive director of Indonesia’s Institute Studi Arus Informasi, many media organizations now promote themselves not as independent or objective but as “pro- or anti-American.” Gadis Arivia, publisher of Indonesia’s *Jurnal Perempuan*, said that small but vocal groups of Muslim extremists have condemned her for covering subjects such as abortion and women’s rights, and attacks on journalists and newsrooms in Indonesia have increased. Several European participants noted that xenophobic and racist politicians had become bolder and more popular in the year since September 11, raising the question of how responsible news organizations are to cover these politicians. Some journalists, believing that giving coverage to such politicians has the effect of legitimizing them, have chosen not to cover them—as the French press did with Jean-Marie Le Pen, only to wake up one morning and discover that he was running second to Jacques Chirac.

Arguably, one reason for the heightened political sensitivity in the world’s press is that the crisis of September 2001 included attacks (both real and rhetorical) on media organizations and journalists. In the United States, for example, the anthrax mailings to a tabloid newspaper and a network television news division—though later found to have come from a domestic source—were perceived at the time as linked to the September 11 attacks. In such circumstances, journalists might be forgiven for thinking that they are not mere chroniclers of an international crisis but participants.

In some important respects journalists are participants. One effect of globalization is that organizations such as CNN and Al Jazeera have become, willingly or not, active participants in the contest for international public opinion. On October 7, 2001, the day the shooting war in Afghanistan started, Al Jazeera’s Kabul office received a videotape message from Osama bin Laden that it transmitted around the world. The Bush administration repeatedly condemned Al Jazeera during the war in Afghanistan for what it perceived to be inflammatory broadcasts, although the administration later arranged for leading American officials, including

Secretary of State Colin Powell, to be interviewed on the station. CNN, in turn, was criticized in the Middle East for its pro-Western coverage (which included, for U.S. audiences, an American flag on the screen).

Such criticism is not new. Journalists will always be faced with audiences and governments who view objectivity as whatever coverage is most favorable to their own position.²⁵ What is new is the speed of communication and the degree of risk in a global media environment, both of which pose problems for governments—and for journalists. During the war in Afghanistan, for example, American reporters several times found themselves in possession of documents and other materials thought to be the property of al-Qaeda, from bomb-making designs to computer hard drives. In one such case, *The Wall Street Journal* shared with the Defense Department a hard drive from a laptop computer thought to have significant intelligence value.²⁶ In fact it did, and by sharing it with the military the *Journal* was able to get information that allowed it to publish several exclusive stories. The decision raises several questions of journalistic principle, however. For example, if press “independence” requires strict separation from government (a view central to U.S. law), does a media organization that cooperates with the military compromise that independence? Perhaps, but what if the *Journal* had chosen not to share the drive, and it later turned out that the drive contained information that could have saved the lives of U.S. soldiers or averted another terrorist attack on civilian targets? What if in seeking to withhold the drive the *Journal* had been compelled by a court to turn it over and thus lost the opportunity to inform the public about the drive’s contents? Faced with these considerations, what does a responsible news organization do?

Reasonable people might disagree about the answers to these questions, and once *The Wall Street Journal* made the decision to share the hard drive with the military the paper also made public its reasons for doing so. In a global conflict in which combatants are apt to see journalists as partisans, however, the *Journal’s* explanation carried risk. One has to wonder whether there was any relationship between the *Journal’s* actions and the kidnapping and decapitation of a *Journal* reporter, Daniel Pearl, by Pakistani extremists who videotaped the grisly murder for propaganda purposes.

Unfortunately, the decision to target journalists is not unique to terrorists. During the 1998 Kosovo war, NATO bombed Serb TV in Belgrade on the grounds that the facility was little more than a government-controlled outlet for propaganda, which in fact it was. But the decision to bomb the

station was a political one —16 people died that night, most of them international journalists using the station's facilities to send out their stories—and it will have political consequences for years to come.²⁷ If democratic governments can rationalize the targeting of journalists, nondemocratic ones surely will.

Media as an Instrument of Foreign Policy

Another issue the Bali conferees discussed is the likely effect of September 11 on the goals of media assistance. Several participants expressed concern that international aid that once went to promote independent journalism now will be diverted to public diplomacy efforts. Public diplomacy essentially is the cultural dimension of foreign relations, the process whereby a country uses media to explain its values and policies to select overseas audiences. During the Cold War, U.S. public diplomacy operated under the auspices of the now-defunct U.S. Information Agency, and it was an important adjunct of Western policy toward the East. Critics have always characterized public diplomacy as propaganda, and some of it surely has been. It also is true that some of its services—Voice of America, created in 1942, and Radio Free Europe, created in 1949—provided essential news and information of the outside world to the citizens of Eastern Europe and the Soviet Union.

Arguably, much of the U.S.-funded media assistance of the past decade (and certainly that funded by the United States Agency for International Development [USAID]), with its emphasis on democracy promotion, has been a kind of public diplomacy. Public diplomacy in its more traditional sense, however, languished in the 1990s until post-September 11, when Congress doubled the \$479 million budget for overseas broadcasting. Much of the new funding will give special emphasis to programming for the Muslim world, from Nigeria to Indonesia. In November 2001, Congress set aside \$30 million to launch a new Middle East radio network, Radio Sawa, that targets young Arab listeners with American and Arabic pop music intermingled with current events and talk shows.

Whatever the merits of these efforts, they seem to lack a critical advantage that the old Cold War services enjoyed: Their intended audiences are not receptive to them. Particularly in the Middle East, many Arabs see a contradiction between American statements about the right of self-determination and U.S. policies in the region. For these reasons, argued Ibrahim Nawar of Arab Press Freedom Watch, U.S. public diplomacy

efforts are likely to backfire by increasing political polarization among media in the Middle East and making it harder for objective and independent news organizations to find an audience.

Further complicating the picture for media development is that U.S. foreign policy itself has undergone an important change. Shortly after the Roundtable adjourned the Bush administration released its “National Security Strategy”—a document that is important because of its declarations about the singularity of U.S. military power and the administration’s will to use it. The report states, “Our forces will be strong enough to dissuade potential adversaries from surpassing or equaling the power of the United States,” and, further, that “to forestall or prevent...hostile acts...the United States will, if necessary, act preemptively.”²⁸ The *Economist* called the strategy “one of the most important geopolitical documents produced for a long time,”²⁹ and Iraq appears to be the first test of what it means.³⁰ On its face, however, the new strategy envisions a world in which the U.S. government’s understanding of democratization and information policy—and its aid dollars—will shift to meet new foreign policy goals.³¹ That shift presumably will affect the landscape of media assistance, public diplomacy, and, by extension, the priorities of nongovernmental funders.

Before we turn to discussion of that subject, it may be useful to briefly describe some of the lessons from a decade of democratization and media assistance aid. Because this session of the International Roundtable on Journalism and Freedom of Expression met in Indonesia, Asia is the focus of that review.

Case Study: Democratization and “Asian Values”

One of the most notable features of Asian development is its authoritarian character. A large literature argues that the economic success of Singapore, Taiwan, Malaysia, Indonesia, and other countries of the region owe more to hierarchical social discipline than to egalitarian or democratic impulses. The personification of this view was former Singapore president Lee Kuan Yew, who on more than one occasion declared Western-style democracy incompatible with “Asian values.”³² Those values, as Samuel Huntington has described them, emphasize the group over the individual, authority over liberty, and responsibilities over rights—especially rights against the state.³³ Recently some influential critics of globalization also have argued that until free markets have produced enough

social and economic development in developing countries, Western-style democracy, with its ideal of universal suffrage, simply is not possible.³⁴

Several commentators have challenged these arguments—noting, for instance, that the social values impeding modernization in Asia are not so much Asian as agrarian; Europe and the United States, when they were mainly agrarian societies, demonstrated these same values.³⁵ Moreover, the culture argument is simply too neat. Developing countries often have many levels of culture coexisting within the same political boundaries but experiencing various stages of social and economic development. Indonesia, writes Edilberto de Jesus, a Bali participant and now education minister of the Philippines, “must govern tribal communities in Kalimantan and Papua New Guinea; agrarian, semi-feudal communities in the provinces; a growing middle class; and the IT-adept, capitalist elite in Jakarta. These different levels of cultures and their operative ‘values’ constitute the critical problem for democratic development.”³⁶

There are other problems with the Asian values argument: Some Asian countries with authoritarian governments have been economic stragglers—most obviously the Philippines under Ferdinand Marcos. Other commentators have argued that basic civil and human rights, particularly freedom of expression, are essential to long-term development in Asia because without them a society is unable to identify or respond to its own needs. Economist Amartya Sen makes the most forceful case for this view; in the process, he also has done a better job of explaining the relevance of free expression principles to developing societies than have most Western journalists.³⁷

In the record of Asian democratization, perhaps the single most important event was the people’s revolution that toppled Ferdinand Marcos in 1986. In short order, authoritarian regimes were called to account in Taiwan, which lifted martial law in 1987; in South Korea, where President Roh Tai Woo was forced to call elections; and in Pakistan, where Benazir Bhutto returned to seek the presidency. Liberalization movements appeared and were crushed in Myanmar (Burma) and China, but similar movements in Bangladesh and Nepal resulted in the creation of parliamentary rule. The people of Thailand deposed an authoritarian regime in 1992, and after two decades of rule first by the Khmer Rouge and then by the Vietnamese, Cambodia held elections in 1993. Across Asia, a growing and educated middle class has forced governments to be more open and accountable.

Nevertheless, the institutionalization of multiparty electoral politics and representative government in Asia has not undone the political, economic,

and social dominance of the region's moneyed elites. Moreover, in some cases the flowering of civil society in Asia has been problematic. For example, Indonesia is a religiously tolerant country, but the growth of its civil society sector has included resurgent Muslim fundamentalist groups, many of whom were encouraged by General Mohamed Suharto in his unsuccessful efforts to create the appearance of organized political opposition to his regime. Throughout Asia the cost of increased social diversity and openness has been the rise of groups—from labor unions to religious organizations—whose activities are disruptive to democratic processes. At the Bali conference, Edilberto de Jesus observed, “It used to be easy to know the good guys from the bad guys. But the process of democratization has put into power governments that want to do good, and civil society is often led by people who have not changed their adversarial stance toward government. Civil society is strong, but fragmented, and this fragmentation is difficult for weak governments to manage.”

Asia and Its Press

Press freedom in Asia has always been fragile. In some cases—Indonesia in 1965, Singapore in 1971, and the Philippines in 1972—governments have simply shut down entire press systems. Restrictive laws on licensing, sedition and libel, and access to government information are still common—as are murder, harassment, arrests, and firings. The most important form of press control in Asia, however, has been ownership—by political parties, by large businesses that are closely allied with the government, or by the government itself. In every case, these institutions have promoted an economic development ideology that has included instructing journalists to promote social cohesion and support government policies. During the Suharto period, for example, Indonesian journalists understood that the government frowned on critical coverage of topics such as Islam, government corruption, or ethnic minorities. In the Philippines, presidential candidates have been known to buy or finance newspapers to nurse their political ambitions. These forms of control are not limited to developing countries of the region. Japan's newspaper market traditionally has been concentrated in the large business conglomerates Asahi, Mainichi, and Yomiuri, all of which include substantial nonmedia holdings. In South Korea, the chaebols own six of the nine national daily newspapers; the Catholic Church owns two others. Some of these papers lose money but are nonetheless valuable for their political influence. The practical effect of

these controls is that generations of Asian journalists have been willing to self-censor, and others routinely accept payment for stories that are favorable to the powerful interests they cover.

In the past decade, the most dramatic change in Asian media has come as the result of the same forces—deregulation and privatization—that have transformed the media sectors of the United States, Europe, and Latin America. In Asia, governments dismantled their monopoly hold in industries such as broadcasting; today there are many more media outlets across the continent, as well as in individual countries, than there were a decade ago. In 1999, following Suharto's ouster, Indonesia abolished its Ministry of Information, which had once issued publication permits and would revoke them for offenses ranging from criticism of the government to violations of arcane government rules about things such as total allowable pages or advertising content. Hundreds of new newspapers, magazines, and tabloids began publication, though most failed, and some of the highly respected publications that had been banned under the Suharto regime—most famously the newsweekly *Tempo*—reemerged. Commercial radio stations began to produce their own news reports, which had been prohibited under the military government. The number of journalists in Indonesia more than tripled, from 6,000 to about 20,000, and with them came more than 40 new journalists' associations. Most of these associations are now defunct as well, but the media market is still much more diverse than it once was.³⁸

The question—as in everyplace else—is whether the proliferation of new channels provides any greater diversity of news and information. Most of the conferees in Bali thought not. Among the new entrants to the Asian newspaper market, many trade in soft news and sports, others in sex, and still others in celebrity and sensationalism. Broadcast journalism tends to be superficial and inaccurate. Asia's rural populations—still a majority of the region's population—are covered poorly, if at all, as are ethnic minorities and women.

Many of the new media owners in Asia are cut from the same cloth as the old ones and are similarly allied with centers of power in industry, the government, and the military. In Indonesia, for example, the Bimantara Corporation owns large parts of the country's telecommunications and mass media operations; it also owns part or all of other firms that deal in products ranging from animal vaccines to petroleum and services from insurance to transportation. Bimantara is controlled by the second son of Mohamed Suharto, Bambang Trihatmodjo, who gained control of the

firm through his father's patronage. Asia has much greater foreign direct investment in its media sector than it once did, despite laws that seek to limit their influence, but the investment comes primarily from large multinationals such as Dow Jones, the News Corporation, and AOL-Time Warner. On television, particularly, foreign media content has proliferated, leading a few Asian countries—including Malaysia, India, and Singapore—to invest in domestic television production, to develop their own satellite services and to export programming.

Older and more odious mechanisms of media control persist as well. The Alliance of Independent Journalists, a member of the Southeast Asian Press Alliance (SEAPA), reports that 30 of 118 reported attacks on Indonesian journalists and newsrooms in 2001–2002 involved the police or the military.³⁹ The Indonesian government has moved to reinstate media controls that had been loosened or abandoned with the country's 1998 economic collapse and Suharto's departure from office. In March 2002, several members of the national parliament criticized the press for invading privacy, trading in pornography, and fanning conflict, and the government has proposed inserting criminal provisions into the 1998 press law. A draft broadcast law proposes limiting the rebroadcast of foreign and domestic programming—a proposal critics say is aimed at controlling news and cultural programming the government finds objectionable. Among other things, the bill would sharply limit Indonesians' access to international news from the Australian Broadcasting Corporation, CNN, and the BBC. It also would require each broadcaster to accept a "government official inspector" to monitor compliance. The proposed law is contrary to Article 19 of the United Nations Declaration on Human Rights as well as Article 4 of Indonesia's Press Law, which prohibits censorship, closure, or banning of the press.

The End of the Wave?

Some of the most severe infringements on press freedom in Asia have occurred in Cambodia, a country whose experience is of particular relevance to the subject of this report. It was Cambodia where, after the signing of the peace accords in 1991, the United Nations established its first broadcast operation as part of a peacekeeping mission. The UN pulled out after the 1993 national elections—taking with it its radio service—only 18 months after it had gone on the air. In 1997 a coup destroyed Cambodia's democratic experiment, and since then the country has had almost no success with independent, professional, or sustainable media. The govern-

ment dominates broadcasting, and the print press is notoriously unprofessional and dependent on political patronage for revenues. Of the two papers of record in the country, only one, the *Phnom Penh Post*, is a viable business operation. The other, *The Cambodian Daily*, is owned by a non-governmental organization (NGO)—and both papers are published only in English.⁴⁰ A national press law passed in 1995 allows for criminal prosecution of publication of material that may harm “national security or political stability.”⁴¹

Cambodia is one of many countries around the world where hopes for democracy have either stalled or failed. The experiences of those countries have led several observers to question whether the democratization industry needs to rethink its premises; the events of late 2001 and early 2002 have given that inquiry a greater urgency.⁴² The sum of that inquiry is that the so-called third wave of democratization—which began in the mid-1970s and led to the fall of communist regimes in eastern and central Europe, the electoral defeat of military dictatorships in Latin America, the decline of authoritarian governments in parts of east and southeast Asia, and the weakening of one-party rule in parts of sub-Saharan Africa—may have run its course.

Thomas Carothers of the Carnegie Endowment for International Peace has written that for most of the past two decades, governmental and non-governmental efforts to promote democracy have followed five core assumptions:

- That a country moving away from authoritarian or dictatorial rule therefore is moving toward democracy;
- That democratization occurs in a series of stages—the initial opening, the democratic transition, and the democratic consolidation—but in any event was a natural process;
- That regular elections with significant public participation are the essential foundation of any democratic transition;
- That a country’s structural features—its economic strength, political and social history—were less important to a successful transition than a country’s will to democratize; in short, that any country could successfully democratize if it wanted to; and
- That democratizing countries, whatever their previous social and political experience, were nonetheless functioning states where the main problem was institutional change, not stability.⁴³

These assumptions have never been without qualifications or critics. A decade ago, however, they represented a decisive break from the view that some countries simply were unable to democratize—usually for cultural or religious reasons⁴⁴—and they have guided many policy and funding decisions about democracy promotion, including media assistance and development. The Organization for Security and Cooperation in Europe (OSCE), for example, established a media office in the early 1990s whose responsibility is to monitor and report on the exercise of media freedoms and responsibilities in the OSCE-participating states of central and eastern Europe and central Asia. More recently the OSCE has been responsible for developing public-service broadcast media in postconflict Bosnia-Herzegovina and Kosovo; the primary purpose of those media are to provide the public with information to vote in national elections.

The problem, Carothers argues, is that only a few relatively affluent countries once thought of as transitional have successfully consolidated. The greatest concentration of those states are in the Baltics and central Europe with about a dozen others scattered across Latin America, Africa, and Asia. In a disproportionately large number of other countries, however, transitions have stalled; their governments are neither dictatorial nor democratic but exist in what Carothers calls a “political gray zone.”⁴⁵ Another commentator has characterized these states as “semi-authoritarian.”⁴⁶ Some countries have elections in which two or more parties compete for and share power, but in every other respect democracy is a dead letter. The state itself is weak and generally unable to address the country’s problems; public participation extends little beyond elections, and the public perceives politicians and government officials as corrupt and self-interested. Many Latin American countries fit this profile, but so do countries in Europe (e.g., Ukraine), Asia (e.g., Nepal), and Africa (e.g., Sierra Leone). In every case, the defining feature of this stagnation is that the political elites are, in Carothers’ words, “profoundly cut off from the citizenry.”⁴⁷ They compete for power and may even collude to acquire it, but they use it only to promote their own interests, often through a vast patronage system.

In other gray-zone countries, one group of elites—a party, a family, or an individual—has come to dominate so that the distinction between the state and the ruling elite is almost indistinguishable. These dominant-power countries have open elections, but they often are marred by fraud, and the institutions of governance—in particular, the judiciary—are hard-pressed to maintain independence. Citizens are free to vote but see

little point in doing so, and the economy is hobbled by corruption and cronyism. Such dominant-power countries are common throughout sub-Saharan Africa, where once-pluralistic regimes have essentially ossified into one-party states (for example, Cameroon, Burkina Faso, and Tanzania), and in some of the former Soviet states of central Asia—for example, Armenia, Georgia, Kazakhstan, and Turkmenistan. Some Middle Eastern countries that have liberalized—Egypt, Iran, Algeria, Jordan—also fit the bill, having transformed themselves from authoritarian countries to dominant-power states, but the Middle East as a whole remains the region least open to democracy. Whatever energies exist to counter the ruling regime in these gray-area states, Carothers says, usually reside in civil society groups and independent media that depend for their survival on Western funding.⁴⁸

Some of these gray-zone states may eventually succeed as democracies. It seems premature to write them off after only a decade out of the dock—especially given the experience of older, consolidated democracies. It was not until 1972, for example, that the percentage of Germans who favored democracy over the pre-1914 monarchy or the Nazi regime reached 90 percent. The United States, if measured by those it disenfranchised, did not become a true democracy until at least the early 20th century (when women were allowed to vote), if not later. But assuming that democratization does continue, it does not follow that the world will be a more peaceful place, for journalists or anyone else. A large literature questions whether the “democratic peace” hypothesis—that the greater the zone of democracy in the world, the greater the zone of peace—actually is true. If anything, the evidence of the past two centuries seems to suggest that democratizing countries are more likely to engage in violent conflict than either stable democracies or stable autocracies.⁴⁹

Ends and Means: What Is Media Sustainability?

Although international efforts to promote press freedom have been a relatively small part of democracy promotion, they are at least as old—dating to efforts by the Associated Press to include in the Treaty of Versailles language about providing journalists unfettered access to news.⁵⁰ In the 1990s media assistance became a core element of foreign aid, on the theory that “free and independent” media are essential supports for democratic governance. USAID, for example, reports that the two goals of media aid are to “ensure that citizens make responsible, informed choices rather than acting out of ignorance and misinformation,” and to provide

a “‘checking function’ by ensuring that elected representatives...carry out the wishes of those who elected them.”⁵¹ According to one source, USAID spent \$275 million on media assistance between 1991 and 2001; the total of all U.S. media assistance, governmental and nongovernmental, is estimated to be at least \$600 million over the same period, with the bulk of it going to the former communist countries of Central, Southeast, and Eastern Europe.⁵² The largest private source of aid comes from George Soros’ network of 32 foundations, led by the Open Society Institutes in New York and Budapest, which give approximately \$20 million annually to media-building projects. Soros has said he will continue these efforts only until 2010, so his foundations have made sustainability a cornerstone of their current work.⁵³

The inventory of media assistance donors also includes governmental organizations such as the United Kingdom’s Department for International Development and the European Commission; international governmental organizations such as the United Nations, the Council of Europe, the OSCE, and the World Bank; and private foundations (including the Ford Foundation, which funded the Aspen Institute conference in Bali; the Knight and McCormick Tribune Foundations; and the Freedom Forum). Most aid goes to NGOs that work at the international, national, or local level. Like democracy promotion, media assistance pursues many goals, but the main ones have been journalism training (newsgathering, reporting, and editing); media law reform; professionalism (often in the form of journalists’ trade unions); and media sustainability (often in the form of management training). As a whole, says one source, Western media assistance in general and U.S. assistance in particular has promoted a universal “occupational ideology of professionalism” that, in itself, is assumed to enhance democracy.⁵⁴

The Vocabulary of Media Assistance

The first report in this Roundtable series discusses the goals of media development at length, but that discussion warrants a quick summary here because the Roundtable participants have never fully agreed what those goals are. Donors and recipients of media aid historically have used terms such as “independence” and “professionalism” to mean very different things, depending on their historical experiences, social norms, and practices. Donors and recipients alike, for instance, tend to define independence by what it is *not*: It is not monopolistic control over the instruments of mass communication. Beyond that it is not clear what indepen-

dence means, never mind “free”—though presumably both terms have something to do with the source and predictability of a media organization’s revenues and its autonomy from government control over editorial decisions.

Typically these terms are defined by ideological or strategic objectives. In the 1970s, for example, the MacBride Commission—a body set up under the United Nations Educational, Scientific, and Cultural Organization (UNESCO) Commission—defined media freedom as communication in the service of economic development. The commission recommended citizen rights of access to the media; development of locally managed, alternative channels of communication; and participation of nonprofessionals in media production. Western countries—the United States in particular—rejected the report as an attack on editorial judgment (and thus free expression). By 1991 UNESCO appeared to have changed its own views on the subject in the Declaration of Windhoek:

We mean by an independent press, a press independent from governmental, political or economic control... By pluralism, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.

This is language that most journalists would agree with, but it is not very useful to a discussion of sustainability. A press independent of governmental, political, or economic control does not exist. The press must depend on *something* for its viability. The press *cannot* be free; it is locked into a cycle of interdependence. In authoritarian societies the interdependence is easy to understand: Governments employ strict censorship to control the flow of information to the general public, and journalists exist as mouthpieces for the government. In democratic societies the interrelationship is much more variable, in part because theory is far less important to democracy than how the machinery turns—how freedom is lived and perpetuated.⁵⁵ Ideally, the role of the media in a democracy is to ensure the existence of a broadly and equitably informed citizenry that can hold elites accountable and ensure popular control of government through free and competitive elections. To enable the press in that role, at least two conditions have to exist: Citizens must have some sort of constitutional or statutory right to political information, and media have to be protected from the arbitrary exercise of government power. Most democ-

racy scholars also argue for a third condition: that media pluralism—namely, a broad array of media forms and outlets offering a variety of political viewpoints—has to be ensured through legal means, such as restrictions on ownership.

These descriptions are to some degree caricatures: Totalitarian regimes never succeed in suppressing all speech, nor is their control over information complete and omniscient; almost all democratic societies have some measure of government control over their media systems. At one level this theoretical dichotomy is a relic of a Cold War framework in which democratic media systems, whatever they were, clearly were different from and freer than authoritarian ones. That framework is long overdue for reassessment, and to some extent the current emphasis on “sustainability” in media aid—to the extent it concerns itself with other goals conterminous with or dependent on sustainability—can be read as the beginning of such a process. Although that inquiry usually focuses on developing societies, it has been helped along by growing criticism in developed democracies that the media in general and broadcasting in particular are undermining representative democracy rather than enhancing it.

The old theoretical dichotomy therefore remains useful as a way to talk about means and ends. Ordinarily, for example, sustainability in discussions of media assistance means financial sustainability: the ability of a media firm to be economically viable in a country where democratic consolidation is either complete or well underway and where the enabling conditions for sustainability—above all, the rule of law—are in place. But sustainability also can have other meanings. As discussed below, the enabling conditions for financial sustainability do not exist in a majority of the world’s transition countries, and so it makes sense to talk about sustainability in terms that are *appropriate to the functions of the media* in those societies. In a paper prepared for the Bali conference,⁵⁶ Monroe Price and Bethany Davis Noll made it clear that those functions are not so different from what they were two decades ago:

- **Crisis sustainability**, in which the goal is to keep media financially afloat during periods of violent conflict and postconflict or in the aftermath of natural disasters. Here sustainability almost certainly will be dependent on outside donors.
- **Incubator sustainability**, in which the goal is to nourish a variety of new media with the expectation that some will survive and some will not. Most common in postconflict or transition soci-

eties where the enabling environment is still a work in progress, incubator sustainability also will have supplemental goals, such as promoting professionalism among journalists and developing a legal framework that promotes free and responsible expression.

- **Strategic sustainability**, in which the goal is to further some political and economic goal, much in the way public diplomacy does. In November 2001, for example, the United States created Radio Free Afghanistan to promote democratic values in that country. Such media may not—and are not intended to—outlive their strategic purpose.
- **Election sustainability**, in which the goal is to enable citizens to make an informed choice about candidates, as in the postconflict elections in Cambodia, Bosnia-Herzegovina, or East Timor.

These forms of sustainability still are of primary importance in many parts of the world where press freedoms are fragile and markets are immature or corrupt. In consolidated democracies that do have functioning market economies, sustainability will have its own supplemental goal: to find adequately diverse sources of revenue.

Persistent Problems

Many countries—indeed, entire regions—have yet to cultivate an enabling environment that is sufficient to support a healthy media market. The first in this series of Roundtable reports examines those enabling conditions in detail, but they can be summarized here as the rule of law and a supportive economy.⁵⁷ “Rule of law” essentially means that the government abides by its legal obligations under the constitution; that the police and military are accountable to civilian authorities; that the work of legislative and administrative procedures are transparent and public; and that an independent judiciary provides the public with an effective way to protect its civil rights against encroachment by the government or concentrations of private power. In short, the value of rule of law is predictability and fairness. Without it, journalism lives under constant threat of arbitrary state action. At a minimum, the law has to ensure journalists the freedom to gather and disseminate news without fear of criminal prosecution or violent attack. A host of ancillary rights flows from that basic freedom—above all, perhaps, a right of access to public places and proceedings, as well as access to government information. The rule of law also requires a regulatory framework that imposes as few burdens as possible

on speech, so that media firms can serve their audiences, develop their markets, and ensure their financial independence. Where regulations are necessary—in determining how political candidates may acquire and use broadcast time during elections, for example—they must be clear, process-based, and narrowly drawn. Nonmedia regulations that have the effect of skewing the speech market—tax laws and licensing schemes are notorious in this regard, making it impossible for independent media to sustain themselves—are unacceptable.

It was apparent from discussion at the Bali conference that in countries as varied as Russia, Indonesia, the Philippines, and Egypt (among others represented there), an enabling environment for press freedom does not yet exist and in some important respects may be further from reach than it was when the Roundtable first met in May 1999. If so, an emphasis on financial sustainability puts the cart before the horse; more useful would be sustaining efforts to promote public understanding and demand for free expression. In other countries represented at the Roundtable—Poland and Chile, for example—democratization, if not complete, is at least going forward, and in those places discussion about financial sustainability makes sense. Among other things, consolidated democracies will have a distinctly different kind of media market. The focus on sustainability in nonconsolidated or stagnant states assumes a measure of democratic success that may not exist.

The assumption is understandable: Most of Carothers' semiauthoritarian states are at least stable; they avoid major internal and external conflicts, and they hold more or less open elections. By themselves, however, these are not enough to sustain a pluralist, professional media system.

Revenue Sources and Mission

There was indirect but lengthy discussion in Bali about the effect of revenue sources on financial sustainability. Konstanty Gebert of the Media Loan Fund in Poland, for instance, argued that grants, the traditional vehicle for media assistance in developing societies, are counterproductive if not destructive—a view shared by many others in and out of the donor community. “The grant procedure is dysfunctional and generates undue influence from the grantor, which is pushing its agenda,” Gebert said; worse, grants too often have the effect of focusing the receiving news organization “on how to get the next grant, not how to be independent. This ossifies bad practices, and when the money goes away the media outlet fails.”

Gebert offered several compelling examples to support his case (there are many, both among media organizations and development NGOs—a topic that has received a lot of attention in the democratization and development literature), but Guy Berger of Rhodes University in South Africa argued that some grants will always be necessary, especially in societies where the enabling conditions for public-service media development are absent. They also will be necessary in countries where financial sustainability has become a goal for its own sake, unattached to any supplementary goals. The United States stands out in this regard, but it is not alone. As one conference participant from Latin America remarked, “The assault is no longer from the government but from the market.” Wherever this is so, sustainability becomes a discussion about “how” rather than “what” and effectively short-circuits the really important question: What does a free and independent media system look like?

The problem of revenue sources is at the heart of any answer to this question. At the Santiago Roundtable meeting of 2001, for example, Gadis Arivia, publisher of *Jurnal Perempuan*, described the process by which she launched a 20-minute radio program for and about Indonesian women—first by giving it away and then, as it grew in popularity, charging broadcasters for it. *Radio Jurnal Perempuan (RJP)* now airs on more than 100 stations across the Indonesian archipelago. The program is distributed on audiotape and CD-ROM, and according to Arivia, is heard by 5 to 6 million women every week. *RJP* appears to be a model for financial sustainability, however modest. On the other hand, the program’s success also could entice commercial companies to enter the market with similar but lower-quality and lower-cost programming.

That competition invariably will affect *RJP*’s revenues, what it does, and whom it serves, and it certainly is conceivable that to be faithful to its public-service mission *RJP* will need to meet a larger percentage of its budget with grants. The choice of revenues will always have implications for the core mission of any media organization, for-profit or not-for-profit. That does not mean, however, that the revenue source—whether it is advertising, grants, or tax subsidies—has to define the mission (or gut the mission) of the company. The mix of revenue sources is important, but it is not everything. Throughout the world, nonprofit organizations from universities to museums to public broadcasters survive on grants while also managing to build successful businesses and further their core mission. In Europe and the United States, for example, public broadcasters have had to seek additional sources of revenue through private grants, for-profit

subsidiaries, partnerships with other nonprofits, or with private, profit-seeking firms. In Africa, several state-private media partnerships have emerged. In Zambia, for example, the state broadcaster (ZNBC) partners with private firms M-NET, African Broadcasting Networks, TV Africa, and Sandon Television to provide entertainment programming. Similar partnerships exist in Malawi, Mozambique, Botswana, Lesotho, Namibia, and Swaziland.⁵⁸ In Kenya, Regional Reach Limited—which provides video programming about health and community issues to rural areas—has an alliance with the state-owned Kenyan Broadcasting Corporation.⁵⁹ Rose Kimotho, director of Regional Reach and a Bali Roundtable participant, described partnerships between African NGOs and private, commercial programmers. Interestingly, many American media assistance efforts, particularly government initiatives, have shunned public-private models (including their own, such as National Public Radio) in favor of exclusively private, commercial media, foregoing the greater potential a mixed model has for public service and long-term economic sustainability.

In fact, almost all governments provide some sort of financial support to their media sector through instruments as varied as postal subsidies and tax exemptions. The point is that media sustainability (of whatever kind) can be understood as a worthy goal only in terms of the values it serves. For example, a series of other summary reports from the Aspen Institute Communications and Society program have chronicled the increasing difficulty of sustaining high-quality news and public affairs media in the United States, where technological and economic change have transformed the media market. But many of those changes themselves are the result of *political* choices. In recent years, for example, almost every public-interest broadcast regulation the Federal Communications Commission (FCC) has tried to sustain—regulations that are structural, not content-based—has been struck down by the federal courts. It is an oversimplification, but not much of one, to say that the courts' view of the First Amendment is that it is a device for disabling the government in speech settings so that decisions about the speech market are left entirely to private actors. A competing and apparently unpersuasive view of the First Amendment holds that the government, provided it is neutral with respect to content, may regulate the market for speech to make it more open and diverse—in short, more democratic. American journalists and media organizations, it has to be said, historically have scorned the idea that government regulation might actually enhance public discourse.⁶⁰ In

any case, to the extent that policy favors one view over another, that choice has a profound affect on the structure of the media market, what it values, and what it produces in the way of news, information, and public discourse.⁶¹ The U.S. media market is regulated in such a way that it emphasizes product diversity (the sheer number of media choices available to consumers) over idea diversity (point-of-view variation—presumably something that a democratic society requires).⁶² By and large, American communications policy (and the press as well) views financial sustainability as the most important goal—and sometimes the only important goal. To be fair, sustainability is the easiest goal to measure and thus to understand, as well as the least open to subjective second-guessing.

Economic Liberalization and Press Freedom

Several thoughtful critics have argued that product diversity is not a bad thing.⁶³ In the United States, Western Europe and Latin America, and in parts of Asia and Africa, the twin policies of deregulation and privatization have without question fueled growth, innovation, and competition in the communications industries. No one can seriously argue that these developments—the result of diminished state control over the media sector—are not a net plus for media freedom. Radio, for example, has been reborn as a democratic medium throughout the developing world. With governments giving up monopoly control of the airwaves, hundreds of new commercial FM and community-owned stations are now on the air. Some of these stations have distinguished themselves with public-interest programming. Perhaps most well known to Westerners are B92 in Belgrade and Radio 101 in Zagreb, but there are many others. Uganda's FM Capital Radio, for example, has won praise for its programs on sexual health and its coverage of HIV/AIDS.

Community radio—usually owned or controlled by locals and run on a nonprofit basis—has flourished in Latin America and parts of Africa, owing in significant part to its very low start-up costs. South Africa reportedly has more than 80 such stations in operation; West Africa has more than 450. Talk shows are a staple of community stations, and although many are shrill or entertainment-oriented, many others feature political interviews, listener call-ins, and other formats that have enlarged the space for political debate. One of the Bali conference participants described radio as the “most civil-society-oriented” of all media in the developing world—a claim that is probably correct. In Indonesia, for example, com-

munity radio is the mainstay of ethnic music—programming that, in a country of more than 400 ethnic groups speaking as many languages and scattered over 17,000 islands, otherwise is unable to sustain itself. Commercial stations prefer to play Western pop music.

In the past decade, deregulation and privatization also have spurred technological innovations that have significantly changed the role of media in democratization. Satellite television, the Internet, and mobile telephony, in particular, provide geographically disparate people access to information and permit them to share ideas, organize, and affect policy, including at the level of global governance. So-called “countrysnets,” for example—electronic mailing lists, Usenet groups, web pages—unite activists and expatriates opposing authoritarian regimes in countries that for whatever reason do not rate coverage by mainstream international media such as CNN or the BBC. BurmaNet, for instance, is funded by the Open Society Institute and provides exhaustive coverage of Burma’s military government and its human rights abuses. Sierra Leone’s Expotimes.net has more than 70,000 users around the world; there as across Africa, Internet use and development has been driven by Africans in the diaspora. Similar countrysnets operate in China, Kenya, East Timor, the Balkans, the West Bank, and countless other places.

Not all of these Internet uses can be characterized as democratic, nor does their existence signal political liberalization—often quite the opposite.⁶⁴ Most countrysnets trade in advocacy, not dispassionate analysis. But many also provide useful information for those who want it, as well as a way for disenfranchised citizens of those countries and regions to make themselves heard.⁶⁵ Equally important, it is difficult (though not impossible) for governments to control their citizens’ ability to get and share information with these new technologies.⁶⁶ Moreover, in some regions—South Asia, for example—women have risen to prominence as editors and publishers of some of these new media. Their participation in the media market is important: Wherever women attain educational and social equality with men, fertility rates and infant mortality decrease, economic growth increases, and democracy has a better chance at success.

Is Product Diversity Enough?

A third important consequence of liberalization is that people everywhere now receive much more foreign media content than they once did. The Internet is part of that phenomenon, but international media such as

CNN, the BBC, and Bloomberg are now very nearly ubiquitous, and some national media have become regional or even global. For Americans, Al Jazeera probably is the best-known example of this, but there are others. Millions of Arabs read the daily *Al Sharq Al Awsat*, which contains reports and opinions from *The New York Times*, *The Washington Post*, *The Los Angeles Times*, and *The Christian Science Monitor*. The paper is edited in London and delivered by satellite. The South African satellite service Multichoice serves subscribers across the continent, and in South Asia Star TV, Zee TV, Sony TV, Gemini, and the Sun—all based in India—have established footprints that cover the subcontinent.

These global information flows have at least one positive consequence: denying all but the most determined governments the ability to control what their citizens see, hear, and read. But they also can make it harder for local media to compete for audiences (except the most parochial variety) and thus decrease the coverage given to local and even national issues—especially issues that affect rural areas, ethnic and racial minorities, and the poor. To the extent that state broadcasters have lost their monopolies, they also are affected by this competition; many have tried to replace lost public revenues with advertising revenue and in doing so have abandoned whatever public mission they may once have served—forgoing multi-language programming and programs in education, health care, agriculture, and so on. Many of these media markets are quite strong; the question is whether the media that are economically sustainable are really worth sustaining.

A growing body of academic and popular literature argues that liberalization has failed to nurture the kinds of news and public affairs content that democratic societies presumably need to function.⁶⁷ The concern is that the new economic environment for media does not adequately support news coverage of complex issues such as public health, poverty, environmental degradation, immigration, capital mobility, and international governance—in a word, globalization in all its dimensions. A second concern is the scarcity of media choices at the local level. The United States, for example, is a rich country with a vibrant media market, yet most people have a choice of only one local newspaper—in many communities, none—and only one cable television provider. Local markets cannot sustain more. In transition countries, community radio stations typically were launched with grants from governmental and nongovernmental donors, and many failed when funding stopped. Those that survived did so by becoming private and/or commercial stations. Some—Nepal's Radio

Sagarmatha, Serbia's B92, and Croatia's Radio 101—have managed to maintain their commitment to public-service programming, but others have abandoned that mission. Although they still provide an alternative to government programming, the focus is entertainment; public affairs programming, if any, increasingly is given to sensationalism or divided along ethnic or religious lines.

The Downside of Liberalization

A common observation about globalization (even among its champions) is that it is uneven and, in particular, that economic globalization has far outpaced political globalization—in short, that people no longer can control the conditions of their lives through choices they make at the ballot box.⁶⁸ This is the “democratic deficit,” and for media in developing societies it is a particularly serious problem. Democratization aid's heavy emphasis on free markets and economic development arguably has left journalists in many countries in situations in which their media markets have been commercialized but they have won little if any autonomy from government. Especially for journalists in Carothers' gray-area states, the few inches of breathing space that have come with political liberalization have been offset by having to negotiate competitive pressures in markets where the rules still heavily favor state media and entrenched elite interests. According to a 2001 World Bank report, for example, the largest media firms in 97 mostly developing countries are owned either by the government or by a family.⁶⁹ Television remains the least democratic of all media in this regard. These difficulties are compounded in countries such as Indonesia or Russia, where governments now propose to re-regulate the media and rein in what they regard as media excess. In others, political liberalization simply has meant the exchange of one source of repression (the state) for another (local government officials, gangs, religious authorities, or civil society actors).

In these countries it makes little sense to talk about financial sustainability. Obviously it is important for a media organization to be managed well, and the Bali conferees were unanimous in their view that management training—already a staple of media development efforts—should be continued and enlarged and that journalists themselves should become much more engaged in that enterprise. In many places, however, that will not be enough. At its worst, the current emphasis in the aid community on economic sustainability risks being counterproductive—a mirror of the same one-size-fits-all paradigm that has shaped democratization

efforts generally. As a practical matter, it also may be an indication that traditional sources of media assistance are shifting their priorities and in some cases reducing what they give. Government grants are more likely to reflect new foreign policy objectives, and many private donors are retrenching as the result of financial setbacks. The Freedom Forum, for example, abruptly ended its international programs in 2001, and other foundations that have seen their grantmaking ability sharply reduced by losses in the market also are expected to cut back on the amount they give to media development. In this respect, it is hard to quarrel with Konstanty Gebert's insistence about the need for market viability.

Still, however, too great an emphasis on financial sustainability ignores the fact that many countries are not transitioning to anything that might be called a democracy. Their civil society organizations often are hostile to democracy, their governments and economies are weak, and many have no significant experience with democratic institutions or process—or even a functioning bureaucracy. As Carothers writes, the “precarious middle ground between full-fledged democracy and outright dictatorship is actually the most common political condition today of countries in the developing world and the post-communist world.”⁷⁰

If this is to be the norm, at the very least it means that financial sustainability for any media organization—for-profit or not-for-profit, commercial or noncommercial—requires a multifaceted development strategy that will allow the company to diversify its revenue sources. Partnerships, joint ventures, learning projects, and other innovations—where they work—have to be a part of that strategy. So, too, do more traditional tools: training and exchange programs, fellowships, grants, and loans.

Civil Society Realism and the Public Sphere

Of the problems that journalists face in consolidated, democratizing, and, of course, in semiauthoritarian countries, they all share a policy and regulatory environment that they perceive to be, in one way or another, hostile to independent, professional journalism. Presumably journalists have some ability, through the power of their voices, to change that environment, but to do so they may have to rethink their own assumptions about how to proceed.

In particular, the Bali participants seemed to agree, the civil society faith that has guided many democratization and media development efforts is

no longer persuasive. Civil society—that realm of voluntary association outside the state and the market—is an important component of democratic transition, but depending on what one takes the term to mean (and it is taken to mean many things),⁷¹ its oppositional and fragmented character can be an obstacle to democratic consolidation, particularly where governments are weak. At worst, civil society is antidemocratic.⁷² As such, civil society also can be an obstacle to economic sustainability. Speaking about civil society and its problems in Bali, Edilberto de Jesus said, “Sometimes we need coherence, not diversity.”

Guy Berger proposed that a more productive way of thinking about transforming the media environment is in terms of the “public sphere”—a term that was given modern currency by German philosopher and sociologist Jürgen Habermas. Where civil society regards citizens as a source of power in *opposition* to the state, Berger said, the public sphere perspective concerns itself with citizens’ rights *within* the state; in short, the public sphere accommodates civil society activity while also providing a platform for political action that civil society, by definition, does not. A public-sphere perspective allows the kinds of public-private partnerships discussed above and above all focuses on the character of media, not its institutional form. From a public-sphere perspective, for example, it matters less whether a radio service comes from a state broadcaster or a community station or how it sustains itself than whether its programming promotes public discourse. The public sphere, in short, does what civil society cannot: concentrate meaning in one place.⁷³

Theoretically, the public sphere has other advantages. It fits with the liberal pluralistic model of democracy in which political and bureaucratic elites direct the state and shape public opinion. In turn, it makes citizens out of people who, in a civil society paradigm, otherwise are apt to remain isolated, with opposed interests and few if any shared goals. The public sphere thus requires constitutional and legal guarantees of due process and equal protection of law—essential elements of political freedom. It deemphasizes the importance of deregulation and privatization, both of which, for better or worse, are the natural concern of civil society in opposition to the state. In other words, the public sphere can change the demography of social capital production by recasting ideas about the relations between the state and civil society. It makes it possible for civil society to foment change by mediating civil society conflict through political institutions.

Finally, and importantly, among the difficulties that media in developing and developed societies, share perhaps the greatest is the democratic deficit—the problems of identity, security, representation, and accountability in a world where governance no longer is the exclusive domain of governments. Public-sphere mediation has a role to play in promoting information exchange and cooperation among nation states, NGOs, intergovernmental organizations (IGOs), and multinational corporations (MNCs)—the principal actors in global governance.⁷⁴ In short, the public sphere is the necessary complement of civil society; without the former, the latter cannot get to the business of democratic governance.

The problems with public-sphere theory also are obvious. In Carothers' semiauthoritarian countries, most citizens cannot be said to have effective political representation, nor is the press in any meaningful way free. Across Africa, for example, undemocratic governments retain control of national media systems. Is a public sphere possible in such societies, and if not, how is civil society supposed to advance citizens' interests? Is there a credible distinction to be made between the many special interests represented by civil society and the "public interest"? If so, who makes that distinction? Just how are the demands of civil society to be reconciled with democratic norms of political compromise? These are both philosophical questions and practical ones; governance requires answers to them.

Finally, public-sphere theory wants for a working model. A large literature argues that in Western democracies the public sphere has been undone by commercial and other special interests, not least of them the press.⁷⁵ Particularly in the United States, the argument goes, the press has defined its success by the size of its profits, its freedom as freedom from government alone; in doing so, the press has undermined both its success and its freedom and converted citizens into consumers.⁷⁶ Western governments generally have allowed consolidation of private media ownership even as they have sought to trim or eliminate public broadcasting systems. In some places (the United States) the public sphere has been cut away by the judiciary. In other regions of the world (Asia and especially Latin America, for example) the long history of authoritarian governments rotating with civilian ones has made it impossible for the media to keep the state at arm's length, with the result that elites in the media and government have been closely aligned and the public sphere short-circuited.

Conclusion

The first in this series of Roundtable reports concluded with the caution that media assistance cannot be regarded as “aid to end aid,” and that admonition bears repeating here. To the extent that discussions about sustainability focus on the objectives of media assistance and the obstacles to meeting them, the inquiry is useful. For most transition countries, the identifiable democratization needs of a decade ago have not changed much: how to improve the quality and variety of political actors and institutions, how to connect citizens and civil society to the formal political system, how to promote an environment supportive of free expression and free media.

For journalists in transition countries, sustainability is only one of many problems that are all linked; they are not a series of binary propositions. Journalists and donors alike must be sensitive to that fact. In countries where the enabling environment for press freedom is weak, for example, sustainability is just as essential as it is in a country with a strong environment, though the goals of sustainability in each place and the ways in which they are achieved and measured may be very different. The many goals of media assistance—a strong enabling environment, product and idea diversity, sustainability, and social value—are best understood as a matrix of interdependent rather than hierarchical relationships. The same can be said of the aid community itself, which includes governments, IGOs, NGOs, and even private, for-profit firms. The networked relationships that link goals with institutions are dynamic, not static. Everyone is still trying to figure out what works.

The old approach to the problems of democratization was to provide a smorgasbord of programs, on the theory that all made some contribution to consolidation. Media assistance followed on the same assumption. The assumption obviously was false in several important respects—not least that there was no necessary correlation between aid amounts and increases in press freedom. Worse, many media organizations became aid dependent—in effect, a drag on the entire democratic project. In response, many NGOs and government funders have developed sustainability criteria they can use to assess media projects before they fund them, and evaluation measures they can use afterward. Evaluation in democratization and media assistance obviously is difficult because it requires objective measures of things that are inherently subjective. But so long as the inquiry into financial sustainability does not lose sight of those subjective elements—the goals that are supplemental to or coterminous with sustain-

ability—it is a valuable exercise, part of a long-overdue reassessment of old assumptions about what makes a media system “free and independent.” The era of assumed virtue is over.

Donors, deliverers, and recipients of aid, meanwhile, would be wise to familiarize themselves with the growing literature on this subject and the key problems it has identified. Among them are lack of coordination among donors, conflicting donor philosophies and values, the lack of an enabling environment in many countries, the challenges and opportunities presented by new electronic media, and the evaluation process itself. There is lively debate on these subjects that does not seem to have filtered down to the trenches except anecdotally.

Journalists, in particular, also should develop some familiarity with the literature on globalization, of which democratization is a part. Globalization is neither new nor impossible to understand; it affects economic sustainability in media markets everywhere, from Bali to Budapest to Buffalo, and it is critical to understanding the most important stories journalists cover, from their local economies to international terrorism. Globalization also has transformed the practice of journalism—not always for the better. Journalists everywhere who are committed to dispassionate coverage of news increasingly find themselves working in a media environment that neither encourages nor values their work. In that respect, the discussion about media sustainability, in whatever form, concerns us all.

Notes

1. Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment for International Peace, 1999), 41.
2. Ellen Hume, *The Media Missionaries: American Support for International Journalism* (Miami, FL: John S. and James L. Knight Foundation, May 2002); available at www.ellenhume.com/articles/missionaries1_contents.html (last accessed June 12, 2003).
3. For excellent overviews of the universe of media assistance, see Monroe E. Price et al., *Mapping Media Assistance* (Oxford, UK: Programme in Comparative Media Law and Policy, 2002); Ellen Hume, *The Media Missionaries: American Support for International Journalism* (Miami, FL: John S. and James L. Knight Foundation, May 2002), available at www.ellenhume.com/articles/missions1_contents.html; and James Miller, *Democratization and Fact-Based Journalism: Donor Politics in East Central Europe* (New York, NY: Council for European Studies, 2001), abstract available at www.europenet.org/conference2002/abstracts/j1_miller.htm (last accessed June 12, 2003).
4. Hume, *The Media Missionaries*. Hume lists economic sustainability as the second of her “15 commandments of media development.”
5. Indonesia is a perfect example of how Cold War aid worked. With its oil resources, Indonesia was one of the “dominoes” the United States cared about when it entered the Vietnam War to oppose communism in southeast Asia. Over a six-month period in 1965 and 1966, Mohamed Suharto killed 1 million communists—the largest such mass killing outside the communist world. He was rewarded with development loans from the World Bank that he used to enrich himself and his family, leaving Indonesia with what one scholar has called a “criminal debt” it cannot repay.
6. More worrisome, perhaps, after the explosions in Kuta the Indonesian military proposed a bill that would allow it to act without the president’s permission to protect national security.
7. Natalia Yefimova, “Duma Votes to Limit News Coverage,” *Moscow Times*, 4 November 2002, 1. See also Steven Lee Meyers, “Putin Vetoes Curbs on News of Terrorism,” *The New York Times*, 26 November 2002, A11.
8. The USA Patriot Act was passed October 26, 2001. “Patriot” is an acronym for “Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.”
9. Previously the law required the government to show a “reasonable belief” that a crime was about to occur. See James Kuhnenn and Drew Brown, “Shielding Government,” *Milwaukee Journal Sentinel*, 24 November 2002, A1.
10. See Ana Radelat, “Some Chafe Under Government’s Expanded Snooping Powers,” Gannett News Service, 14 August 2002.
11. Ibid.
12. One of those orders, enacted in November 2001, requires males 16 years and older from 20 Middle East, African, and Asian countries to register so immigration authorities can better track who is in the United States. After the first round of registrations, hundreds of people—most of them Iranians—were jailed for visa violations. Most were later released.

13. The U.S. Sixth Circuit Court of Appeals in Cincinnati ruled in August 2002 that such hearings should be presumptively open to the public and the press. In October a three-judge panel of the Third Circuit, in Philadelphia, upheld the Justice Department's decision to close the hearings. See Adam Liptak, "A Court Backs Open Hearings on Deportation," *The New York Times*, 27 August 2002; Adam Liptak and Robert Hanley, "Court Upholds Secret Hearings on Deportation," *The New York Times*, 9 October 2002. The INS is an executive agency, where defendants have no right to counsel and rules of access applicable to the judicial branch arguably do not apply.
14. This argument is made most explicitly in a declaration by Dale Watson, the counterterrorism chief of the Federal Bureau of Investigation, which the Third Circuit examined at length in its opinion. See *North Jersey Media Group v. Ashcroft*, 308 F.3d 198, at 200 (3d Cir. 2002).
15. Michael Hurt, "Leaking National Security Secrets: Effects on Security and Measures to Mitigate," *National Security Studies Quarterly* (Autumn 2001), 3.
16. This is essentially the same argument the Nixon administration made in 1971 when it tried to stop *The New York Times* and *The Washington Post* from publishing stories about the so-called Pentagon Papers, a classified history of the Vietnam War.
17. Cam Simpson, "Court backs Bush on detainee: Appeals panel says U.S. citizen can be held as 'enemy combatant,'" *Chicago Tribune*, 9 January 2003, Sec. 1, 5.
18. Matthew Purdy, "Bush's New Rules to Fight Terror Transform the Legal Landscape," *The New York Times*, 25 November 2001, B1.
19. The statement can be found online at www.freedomforum.org/templates/document.asp?documentID=13999 (last accessed June 12, 2003).
20. The Defense Department's statement of principles is DoD Directive 5122.5 (September 27, 2000). It can be found at www.defenselink.mil/admin/prininfo.html (last accessed June 12, 2002).
21. The Defense Department's information plan for press access in Afghanistan (known as "Way Ahead in Afghanistan") is available at www.defenselink.mil/news/Dec2001/d20011213.media.pdf (last accessed April 24, 2003).
22. Phillip Taylor and Lucy Dalglish, "How the U.S. Government Has Undermined Journalists' Ability to Cover the War on Terrorism," *Communications Lawyer* (spring 2002), 23.
23. Ken Kerschbaumer, "The rules of war," *Broadcasting & Cable*, 10 March 2003, 2.
24. The Defense Department's grounds rules for reporters embedded in military units are available at www.defenselink.mil/news/Feb2003/d20030228pag.pdf (last accessed June 12, 2003).
25. British Prime Minister Margaret Thatcher, for example, famously objected to the BBC's use of the attributions "the British government says" and "the Argentine government says" during the Falklands War, arguing that they falsely implied moral equivalency between the combatants.
26. See Sally Beatty and Matthew Rose, "Kabul Documents Raise Questions of Media Ethics," *The Wall Street Journal*, 19 November 2001; see also Felicity Barringer, "Why Reporters' Discovery Was Shared With Officials," *The New York Times*, 1 January 2002.

27. The NATO bombing also was ineffective, shutting down Serb TV down for only five hours. NATO later convinced European Telecommunications Satellite Organization (EUTELSAT) to switch off Serb TV transmissions from its satellite—an action that, according to NATO Press Secretary Jamie Shea, was “far more effective, far less controversial, and had no casualties.”
28. *The National Security Strategy of the United States of America*, Washington, DC, September 2002. The administration's report is available online at www.cdi.org/national-security-strategy/ (last accessed June 12, 2003).
29. “Unprecedented power, colliding ambitions,” *The Economist*, September 28–October 4, 2002.
30. See R.C. Longworth, “The ball is rolling toward Iraq war,” *Chicago Tribune*, 22 December 2002, Sec. 2, 1.
31. See David E. Sanger and James Dao, “U.S. is completing plan to promote a democratic Iraq,” *The New York Times*, 6 January 2003, A1; Max Boot, “American hegemony will be expensive,” *International Herald Tribune*, 15 October 2002, 6; Tom Shanker and Eric Schmitt, “Pentagon Debates Propaganda Push in Allied Nations,” *The New York Times*, 6 December 2002, A1.
32. See Fareed Zakaria, “Culture is Destiny: A Conversation with Lee Kuan Yew,” *Foreign Affairs* (March/April 1994), 111.
33. Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1993).
34. See Robert D. Kaplan, *The Coming Anarchy: Shattering the Dreams of the Post Cold War* (New York, NY: Vintage, 2000).
35. This argument parallels the discussion of Christian and Muslim conceptions of human rights. See Thomas M. Frank, “Are Human Rights Universal?” *Foreign Affairs* (January/February 2001), 191.
36. Edilberto de Jesus, personal correspondence with author, February 22, 2002.
37. See Amartya Sen, “Freedoms and needs: An argument for the primacy of political rights,” *The New Republic*, 10 January 1994, 31.
38. Andreas Harsono, “Journalists confront new pressures in Indonesia,” *Neiman Reports* (summer 2002), 73.
39. Index on Censorship, “Indonesia: New Media Restrictions,” November 21, 2002. Available at www.indexonline.org/news/20021121_indonesia.shtml (last accessed June 12, 2003).
40. See A. Lin Neumann, “Cambodia,” in *Restructuring the Media in Post-Conflict Societies: Four Perspectives*, ed. Monroe Price (Oxford, UK: Programme in Comparative Media Law and Policy, May 2000).
41. John Marston, “Cambodian Mass Media in the UNTAC Period and After,” *Propaganda, Politics and Violence in Cambodia*, ed. S. Heder and J. Ledgerwood (Armonk, NY: M. E. Sharpe, 1996), 209.
42. See Michael Massing, “In Failed States, Can Democracy Come Too Soon?” *The New York Times*, 23 February 2002, A17. See also Jackson Diehl, “Democracy Drowned Out,” *International Herald Tribune Online*, 20 November 2002.

43. Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* (January 2002), 5–21.
44. See, for example, Samuel Huntington's discussion of Confucian and Muslim countries in *The Third Wave: Democratization in the Late Twentieth Century*. (Norman, OK: University of Oklahoma Press, 1993).
45. Carothers, "The End of the Transition Paradigm," 9.
46. Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington, DC: Carnegie Endowment for International Peace, 2003).
47. Carothers, "The End of the Transition Paradigm," 11.
48. If Carothers' "gray area" states are not democratic, they are not doomed to stasis, either. In December 2002, for example, Kenya—a state dominated by one-party rule for 39 years—witnessed the successful transition of power to an opposition party. See Marc Lacey, "Kenya Joyful as Moi Yields Power to New Leader," *The New York Times*, 31 December 2002, A8.
49. See Spencer R. Weart, *Never at War: Why Democracies Will Not Fight One Another* (New Haven, CT: Yale University Press, 1998); John Norton More, "Beyond the Democratic Peace: Solving the War Puzzle," available at <http://www.virginia.edu/facultysenate/speakers/2020/John%20N%20Moore%20ETM%20Lecture.pdf>; and Michael Massing, "In Failed States, Can Democracy Come Too Soon?" *The New York Times*, 23 February 2002, A17, (last accessed June 12, 2003).
50. For a complete discussion of American media assistance efforts in the early part of the Cold War, see Margaret A. Blanchard, *Exporting the First Amendment: The Press-Government Crusade of 1945–1952* (New York, NY: Longman, 1986).
51. Center for Democracy and Governance, "The Role of Media in Democracy: A Strategic Approach" (Washington, DC: USAID, June 1999).
52. Hume, *The Media Missionaries*.
53. *Ibid.*
54. James Miller, "Democratization and 'Fact-Based' Journalism: Donor Politics in East Central Europe," paper presented at International Conference of Association for Education in Journalism and Mass Communication, London, January 5, 2002.
55. For a wonderful explanation of democracy and its conflicting theories, see Jacques Barzun, "Is Democratic Theory for Export?" *Society* (March/April 1989).
56. Monroe E. Price and Bethany Davis Noll, *Media Sustainability: Democracy and Development*, a paper prepared for the Third Annual Aspen Institute International Roundtable on Journalism and Freedom of Expression, September 2002.
57. See Monroe Price and Peter Krug, *The Enabling Environment for a Free and Independent Media* (Washington, DC: U.S. Agency for International Development, 2002); available at <http://pcmlp.socleg.ox.ac.uk/enablingenvironment.pdf> (last accessed June 12, 2003).

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58. Similarly, many for-profit media provide exemplary public service while surviving exclusively on advertising. For a more complete discussion on the subject of revenues and their effect on an organization's mission, see Burton A. Weisbrod (ed.), *To Profit or Not to Profit: The Commercial Transformation of the Nonprofit Sector* (New York, NY: Cambridge University Press, 1998).
59. Regional Reach is described in greater detail in the 2001 Roundtable summary report. See Craig LaMay, *Sustaining Media Pluralism in Democratizing Societies* (Queenstown, MD: The Aspen Institute, 2001), 25–26.
60. A recent *Columbia Journalism Review* editorial, for example, asked, “Where is the voice of journalist?” in public-interest proceedings before the FCC (CJR, January/February 2003, 4). Historically, U.S. journalists have rejected the idea that the government has a role to play in the speech market. See Stephen Bates, *Realigning Journalism with Democracy: The Hutchins Commission, Its Times, and Ours* (Washington, DC: Annenberg Washington Program in Communications Policy Studies of Northwestern University, 1995); available at www.annenberg.nwu.edu/pubs/hutchins/ (last accessed June 12, 2003).
61. For example, with few exceptions the U.S. Supreme Court has held that journalists do not have a generalized right of access to many government places and proceedings such as prisons, military installations, and executive proceedings such as the INS hearings discussed above. In another line of cases, the Court has held that the public does not have an editorial right of access to newspapers or television stations. The Court could have ruled just the other way—holding that journalists, in the name of the public, have a broad right of access to government and that the public, in turn, has a right to make its views known through the mass media. The result would be a system of free expression in which some people's free speech rights are diminished and others' increased—just as they are now, but with the balance tipped in a different direction. Would the result be any less “free” or “democratic”?
62. See LaMay, *Sustaining Media Pluralism in Democratizing Societies*, 19. See also Robert Entman and Steven Wildman, “Reconciling Economic and Non-Economic Perspectives on Media Policy: Transcending the Marketplace of Ideas,” *Journal of Communication* (Winter 1992), 5.
63. See Benjamin Compaine, “Think Again: Global Media,” *Foreign Policy* (November/December 2002), 20. See also Jim Rutenberg, “Fewer Media Owners, More Media Choices,” *The New York Times*, December 2, 2002.
64. Several commentators have argued that going digital does not mean going democratic. See, for example, Shanthi Kalathil and Taylor C. Boas, *Open Networks, Closed Regimes: The Impact of the Internet on Authoritarian Rule* (Washington, DC: Carnegie Endowment for International Peace, 2003). The Internet also has proved to be a valuable organizing tool for antidemocratic groups, both domestic and international. See James Goodale, “Could the WTC Attack Have Happened Without the Internet?” *The New York Law Journal*, 5 October 2001; Todd Lighty and Stephen Franklin, “Activist targets Jihad's Web site,” *Chicago Tribune*, 5 January 2003, C1; Sridhar Alathur, “Web of Hate: Religion, caste and nationality are the basis of South Asian hate Web sites,” *Indian American*, 3 January 2003, 24. Some literature also argues that the Internet is more likely to promote political fragmentation than democratic cohesion. See Bruce Bimber, “The Internet and political transformation: populism, community and accelerated pluralism,” *Polity* (fall 1998), 133.
65. See A. Lin Neumann, “The Resistance Network,” *Wired* (January 1996); available at www.wired.com/wired/archive/4.01/countrynet_pr.html (last accessed June 12, 2003).

66. See, for example, Jonathan Zittrain and Benjamin Edelman, "Documentation of Internet Filtering in Saudi Arabia," (Cambridge, MA: Harvard Law School, September 12, 2002). Available at <http://cyber.law.harvard.edu/filtering/saudi-arabia/>. See also Joseph Kahn, "China Has World's Tightest Internet Censorship, Study Finds," *The New York Times*, 4 December 2002.
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69. S. Djankov et al., *Who Owns the Media?* (Washington, DC: World Bank, 2001).
70. Carothers, "The End of the Transition Paradigm," 18.
71. See, for example, Gordon White, "Civil Society, Democratization and Development: Clearing the Analytical Ground," *Democratization* (Autumn 1994).
72. The 2001 Roundtable report discusses civil society and its problems at length. See LaMay, *Sustaining Media Pluralism in Democratizing Societies*, 4–18. See also Michael Foley and Bob Edwards, "The Paradox of Civil Society," *Journal of Democracy* (1996): 38, and Marina Ottaway and Thomas Carothers (eds.), *Funding Virtue: Civil Society Aid and Democracy Promotion* (Washington, DC: Carnegie Endowment for International Peace, 2000).
73. Professor Berger presented a paper on the public sphere and media development in Africa at the Bali conference. See Guy Berger, "Theorizing the Media-Democracy Relationship in Southern Africa," *Gazette: The International Journal for Communication Studies* 64 (2002): 21.
74. See Joseph S. Ney and John D. Donahue (eds.), *Governance in a Globalizing World* (Washington, DC: Brookings Institution Press, 2000).
75. The standard work describing the destruction of the public sphere is Jürgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge, Mass.: MIT Press, 1989). The destruction of public deliberation in favor of interest-group distributive politics was famously described in Theodore Lowi, *The End of Liberalism* (New York, NY: W. W. Norton, 1979).
76. See, for example, James W. Carey, "Lawyers, Voyeurs and Vigilantes," *Media Studies Journal* (spring/summer 1999), 19. See also Robert M. Entman, *Democracy Without Citizens: Media and the Decay of American Politics* (New York, NY: Oxford University Press, 1990).

APPENDIX

The Third Annual Aspen Institute/Ford Foundation
International Roundtable on Journalism and Freedom of Expression

*Building Civil Society with Sustainable Media:
Models and Options*

September 9-12, 2002

Bali, Indonesia

List of Conference Participants

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About the Author

Craig L. LaMay, is a journalist and communications researcher. His research and teaching focus on First Amendment law and history, public broadcasting, and telecommunications regulation. He is associate dean and clinical assistant professor at Northwestern University's Medill School of Journalism; adjunct professor at Northwestern University Law School; a faculty member of NMC, a media management program of Medill and the Kellogg Graduate School of Management; and a faculty associate at Northwestern's Institute for Policy Research.

LaMay is the former editor of the Freedom Forum's *Media Studies Journal* and a former newspaper reporter with the *Raleigh News & Observer*. His articles have appeared in *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *Los Angeles Times*, *Chicago Tribune*, the *Federal Communications Law Journal*, *Communications and the Law*, and various academic books and journals. Most recently he co-wrote *Democracy on the Air* with Ellen Mickiewicz, Donald Browne, and Charles Firestone (published by Duke University's DeWitt Wallace Center for Communications and Journalism). He also is co-author of *To Profit or Not to Profit: The Commercial Transformation of the Nonprofit Sector* (Cambridge University Press, 1998) and co-author (with Mickiewicz and Firestone) of *Television Autonomy and the State* (Aspen Institute, 1998).

The Aspen Institute Communications and Society Program

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The Communications and Society Program is a global forum for leveraging the power of leaders and experts from business, government and the non-profit sector in the communications and information fields for the benefit of society. Its roundtable forums and other projects aim to improve democratic societies and diverse organizations through innovative, multi-disciplinary, values-based policy-making. They promote constructive inquiry and dialogue, and the development and dissemination of new models and options for informed and wise policy decisions.

In particular, the Program provides an active venue for global leaders and experts from a variety of disciplines and backgrounds to exchange and gain new knowledge and insights on the societal impact of advances in digital technology and network communications. The Program also creates a multi-disciplinary space in the communications policy-making world where veteran and emerging decision-makers can explore new concepts, find personal growth and insight, and develop new networks for the betterment of the policy-making process and society.

The Program's projects fall into one or more of three categories: communications and media policy, communications technology and the democratic process, and information technology and social change. Ongoing activities of the Communications and Society Program include annual roundtables on journalism and society, international journalism, telecommunications policy, internet policy, information technology, and diversity and the media. The Program also convenes the Aspen Institute Forum on Communications and Society, in which CEOs of business, government and the non-profit sector examine issues relating to the changing media and technology environment.

Conference reports and other materials are distributed to key policy-makers and opinion leaders within the United States and around the world. They are also available to the public at large through the World Wide Web.

Previous Publications from the Aspen Institute International Roundtable on Journalism and Freedom of Expression

Sustaining Media Pluralism in Democratizing Societies

Craig L. LaMay

This report of the second annual International Roundtable on Journalism and Freedom of Expression explores the role of a pluralistic press as a means for sustaining civil society and democracy, and the difficulties of achieving a pluralistic press that is sustainable over time. The report is a coherent examination on how free and responsible media can sustain themselves, particularly in countries facing a hostile legal or political regime on the one hand and the demands of the consumer marketplace on the other.

59 pages, ISBN Paper: 0-89843-324-X, \$12.00 per copy.

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Craig L. LaMay

This publication is the report of the first annual International Roundtable on Journalism and Freedom of Expression. The report examines the role of free expression in a civil society and explores the relationship between the practice of journalism and the emergence of democracy in developing societies in this age of economic and information globalism.

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