Media and Transitional Justice: Toward a Systematic Approach

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This article addresses a major gap in the transitional justice literature by exploring the role of the media in transitional justice processes. We offer a framework for analyzing the information environment in which media intervention and transitional justice occurs. We suggest an approach that can offer a more nuanced understanding of information flows and the ways in which key actors use communication to compete for loyalty in the political marketplace. Several tools for conceptualizing the approaches toward media during transitional justice processes are offered, including the use of law, force, subsidy, and negotiation. Examples of how these tools have been used both effectively and ineffectively by international actors in the former Yugoslavia illuminate our arguments.

Introduction

The field of transitional justice has been changing rapidly, but the absence of media strategies in many transitional justice processes is notable. Some of the most publicized transitional justice measures include truth commissions, large-scale reparations programs for victims, and prosecutions of the architects of the crimes. Increasingly the International Criminal Court (ICC) is playing a prominent role in transitional justice processes. National and international measures can also be contrasted with a more diverse palette of local initiatives that may include education projects and traditional rituals of forgiveness. These all have implicit or explicit communication components. What often matters, in terms of the capacity to achieve results, is how these efforts are framed for various audiences and how the media provide an opportunity, or space, to address past wrongs and define a new future. The media may be important in "selling" or "explaining" transitional justice processes to the public, and there are often publicity campaigns to this end, but they can also have an even more central, but subtler, role in the transitional justice process itself by negotiating issues of identity. More often than not, however, the media are ignored or at best seen as an afterthought. This article seeks to fill a gap in the transitional justice literature by exploring the diverse ways in which transitional justice actors might consider the roles of the media.

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Defining and harnessing the media as a tool for reconciliation or mediation is particularly challenging in contexts where the media, and those who drive them, have had a role in exacerbating tension or promoting violence. During war, media often serve as both a weapon and a mirror of violence. It is common, for example, for radios to be owned by local warlords, politicians, or businessmen pushing their power interests, or for newspapers to engage in subtle, long-term persecution of a particular group. The media are also central in reflecting the perspectives and interests of the elites that are negotiating power during a transition, or attempted transition, from violence to peace.

While we stress the importance of communication in transitional justice processes, there is no template approach. A media strategy cannot simply consist of "selling" an event to a public, or training local journalists. Rather we argue that transitional justice actors and their supporters have a range of tools and varying approaches to draw on. In certain cases some approaches may be more relevant than others, but any strategy must be rooted in a nuanced understanding of the country's information ecology. An "information ecology" refers to a comprehensive, somewhat strategic approach that incorporates formal and informal communication techniques and institutions within a broader social context (see, for example, Tacchi, Slater, and Hearn, 2003).

These interventions have a historical basis. In the post–World War II occupations of Japan and Germany (before the term "transitional justice" was in vogue), the United States paid close attention to how the populations under occupation received information and were shaped in attitudes toward its justice-related measures (see, for example, Elster, 2004; Teitel, 2000). A half-century later, in the grinding conflicts of the 1990s and beyond, the North Atlantic Treaty Organization (NATO) and the United Nations (UN) gave thought to the mediated interpretation of their actions. But the focus has often been on public opinion among the taxpayers that might be financing the intervention. The International Criminal Tribunal for the former Yugoslavia (ICTY), for example, appeared to have a stronger strategy for engaging with the international media than it did for shaping local opinion through the domestic media (Klarin, 2009).

Our focus in this article is primarily, but not exclusively, on international efforts to shape a country's information environment in the context or aftermath of violent conflict. A premise is that there is an important distinction between locally led transitional justice efforts and those that involve a complex of border-crossing, specialized entities, because the tools available might differ significantly. Today, international interventions may be undertaken by a variety of actors, including nongovernmental organizations (NGOs) such as Fondation Hirondelle; profit-seeking public relations firms such as Bell Pottinger; bilateral agencies, including the United Kingdom's Department for International Development (DFID); or multilateral organizations such as the UN. These are just a few of the potential actors, and they often collaborate and partner with local organizations or media outlets. While these governments or organizations may not always share the same strategies, approaches, or motivations, the focus on international efforts allows us to draw out certain themes that cut across different experiences and to critically reflect on what is increasingly becoming a normative discourse or set of established steps for prescribing the role of the media during postwar transitions.

In this essay, we explore media's significant role in addressing issues of identity during transitional justice processes. At the same time, we offer a warning that media, and international reporting or efforts to shape a media environment, can be easily manipulated. This process of environment shaping is often overlooked, but it is central to transitional justice debates. We then offer an approach for analyzing the complex post-conflict information environments in which transitional justice processes typically occur. Our focus is on understanding the information ecology of a society and the "market for loyalties," which is a way of understanding how actors, or players, attempt to shape an information environment to further particular views. The article then offers a variety of approaches for transitional justice actors, and international actors in particular, to draw on when they seek to intervene. Rather than specific prescriptions or projects, we suggest a way of thinking about a range of interventions, including the use of law, which refers to legal efforts to exclude or regulate speech; force, which may be an essential tool for halting inflammatory speech; subsidy, defined as a way of supplying or complementing existing outlets with more speech; and negotiation, as an important means for implementing either law or force or as a tool in its own right for building consensus, ownership and dialogue.

Media and Identity

Most transitional justice measures deal with issues of identity—whether political, economic, cultural, ethnic, or other—and it is important to understand how those issues relate to media and communication. We have associated our analysis with a constructivist idea of identity formation, where the notions of identity are functions of social relationships, self- and group perceptions that are highly mediated (Aronoff, 1998; Brass, 1980; Kowert & Legro, 1996; Laitin, 1998; Nagel, 1994; Tilly, 1988). This understanding grounds our approach to the role of the media (and communications systems more generally) in affecting the intensity of ethnic conflict or its avoidance.

One of the basic concerns that arises when surveying the relationship of communications to transitional justice is that while social scientists often take a constructivist view, the media (both national and international) frequently depict identities in more absolute, immutable, almost primordial fashion (Allen & Seaton, 1999). Media have the potential to advance or minimize the impact of harmful symbols in adjusting social relationships. This tendency creates an inherent conflict in the media's ability to help achieve (or conversely, impede) transitional justice goals. Thus the media's representations of identity, of history, of the justification of transitional measures—indeed, the narratives of the society itself—become critical in shaping the extent to which stability, reconciliation, new nation–building, and community can be sustained. So while the media can be a forum where identity issues play out, they can also provide the space for encouraging acceptance of certain narratives that are part of transitional justice efforts.

International organizations pursue a variety of approaches when trying to encourage media in this direction. Fondation Hirondelle, for example, has come to specialize in the development of conflict zone–specific radio stations. One of their most notable projects has been the establishment of the UN radio station Radio Okapi in the Democratic Republic of Congo (DRC). Through this outlet they have given significant coverage to international justice, specifically from the International Criminal Court, as it affects the DRC (Fondation Hirondelle, 2009). Search for Common Ground has sought to occupy a similar space

through programming that seeks to alter divisive narratives and promote reconciliation. For example, it has been involved in a number of projects in Burundi and Rwanda that use communication approaches from radio soap operas to theater.

International support is also often provided to the local media to cover and explain transitional justice processes. In anticipation of recent operations of the Truth and Reconciliation Commission (TRC) in Liberia, the European Union and others invested heavily in journalism training, including preparation of a TRC Journalists Code of Conduct. The Liberian journalists' association itself was encouraged to adopt a code of conduct, and UNESCO and the International Center for Transitional Justice funded an early evaluation of journalistic behavior (International Center for Transitional Justice, 2008a).

However, divided communities do not automatically have an appetite for truth and reconciliation or accommodate themselves to the potential national obloquy of trials before an international criminal tribunal—in fact, the contrary is often true. And despite efforts to nudge the local media to cover issues in a particular way, the media have frequently played a negative role by polarizing or inflaming identity issues during transitional justice processes. Media—where they are pervasive and absorbed—can exploit transitional justice measures to deepen divides and reinforce the persistence of divisional identities, even where (perhaps especially where) there are efforts to deploy ideology to surmount existing settlements of identity politics. A society's media and information system, including communications from the government itself, may consistently undermine the credibility of political solutions such as elections, plebiscites, or power sharing. Thus, just as media can be a factor in negotiations leading to conflict resolution, they can also lead to further polarization.

Enemies fear that their opponents will deceive them, or that they will make certain factors, often tied to ethnicity and identity, non-negotiable. Media representations can harden these perceptions about identity and undermine developments that are being made among groups that are the subject of negotiations and delicate readjustments of entitlements. Differences are palpable, as symbols, slogans, and rituals that mark and celebrate identity for one group may elicit threat and fear from another. Media have a substantial role to play in both the purposeful and the inadvertent provocations powerful symbols can provide (Ross, 2000). In some contexts the media may even be accused of subliminally sowing divisions or reinforcing stereotypes, as was the case in post-apartheid South Africa (Glaser, 2000; South African Human Rights Commission, 1999). Media, especially media sponsored by interests, parties, or government factions, can seize on polarizing myths as a mode of retaining their loyal following, often subverting the possibility of bridge figures emerging. In Darfur, for example, where conflict persists, NGOs, the UN, and other entities are very conscious of the mediated consequences, both internally and externally, of the ICC's indictment of Sudanese President Omar al-Bashir.

Even the best-intentioned international interventions may have negative impacts. Media support efforts are often undertaken with a variety of tools, but aid organizations operate in a multifarious environment, often with insufficient information. Organizations that seek to consciously alter the symbolic environment so as to facilitate the opportunity for negotiation and resolution engage in a deeply complex intervention. They may craft a series of messages that serve the needs of their constituency (sometimes a distant funding agency or government) but inadvertently accelerate or accentuate divisions. Although they

may be attempting to "resolve" problems, the existence of "solutions" can mask basic threats to identity and obscure the intense sense of victimization that might be expressed in "cultural, and not just political, acts" (Ross, 2004, p. 198).

The approaches to building trust that are an essential aspect of transitional justice have their roots in systems of communication—systems that, as we shall see, include the media but must extend beyond more formal embodiments. But such information interventions are inherently political. In an effort to bring "peace" or "stability," interventions attempt to lend legitimacy to particular actors, including, at times, internationally backed governments with questionable legitimacy and a lack of democratic credentials (Jennings, 2007; Paris, 2004; Pouligny, Chesterman, & Schnabel, 2006). Given the importance of media, transitional justice actors need to consider how to engage with the media to establish a supporting environment for reconciliation measures and for addressing responsibility, as well as for defining competing perceptions of justice and, in some circumstances, providing a forum for their negotiation. Any intervention must be based on a sound analysis of the information ecology as well as an understanding of how power and identity are negotiated in a complex marketplace for loyalties.

Power and Flows: Understanding How the Market Works

The prevailing approaches to media and transitional justice processes largely stem from the more robust literature on media and post-conflict peace-building. In this context, media assistance is typically viewed through a normative prism that builds on the experience of rich countries in the West and generally encourages the development of media systems similar to those of the United States or United Kingdom (Allen and Stremlau, 2005). But given the complex social, political, and economic dynamics of countries engaged in transitional justice processes, we suggest alternative ways of understanding the information ecology and changes that might influence desired outcomes. What is an appropriate model that would allow those struggling for transitional justice measures to understand the impact of media and the larger information environment?

There is no simple formula for the research that should precede media interventions to support transitional justice processes. Our argument is that rather than focusing on how to publicize transitional justice processes, or how to manage the voices that counteract their goals, attention must be paid to a myriad of issues, including how the local media function, how journalists (both private and government) frame the patriotic grain, and how they build trust between key actors by serving as a forum for elite negotiation, mediating competing ideas of justice, and strengthening or weakening other group approaches to violence and conflict resolution. Thus, research in the context of supporting a transitional justice initiative must have at least two main parts: first, understanding the information flows that are important in the particular society, and second, understanding the market for loyalties by analyzing political power and the state- and nation-building process, among other things.

The task is to identify how information flows within a society and how different actors attempt to shape these flows. Such a framework for analysis will improve understanding of existing communication

networks, their impact, and their influence. Only then can the potential effectiveness and strategy for information interventions be determined.

The origins of this approach lie in the view that each society is a unique locus, or market (or aggregate of submarkets), for thinking through how identities are constructed and reinforced. Such a view calls for organizing intelligence about how information is developed and diffused in significant areas or societies (i.e., understanding how the relevant market works), determining how actors seek control of the infrastructure of information and gain capacity to produce and distribute material that will help shape or construct these identities, and indicating how and whether new technologies are affecting the communication ecology.

Understanding an information ecology requires a kind of diagnostic, a multidisciplinary approach that is descriptive, not normative. It may lead to ways of rethinking the market or who the players might be. Research may include media mapping, an approach that focuses on comparatively understanding core questions about the mass media, both domestic and international, such as ownership, political allegiance, sources of income, and type of information offered. It is equally important to define a set of tools or instruments to think through and describe unique patterns of information flow that characterize a particular state or society, often a state that is either fairly closed or that is engaged in or emerging from violent conflict. Questions must be asked about the structure of the state and society, drawing on a cohort of sociology, anthropology, and political science scholars who can help to shape and perform these tasks.

Information Flows

The first stage involves a close reading of the local environment to understand the particular functioning of information institutions and the pattern by which constituencies are persuaded to hold or shift views. What is called "the media" can vary greatly, and the definition of its boundaries may strongly affect its potential role in all transitional justice processes. In some cases there is hardly any media sector, or it may be in the process of reconstruction. In others, the media sector is developed yet remains government controlled. In yet others, it may consist of a mix of private and public entities, with citizens having widespread access to advanced communication technologies. But we also consider it important to view "the media" in a far broader sense than the formal apparatus of press and broadcasting. Some scholars have argued that attempts to affect public opinion by focusing on mass media and using top-down structures are unlikely to be successful in many regions of the world (Zaharna, 2001). And large-scale efforts to affect public opinion through educational institutions in long-term transitional justice efforts suggest a wider definition of the term (Finn, 2003). Thus, in understanding information flows, we look not only at new technologies, but also at more traditional or common forms of persuasion. Song, sermon, poetry, and other mechanisms are too often ignored in analyzing the apparatus by which attitudes toward conflict and reconciliation are forged.

We are interested in what social scientists have called "the sociology of conversion," where conversion is a term that applies to shifts from one major approach toward considering society to another

(Snow, 1984, p. 190). Our approach to understanding the information ecology commands a more thorough investigation of the flow of communication in a society and how it helps to structure the society itself. In other words, it is an approach that takes into account the complexity of communication patterns as they cascade within a society.

Karl Deutsch's classic text *Nationalism and Social Communication* (1953) argues that "[p]rocesses of communication are the basis of the coherence of societies, cultures, and even of the personalities of individuals" (p. 87), and "there can be no society . . . without a minimum of transfer of information" (p. 95). Information here is defined not as events and other like "objects" but as patterned relationships between events (p. 93). These relationships can be represented by the organization of objects in a particular space or of actions in activities. For Deutsch, "It is the channels of culture which give to the values of culture their meaning" (p. 89). In his argument, the distinction between culture and society is central: "Societies produce, select, and channel goods and services. *Cultures produce, select, and channel information.* A railroad or a printing press is a matter of society. A traffic code or an alphabet is a matter of culture" (emphasis in original, p. 92).

Transitional justice initiatives are profoundly shaped by the actors who drive the effort and their underlying motivations. An effective and comprehensive mapping of the actors, particularly in less media-dense countries, must include more than just journalists and vertical structures of communication. It should also look at the areas of strength in the interpersonal—that is, at the relationship of leading voices to very local conversations, including, for example, imams at Friday prayers, tea drinkers in teahouses, and other platforms for performance.

The research must aim to capture the information flows that legitimate the state as well as those that undermine it. This requires analysis of geopolitical shifts and relationships, recognizing the processes of delegitimization of established organizations (by the media) and relationships between media development and the government's ability to govern. In essence, research on information flows in this context is to (re)define what "the media" entails.

Power and the Market for Loyalties

A second stage is to apply what we call a "market for loyalties" analysis to understand the principal players that seek to enter or alter the information environment to strengthen or fragment particular views. In this way, this process of analysis becomes a basis for understanding how the contest for identities takes place. In each state and each zone for recalibrating identities and ethnic definitions, there is a "market for loyalties" in which large-scale competitors for power use the regulation of communications to organize a cartel of imagery and identity among themselves. In a particular market,

> The "sellers" . . . are all those for whom myths and dreams and history can somehow be converted into power and wealth—classically states, governments, interest groups, businesses, and others. The "buyers" are the citizens, subjects, nationals, consumers— recipients of the packages of information, propaganda, advertisements, drama, and

news propounded by the media. The consumer "pays" for one set of identities or another in several ways that, together, we call "loyalty" or "citizenship." Payment, however, is not expressed in the ordinary coin of the realm: It includes not only compliance with tax obligations, but also obedience to laws, readiness to fight in the armed services, or even continued residence within the country. The buyer also pays with his or her own sense of identity. (Price, 1994, pp. 669–670)

In some instances, the market exists within national boundaries. In periods of stability, the state is usually the mechanism that governs how the market functions and is often a major (sometimes the controlling) player. In more fragile environments, including postwar states, the government often lacks the capacity to effectively govern this process or has a heightened sensitivity to actions or discourse that appear to challenge authority. But to varying degrees, in all environments there are multiple markets with complex overlaps. These markets may arise organically from the grass roots, or they may be crafted by governments or others as a means of controlling populations and defining power relations. An obvious but essential step in a diagnostic is to identify accurately what markets there are and what their defining features (political, identity, class, etc.) might be. In some cases, particularly in richer countries, there might be a single national market; in others, multiple markets may be aligned along various social divides.

To understand the challenges facing transitional justice actors, one might begin with seeking to understand who, in a particular market, are the "sellers," and what mechanisms exist for diffusion of their messages, and who are the "buyers," and how they interact with those competing for their allegiances. A market for loyalties within any state is often the product of multiple interests—other states, transnational religious entities, NGOs, and others. Indeed, in many instances, it is not just a single government or single set of NGOs that makes these decisions or seeks to alter the marketplace. Some of these actors are members of what might be called a *cartel*, or an agreement among information suppliers to limit entry or access to the target public. Others seek to break into the market or maintain their independent opportunities. Analysis of any particular market indicates how polarized the players are, illuminating the modes of control (including violence) and the barriers to entry. In addition, the levers of power that should be considered change from context to context.

To bring this analysis home, transitional justice efforts can be seen as either introducing new voices into a market for loyalties, supporting and encouraging existing voices or symbols that are thought to advance conflict resolution, or seeking to limit the impact of voices that a particular group, often the group in power, believes contribute systematically to the acceleration of division or the disintegration of state stability. The introduction of "peace radio," such as Fondation Hirondelle's Radio Okapi in the DRC, is an example of the former, and the blocking or limiting of parades in Northern Ireland is an example of the latter. But the mechanisms are legion, varying from the production of festivals to the launching of satellite channels, and include the introduction of severe tactics, such as censorship and legal banning, as well as the more positive aspects of encouraging and readdressing ideologies and identities.

Before turning to the possible tools for information interventions, it is important to note that this research approach also contains an element of conflict prevention. Long before violent conflict actually

erupts, the media can serve as an indicator (and possibly a mediator) in conflicts. The press often serves as a forum representing elite notions of what the nation-state is or should be. Competing versions of history frequently play out, and both political and ethnic identities may be more obvious than in everyday personal encounters. Often, the problems are obvious when vibrant debate is lacking or when serious arguments or divergent visions are ignored rather than engaged. In some cases, media are clearly connected with individuals or parties vying for control of the state, particularly to further economic interests, and they may reflect subtle but strong strategies to destabilize or sow discord to further a political agenda. In other cases, media outlets themselves can be effective mediators. They may, for example, seek a middle ground by providing a space for opposing sides or ideologies to debate and respond. Or they may provide important insights into government policies, dispel rumors, or explain reconciliation strategies. Mapping an information ecology offers much-needed insights into how the media are both furthering and mirroring interests that might have a stake in encouraging, or preventing, violence.

Mapping Interventions: Law, Force, Subsidy, and Negotiation

Analyzing information flows and the market for loyalties is a starting point for furthering understanding of the power structure and the ways in which *changes* in the market for loyalties can take place. To do this, it is necessary to examine ways in which the players involved can deploy law, force, subsidy, and negotiation to take advantage of local circumstances. In the remainder of this essay, we look at specific examples and contexts to illustrate aspects of the use of law, force, subsidy, and negotiation as they are deployed to alter markets for loyalties, and the implications of this for transitional justice actors and their pathways of influence.

Law refers to the legal interventions an international force or a national government uses to shape a media environment, including restricting certain voices or arguments. *Force*, among other extraordinary things, includes extralegal actions to close an information outlet without due process or the proper authority of the state. *Subsidy*, on the other hand, is a more nuanced and complex form of intervention. It occurs when particular actors, such as NGOs, international governmental officials, or national governments attempt to shape an information system by supporting particular voices and media outlets or by inserting their own messages directly into the information system. *Negotiation*, which is made possible by the varied introduction of these elements, centers on efforts to create a media space where political power can be peacefully negotiated and transitional justice policies explained.

These tools, with media and communications systems at the core, alter or affect a market for loyalties. Transitional justice actors—as well as others—may deploy these tools in an environment that includes the affected state, international actors, militaries, religious entities, and more. Such efforts lead to counter-interventions, further refinement, state responses, and reactions by other players. While we can provide only a snapshot, as we seek to extract a few lessons learned we will focus on the case of the former Yugoslavia, which is particularly instructive. In Yugoslavia, it was "the media" that both promoted the violence and subsequently became a significant tool for transitional justice actors. This experience has set the tone for the prevailing approaches now taken by international actors.

In the former Yugoslavia, the media's role in exacerbating identity divisions has been extensively documented (Thompson, 1994). At the very beginning of the conflict, in April 1992, Serb forces began broadcasting their own television channel, Serb Radio and Television (SRT) (BBC, 1995). Firmly under the control of the nationalist leaders who would lead the war, SRT used the same tactics Belgrade television had used before the war. Falsified reports of Serbs being slaughtered by Islamic fundamentalists and Croatian fascists (Ustashe) were the norm, as were false reports about Western conspiracies against the Serb nation (BBC, 1993; "Poison from Pale," 1997). Regardless of the content of the broadcasts, they succeeded in stirring up hatred against Muslims and Croats. Identity, as well as political and economic agendas, was at the core of the media-involved manipulation.

At the same time, the Balkans were a kind of late 20th-century training ground as NGOs sought to understand the relationship between their goals and the way media was deployed. The "CNN effect" (and its limits), in which one could notice television news trumping normal modes of diffusion to influence governmental decisions, became popularized (Robinson, 2002). As a locus where hate became transcendent and the media became a weapon, the region came to serve as a laboratory for the manipulation of media by NGOs and governmental organizations to create an environment for reconstruction and rehabilitation.

The Use of Law

Law is a clumsy but often-invoked mode for altering the mix of potent messages in a society—messages that are part of the process of alienation or recalibration. The capacity for transitional justice to have reconciliatory effects often involves a local legal system or set of self-regulatory norms that addresses certain kinds of speech, especially hate speech. Laws against "divisionism" in Rwanda, barring certain mentions of ethnicities, are one extreme and controversial example (Immigration and Refugee Board of Canada, 2007).

One laboratory for assessing law as a tool for shaping information ecologies to further transitional justice efforts comprises states where the legal system was weak and the international community sought to foster cooperation among deeply divided groups and communities. In postwar zones in the late 1990s, such an institutional structure—an "architecture of media law" (Krug & Price, 2002 p. 148)—emerged for the temporary generation and application of norms regulating mass media content during the transition from international to domestic governance. The creation of this system for postwar information intervention was predicated on the belief that in the absence of an operating domestic legal regime, a self-contained set of formal rules and procedures might be necessary to respond adequately to purportedly abusive media content and at the same time to provide safeguards protecting the exercise of expressive rights recognized under international standards (Krug & Price, 2002).

Legal interventions had precedents in the establishment of the Independent Media Commission (IMC) in Bosnia and Herzegovina in 1998.[1] The machinery developed there was borrowed by the United Nations Mission in Kosovo (UNMIK) and underwent refinement with the Special Representative of the UN Secretary-General's establishment in Kosovo of the office of the Temporary Media Commissioner (TMC) in June 2000.[2] A key provision of the regulations governing the TMC is Section 4.1, which states that "Owners, operators, publishers and editors shall refrain from publishing personal details of any person, including name, address or place of work, if the publication of such details would pose a serious threat to the life, safety or security of any such person through vigilante violence or otherwise." This provision followed the February 2000 promulgation of "On the Prohibition Against Inciting to National, Racial, Religious or Ethnic Hatred, Discord, or Intolerance" (Special Representative of the UN Secretary-General in Kosovo, 2000a).

The code of conduct then issued according to this regulation serves as a case study of more detailed rules, though not necessarily rules that are ideal (Temporary Media Commissioner, 2000). The code's rules purported to govern content and editorial practice as a mode of reducing the harshness of identity distinctions in the population. Section 6 regulated false and deceptive material, stating that "Publishers will not write, print, publish or distribute material that they know or ought to know to be false or deceptive."

The catalogue of rules included provisions found in other domestic legal systems, such as those prohibiting advocacy of violence (Special Representative of the U.N. Secretary General in Kosovo, 2000c, Section 4.1)[3] and protecting individual reputation and privacy, which are grounded in international conventions.[4] As such, these sometimes-primitive Kosovo rules might be viewed, in effect, as an incipient international, or extra-state, law on news media in a period of transitional measures. Viewed in broad perspective, the Kosovo approach was, and is, subject to criticism on whether it got the balance right. It reflected the precarious and recurrent tension in human rights law between free expression guarantees and the validity of interferences with the right of free expression, especially where the countervailing interest is protection of individual right to physical security. The UNMIK authorities emphasized a particular vision of "media responsibility," one that incorporated, along with traditional aspects of legal

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[1] The Office of the High Representative established the IMC on June 11, 1998, following the Conclusions of the 1997 Bonn Peace Implementation Conference that called for establishment of a temporary agency to monitor and supervise the mass media in Bosnia and Herzegovina (Office of the High Representative, 1998). For more on the establishment of the IMC, see Pech (1999/2000).

[2] The TMC was created pursuant to regulations promulgated on June 17, 2000 by the Special Representative of the UN Secretary-General in Kosovo (Special Representative of the UN Secretary-General in Kosovo, 2000b and 2000c).

[3] For an example of provisions in domestic legal systems, see the United States Supreme Court decision in *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969).

[4] These international conventions include the Convention on the Prevention and Punishment of the Crime of Genocide, International Covenant on Civil and Political Rights, and International Convention on the Elimination of All Forms of Racial Discrimination.

regulation, major elements of professional journalistic ethics. This notion of media responsibility, in a sense, was designed to alter the environment of hostility in a way beneficial to those interested in transitional justice measures (whether it succeeded or not is another question). A motivating idea was that the long-term structural goal of achieving stable movement toward a government meeting European standards could best be achieved in an atmosphere encouraged by media responsibility.

In Kosovo, the motivating concern was twofold: first, avoiding specific human rights violations in a circumstance in which a previously dominant Serbian community was now a small minority vulnerable to acts of post-conflict violent retribution; and second, creating an environment in which the potential for constructive transitional measures for cohabitation might find a suitable grounding. Whether done perfectly or not, arrangements were often structured following consultations with civil society groups and international NGOs that had a stake in the evolving political environment.

The Use of Force

Force is an even more coercive means of addressing the media and communications system, either during transitional justice processes or to create the space necessary for such processes to occur. While transitional justice actors do not necessarily have force in their own quiver of activities, the question of when they should advocate, acknowledge, or acquiesce in the use of force can be relevant. There have been calls, particularly in retrospect, for employing force against media uses, such as those that took place in Rwanda, that are immediate progenitors of genocidal acts.

However, as a means of improving the conditions in which transitional justice can be obtained, the use of force tends to be disfavored. It is fraught with uncertainty, and it is only to be resorted to in extreme circumstances. Yet there may be circumstances where media is structured so as to wholly undermine the potential for amelioration, and force appears to be the only way out. How should these circumstances be evaluated?

Because force is often the source of the kind of conflict that is the subject of transitional justice efforts, there is an ironic quality to considering it among the tools for resolution. But the use of force as a measure to achieve transitional justice goals is not unknown. Of course, herein lies a peril: those who invoke force to adjust symbols and affect the mediated aspects of ethnic and tribal representation may believe they are contributing to conflict resolution, while those on the receiving end have a very different perception.

One well-documented example of the use of force—coupled with the invocation of law—to address the composition of the media environment occurred in Bosnia-Herzegovina. In 1997, the members of the Steering Board of the Peace Implementation Council of the Contact Group—the body representing the 55 countries and agencies supporting the peace process—sought ways of deflecting an increasingly divisive media environment (OHR Peace Implementation Council, 1997). Their conclusions were formalized in the Sintra Declaration (named after the Portuguese locus of the meeting), which the

Office of the High Representative (OHR), the powerful entity overseeing the implementation of the Dayton agreement, treated as an extension of the accords.

The Sintra Declaration innovatively, and somewhat controversially, called for granting a right of access to the media for the international authorities, so as to foster an environment that would dampen conflict. It also allowed for time on radio and television, and possibly free space in newspapers without the editorial discretion of a newspaper's editors. More to the point on the use of force, the declaration stated that the OHR "has the right to curtail or suspend any media network or programme whose output is in persistent and blatant contravention of either the spirit or letter of the Peace Agreement" (OHR Peace Implementation Council, 1997, s.70). This extraordinary provision of the declaration established the right of the UN Stabilisation Force (Sfor) and the OHR to block media outlets throughout Bosnia. Not surprisingly, Bosnian Serb leaders were furious. The Bosnian Serb information minister, Miroslav Toholj, stated that "any U.S. administration operation to jam SRT will be considered an act of war and will be treated as such" ("Bosnian Serb TV Head," 1997).

Sfor soon used this declaration to justify its later seizure of television towers in Republika Srpska, the Serb-dominated entity in Bosnia. On August 22, 1997, U.S. troops seized a television broadcast tower in the northeastern town Udrigovo under the pretense that they were trying to prevent possible clashes between Biljana Plavsic's supporters (Plavsic was at the time the favored international candidate for head of Republika Srpska) and Radovan Karadzic's supporters (Karadzic was already deemed a dangerous obstacle to peace). Chris Riley, an Sfor spokesman, stated that the seizure was not intended "to influence which programme will be broadcast via the transmitter. All we want is to prevent conflicts, but we will use any force deemed necessary at any attempt of violence" ("Sfor Justifies Takeover," 1997).

The example raises important issues about the relationship of force to the shaping of an environment in which transitional justices measures can work. It suggests the difficult issues involved in moving from law and due process when international peacekeepers are involved. At its heart, it indicates the fear among international actors that without intervention, media-inspired hatred based on identity politics and scorn for emerging approaches to reconciliation would increase instability and conflict, and derail any attempts to foster reconciliation. Force, or the threat of force, became necessary (at least in the reading of the OHR) to preserve credibility and to undergird the integrity of the regulatory or negotiated steps.

On the face of it, force almost seems inconsistent with the hope for reconciliation, the desirability of resolving societal divisions, and the acceptance of processes of accountability. But as this example indicates, force hovers in the background. Even law depends on the capacity of *enforcement*—reliance on the capacity of the state or the international community to ensure that its set of norms will be followed. Force, hopefully unused, is implicit in the design for the structure of the media and the standards put in place during moments in which the postcrisis environment for potential reconciliation is conceived. That is the nature of "occupation" and its euphemistic alternatives.

Also at issue here is a definition of "the use of force": whether there is or should be a category of "severe disinformation" that justifies action; and whether force is required to create the requisite space, or environment, for transitional justice projects to occur. The example from Bosnia-Herzegovina provides

some insight into this debate over what circumstances yield "severe disinformation" as a ground for various forms of information intervention. For example, a line could be drawn between the use of troops to seize transmitters, on the one hand, and jamming diffusions of broadcast signals on the other, but the line is a difficult one. The context may matter; in Bosnia-Herzegovina the OHR argued that it was acting under a broad, delegated authority to govern from the state itself. While enhancing access to the media by conflicting and contrasting parties can be the subject of agreement, the question is what occurs when such an agreement is broken.

The Use of Subsidy

Softer than law and more acceptable than force, subsidy is perhaps the most pervasive way for both internal and external actors to alter debates and shape the communications environment, particularly when it comes to identity and transitional justice issues.

Mass media certainly can play a role in providing a more effective theater for the drama of addressing extraordinary events of the past. This effect, for example, was clearly seen in South Africa, where the media were credited with bringing the Truth and Reconciliation Commission (TRC) into the homes of South Africans and stirring debates around citizenship and who counted as a "victim" (see, for example, Krabill, 2001; McEachern, 2002). Many transitional justice efforts that involve working with media have been designed to amplify the achievement of such accepted goals of international organizations as democracy or respect for human rights.

Here we focus on the instrumental: measures taken to influence the media so as to affect the acceptability of transitional justice measures to address divisions. This is inevitably political and tied up with other international and domestic political projects, particularly the process of democratization. In postwar environments the promotion of freedom of expression and the encouragement of a multiplicity of media outlets are emphasized. This flowering of the media space is seen as providing the opportunity for citizens to vent and express themselves, contributing to both transitional justice and the democratization process, which are often intertwined. Will Kymlicka has written about how transitional justice can assist in the project of consolidating democracy by reshaping identities—weakening aspects of identities that were the source of violence and conflict and replacing them with a strengthened sense of shared identity relating to common membership in the national political community. Even though there is "a normative argument for moral duties to expose the truth about gross human rights violations, to prosecute its perpetrators, and to compensate its victims," Kymlicka suggests that the international popularity of transitional justice is connected to the idea that it serves as an instrument of democratization (Kymlicka, 2009).[5]

On the side of international influence, another way of considering subsidy is to think of the diverse family of activities labeled "media assistance," including journalism training, direct support to

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[5] Also see Bashir and Kymlicka (2008).

news organizations, media law reform, support for professional journalism associations, and initiatives designed to transcend national, religious, or ethnic barriers. Media assistance frequently (but not exclusively) aims to strengthen local media in transition societies. It may include working to transform state broadcasters into public service networks; training journalists in professional media ethics, accountability, and professionalism; and supporting the establishment of such entities as ombudsmen, arbitration councils, and press complaints commissions, which help ensure press accountability and greater public access to the press.

Subsidy becomes a way of providing "more voices," and favoring particular, often missing voices, as a response to the existence of speech that intensifies hatred. But international efforts at subsidy can be intrusive. They include the provision of media from outside the society (though certainly drawing, to the extent possible, on local energies). Even more concerted are the voices of international broadcasting, where there is an external investment in altering the tone and mix of domestic broadcasters.

International NGOs are substantial actors in this field and influence narratives and frames in ways that may be both beneficial and harmful to transitional justice efforts. Outreach programs of transitional justice measures themselves are also key actors in shaping the information environment and putting forward a particular vision and agenda. Since the early 1990s, a plethora of NGOs specializing in the use of subsidy to influence discourse have sprung up. We have already mentioned western organizations such as Search for Common Ground and Fondation Hirondelle, which seek to enhance communication among communities in areas threatened by or emerging from armed conflict. They do so by advocating for funding from governments and foundations and, with that support, providing programs and information they believe will reduce tensions and promote cooperation.

In Bosnia and Herzegovina, subsidy to enrich narrative occurred in a number of ways, including through journalist assistance and the creation of independent media outlets and information campaigns. Like many media-related initiatives, these interventions had mixed impacts. According to a 2008 report of the ICTY, its Press and Information Office was created in 1994 in response to the international media's demands for information. Initially, the Press and Information Office focused primarily on providing publications for the specialist legal community and improving its image in the international media (International Center for Transitional Justice, 2008b).

It was not until 1999 that the ICTY reorganized and created an outreach program that began focusing on the perceptions and understandings of the victim- or perpetrator-related populations. For the first time, relevant public information was translated into Bosnian, Croatian, and Serbian. It is not altogether surprising that until this point the ICTY lacked a strategy for communicating with the population. For many organizations that rely on funding from international donors, even those with the best of intentions, the needs of the immediate customer—usually the donor—can skew priorities. The OHR developed a more purposive approach, but it too had its problems. It sought to create an independent

television network to provide balanced information prior to the 1996 national elections.[6] The network's aim would be to provide all Bosnians with "unbiased information" from both local and international journalists, as well as commercial programs from around the world (BBC, 1996b). The network came to be known as the Open Broadcast Network (OBN). OBN, along with the Swiss Free Elections Radio Network initiative, made some progress in its goal of creating a more pluralistic media across Bosnia-Herzegovina before the elections, but here as elsewhere, impacts were often ephemeral.

Other international organizations also sought to alter the media environment. UNESCO established a program bank in Sarajevo that asked European countries to donate some of their national broadcasting about history, arts, and culture.[7] These programs would be broadcast on television stations across Bosnia-Herzegovina, helping to improve content and to avoid piracy. However, the effort had little success in producing more balanced broadcasts from the television stations. NATO troops also made an effort to spread alternative information. They created their own radio station, Radio Mir, or Peace Radio (BBC, 1997). USAID sponsored election advertisements that called on Bosnians in every entity to utilize their right to vote to ensure "peace, democracy and the future of their country" (BBC, 1996a). The Organization for Security and Co-operation in Europe (OSCE) ordered all three party-controlled television stations to air the advertisements. However, according to local Bosnian newspapers, much of the population viewed the ads as condescending.

Efforts to alter identity relationships, even well-intended ones aiming to reduce conflict, must be approached with caution. These efforts, as Jean Seaton asserts, can backfire when attempts to depoliticize a conflict, or media reports about it, reduce "the social and economic realities, and the complex historical causes, that underlie and prolong these conflicts to 'ethnicity'" (Seaton, 1999, p. 43). Failure may occur because "Such explanations collude with protagonists' nationalistic, mythologized interpretations of history that form part of the ideological battle that accompanies persecution" (pp. 43–44). Too often international NGOs lack the requisite local knowledge, while both local and international organizations may be "captured" by a particular political agenda and thus reinforce one narrative in the conflict or one interpretation of the causes of the violence. Local NGOs or civil society may be comprised of elites that are out of power, sometimes from the former regime, and such organizations may subtly encourage narratives that reinforce particular political positions. Transitional justice actors must be attentive to these histories if they seek to affect communication flows in a way that will be effective.

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[6] Civilian peace mediators working in advance of the Dayton Accords in September 1995 first proposed creating an independent network that could be used to combat the party-controlled nationalist programming of Serb, Muslim, and Croat television.

[7] For example, Finland quickly donated 40 hours of Finnish films about the beauties of Nordic summers, the Finnish archipelago, and reindeer roundups, which were aired on BiHTV in Sarajevo (BBC, 1996c).

The Use of Negotiation

Law, force, and subsidy are a backdrop to a final mechanism: negotiation. Both the parties to a conflict and the NGOs that surround and seek to influence it turn to negotiation as a constructive way to yield resolution and rebuilding. Ultimately, the most drastic techniques, force included, are threats designed to induce negotiation and agreement. Negotiation may also be a technique to determine the representation of voices. In Lebanon, after its civil war in the 1990s, the confessional system yielded bargained-for allocation of broadcast channels (Kraidy, 2003). Transitional justice mechanisms may work best where the very system itself is the product of negotiation and agreement. Negotiation becomes, as it were, part of the music of transitional justice.

Here, too, media behavior becomes a central question. Negotiation is often a tense process that involves the weighing of costs and benefits by the many parties involved. It is a confluence of circumstances that require change, circumstances that are incentives to change, and circumstances that render change more costly. Media can raise the costs for officials engaged in negotiated outcomes and render a resort to force more (or less) likely. In a sense, "peace radio" efforts are often mechanisms designed to prepare the ground for negotiation by demonstrating, through programming, a space where rational discourse and a search for common ground—to borrow from the most famous proponent of this art form—is possible.[8]

Crucially, the media can also serve as a space for elite negotiation or the negotiation of political power. This is most frequently the case with the press, which often provides a forum for intellectuals and politicians to offer articles outlining their positions or grievances. The nature of the medium is different from that of radio, which can, without care, become a forum for venting, arguing, or mobilizing. Newspapers allow for thought-through responses, lengthy policy explanations, and the definition of programs. The role of the media in negotiation, however, requires dialogue and engagement from all parties, including the government. Ignoring particular views or refusing to engage particular perspectives in an attempt to delegitimize them can lead to greater polarization and is likely counterproductive for transitional justice goals.

In some cases, civil society groups that should have a central role in negotiation become too polarized or too strongly represent certain financial or partisan interests. This was certainly the case in the former Yugoslavia when access to international funding and international efforts to cultivate civil society groups led to the proliferation of NGOS and associations with constituencies that were vague or of questionable legitimacy. This does not exclude such organizations from negotiations, but there must be greater recognition, on the part of those supporting and funding them and advocating on their behalf, of the political or economic interest that may motivate such groups, so that they are seen for the interests they *actually* represent rather than what they should *ideally* represent.

Negotiation may be necessary to achieve a legal framework or constitution that can contribute to resolution. Even when there is external control and law is imposed, negotiation is still essential to

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[8] For more on the NGO Search for Common Ground, see http://www.sfcg.org.

fostering ownership. Negotiation is a mode of shifting the strength of groups in the marketplace of loyalties; it is a way of allowing NGOs to achieve their goals. But it is often an undeveloped tool. To some degree, this is due to the nature of postwar situations, where the winner is writing history. Negotiation also may be missing in fragile states because governments that are struggling to consolidate political power are often both insecure and overconfident.

Conclusion

In the late 20th century and the early 21st, episodes of ethnic violence coupled with massive human rights violations occurred as armies forged war, partly by employing media and communications as a central weapon in their arsenal. The very organization, content, and influence of the press and broadcasting were matters of combat for harshly divided groups, for civil authorities seeking their role in peacekeeping duties, and for nongovernmental organizations aspiring to find their own voice in an area where old absolutes might seem less applicable. As information management became central in the buildup to war and in postwar management, a period of costly and understudied experiment emerged. There was little organized awareness—in either technique or justification—of how the international community should react to proto-genocidal uses of broadcasting (and other media) as in Rwanda, bitter violence in conflict's wake as in Bosnia, or the need for wholesale reconstruction as in East Timor.

Most of our examples have been drawn from the world prior to Facebook, Twitter, and other outcroppings of "social media," but the methods, analysis, and tools for intervention offered in this article remain applicable in the new environment. The focus of analyses in the initial stages of the "Arab Spring", for example, was more on social media and regime change than on implications for post-conflict healing environments. But similar to the case of the media in the Balkans discussed above, social media have demonstrated the capacity to intensify aspects of separation and hostility as well as modes of increasing harmony and understanding. A major difference has been the complexity or appropriateness of intervention and control.

If the market for loyalties is about the tools a cartel uses to affect entry and power within a market, then social media present new challenges. Funding of "circumvention technologies"—modes for avoiding the impact of filters designed to exclude certain voices and passions from the Internet—is an example of international involvement to affect the use of these new techniques in the mix of voices affecting transitional justice measures. Pakistan, Turkey, and of course Iran are just a few of the states that have sought to limit access to social media. Meanwhile NGOs such as Human Rights Watch and Save Darfur have deployed social media to gain constituencies and international public support for transitional justice measures they consider appropriate. In this evolving context, efforts to create templates or easy handbooks for transitional justice actors to consider and interact with the media may potentially do more harm than good. As we have discussed, transitional justice and related communication efforts take place in environments in which a variety of players, including local governments, international actors, local media, and NGOs, wield law, force, subsidy, and negotiation to influence the flow of information.

In this article, we have focused on the international efforts to shape transitional justice. In the context of fragile communities, it is particularly important to determine whether external interventions impede rather than foster what are often vulnerable and delicate initiatives. Our objective has been to provide an elaborated way of considering the relationship between the media environment and the advancement of transitional justice measures. "Transitional justice" occurs in a context where an old cartel, with its characteristics of dominance and control over narrative, is being transformed, and a new narrative is being created. It is useful in these moments to determine what strategies are adopted, and by which players, to modulate existing intensities. The tools we have described, including law, force, subsidy, and negotiation, are by no means silos, in terms of how they are either conceptualized or implemented. But thinking through the possible deployment of these tools by understanding both information flows and the ways in which a particular market for loyalties operates not only indicates the competitive environment in which new and changed modes must operate, but also offers an opportunity for transitional justice practitioners and policy makers to anticipate the possible ways their efforts could be hijacked for political ends, creating greater polarization or exacerbating a delicate situation.

References

Allen, T., & Seaton, J. (1999) *The media of conflict: War reporting and representations of ethnic violence.* London: Zed Books.

Allen, T., & Stremlau, N. (2005). Media policy, peace and state reconstruction. In T. Tufte & O. Hemer (Eds.), *Media and glocal change* (pp. 215–234). Goteborg, Sweden: Nordicom.

Aronoff, M. J. (1998, March). The politics of collective identity. *Reviews in Anthropology*, *27*(1), 71–85.

Bashir, B., & Kymlicka, W. (2008). Introduction: Struggles for inclusion and reconciliation in modern democracies. In B. Bashir & W. Kymlicka (Eds.), *The politics of reconciliation in multicultural societies* (pp. 1–24). Oxford, UK: Oxford University Press.

BBC Summary of World Broadcasts. (1993, October 18). Milosevic's and other Serb leaders' "hypocrisy" condemned in radio commentary. Source: Radio Bosnia-Hercegovina.

BBC Summary of World Broadcasts. (1995, June 9). Bosnian media guide: A guide to selected sources covering Bosnia.

BBC Summary of World Broadcasts. (1996a, August 21). USAID-sponsored TV broadcasts criticized. Source: Dnevni Avaz.

BBC Summary of World Broadcasts. (1996b, October 7). Donors discuss development of TVIN network. Source: Oslobodjenje.

BBC Summary of World Broadcasts. (1996c, November 14). YLE supporting UNESCO's Bosnia programme bank. Source: Radio Finland.

BBC Summary of World Broadcasts. (1997, January 15). International forces station, Radio Mir, goes on air. Source: BH Press News Agency.

Bosnian Serb TV head warns U.S. against jamming. (1997, August 14). *Dnevni Telegraf*. Source: BBC Summary of World Broadcasts.

Brass, P. R. (1980). Ethnic groups and nationalities: The formation, persistence, and transformation of ethnic identities over time. In P. F. Sugar (Ed.), *Ethnic diversity and conflict in Eastern Europe* (pp. 1–68). Santa Barbara, CA: ABC CLIO.

Deutsch, K. W. (1953). *Nationalism and social communication: An inquiry into the foundations of nationality*. Cambridge, MA, and New York, NY: The Technology Press of the Massachusetts Institute of Technology and Wiley.

Elster, J. (2004). *Closing the books: Transitional justice in historical perspective*. Cambridge, UK: Cambridge University Press.

Finn, H. K. (2003, November/December). The case for cultural diplomacy: Engaging foreign audiences. *Foreign Affairs, 82*(6), 15–20.

Fondation Hironelle. (2009, December). What's new? News from Fondation Hirondelle. Retrieved from http://reliefweb.int/sites/reliefweb.int/files/resources/8191EA61402EDE128525768E007B571D-Full_Report.pdf

Glaser, D. (2000). The media inquiry reports of the South African Human Rights Commission: A critique. *African Affairs*, *99*(396), 373–393.

Immigration and Refugee Board of Canada. (2007, August 3). Rwanda: Legislation governing divisionism and its impact on political parties, the media, civil society and individuals (2004–June 2007). Retrieved from http://www.unhcr.org/refworld/docid/474e895a1e.html

International Center for Transitional Justice. (2008a). *ICTY Outreach Summary*. Internal Report. Copy on file with the authors.

International Center for Transitional Justice. (2008b). Transitional justice reporting audit: Review of media coverage of the truth and reconciliation process in Liberia. Retrieved from http://ictj.org/sites/default/files/ICTJ-Liberia-Truth-Reconciliation-2008-English.pdf

Jennings, M. (2007). Surrogates of the state: NGOs, development and Ujamaa in Tanzania. Danvers, MA: Kumarian Press.

Klarin, M. (2009). The impact of the ICTY Trials on Public Opinion in the former Yugoslavia. *Journal of International Criminal Justice*, *7* (1), 89–96.

Kowert, P., & Legro, J. (1996). Norms, identity, and their limits: A theoretical reprise. In P. J. Katzenstein (Ed.), *The culture of national security: Norms and identity in world politics* (pp. 451–497). New York, NY: Columbia University Press.

Krabill, R. (2001). Symbiosis: Mass media and the Truth and Reconciliation Commission of South Africa. *Media Culture and Society*, *23*(5), 567–585.

Kraidy, M. (2003). Globalization avant la lettre? Cultural hybridity and media power in Lebanon. In P. Murphy & M. Kraidy (Eds.), *Global media studies: Ethnographic perspectives* (pp. 276–296). New York, NY: Routledge.

Krug, P., & Price, M. E. (2002). A model for media intervention: Content regulation in post-conflict zones. In M. E. Price & M. Thompson (Eds.), *Forging peace: Intervention, human rights and the management of media space* (pp. 148–174). Bloomington, IN: Indiana University Press.

Kymlicka, W. (2009). Transitional justice, federalism, and the accommodation of minority nationalism. OCSID Working Paper. Oxford Centre for the Study of Inequality and Democracy. Retrieved from http://ocsid.politics.ox.ac.uk/publications/OCSID_papers/OCSID_05_Trans_Justice_Kymlicka.pdf

Laitin, D. D. (1998). *Identity in formation: The Russian-speaking populations in the near abroad*. Ithaca, NY: Cornell University Press.

McEachern, C. (2002). Narratives of nation media, memory and representation in the making of the new South Africa. New York, NY: Nova Science Publishers, 2002.

Nagel, J. (1994, February). Constructing ethnicity: Creating and recreating ethnic identity and culture. *Social Problems*, *41*(1), 152–176.

OHR Peace Implementation Council. (1997, May 5). Political declaration from ministerial meeting of the Steering Board of the Peace and Implementation Council. Retrieved from http://www.ohr.int/pic/default.asp?content_id=5180

Paris, R. (2004). *At war's end: Building peace after civil conflict*. Cambridge, UK: Cambridge University Press.

Pech, L. (1999/2000, Winter). Is Dayton falling?: Reforming media in Bosnia and Herzegovina. *International Journal of Communications Law and Policy, 4,* 1–28.

Poison from Pale. (1997, August 25). *The Times* (London).

Pouligny, B., Chesterman, S., & Schnabel, A. (Eds.). (2007). After mass crime: Rebuilding states and communities. New York, NY: United Nations University Press.

Price, M. E. (1994). The market for loyalties: Electronic media and the global competition for allegiances. *Yale Law Journal, 104*(3), 667–705.

Robinson, P. (2002). *The CNN effect: The myth of news, foreign policy and intervention*. London, UK: Routledge.

Ross, M. H. (2000). Creating the conditions for peacemaking: Theories of practice in ethnic conflict resolution. *Ethnic and Racial Studies, 23*, 1002–1034.

Ross, M. H. (2004). Ritual and the politics of reconciliation. In Y. Bar-Siman-Tov (Ed.), *From conflict resolution to reconciliation* (pp. 197–223). Oxford, UK, and New York, NY: Oxford University Press.

Seaton, J. (1999). The new "ethnic" wars and the media. In T. Allen & J. Seaton (Eds.), *The media of conflict* (pp. 43–63). London, UK: Zed Books.

Sfor justifies takeover of transmitter. (1997, September 1). HINA News Agency. Source: BBC Summary of World Broadcasts.

Snow, D. (1984). Sociology of conversion. *Annual Review of Sociology, 10*, 167–190.

South African Human Rights Commission. (1999, November 21). Investigation into racism in the media: Interim report. Retrieved from

http://www.sahrc.org.za/home/21/files/Reports/Racism%20in%20the%20media_%20interim%20report.pdf

Special Representative of the UN Secretary-General in Kosovo. (2000a, February 1). *UNMIK/REG/2000/4*: *On the prohibition against inciting to national, racial, religious or ethnic hatred, discord or intolerance.* Retrieved from http://www.unmikonline.org/regulations/2000/re2000_04.htm

Special Representative of the UN Secretary-General in Kosovo. (2000b, June 17). *UNMIK/REG/2000/36: On the licensing and regulation of the broadcast media in Kosovo.* Retrieved from http://www.unmikonline.org/regulations/2000/re2000_36.htm

Special Representative of the UN Secretary-General in Kosovo. (2000c, June 17). *UNMIK/REG/2000/37: On the conduct of the print media in Kosovo.* Retrieved from http://www.unmikonline.org/regulations/2000/re2000_37.htm

Tacchi, J., Slater, D., & Hearn, G. (2003). *Ethnographic action research, UNESCO users handbook*. Retrieved from http://eprints.qut.edu.au/4399/1/4399.pdf

Teitel, R. G. (2000). *Transitional justice*. Oxford, UK: Oxford University Press.

Temporary Media Commissioner. (2000). Temporary code of conduct for the print media in Kosovo. Retrieved from www.unmikonline.org/regulations/admdirect/2000/ADE2000_22_annex.pdf

Thompson, M. (1994). Forging war: Media in Serbia, Croatia and Bosnia-Hercegovina. London, UK: Article 19.

Tilly, C. (1988). Repertoires of contention in America and Britain, 1750–1830. In M. N. Zald & J. D. McCarthy (Eds.), *The dynamics of social movements: Resource mobilization, social control, and tactics* (pp. 126–155). Lanham, MD: University Press of America.

Zaharna, R. S. (2001, November). American diplomacy in the Arab and Muslim world: A strategic communication analysis. *Foreign Policy in Focus*. Retrieved from http://www.fpif.org/articles/american_public_diplomacy_in_the_arab_and_muslim_world_a_strategic_communication_analysis