Policy Briefing

The media of Iraq ten years on

The problems, the progress, the prospects

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Acronyms	
CMC	Iraqi Communications and Media Commission
CPJ	Committee to Protect Journalists
CPA	Coalition Provisional Authority
IMN	Iraqi Media Network
HMC	Iraqi Higher Media Council
IMS	International Media Support
IREX	International Research and Exchanges Board
IWPR	Institute of War and Peace Reporting
JFO	Journalistic Freedoms Observatory
NINA	National Iraqi News Agency
SAIC	Science Applications International Corporation
Syndicate	Iraqi Journalists' Syndicate
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
USAID	US Agency for International Development

Front cover
Anti-government demonstrations in Fallujah in February 2013. Since the end of December 2012, thousands of Sunnis have protested about the alleged discrimination against them by the Shia-dominated government of Nouri Al Maliki.

AZHAR SHALLAL/AFP/GETTY IMAGES

About this briefing

This briefing is part of a series commissioned by BBC Media Action into the role of media in fragile states. Earlier briefings have focused on Afghanistan, Kenya and Somalia. Shorter country case studies have been published on Bangladesh, Cambodia, South Sudan, Syria and Uganda.

All of these publications are designed to generate greater understanding of the complex challenges facing support to the media in these states. They also attempt to provide some guidance and conclusions that policy makers can use when designing support strategies for the media.

The subject of support to the media in fragile states, particularly those that are especially fractured along political, religious, ethnic or other factional lines, is contentious. BBC Media Action explicitly supports free and independent media in these countries, but takes seriously the charge from some academics and commentators that such support can sometimes foster division or conflict in fragile societies.[1] These briefings are designed to understand the political, historical and cultural realities of these very different countries so that support to media, and especially public interest media, can be better prioritised and made more effective.

This briefing is based on dozens of interviews with Iraqi and Western actors in a position to reflect on lessons learned and unlearned over the last decade, as well as extensive first-hand monitoring of the Iraqi media and media development initiatives within the country.

There are important issues that the briefing does not attempt to cover, particularly in relation to the Kurdish region of Iraq. While the media in Kurdistan shares some wider issues with the rest of Iraq, there are significant differences that deserve greater focus than is possible in this document.

Readers should be aware that BBC Media Action, the BBC's international development charity, has worked in Iraq since 2003 and, while every effort has been made to be dispassionate in our analysis and not to focus on our own institutional concerns, the briefing has been informed to some extent by our own work in the country. The largest of our projects has been the ongoing support to Al Mirbad, which with a weekly listenership of 1.7 million is the most listened-to local radio station in southern Iraq and arguably the only independent public service radio station in the country. BBC Media Action also works in more than 20 other countries across Europe, the Middle East, Asia and Africa. The analysis presented in this briefing is that of BBC Media Action, not of the BBC itself.

BBC Media Action is grateful to all those who gave generously of their time to be interviewed for this briefing (full interview list on page 35.) Special thanks to Professor Charles Tripp, Kamran Karadaghi, Richard Lucas and Saad Jasim, who kindly advised on and reviewed draft versions of this briefing.

Above An aerial view of Baghdad in 2008.

Executive summary

It is a decade since the US-led coalition troops entered Iraq in March 2003, in what was to become perhaps the most contentious foreign policy issue of our time. "Our mission is clear: to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people", declared then US President George W Bush.[2]

The years that have followed have been turbulent for an Iraq riven by divisions and sectarian violence, as elites have battled one another for control. It remains a country that is anything but stable and united. This briefing examines just one element of Iraq's journey over the last ten years: that of its media reform.

This briefing argues that the Iraqi media landscape of 2013 may not be the free, plural and professional fourth estate that many in the West had envisaged in 2003 but that it has real strengths – as well as weaknesses – which reflect the reality and complexity of modern Iraq. The seismic shift in attitudes that the Iraqi media was asked to embrace in the reconstruction of the sector after Saddam Hussein's fall was always likely to take time. It is suggested here that the prospects for Iraq's media are less bleak than is often assumed.

Part 1 examines how history has shaped the media of Iraq today. It looks at development of the media since the foundation of the modern Iraqi state in 1920. Throughout that time, only temporary interludes of relative media freedom have interrupted a pattern of politically motivated media co-option and authoritarian control. By 2003, the non-state media had been banned for nearly 45 years, while the state media was nothing more than the propagandist arm of the regime.

That legacy had a profound impact on the way that Iraqis conceive of the media and its role. The coalition's expectation that Iraq's new leaders would share their conception of a Western-style liberal media sector was not rooted in the historical experience of the country. There was no tradition of independent journalism in the country and the coalition's assumption that the journalistic community would quickly adopt a set of independent and professional standards, if only the shackles of state control were removed, had little foundation.

Part 2 describes attempts at media reform by the Coalition Provisional Authority (CPA), established by international forces following the invasion. It documents the misplaced assumptions and mistakes acknowledged by many of those involved, but also argues there have been lasting and positive impacts on Iraq's media sector from decisions taken at the time. Laws created by the

coalition remain the foundation of the media environment in today's Iraq. The coalition's creation of an independent regulatory authority, albeit flawed, has had lasting value.

Less successful were attempts to transform the propagandist state media into a public service broadcaster. Here, the coalition's immediate public diplomacy and strategic communication concerns tended to override the aims of building a democratic media working in the interests of the Iraqi people. This led many Iraqis to conclude that the state broadcaster, once the mouthpiece of Saddam, had simply become that of the coalition.

A decisive positive step was the dismantling of the former regime's Ministry of Information, but the lack of understanding of how embedded the Iraqi media was in the state's architecture led to missed opportunities to secure more journalistic freedom for those working in publicly-funded media. An opening existed to reform the sector so that journalists were not employed as civil servants but this was missed. Similarly, the coalition spurned a valuable opportunity to establish the state broadcaster's administrative and financial independence, in effect reinforcing the familiar concept that its journalists – as state employees – should present the government in a positive light.

Part 3 describes how, as soon as power was transferred to the new Iraqi state in 2004, traditional patterns of media co-option rapidly re-emerged. These overwhelmed the piecemeal and hastily designed media support strategies that Western powers had hoped would create a liberal, free and open media. The architecture of the state remained geared towards its authoritarian roots, allowing a series of structural issues to impede the development of an independent media sector.

A decade on, the state broadcaster remains more of a state broadcaster than an independent public service broadcaster, but it should not be written off. The fact that it has a board of governors and a legal framework in place to keep it a step removed from direct government control suggests that its model (if not its performance) is a breakthrough compared with the governance of other state-funded media in the Arab world.

In an environment where there is such diversity and tension along ethnic, sectarian and political lines, the independent regulator established by the coalition has an important role to play. Its performance to date has been far from exemplary. The regulator has found itself in the uncomfortable position of being disliked by both of its major stakeholders. The broadcasters it is supposed to regulate accuse it of doing the government's bidding

while the government remains unhappy that regulation is outside its control. Yet, despite its flaws, the regulator's continued existence offers the potential to facilitate necessary legal and regulatory reform.

Part 4 outlines how, even in the face of resistance from Iraq's new political class, privately owned media has boomed. The explosion in the number of television – as well as radio and print – outlets is testimony to long pent-up demand for information and perhaps an even greater demand for self-expression.

The diversity of the non-state media is the single greatest advance within Iraq's media community over the last decade and is likely to be sustained. However, in keeping with earlier phases of Iraqi history, these outlets continue to operate in the vanguard of political interests.

Despite an oil rich economy, the prospects for an advertising base capable of sustaining a genuinely independent media remain distant. Successful media organisations are likely to be subsidised media organisations for the immediate future. It is the resources of indigenous Iraqi religious, sectarian and political actors, in combination with funding from competing regional powerhouses such as Saudi Arabia, Qatar, Iran and international actors such as the US, that are likely to bankroll non-state media houses. The degree to which such media end up acting in the public rather than the partisan interests of their owners and backers, remains to be seen.

Statistical surveys tend to support the widely held view in Iraq that people tune into the television or radio service that reflects their own ethnicity and religious or tribal affiliation. There are concerns that emerging "ethno-sectarian media empires" are a potential polarising force in society. At the same time, this newly emerged media reflects religious and ethnic shades of Iraq that were previously airbrushed out of Saddam's Iraq and arguably provides a legitimate, rather than violent, expression of specific identities.

Part 5 examines the challenges and prospects of freedom of expression in the country.

Abuses of journalistic freedoms continue amid Iraq's general culture of impunity, and the country was until recently one of the most dangerous in the world to be a journalist. Nevertheless, and despite accusations of growing authoritarianism, there is limited evidence to suggest that the government of Prime Minister Nouri Al Maliki is pursuing a concerted and organised campaign to silence the press.

The legal framework for the media is in need of substantial reform. Despite the passing of a liberal constitution in 2005, Iraq continues to struggle to translate its liberal tenets into everyday laws and regulations. Iraq's legal system is a patchwork of laws from different eras, ranging from the socialist Baathist dictatorship to coalition-controlled and post-transition Iraq. In the media sphere, this multi-layered and often contradictory legislation has created confusion and hindered the work of the judiciary. Recent legislation drafted by the Iraqi parliament is confused, opaque and incomplete, lending itself to opportunistic manipulation both by the authorities and the media. If the space that has been created for freedom of expression is to be maintained, the Iraqi parliament will need to revise old laws and pass new ones. A combination of political divisions and a lack of expertise in media law reform pose real challenges to the creation of a clear legal framework for a free and independent media.

Part 6 summarises the challenges facing the Iraqi media ten years after the invasion. The current character of Iraq's democracy has been, and will continue to be, mirrored and to some extent shaped by its media.

The greatest obstacle to the removal of state control over the media is structural. Sitting on the third largest reserves of oil in the world, there is little basis for a social contract between the state and its citizenry. With little need to tax them, accountability of the Iraqi state to its citizens remains weak. In such circumstances, the health of institutions such as the media is likely to be critical to the effective functioning and accountability of government. Past international support to media in the country has not been fault free, but has nonetheless produced real gains.

Part 7 highlights lessons from the Iraq experience that may be useful to other Arab countries, especially those in transition. While each country context is different, the fundamental institutional and attitudinal characteristics of the media are strikingly common across the Arab world.

The key lessons are that international actors need to develop a deeper understanding of political realities and histories before they design media support initiatives. Media reform requires a holistic approach that takes into account each country's broader political economy. Training will invariably form part of that reform agenda, but training alone can end up further entrenching institutional practices by creating the false impression that improving the media is only a matter of improving skills.

Media reform programmes should remain realistic about the economics of the media market in the Arab world and not assume that financial sustainability of independent media is easily achievable. At the same time, international actors should accept that the definitions of 'public' in the debate about public service broadcasting can vary significantly. Arab audiences are not necessarily looking for their media to act in the way that the Western media does.

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PART I

A 'flawed mirror':
the Iraqi media in historical perspective

Understanding the role of the media in Iraq's recent history is key to any analysis of its evolution in the ten years since the fall of Saddam Hussein's regime in 2003. That history also provides important insights when assessing the effectiveness of external media support efforts over the last decade, and prospects for the future.

Despite resting on one of the oldest civilisations in the world, Iraq is a young nation. When the three Ottoman states of Basra, Baghdad and Mosul were combined to form the state in 1920, there was little sense that they belonged together. The history of modern Iraq is one of contestation: some have battled for the country's control while others have sought its fragmentation.

From its establishment as a sovereign state, Iraq alternated between periods when it resembled a functioning democracy with a vibrant multi-party system and a free-wheeling press, and others when political opponents were harassed and their newspapers shut down.[3]

Following the military coup of 1958, relative press freedom began to disintegrate as the government decreed that publications critical of the regime would be censored and that publishers would have their licences revoked. The press was soon nationalised and opposition newspapers were banned.

The arrival of mass media through radio and television coincided with this restriction of freedom of expression. The resources required to operate these media meant that they were national assets, controlled by the state from the outset.

In the 1940s and 1950s Arab countries' medium wave radio broadcasts transcended national boundaries, targeting audiences across the region. Arab regimes used radio as a weapon to undermine their regional rivals in other Arab states and consolidate their national positions.

Iraq's political leadership

1920	Mandate for Iraq (formed of the three former Ottoman provinces of Basra, Baghdad and Mosul) granted to the UK	1965	Abdel Salam Arif dies in helicopter crash: replaced by his brother, Abdel Rahman
1921	Prince Faisal crowned king of Iraq	1968	Military coup by Baathist and Arab nationalist officers
1932	League of Nations grants Iraq independence		Baathist Ahmed Hasan Al Bakr becomes president before later conducting a further coup against non-Baathist elements
1936	Military coup backed by General Bakr Sidqi Radio Baghdad starts a limited broadcast service	1979	Saddam Hussein replaces Bakr as president
1937	Bakr Sidqi assassinated Radio Baghdad is launched	1980	Iraq invades Iran and an eight-year war begins
1941	Military coup: Rashid Ali Al Kailani forms Government of National Defence. Britain reinvades and reoccupies Iraq Kailani's government collapses and flees	1990	Iraq invades Kuwait, the UN Security Council imposes tight economic embargo for the next 13 years
		1991	US-led coalition liberates Kuwait and advances into Iraq
1956	Television is launched in Iraq – a first in the Arab world	2003	US-led coalition forces overthrow Saddam Hussein: Paul Bremer appointed head of the Coalition Provisional Authority (CPA)
1958	Military coup: General Abdul Karim Qasem overthrows the monarchy and establishes the Iraqi republic	2004	CPA dissolved: sovereignty handed to interim government led by Ayad Allawi
		2005	Following elections, Ibrahim Al Jaafari appointed prime minister, and Jalal Talabani made president
1963	Military coup by Baathist and Arab nationalist officers, Qasem and colleagues killed President Abdel Salam Arif later ejects the Baathists from power	2006	Nouri Al Maliki replaces Al Jaafari as prime minister
		2010	Maliki forms coalition and remains prime minister following 2009 elections

Victors' justice – Iraq's reality TV

While television in Iraq now looks and feels different to the small black and white image that people in Baghdad first saw in 1956, some of the content has remained surprisingly similar. It is telling that some of the first broadcasts on the fledgling Iraq television were proceedings of The People's Court, a series of show trials convened by General Abdul Karim Qasem following his military coup in 1958. The court placed members of the monarchical regime and opponents of Qasem on trial for their lives in front of the court's self-styled impresario, Colonel Mehdawi, whose interjections of poetry recitals and insults against Baghdad's regional rivals made him a media celebrity.[4]

"Al Mehdawi's trials became a great source of entertainment second only to Abdel Nasser's speeches… Total madness was the hallmark of the proceedings", said Yasar Durra, a retired news executive and an expert in the regional media, who listened to the trials on Radio Baghdad as a young man in neighbouring Jordan. This grisly show of power would come back to haunt Qasem, who was overthrown and summarily executed, along with Mehdawi, at the television and radio building in Baghdad in 1963. Their dead bodies were displayed for all to see on television that night. Footage of both remains available online.

Such shows have left an indelible imprint on Iraq's media landscape and were a staple of the Baathist media under Saddam Hussein. When the state broadcaster was relaunched following the removal of Saddam Hussein, one of the first programmes it offered audiences in the new Iraq was Terrorism in the Grip of Justice, where suspects were paraded on television confessing to carrying out terrorist activities. The programme caused an outcry among human rights observers. Ahmed El-Yasseri, a news executive with the state broadcaster, told the Washington Post "We have overtaken the other stations. These tapes have captured the attention of Iraqis."[5]

This style of programming, pioneered by Qasem, persists today on the state broadcaster, Al Iraqiya, and privately owned channels such as Al Fayhaa, in an attempt to offer what they deem to be patriotic support for Iraq's anti-terrorist campaign.

Above Soon after Iraqi television was established it broadcast The People's Court, a series of show trials convened by General Abdul Karim Qasem following his military coup in 1958. Proceedings during the trial of Saddam Hussein and senior members of his regime in 2006 were very different, but the visual similarities are striking.

Right Another trial by television: a young girl watches Terrorists in the Grip of Justice, a programme produced by Iraqi television in 2005, where alleged terrorists were paraded in front of the camera, in some cases confessing to having carried out acts of terrorism.

SABAH ARAR/AFP/GETTY IMAGES

Egyptian president Gamal Abdel Nasser was particularly effective in his use of the Voice of the Arabs radio to bombard citizens of his regional opponents, pouring scorn upon their leaders. Nasser's approach became the model of media policy for many of his counterparts across the region, and Iraq was no exception. By the time television was launched in Iraq in 1956 it was already conceived as a tool for the promotion of nationalism and national self-preservation in a region of fierce rivalries. Accordingly, political speeches and stirring patriotic songs made up much of the content in the early days of Iraqi radio and television.

The alignment of many of the Arab regimes of the time with the Soviet bloc reinforced these values and meant that the fledgling broadcast media were attitudinally and institutionally established in the image of an authoritarian system, where the media was viewed as a tool of state interests.[6]

The Baathist regime that seized power in 1968, and through which Saddam Hussein would accede to the presidency in 1979, continued to shape the media as an instrument to control the flow of information. During its 35-year rule, the media was nothing more than an organ of the state and the

> **" The US-led coalition was unable to read Iraq. Wishful thinking and ideology blinded them to the reality of power in a society that had been shaped by violence and patronage for decades. "**
>
> PROFESSOR CHARLES TRIPP

'flawed mirror' through which Iraqis viewed the world.[7] Those who excelled at communicating the regime's messages were promoted – some to high ministerial posts – and those who dissented were punished, often severely.

The psychological impact of the Baathist regime's information control has also been pernicious. As Iraq became an international pariah through years of war and sanctions, Iraqis became increasingly cut off from the outside world, with little access to information from elsewhere. Children of the 1980s grew up on programmes like From the Battlefield, where ubiquitous gruesome images from the Iraq-Iran war became entertaining playground conversation, setting a standard that remains with Iraqis today.

The advent of satellite television in the 1990s and international broadcasters such as Al Jazeera broke the monopoly on information that many Arab regimes had possessed in their own countries. Iraqis, however, remained unable to access them as satellite dishes were banned under Saddam Hussein. On the eve of the invasion by US-led coalition forces in 2003, the three newspapers, the radio network, two television channels, and the only news agency in Iraq were all state run. There was no non-state media. Radio broadcasts from Voice of America, BBC World Service and Radio Monte Carlo were available, but these provided an international

news service that was not always relevant to the daily concerns of Iraqi listeners.
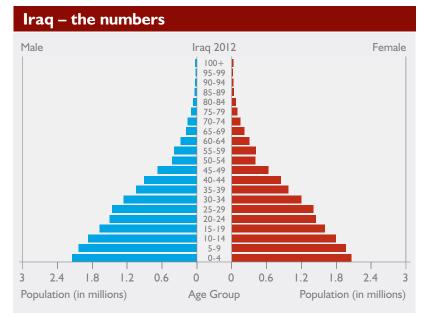
The opposition in exile was unable to establish media that would offer an alternative. The few publications that did exist – including a newspaper edited by the current Iraqi Prime Minister Nouri Al Maliki in Syria – had a small circulation, serving largely as political manifestos of the exiled opposition parties.

This history of Iraq's media has left both a psychological and an institutional legacy, particularly when viewed against the wider Iraqi political context. As historian Charles Tripp noted, Iraqi politics had never allowed for "a genuine answerability of the rulers to the ruled".[8] The state's monopoly over the country's abundant natural resources has meant that the Iraqi state has had little need to tax its people. Its leaders, sitting on the third largest oil reserves in the world, have instead been able to 'buy' citizens' loyalties through the distribution of state appointments and welfare in exchange for a lack of political participation.

The overthrow of Saddam Hussein at the hands of coalition forces offered the opportunity to break this pattern and facilitate a new system of democratic politics founded on the principles of consent. But, as Tripp argued in an interview for this briefing, "The US-led coalition was unable to read Iraq. Wishful thinking and ideology blinded them to the reality of power in a society that had been shaped by violence and patronage for decades. The coalition not only failed to notice this, but often fell into the same practices, allowing – and even encouraging – a culture of co-option, backed up by force, to thrive within the reconstructed machinery of the state."[9]
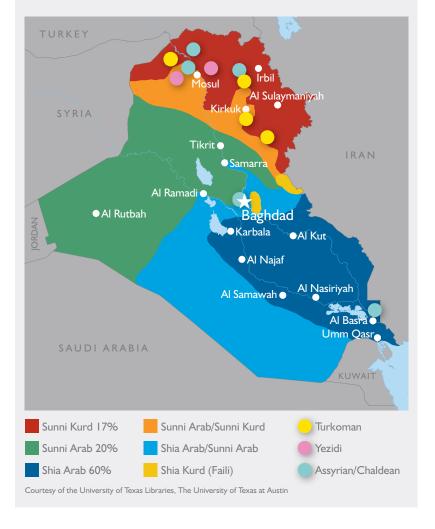
The coalition's assumption that the democratic energy of a long-suppressed journalistic community would be unleashed following the removal of Saddam's regime was therefore largely unfounded. Similarly, their assumption that the leaders who would compete for control of post-Saddam Iraq would see the need for a liberal media sector once the shackles of the state were removed was also questionable. These leaders, like all Iraqis, had a different political education and had grown up with a very different media diet.

As this briefing illustrates, these assumptions undermined not only the coalition's attempts at reforming Iraq's media landscape, but also the subsequent media support efforts of other international actors. There was a limited tradition of independent journalism in Iraq. The media has always been in the vanguard of the battle for control of the state, a tool used to assert political claims and agendas. It was rarely seen as a neutral provider of information or as an outlet for independent, public interest journalism. In this sense, the Iraqi media had a far greater distance to travel than the coalition and other international actors had expected.

Iraq – the numbers

Iraq has a population of about 30 million and its age demographics mirror the wider Arab world's youth bulge. An estimated 37% of the population is 14 and under. The median age is just 21.[10]

Iraq's south is – broadly speaking – populated by Shia Arabs. The western provinces are predominantly Sunni Arab and the northern semi-autonomous Kurdish region is predominantly inhabited by Sunni Kurds. But the division is not simple and is the cause of much debate. The city of Kirkuk is claimed both by the central government and the Kurdish regional government, for example.

🟥 Sunni Kurd 17%	🟧 Sunni Arab/Sunni Kurd	🟡 Turkoman
🟩 Sunni Arab 20%	🟦 Shia Arab/Sunni Arab	🟣 Yezidi
🟦 Shia Arab 60%	🟨 Shia Kurd (Faili)	🔵 Assyrian/Chaldean

Courtesy of the University of Texas Libraries, The University of Texas at Austin

PART 2

Redrawing Iraq's media landscape: the role of the Coalition Provisional Authority

The coalition forces' invasion of Iraq in March 2003 is one of the most controversial foreign policy decisions of our time. Following the invasion, the United States and its allies set up a transitional government in the form of the Coalition Provisional Authority (CPA). Headed by former US Ambassador L Paul Bremer III, it was set up to lead Iraq's transformation into a functioning democracy.

The media was just one of the many sectors in which the CPA sought to carry out root and branch reform, but its importance was recognised. "Freedom of the press was central to the political objective of establishing representative government", Bremer explained in an interview for this briefing.[11]

The 14 short months of the CPA's management of Iraq

Below Day 21 of the coalition's invasion of Iraq: US troops enter central Baghdad and topple a statue of Saddam Hussein on 9 April 2003.

have had a profound and lasting impact on Iraq's media landscape. This section analyses the two pillars of the CPA's media reform programme: the transformation of the state media into a public service provision; and the introduction of independent media regulation to replace old style state-control through the Ministry of Information.

This section also looks at whether what the CPA wanted to achieve through media support was achievable or welcomed by their Iraqi counterparts. At the heart of the CPA's attempt to reconstruct Iraq's propagandist media structures in the Western style, was the assumption that the 'new Iraq' wanted the kind of media landscape it had in mind. The reality proved much more complex, especially given the timeframe available to the CPA.

GILLES BASSIGNAC/GAMMA-RAPHO VIA GETTY IMAGES

The Coalition Provisional Authority's challenge

Creating a liberal, democratic Iraq from the monolithic Saddamist state was a gargantuan task. It was not made any easier by the fact that the coalition's approach continued to evolve as the scale of the challenge became apparent. The body initially set up to oversee Iraq's transition two months prior to the invasion, the Office of Reconstruction and Humanitarian Assistance (ORHA), headed by US General Jay Garner, lasted less than three months before being replaced by the CPA, as the coalition braced itself for a more sustained occupation. With Bremer in place from May 2003, the nascent CPA began to forge a new transition plan through protracted negotiations that rolled on until early 2004, less than six months before it was due to hand over power to the interim Iraqi government on June 30.

The CPA's staff had few concrete plans to work from. Indeed, they did not even know how long they would be staying. Decision making was an hour-to-hour and day-to-day business. This was further complicated by a rapidly shifting political background. The goalposts continued to move for staff that became increasingly holed up in the presidential palace in Iraq's Green Zone as the security situation worsened.

The CPA had to complete its task without many of the most qualified and experienced US practitioners in state building, as the Department of Defense won its tug-of-war with the State Department. The Pentagon, under Secretary of Defense Donald Rumsfeld, was placed in charge of a post-war reconstruction effort for the first time since the occupations of Germany and Japan after World War II. So intense was Rumsfeld's antipathy to the State Department, that he would reportedly veto any attachments of its employees to the CPA.[12]

The UN agencies in other settings may have played an important role, including in media development, but the geopolitical fallout of the coalition's decision to invade also had consequences on the UN's engagement in Iraq's reconstruction. Over the previous decade the UN had played a prominent role in Iraq through its placement of weapons inspectors and administration of the Oil for Food programme, a role that did not make it popular in Iraq. The fact that the UN Security Council did not sanction the coalition's military action, and differing views on how the transition should be managed, complicated the involvement of UN agencies.

Salim Lone, Director of Communications for the UN Mission in Iraq at the time, said that the tense relationship between the CPA and the Mission, headed by Sérgio de Mello, had already fractured by August 2003.[13] Soon after, on 19 August, a bomb planted by insurgents killed de Mello and 20 of his colleagues. This was a watershed moment for the UN, which withdrew most of its operations to neighbouring Amman, making the work of its operational agencies – United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO) and others – harder and slower.

From propaganda to public service? Reconstructing the state broadcaster

The US Department of Defense was put in charge of the post-war reconstruction but had little experience in supporting democratic media development. Its immediate priority was getting the official Iraqi media to provide a vehicle for direct communication with the Iraqi people. Consequently, it framed the rebuilding of Iraq's state media from the outset as a component of the coalition's public diplomacy strategy.

In January 2003, a now declassified Department of Defense White Paper detailed the establishment of a rapid response media team that was to operate as the 'quick-start bridge' between Saddam Hussein's state-controlled media network and a longer-term 'Iraqi free media' network. The paper stated that,

> "Having professional US-trained Iraqi media teams immediately in place to portray a new Iraq (by Iraqis for Iraqis) with hopes for a prosperous, democratic future, will have a profound psychological and political impact on the Iraqi people. It will be as if… the North Korean people turned off their TVs at night, and turned them on in the morning to find the rich fare of South Korean TV."[14]

The five-page document does little to differentiate between establishing a functioning media that would serve the longer term democratic vision for Iraq and its use in short-term public diplomacy, stating that, "The mission will be to inform the Iraqi public about USG/coalition intent and operations."[15] No inkling is given as to where the portrayal of Iraq by Iraqis was to fit in.

A week before the invasion, this task was awarded through a non-competitive tender to Science Applications International Corporation (SAIC). SAIC was to be given US$108 million in little over a year to rebuild the state broadcaster, to be renamed the Iraqi Media Network (IMN),[16] which was to comprise a television station, Al Iraqiya, a radio network and a newspaper. This decision was heavily criticised. The corporation was a defence contractor and had little experience in the media.[17]

SAIC's task was further complicated by the CPA's disbandment of the Ministry of Information in May 2003, along with other state institutions such as the Ministry of Defence and intelligence services, through the highly controversial CPA Order 2. As the vast majority of

journalists and media workers in Iraq were employed through the Ministry of Information, this move effectively made them all redundant.

Gary Thatcher, the CPA's Director of Strategic Communications, who took up his post in August 2003, admits that there was confusion over the actual role of SAIC.[18] The company thought it was running an infrastructure project and that content would be someone else's concern. It was akin to building an oil pipeline, in readiness for someone else to secure the oil, he noted.[19] SAIC consequently paid little attention to the generation of content for the fledgling IMN, which faced a major task in filling its airtime and gathering news and information in a hostile environment.[20]

Heeding some of these criticisms, Thatcher re-tendered the contract towards the end of 2003. This time round, the CPA sought a 'world-class' media organisation to take over. But it appears that non-governmental organisations (NGOs) and specialists in international media support either considered the task too politically toxic or too daunting. They did not apply, and subsequently had little opportunity to influence a process that they considered to be misguided.

The US$96 million tender to run IMN was subsequently won by Harris Corporation, an American broadcast equipment manufacturer, that later received a US$22 million extension.[21] Harris subcontracted the training and production support functions to the Lebanese Broadcasting Corporation (LBC). While Harris was seen to be an improvement over SAIC, Iraqi resentment grew, as it was felt that the LBC was intent on procuring expensive foreign programming rather than investing in Iraqi production. This was exacerbated by the fact that funding for this contract came from the Development Fund for Iraq, which was derived from revenues from Iraqi oil, and not donor funding.[22] Then Director General of IMN, Jalal Al Mashta, resigned in protest.[23]

When asked in an interview for this briefing whether there was anything he would have done differently, Thatcher said that the tension between public diplomacy and the desire to create an independent and authentic Iraqi state broadcaster was exacerbated by the structures put in place by the CPA,

"I had visibility over some of the persuasive tactics, and complete visibility over the open-source stuff. It would be like the director-general

Below US Lieutenant General Ricardo Sanchez, the top US military commander in Iraq, looks at footage of Saddam Hussein after his capture, as US administrator L Paul Bremer III asks journalists to remain calm during a Baghdad press conference on 14 December 2003.

SABAH ARAR/AFP/GETTY IMAGES

of the BBC being responsible for all of the BBC and GCHQ [the UK government's communications' headquarters for intelligence operations] and the public diplomacy parts of the Foreign and Commonwealth Office all at once… You just had to do the best you could."[24]

The CPA drafted a new legal basis and a governance structure for the IMN. Order 66, signed by Bremer in March 2004, established the IMN as a public service broadcaster, overseen by a nine-member board of governors who could not be political party officials or hold public office. They would be nominated by the prime minister and approved by parliament. This new public service broadcaster would be allowed to generate commercial revenue and collect licence fees. Given neither revenue stream was likely to be significant for some time, it was acknowledged that a government grant would also be needed.

A key problem was that the CPA never drew a clear line separating the IMN's institutional administration from that of the state. It failed to grasp Iraqi journalists' reliance on the state for salaries and welfare. When the CPA broke the news that the Ministry of Information was to be dissolved, it expected a jubilant response from Iraq's journalistic community. What it got was a barrage of concerns about what would happen to benefits and pensions.[25] In every sector in Iraq, salaries were distributed through the relevant ministry and welfare handled through the official workers' syndicate. Removing the Ministry of Information meant that there was no mechanism to pay salaries, and employees of the state broadcaster were cut adrift from welfare safety nets. The CPA's solution was to pay the IMN's staff through the Ministry of Finance, a practice that remains in place today. As described later in this briefing, this failure to establish the IMN as an independent financial entity has hindered its ability to extract itself from state control.

The CPA did not grasp the depth of the Baathist system's roots in the journalistic community. While the Ministry of Information was disbanded, the Baathist-era Journalists' Syndicate, which complemented the workings of the Ministry of Information, went unnoticed. As this briefing will illustrate later, the Syndicate remains a barrier to progress on a number of fronts today, retaining the legal functions bestowed upon it by a Baathist regime that sought complete control of the journalistic community.

Let a thousand flowers bloom? Regulating the Iraqi media

Saddam Hussein's Iraqi television went off air on 9 April 2003. But within weeks of the end of the restrictive control of Saddam's regime, non-governmental media was already springing up, seizing the opportunity of their new-found freedoms to say and do as they pleased.

MARIO TAMA/GETTY IMAGES

For the CPA and for other international actors media plurality was a welcome development, but there were different schools of thought about the way in which this could be achieved. Would it be better to deregulate fully and "let a thousand flowers bloom" or attempt to provide a more clearly codified regulatory system through which media would need to be licensed?[26]

Although there was no formal division of labour, the British took the lead on the issue of regulation. John Buck, who co-ordinated coalition communication before becoming Foreign Office Director for Iraq, admitted, "We were just plugging gaps wherever we saw them and wherever we had the ability."[27] Regulation was one of those gaps, and an area where the British could draw on their recent experience of media reform in the post-conflict situations of Bosnia and Kosovo. The Foreign Office consequently created a small media development team of around half a dozen experts to lead on regulatory policy and advise the CPA.

The media development team was on the ground in Baghdad in July 2003, and liaised with the newly-formed Iraqi Governing Council,[28] its media committee and the Iraqi interim minister of communications. In January 2004 this media team drafted Order 66 establishing the IMN as a public service broadcaster. It also developed a framework for an independent regulatory body, the Communications and Media Commission (CMC), to be in charge of telecommunications and media licensing. This became CPA Order 65 and was signed into law[29] by Bremer in March 2004, along with Order 66.

The CMC was to manage the radio and terrestrial television spectrum in Iraq, as well as provide some ethical boundaries for freedom of speech, protect against media incitement, and guide the behaviour of the media during elections. The idea was that this would provide a better overall media landscape in the country and that

Above Recording the first news broadcast for the Iraqi television Al Iraqiya on 24 May 2003. The newly established Iraqi Media Network was unable to produce much Iraqi content in its early days.

> ❝The CPA did not grasp the depth of the Baathist system's roots in the journalistic community.❞

through effective licensing policies, the industry would be relatively stable rather than go through boom and bust cycles.

Establishing a new regulatory framework for Iraq largely escaped the public diplomacy pressures confronting reform of the state media but it presented a different set of challenges. Iraqi political actors did not understand, nor much welcome, the concept of independent regulation. "We could do everything possible to train the CMC, but it was only successful until it hit a political obstacle," noted Dieter Loraine, a member of the media development team "…and that was generally ignorance on behalf of the political structures on how to deal with a regulatory authority."[30]

The media itself did not buy into this concept either. Many broadcasters were already up and running and did not see the point in applying for a licence or respecting rules about the management of radio frequencies in the country's rapidly filling airwaves spectrum. To many, this was seen as a restriction of their newly-acquired democratic right to do and say as they pleased.

Order 65 – creating a new system of independent regulation

Funding for the planning of the post-Saddam media framework was allocated by the US Agency for International Development to Internews, an international media support NGO, in January 2003. Internews formed a core group of experts to begin drafting a framework for Iraq's media to be discussed at a conference in Athens in June that same year. The resulting document, dubbed the Athens framework, would form the basis of the CPA regulatory policy, though this is more likely attributable to the fact that the same individuals who were involved in the Athens framework then joined the British Foreign Office's media development team than to careful strategic planning.

Order 65, which was drafted by this team, established the first media regulator in the Arab world to be independent of government. The CMC was to be a non-profit-making institution that would be solely responsible for licensing terrestrial TV and radio, satellite uplinks and the lucrative mobile phone operating licences. It was to fund itself from the revenues received from its telecoms and broadcast licenses and return any excess to the Iraqi treasury.

The written press did not require a licence, but the CMC was tasked with encouraging freedom of expression and professionalism of the press by developing a code of ethics in partnership with the journalistic community, and a system to implement the code through self-regulation.

The CMC was to act through its chief executive and was to be supervised by a nine member Board of Commissioners. New board members were to be nominated by the prime minister and approved by a parliamentary majority. Those who held public office or were political party officials were ineligible for the board.

If you build it, they might not come: the misaligned objectives of media reform

The history of the media in much of modern Iraq has been one of co-option. The coalition had initially underestimated this legacy. Gary Thatcher later reflected that Iraq's strong culture of state control was not so easily shaken loose,

> "Despite our best efforts to establish transparency, openness and accountability, the culture was such that – even in the fledgling government – whoever controlled the media controlled public opinion… Much of the battle was with the Governing Council and figures within the government who thought they knew the way the media has always worked in the Middle East and thought, 'Why change it?'… We wanted to make this the most open media regime in the Middle East. We wanted to make it 'the model'. Some of them just did not want that. They wanted central control and they wanted to be able to project governmental policies through the media by all means, fair or foul."[31]

In the end, the domination of the state media by the government following the CPA's handover to the Iraqi transitional government in 2004 was disappointing, but nonetheless inevitable, according to Iraqi sources interviewed for this briefing. Employees of the CMC and IMN knew that the CPA would not be around forever and that they would have to position themselves accordingly.

The assumption that Iraq's new political power brokers would buy into the need for free media and support a Western-style regulatory framework remained the most acute barrier to the success of the CPA's media programme. Laith Kubba, who had been working for the National Endowment for Democracy before returning to Iraq to become a senior advisor and spokesman for Prime Minister Ibrahim Al Jaafari, noted that many of Iraq's politicians were working from an entirely different frame of reference. Such politicians did not "see the media as a sector, as part of nation building", but instead as the mouthpiece of the state. "It was not a question of them knowing it [the merits of a free media] and opting to do something else. They did not know any better. That is the world they know", he reflected.[32] As the Iraqi political class clamoured for control of the new Iraq, it was more common for its members to compete rather than collaborate.

There were consequently limitations to what the CPA could achieve. Despite almost unchecked legislative power, "It was always clear that we could establish with a piece of paper something in independent media, a commission and so forth. But if the Iraqis did not want to carry it out, then they wouldn't", said Bremer.[33]

JEROEN OERLEMANS/PANOS

The legacy of the Coalition Provisional Authority's media reforms

Some have assessed the CPA's media reconstruction as a failure. One of the most common criticisms is that the CPA failed to consult with Iraqi and Arab media experts over the creation of a system that would have been more compatible with the Iraqi context.[34] Yet, it is unclear who should have been consulted, and what shape a more compatible system would have taken. It is not easy to find a good model for media independence in the Arab world where, at least at that time, governments were in such dominant control of their national broadcasters and media licensing.

Whatever missteps the CPA and others may have made in employing the state broadcaster for their own political ends, this fundamental cultural-institutional divide was something they would always have struggled to bridge.

The relative lack of success in transforming IMN into a public service broadcaster – despite a hefty price tag of US$226 million[35] – has led some experts to question whether this was a sensible goal in the first place. Andrew Puddephatt of Global Partners, who has assessed a number of media support projects in Iraq, said that trying to do so "was a profound mistake… the attempt to promote public service broadcasting in societies that do not differentiate the public from the state is a challenge."[36]

But it is difficult to imagine what other system could have been introduced with greater success. The only other options available were to re-establish a state-managed media, working under the Ministry of Information, or to do away with the whole idea of publicly supported media and leave it all to the privately owned media. Both are likely to have posed just as many challenges in the immediate and longer-term future. The more noticeable failure was arguably the CPA's lack of understanding of media content. Creating a system capable of providing local editorial content consistent with the values of impartial public service may never have been possible within the 14 short months available. The CPA does not, in any case, appear to have seen this as a priority.

Ultimately, the misguided reading of the Iraqi political context was the main obstacle to the success of the CPA's broader efforts at reform. The coalition believed that history could be easily and quickly broken and that, given the opportunity, Iraqi politicians and journalists would seize the chance to create a more liberal media and regulatory regime, one which Western powers considered to be a cornerstone of its new democracy. Despite the criticisms then and now, the significance of the fact that the two CPA orders, which established the CMC and the IMN, remain the basis of Iraq's media landscape should not be underestimated. The CPA's media reforms left an important legacy in a short period of time. The Ministry of Information was abolished, an independent regulatory body was established and the state broadcaster was reconfigured in law as a public service.

Above Previously banned, satellite receivers flooded into Iraq as soon as Saddam's regime fell. Some 21 television stations reportedly opened for business between 2003 and 2004. In 2013, nearly all Iraqi households have access to satellite television.

The Iraqi state and the new system

June 2004 saw the formal transition of power from the CPA to the new interim Iraqi government, with Ayad Allawi sworn in as prime minister. Full elections were held in January 2005. Victorious at the elections, Ibrahim Al Jaafari became Prime Minister of the Iraqi transitional government, under which a new constitution was approved by a popular referendum in October 2005. On 20 May 2006 – a full five months after elections – Nouri Al Maliki took office as the prime minister of Iraq's first fully-fledged government since Saddam Hussein's removal three years earlier.

The new constitution set out to establish Iraq as a "democratic, federal, representative republic". Translating the values of the constitution into everyday laws and regulations has, however, proven to be one of the greatest challenges for Iraq's democratic transition. A large number of laws from the authoritarian socialist framework formed since the establishment of the republic of Iraq in 1958 remain in effect today and provide a stark contrast to the vision of a democratic republic.

This is evident in the media sector, where much of the architecture of the state still reflects its socialist-Baathist past. A series of structural issues persist and continue to impede the development of a genuinely independent media sector. In this sense, the CPA reforms did not go far enough.

The interim Iraqi government sought almost immediately to return the media to a more familiar model following the transition. A new body, the Higher Media Council, was established in August 2004, in effect reintroducing a ministry of information in a new guise. The Council was to oversee the Communications and Media Commission (CMC) and the Iraqi Media Network (IMN). In November 2004, ahead of the US-led military attack on Fallujah, the Higher Media Council warned the media that it should fall in with the government's position or risk unspecified repercussions.[37] It was an inauspicious start.

The independence of the CMC and the IMN did not last long either. Kamran Karadaghi, a prominent Kurdish journalist who was a board member for the IMN and future Chief of Staff to Iraqi President Jalal Talabani, noted that the government was soon able to get its people in place and effectively took control of the IMN's board. "And that was it", he said. Once it was clear that the board had come under political control, Karadaghi did not attend another meeting. The CMC, he said, lasted a little longer. But within a year, it too had a board of political appointees.[38] The Higher Media Council soon faded into the background, failing to maintain its authority over the IMN and CMC, but the politicisation of the boards of the latter institutions remains evident today.

The CPA reforms have failed to create structures that behave in the way envisaged, and the reality is certainly complex, but not as bleak as might be assumed. This section will examine how media freedom and public service broadcasting have evolved. It will also look at who and what has brought about greater or lesser freedom, and where the opportunities lie.

Militias, terrorism, sectarian violence and elusive national unity

The government of Ayad Allawi suffered a baptism of fire as an intense cycle of sectarian conflict threatened to break Iraq apart at the seams. Ethnic cleansing and internal displacement became commonplace. The organisation Iraq Body Count has documented at least 111,000 civilian deaths from violence between the start of the invasion on 19 March 2003 and January 2013,[39] while the Internal Displacement Monitoring Centre reported that between 2–2.75 million people had been internally displaced by October 2011.[40] Political progress remained elusive as the main Sunni Arab bloc and the Shia faction loyal to cleric Muqtada Al Sadr boycotted parliament. The government brought Sunni Arabs back into the political process in 2008 with a number of appeasing measures, including reinstating Baathists in the jobs they had lost following the controversial de-Baathification policy first introduced by the CPA. The same year, Iraqi security forces cracked down on Sadrist and other militias and US-funded Sunni 'awakening councils' tempered the insurgency in Iraq's western provinces, returning the country to a semblance of normality.

Parliamentary elections took place in March 2010, but ended in a near dead heat between Nouri Al Maliki and Ayad Allawi. A stalemate followed for the next six months as each vied to secure a majority. Maliki eventually formed a new government on 11 November after striking a deal with Allawi. Maliki has been accused of failing to honour the deal, however, and there are now concerns of growing authoritarian tendencies on his part.[41]

The Iraqi Media Network: serving the state or the public?

When news broke on Al Jazeera in August 2005 of a serious incident on the A'ima bridge in Baghdad during a Shia religious event, the state broadcaster's instinctive reaction was to deny it. The IMN newscaster read out a statement claiming that this was a malicious rumour spread by the Arab satellite stations in an attempt to destabilise Iraq. Despite having a news team only a short distance away from the tragedy, where nearly 1000 pilgrims lost their lives in the panic caused by the suspected presence of a suicide bomber, it took IMN some time to finally acknowledge the events. Rather than observing the facts and acting on them, IMN's journalists were quick to rebuff perceived negative propaganda. The episode provided just one example of the defensive instincts, instilled through a history of government-supported media.

It is unlikely that this would happen in 2013, but perceptions of the IMN today vary: many continue to see it as the unquestioning mouthpiece of the state, while others believe it has evolved. "There is no interference, at least not in the year that I have been in this post," said current Director General, Mohamed Al Shaboot, "There has been no guidance or instructions from the government."[42] Critics, however, say that IMN is unwilling or unable to provide an independent voice, pointing to the fact that a cookery programme was being aired on its main channel while anti-Maliki demonstrations amassed in the largely Sunni Anbar province in December 2012. Nonetheless, IMN's behaviour, if not rapidly improving, is at least not worsening.

For Al Shaboot it is the reliance of the IMN on government subsidy that has been at the root of much of the network's troubles,

"We failed in creating the Iraqi version of the BBC. The main reason for that is the funding. IMN could have worked if it had an independent source of funding, but this is not possible because there is no advertising revenue. Our reliance on state funding is a big reason for our failure."[43]

This failure to establish IMN as an independent financial entity has hindered its ability to reform its practices and manage its staff effectively. IMN's journalists continue to be state employees. And, as state employees, IMN's wage structure must conform to a standard set of salary brackets and rules, no matter what the sector. "We do not have the freedom to determine remuneration in order to attract high-calibre candidates", said Shamel Al Badran, a member of IMN's Board of Governors.[44] Moreover, Al Shaboot laments that his staff's status as state employees also removes the incentive for good performance, as it is nearly impossible for those with civil service contracts to be fired.[45]

The expectation of improvement in IMN's coverage without a concomitant realignment of the workers' labour and welfare status has been a major miscalculation on the part of international actors engaged in providing support for the Iraqi media. A number of training programmes were provided to IMN staff and management in the hope that this would lead to an improvement in professional standards, but this has not materialised.

"Many people don't realise that the problem in Iraq today is completely different than in 2003–2005 [when] the Iraqis did not have the knowledge of how professional media is run", said Ammar Al Shahbander, Chief of Mission for the Institute of War and Peace Reporting (IWPR) in Iraq. "Nowadays, they know what the proper style of journalism should be, they know the ethics of journalism, the culture of journalism… but many times they choose intentionally to ignore that… They do that

because someone is either paying them off, or because it is [in] their political interest or financial interest."[46] Indeed, it is often the people who receive training that have the most incentive not to implement it.

Self-censorship consequently poses as much of a challenge as government intrusion. When asked about the objectivity of his staff in an interview for this briefing, Al Shaboot responded,

> "I don't imagine a government employee can operate independently and freely. If the reporter is not a government employee and simply contracted to IMN, then he would have changed. But he knows he works for the government and that's what counts in the end, and this is how he is held accountable."[47]

In short, without the autonomy to manage its own budget and workforce IMN has, unsurprisingly, operated like a branch of the civil service. In effect, this has perpetuated the Baathist system, reinforcing the traditional expectations among Iraqis that the state broadcaster is there to represent the 'official' government view.

> **❝ Self-censorship poses as much of a challenge as government intrusion. ❞**

In this sense IMN continues to act like a state broadcaster rather than a public service broadcaster but that does not mean it can be bracketed with the system under Saddam. The concept of public service broadcasting has different connotations in a region where generations of journalists and audiences have grown up with the belief that an important function of the media is to portray their country in a good light. A survey commissioned by BBC Media Action in 2012 found that 97% of respondents in Iraq's nine southern provinces agreed that the media should play a role in creating a sense of national pride and unity.[48]

The legal and economic infrastructure that defines the relationship between the media and the Iraqi state remains largely unreformed. In a country with little or no private enterprise and massive oil revenues, Iraqis have always relied on the state for employment, welfare and social security. Under the socialist system, which has underpinned the state since the 1960s, graduates would complete their education and await the letter with their allocated public service appointment from the ministry in charge of the relevant sector. Once employed, they would become members of their professional syndicate, which would then look after their welfare – from housing provision, to health services and life insurance. This system operated across the whole public sector in Iraq, including the media.

Little has changed. "There is basically no social contract in Iraq," said Christine McNab, the former UN Deputy Special Representative to Iraq. McNab cited a UN survey that found "the only jobs people wanted were for the government – because they wanted a good salary, a pension and a plot of land to build a house on. The government is the only employer that will give you that", she said in an interview for this briefing.[49]

For these reasons, IMN's reform was far from a success story, but this does not mean that it is a failed broadcaster. It has a board of governors and the legal framework to keep it a step removed from direct government control. If it manages to renegotiate its budgetary arrangements with the government, there is some hope that it will move closer to becoming a public service broadcaster, playing an improved role in Iraq's democratic transition.

Other media support initiatives in Iraq

Following the departure of the CPA in 2004, the levels of violence inside Iraq – specifically against foreigners – became so extreme that few media development NGOs were able to work in Iraq. The UN agencies mandated with supporting freedom of expression, human rights, fair elections and governance were also restricted by the fact that they were now based outside Iraq for security reasons. Their ability to influence the course of Iraqi media would remain limited. Training, mostly outside Iraq, became their main offering – international actors have allocated significant funds to building the capacity of Iraq's journalists since 2003. Mark Whitehouse, Vice President of the International Research and Exchanges Board (IREX), said his organisation alone has trained about 5000 journalists in Iraq, while Andrew Puddephatt estimated that about 8000 training opportunities have been provided.[50]

While training is important, as long as the funding of media organisations – both private and public – remains unchanged, the impact that training can have is limited, observed

Karadaghi.[51] This is not simply in terms of partisanship: living hand-to-mouth also has an effect on the media's ability to act as a tool of public accountability, as it cannot invest in the costly business of newsgathering and investigations.

Other NGOs have focused on providing advice, also largely from outside Iraq, to guide the drafting of Iraq's media laws, while IREX and the Institute for War and Peace Reporting focused on working with the journalistic community. But most donor funding has come under different thematic headings such as improving governance, supporting elections, human rights or national reconciliation. Researching available sources for this briefing came up with few programmes that would deal with the media landscape as a standalone objective in the early years. The result was that in some cases NGOs were pursuing conflicting initiatives or doubling up on efforts. One such example was the creation of two news agencies: one established by the journalism support NGO, the Reuters Foundation, and one by IREX.

AHMAD AL RUBAYE/AFP/GETTY IMAGES

The Iraqi Journalists' Syndicate and the politics of patronage

The CPA's dissolution of the Ministry of Information was laden with symbolism and designed to mark a decisive break from the past. The ministry was not, however, the only lever of influence over Iraq's journalistic community. While the Ministry of Information was the command centre of the state's overt control over the media, the Iraqi Journalists' Syndicate was the vehicle for the dispensation of funds to keep journalists onside.

The Syndicate became an official entity in a 1969 syndicate law, which guaranteed it state funding (article 2). It has often been described as a journalists' union, but as the source of funding suggests, the term had very different connotations in Iraq, where unions (or syndicates) were run in line with the Soviet model. The level of independence the Syndicate had possessed is easily seen by the fact that it was Saddam's son Uday who was its Secretary General on the eve of war in 2003.[52] Some of the Syndicate's objectives, as stated in its statutes that remain in force today, are to "support the Arab nation's strife against colonialism, Zionism and reactionaries and in favour of unity, freedom and socialism" and to "protect journalists from the interference of imperialist countries" (article 3, clauses 2 and 7).

While great effort went into establishing the independence of the CMC and the IMN, the Syndicate went largely unnoticed. Left to its own devices, it soon became highly influential in the shaping of Iraq's media through a combination of its legal status and its effective ability to engage in the opaque networks of patronage and kinship

that make up the Iraqi state system. Ali Al Shelah, Head of the Parliamentary Culture and Media Committee, said, "The Syndicate is undoubtedly now acting like a 'side', who have those who they like and those they hate, and they decide who is with the Syndicate and who is against."[53] This has sometimes come at a real cost. Its previous Secretary General, Shebab Temimi, was killed in Baghdad in February 2008. His killers remain unknown.

The Syndicate has perpetuated many of the dissolved Ministry of Information's practices. Membership, for example, is open to media spokespersons of the government. Ali Al Musawi, Nouri Al Maliki's Communications Advisor, is one notable member, joining the Syndicate once he took his post. This practice, a relic of the Baathist system, means that both those who are supposed to be held to account and those who are supposed to act as a fourth estate are united under one umbrella and system of rewards and benefits.

In 2009, the Secretary General of the Syndicate, Mo'ayad Al Lami, succeeded in securing a deal with the government under which state lands were provided to the Syndicate to dispense among its members at nominal prices. The timing of the deal was seen as suspicious as it came a month before provincial elections. The New York Times reported that the deal was done in return for positive coverage of government policies.[54] What was not reported was that the deal conformed to the

Above Iraqis walk among shoes lost during a stampede on the A'ima bridge in Baghdad on 31 August 2005. Many of the dead drowned after falling off the bridge in a panic triggered by rumours there were suicide bombers in the crowd.

> ❝While great effort went into establishing the independence of the Communications and Media Commission and the Iraqi Media Network, the [Journalists'] Syndicate went largely unnoticed… it soon become highly influential.❞
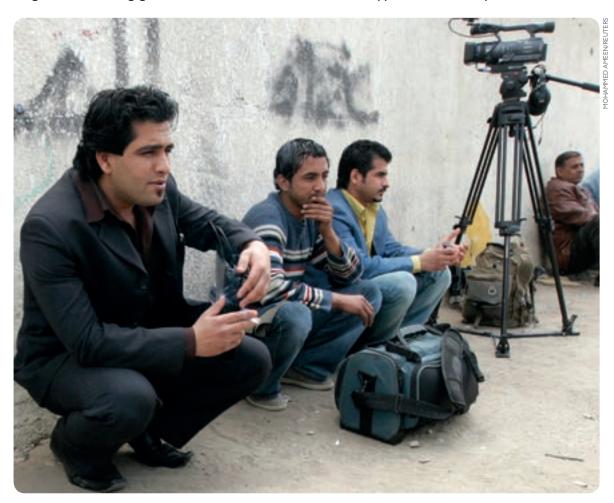
1969 Syndicate Law, which stipulated that the Syndicate should "strive to build housing and provide land for the members" (clause 13). This sort of privilege applies, in theory, to all professional syndicates in Iraq, but Al Lami was the first (and for a while the only) Syndicate chief to achieve this in the 'new Iraq' – an indication, perhaps, of the sway that the organisation holds. The subject of the land allocation, formal membership rules and informal practices is a constant topic of discussion on many Iraqi news websites and continues to be at the centre of bitter debate over the notion of journalistic independence.

The Syndicate is reported to receive a budget of approximately US$7m annually from the government.[55] The level to which the Syndicate is co-opted is unclear. Iraqi journalists interviewed for this briefing recall examples where the Syndicate was required to come in force to press conferences where Prime Minister Maliki required backing, but the other side of the coin is that the Syndicate's legal status has greatly empowered it and ensured it was successful in pursuing its own agenda. The prime minister is arguably as much in the hands of the Syndicate as this Syndicate is in his.

The Syndicate has been successful in creating a rebranded image to allow it to engage in the broader conversation with donors, UN agencies and NGOs over the future of Iraq's media reform. There was little insight shown into the Syndicate's mandate or its intentions. Some international actors have held the view that syndicates need to be brought into the fold and reformed from within over the long term. This approach has yet to bear fruit in Iraq.

The ongoing influence of the Syndicate is debated, and debatable. Its defenders argue that it has been instrumental in protecting the lives of journalists and securing much-needed welfare for the journalistic community. As the box 'Journalists' safety in a culture of impunity' shows, the need to protect the safety and freedoms of journalists in Iraq is among the most acute in the world. Combining a campaign for safety and freedom with one to secure welfare benefits for the Syndicate's members, particularly when the resources come from the state, is clearly more contentious. Such support creates a precedent that journalists are somehow a 'breed apart' from other citizens of the country. It may not be appropriate for international donors to encourage initiatives that secure specific welfare rights for one group over another, particularly if that clouds or distracts from efforts to support freedom of expression.

Right Journalists sit outside a conference hall while waiting for a news conference in Baghdad on 23 February 2009.

MOHAMMED AMEEN/REUTERS

The Communications and Media Commission: ten years of muddling through

The current version of the CMC is an unhappy one. It is a far cry from the progressive model of media regulation that was envisaged a decade ago.

The establishment of the CMC was in line with recommendations from both the World Bank and UNESCO, the UN agency mandated to work on promoting freedom of expression. According to UNESCO's indicators for success, the independence of the regulatory system should be guaranteed by law and respected in practice.[60] The CMC's independence is provided for by law, but it is far from respected.

The CMC has at least survived despite early efforts to scrap it and return it to a more familiar model of direct governmental control. This is less a testament to its effectiveness and more likely due to a lack of a ready alternative. According to many broadcasters interviewed for this briefing, the organisation lacks credibility – both with the media it is intended to regulate and with government.[61]

The Iraqi government remains uncomfortable with the idea of regulation being outside of its control. When advocates try to explain why that is necessary, the Iraqi government questions why, if regulation is such a good idea, the CMC has failed to regulate a media that remains irresponsible and out of control. For its part, the Iraqi media dislikes the CMC, regarding it as little more than an administrative irritation, a non-collaborative body that threatens and resorts too willingly to the executive authority of the interior ministry to implement its sanctions against broadcasters who breach regulations. It is also accused of being largely dominated by the ruling Dawa party and under the control of the prime minister's office.[62]

A good example of the disconnect between the CMC and Iraqi broadcasters was when the regulator turned to the Ministry of Interior in June 2012 to issue closure orders against 44 media outlets for non-compliance with licensing requirements. The outlets were not forewarned, nor were they clearly informed which requirements they were supposed to have breached. They were furious with the actions of the CMC, accusing it of clamping down on freedom of expression and acting as an agent of governmental repression. The CMC replied in kind, publicly chastising the channels – including IMN – for "attempting to incite chaos in the media sector by violating financial, legal and professional regulations, and trying to drag the [Media and Communications] Commission into political bickering".[63]

Strong words were exchanged, the incident was covered extensively by Iraqi and non-Iraqi media, and the chair of the Parliamentary Culture and Media Committee

Journalists' safety in a culture of impunity

Since 2003, 150 journalists have been killed in Iraq, more than in any other state in that period, according to the Committee to Protect Journalists (CPJ).[56] To make matters worse, not a single conviction for any of those murders of journalists since then has been secured, ranking Iraq first on the CPJ's Impunity Index.[57]

Yet, while dangers for journalists remain acute – especially for those covering taboo issues such as corruption – the situation does appear to be improving. In 2012, for the first time since 2003, there were no confirmed cases of journalists being murdered due to their work.[58] The issue of impunity, on the other hand, remains a systemic problem for the Iraqi state, as Part 4 illustrates.

Year	Number of journalists killed
2007	32
2008	11
2009	4
2010	5
2011	5
2012	0

Source: CPJ Attacks on the Press in 2011.[59]

intervened to mediate. In the end, no media outlets were shut down and no clear explanation was given for the original decision or its subsequent reversal. It has to be noted that while the CMC requires broadcasters to be licensed, it has so far been unable to issue such licences due to an impasse over fees.

The CMC is under pressure not only from the media and the Iraqi government. The international donor community – as was evident from interviews for this briefing – has also begun to lose patience, frustrated that an abundance of resources, training and support has led to little progress. That is understandable, but the consequences of the body being cast adrift by international actors could be severe. The CMC is important because of its legal independence. While its performance has not demonstrated much independence, its continued existence offers the only real hope of the kind of legal and regulatory reform capable of withstanding the state's influence in all its forms.

The CMC was shaken into action in late 2012 and is trying to court broadcasters as well as drive a parliamentary vote on its new draft law, replacing CPA Order 65, which was supposed to remain in force only until the Iraqi Parliament finally passed a permanent law. At the time of writing it remains unclear which direction the new legislation will take. The fact that the CMC has authority over telecommunications regulation in addition is a source of dispute with the Ministry of Communications. The ministry has been arguing that the telecoms licensing function should be part of its remit. The allocation of these licences is by far the most lucrative side of the CMC's authority and the one that holds the promise of great political influence. Until this dispute is resolved, the CMC is likely to face problems with the government[64] but the organisation, for all its problems, remains critical to the future of independent media in Iraq.

> "The Communications and Media Commission is important because of its legal independence. It offers the only real hope of the kind of reform capable of withstanding the state's influence."

PART 4

Iraq's non-state media boom

Within months of the removal of Saddam Hussein, Iraq's media had been transformed. In a country where non-state media had been banned, where satellite dishes were illegal, and where mobile phones and the internet were unknown, Iraqis had little access to information beyond government sources.

"We were pushing on an open door", said Ambassador Bremer, "The Iraqi people wanted to have a free press. And after 30 years of Baath dictatorship they wanted to be able to express themselves. That was pretty straightforward."[65]

A dizzying boom in newspapers, radio and television followed, with more than 150 independent newspapers and magazines, 80 radio stations and 21 television stations reportedly opening for business between 2003 and 2004 alone.[66]

As is the case elsewhere in the Arab world, satellite television channels are the dominant medium. Today, Iraqis have access to an estimated 30–40 Iraqi-facing television channels, as well as a huge array of pan-Arab channels offering entertainment, news and current affairs and religious content. Research commissioned by BBC Media Action in the nine southern provinces of Iraq[67]

found that access to satellite television is near universal at 97%. Despite the prominence of the use of social media throughout the 'Arab Spring', the internet remains very much in its infancy in Iraq. This is changing fast. Statistics provided by Facebook show that the number of Facebook users in Iraq increased by 35% in the last six months of 2012, standing at nearly 2.7 million in early 2013.[68] Nevertheless, the BBC Media Action survey, conducted in October 2012, found that only 8% of respondents in the southern provinces had used the internet in the last month. Furthermore, 76% said they had never used a computer.[69]

The level of diversity within Iraq's non-state media is undoubtedly the country's single greatest media advance over the last decade. However, as this section will illustrate, this diversity is more a by-product of the fact that there are sufficient actors – inside and outside Iraq – willing to underwrite media that advocates a particular agenda. Even media organisations that have been established as commercial ventures, rather than with specific political agendas in mind, are unlikely to become editorially independent as long as commercial revenue remains elusive and political funding continues to be relatively easy to secure.

Below The control room of the news studio of Al Sumariya TV in Beirut on 18 October 2004, just before the station launched.

JOSEPH BARRAK/AFP/GETTY IMAGES

Left Ashura festival parades in Baghdad in 2011, commemorating the seventh century killing of Imam Hussein (grandson of Islam's Prophet Mohammed) in the battle of Karbala. This important Shia ceremony was banned under Saddam's rule but enthusiastically revived as soon as the regime fell.

'Ethno-sectarian media empires'

The establishment of new non-state broadcasters corresponded with the increased struggle for power in Iraq. This is no coincidence. In his influential 2007 study, Ibrahim Al Marashi characterised Iraq's non-state media as being formed of "ethno-sectarian media empires" that operate in the vanguard of partisan political interests.[72] This problem persists today, as most media houses play to the narratives of Iraq's divided communities rather than seek to provide objective content. Statistical surveys generally support the widely held view in Iraq that people tune into the television or radio service that reflects their ethnicity and religious/tribal affiliation.[73]

The heightened tensions evident in the media in 2005–2006 focused international attention on the debate around whether Iraq's media was helping or hindering Iraq's transition to democracy. Citing examples such as Rwanda, it has been argued that media deregulation in post-conflict states can lead to an escalation in tensions, and sometimes even breed violence.[74] The Iraqi journalist Haider Al Safi believes that deregulation did more harm than good in Iraq, arguing that Iraqis lacked the skills and experience necessary to know how to use their new-found freedoms. This led the media to have a divisive effect, he claimed.[75]

Yet, despite lingering low professional standards and partisan agendas, Iraq's media has nonetheless stopped short of inciting violence. In a country so marred by appalling acts of political violence, this should not be underestimated. Marashi was conducting his research at the height of Iraq's sectarian insurgency and found no evidence that Iraq's non-state media was directly airing calls to violence. Today, Marashi believes that the media has moved on,
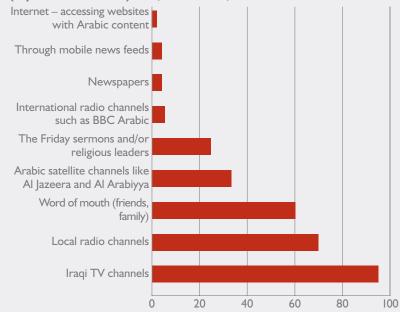
> "The nature of ethno-sectarianism in Iraq is quite different than it was a couple of years ago… where you were getting information from your side during pitched battle, so to speak… Today,

Attitudes towards the media still shaped by perceived threat

The graph below shows the findings from the survey commissioned by BBC Media Action in Iraq's nine southern provinces in October 2012. While it cannot be said to be representative of other parts of Iraq where the sectarian makeup is different, it gives some insight into the clear preference for home-grown media.

And there is a distrust of non-Iraqi sources: only 5% of respondents said that they had 'a lot' of trust in pan-Arab satellite channels, in comparison to 40% for the Iraqi channels.[70]

Sources used to find out about issues that matter to you most (top three mentions) Survey size = 2002 respondents

Source	Value
Internet – accessing websites with Arabic content	~2
Through mobile news feeds	~4
Newspapers	~4
International radio channels such as BBC Arabic	~5
The Friday sermons and/or religious leaders	~24
Arabic satellite channels like Al Jazeera and Al Arabiyya	~33
Word of mouth (friends, family)	~60
Local radio channels	~70
Iraqi TV channels	~95

Respondents also have particular expectations from their media. Some 97% agreed that the media should play a role in creating a sense of national pride and unity.[71] These figures indicate that Iraq's authoritarian legacy continues, to some extent, to shape audiences' expectations of their national broadcasters – whether state-owned or not.

these channels serve as an incubator of identity in Iraq. Each of these channels portrays what it means to belong to a particular ethno-sectarian community and what it means to be an Iraqi after the fall of Saddam Hussein."[76]

In a divided society such as Iraq, this does not necessarily have to come in the form of skewed media coverage. The prominence of the first Shia festival of Ashura following Saddam's removal, for example, was a watershed moment for Iraq's Shia community, which had been banned from celebrating it in public by Saddam Hussein's regime. While portraying the event through the media may have been seen as overtly political by some, for others it allowed them to celebrate a culture that had been brutally repressed.

> **It is difficult to find a broadcaster in the Arab world kept afloat by advertising revenue alone. The methods of bridging this shortfall are murky.**

The media has moved with the times. The battles in Iraq are increasingly fought in parliament and the press rather than through militias. And, while Iraq's channels may not operate according to a strictly commercial model, it should not be assumed that this makes them impervious to the preferences of their audience. "It is survival of the fittest", Al Marashi argued. "Channels will emerge that are sectarian in nature and others will emerge that will be all-encompassing in nature, and ultimately it will be up to the viewer to decide which viewpoint they subscribe to."[77] Indeed, while a channel may be politically funded, it needs viewers if it is to be influential.

Media, money and independence

Following the conclusion of the reconstruction effort, many in the international donor community assumed that Iraq would soon be able to use its oil revenues to develop a market economy strong enough to allow a free,

independent and commercial media sector to flourish. This has not materialised and is not an assumption founded in the reality of the media industry elsewhere in the region.

"Insufficient advertising revenue to cover operating cost is the greatest challenge for the independence of media organisations in the Middle East", said Alaa Eldin Elsadr, Arabic Media Press Officer at the US Embassy in Baghdad, and a former business development advisor to the MBC group – the oldest and largest of the Arabic media empires. In Iraq, he said, "continued economic development and foreign investment is expected to lead to greater private sector investment in the advertising sector – including for media operations."[78]

Judging by the slow progress to date, it is unclear how long this might take. In fact, it is difficult to find a broadcaster in the Arab world, no matter how successful, kept afloat by advertising revenue alone. The methods of bridging this shortfall are murky, as the box 'Iraq's influential satellite channels and the mystery of funding' shows.

The Danish media development NGO International Media Support (IMS) has sought to train media outlets to develop marketing strategies to secure advertising revenue, citing its work with the Kurdish newspaper Hawlati as proof that it is possible to turn a commercial profit.[79] Newspapers, of course, require modest levels of funding in comparison to the broadcast media, and the largest influx of cash from advertising appears to come from public service announcements on behalf of the government. It seems doubtful that an independent television or radio outlet could be made commercially viable in Iraq in the foreseeable future.

The inability to find sufficient revenue from outside the donor community has led to a number of initiatives that were started with international support to either fall by the wayside or become subject to partisan influence following the conclusion of their international funding.

The National Iraqi News Agency (NINA) set up by IREX with USAID funding offers a good case in point. NINA was designed to become self sustaining within three years of its creation in 2005, by collecting subscription fees from the Iraqi media. But it was unable to generate sufficient commercial income. When international funding ran out, NINA was left to fend for itself and found a willing and able patron in the form of the Journalists' Syndicate.[80] Incidentally, the 1969 Journalists' Syndicate Law lists the "establishment of a news agency" as one of its objectives.

Those who have criticised the coalition's efforts to create a truly independent media sector in Iraq cannot overlook the funding conundrum. While international donors accepted that it would take time for media organisations to be commercially sustainable, they underestimated how much was needed for such a fundamental transformation in the Iraqi economy.

Below Al Sharqiya TV's Labour and Materials was one of the first reality programmes in Iraq. This ultimate home makeover show helped rebuild houses damaged by bombings in 2003.

Iraq's influential satellite channels and the mystery of funding

Media outlets come and go in Iraq. It is difficult, and not particularly useful, to map them all, but their numbers far outweigh the capacity of the media market to sustain them. In early 2013 there are about 30 generalist Arabic language television channels, not including the Kurdish broadcasters, aiming at Iraq.

Media outlets are not in the habit of being transparent about their objectives and sources of funding. A number of broadcasters claim to be independent and funded by investors or advertising, yet few advertisements appear on their screens. Exact data is therefore hard to come by, and the picture has to be built through a combination of piecing together snippets of information and analysing on-air content.

One category of media is outright partisan or ethno-sectarian. A number of political, ethnic and religious groups operate their own channels. The ruling Dawa party, for example, is believed to own and operate, directly or indirectly, a number of channels and even these are believed to have been divided along inner party splits. For example, when former prime minister Jaafari left the Dawa party, he walked away with custody of Biladi TV, which until then had been a Dawa party channel. A number of channels and radio stations were established seemingly with the aim of supporting the political fortunes of their owners. Kamal Al Asadi, Editor-in-Chief of Basra-based Radio Al Mirbad, recalls numerous examples of short-lived radio stations that sprung up before the provincial elections to represent one political grouping or another, only to disappear shortly after the poll.[81]

But arguably more controversial are those that fall into the category of 'charter' channels. Owned and operated by individual businessmen, they nevertheless portray a political or geopolitical agenda. Iraq's geostrategic position in the Middle East has led to its media becoming a proxy for larger battles: Saudi Arabia, Iran and the Gulf states are all believed to provide substantial media funding in one form or another.

The details of such funding are subject to much speculation, and what the benefactors receive in return is of course unclear. These channels can be confusing, as the political agendas they push are not always consistent. In trying to map ownership for this briefing, the culture of secrecy, accusations and counter-accusation that shrouds the media funding debate became all too apparent.

Among the most important of the charter channels is **Al Sharqiya**, widely perceived as an opposition channel. Established in 2004, it is owned by Saad Al Bazzaz, who headed Saddam's media machine until his defection to the UK in 1992. Al Sharqiya immediately captured the attention of Iraqis and the imagination of the world with its innovative programming following its launch: it ran a show called Materials and Labour, visiting Iraqis whose homes were bombed and rebuilding them in front of the cameras. The channel was also home to Iraq's first talent show, Star Academy.

Al Sharqiya is associated with the Sunni narrative and often referred to as 'the Baathist channel'. Another example of a 'Baathist opposition channel' is **Al Baghdadiya**, operating out of Cairo. Al Baghdadiya's offices in Baghdad have been shut down once already, in 2010. It has also been threatened with closure more recently by the CMC.

Al Sumariya, operating out of Beirut, is another influential and relatively popular channel in Iraq. It has demonstrated greater balance and professionalism in its news and current affairs but its modern, secular and Lebanese style is at times out of tune with the largely traditional Iraqi society, according to Iraqi sources interviewed for this briefing.

Al Fayhaa is an interesting example of a 'charter' channel. Its apparent owner-cum-manager-cum-main presenter, Mohammad Eltai, has never been transparent about his sources of funding. In an interview for this briefing, Falah Al Fadhli, once the head of news for Al Fayhaa, said, "When we asked Eltai where the funding was coming from he would say that it came from Iraqi businessmen in Europe and that this was in order to support the political process in Iraq and safeguard democracy." Fadli said he and others were unconvinced by this explanation.[82]

Alhurra and Radio Sawa

Another influential channel is Alhurra Iraq, the Iraqi-facing version of the 24-hour Arabic news channel Alhurra. This and Radio Sawa are funded by the Broadcasting Board of Governors, which administers funds from the US Congress.

Critics have argued that all these are simply vehicles to distribute US propaganda to the Arab world.[83] Supporters believe that the stations fulfil a need for objective and accurate information in a region with a dearth of such sources. "Iraq is the success story for Sawa and Alhurra", Brian Conniff, President of the Middle East Broadcasting Network, which operates the outlets, said in an interview for this briefing. "It has shown us that this model works, that our emphasis on local news and information is what people like… It is Iraqi news by Iraqis and that has overcome the funding source."[84]

Unlike other channels, at least Alhurra's funding is transparent. Running Sawa and Alhurra is not cheap. Since 2003, the Middle East Broadcasting Network has received approximately US$870 million in funds from the US Congress[85] (for all of its broadcasting operations across the Middle East) and some development NGOs believe that some of this money could be better spent investing in Iraq's indigenous media. "There is a clear imbalance", said Laith Kubba, "We need to allocate those dollars in terms of the capacities and positions of the actors who are trying to assist the media sector."[86]

'Blackmail media'

The resourcefulness of non-state media has also reportedly extended to seeking payment for not running stories. Iraqi journalists and politicians often allege that some media organisations receive payments in return for not broadcasting damaging stories about high-profile figures and movements. No evidence has been found for such allegations but it is often mentioned and described as 'blackmail media'.

AZHER SHALLAL/AFP/GETTY IMAGES

PART 5

Media freedom and the legal framework

Above Freedom of expression in action. Sunni protestors in Anbar Province on 4 January 2013 hold up a portrait of Prime Minister Nouri Al Maliki with slogans branding him "a liar, sectarian, thief, collaborator".

The level of freedom that Iraq's non-state media enjoys is debatable. Many experts argue that the country is sliding back into authoritarianism. "The blindingly obvious is that Nouri Al Maliki, the prime minister since 2006, is undoubtedly, rapaciously, strategically, moving towards a dictatorship", Iraqi expert Toby Dodge told the International Institute of Strategic Studies in May 2012.[87]

Research for this briefing, however, has indicated that the extent of central control over the media at present is easily overstated. A balance of power has emerged in Iraq over the last decade, which is illustrated in its media. "The media is so diverse that no one can control it. It is impossible. The government is trying to leash the media, but it is mostly done on an ad hoc, reactive basis, and it is not working out…" said Ammar Al Shahbander of the Institute of War and Peace Reporting. "The political opposition at many times is as strong as the government… they also have money and they have guns. [And] because of digital technology, technically there is no way that you can block them off…Gone are the days that you can shut media down."[88]

Indeed, as Iraqis consume mostly satellite television, it is impossible for Iraq to return to the kind of media darkness of the Saddam era. A recent spat between the CMC and Al Baghdadiya made the headlines in December 2012. Al Baghdadiya was threatened with closure of its Baghdad operation. The reality, however, is that a ban on broadcasts would have little effect on the channel, which is headquartered in Cairo.

Nonetheless, Iraq has been rightly criticised for its poor record on freedom of expression. The Iraqi Journalistic Freedoms Observatory (JFO) registered 31 cases of journalists being beaten by security services and 65 journalists being detained or arrested in 2011.[89] Freedom of movement is also an issue: the JFO reported 84 additional cases of security forces banning media coverage and filming, likening the security forces' treatment of cameras to its treatment of bombs.[90]

There is a tendency among NGOs to interpret these abuses as part of a co-ordinated attack on press freedoms. But there is little evidence of systemic media repression by the government. This would "give the

government credit for something that it doesn't deserve", said Shahbander, "it is just not that well organised."[91] Ali Al Shelah Member of Parliament and Chair of the Parliamentary Culture and Media Committee, said that, "One often hears that the prime minister has shut down this or that station, but the Prime Minister doesn't have the time for this kind of thing in any case."[92]

Independence remains a nebulous concept in Iraq and self-regulation and the sector's professional ethics are under developed. Iraqi officials claim that some media confuse objectivity with permanent opposition by any means. "Many media organisations are funded in order to pursue political agendas and it suits them to be able to attack and exchange abuse", said Shelah, who noted that this partisan nature of the Iraqi media means that any disagreement over regulatory issues quickly becomes political,

> "When stations are shut or held to account, everyone screams that this is an attempt to stifle freedom of expression… Everything is turned into a political standoff. This is what makes the work of the CMC, IMN and the Parliamentary Culture and Media Committee so difficult. The fact is that no matter what these bodies do, people are not going to like it."[93]

Attacks on journalists and on freedom of expression are more generally attributed to the overall culture of impunity that remains in Iraq, where influential figures operate above the law. Dangers remain high for Iraq's journalists, and especially for those who seek to expose corruption or criticise prominent figures.

Iraq's legal system is a patchwork of laws from different ages, from the Baathist era, to the CPA and post-transition Iraq. Laws drafted in each period have very different origins and it is unsurprising that they coexist uncomfortably. In the media sphere, this multi-layered and often contradictory legislation has created confusion and hindered the work of the judiciary. It is not always easy to judge which legal and judiciary provisions are helping secure freedoms and which are restrictive.

The establishment of the Media and Publications Court in 2010 is a case in point. The first of its kind in Iraq, the court was set up to handle alleged offences of defamation and libel in the media. The court's procedures and its status in Iraq's legal architecture are opaque and open to interpretation, but it has so far shown little sign of clamping down on the media in favour of the government. Ammar Al Shahbander said that the court has thrown out all cases against media outlets to date, even when charges against appear to have merit. With professional standards remaining low, he noted that cases of forged pictures, fabricated stories and unsubstantiated accusations have gone unpunished.[94] In researching court procedures for this briefing, it became apparent that the court, at least so far, is insufficiently equipped to fulfil its remit. As a result, it has had no positive or negative impact on freedom of expression.

Free press advocates in Iraq warn that journalistic freedoms are likely to come under increasing threat as a raft of new legislation passes through parliament. The Law for the Protection of Journalists, passed in 2011, has become a major source of contention. Although this law has meant that trials in the publications court are not subject to the harsh penal code, the tendency to qualify journalistic freedoms "in accordance with the law" makes the scope of these freedoms uncertain. The most suspicious element of the law, however, is its insistence on the registration of all journalists' employment contracts with the Journalists' Syndicate. Kamran Karadaghi argued that the law "really protects the Syndicate, not the journalists. Everything should go through the Syndicate and the Syndicate supports the government…That's a big problem."[95]

There is a tendency among some Iraqi and international NGOs to view all government actions in the development of legislation as conspiratorial. Many aspects of the laws do betray worryingly authoritarian tendencies, but this can be due to inexperience and haste rather than calculated action. New drafts of laws are created in such a long-winded and secretive way that a law could potentially be drafted without any subject specialists being consulted. Meanwhile, civil society cannot feed into the process because the drafts are not published.[96] Such drafts therefore bear little resemblance to the progressive ideas of the NGO sector, which the Iraqi Parliament would be unlikely to accept in any case. It is even unlikely, Al Shahbander argued, that MPs even read draft laws.[97]

While the extent of media freedoms is debated, it is clear that it is great enough to enable media houses to be vocal in their complaints about the government and still remain open for business. An important question is, however, whether the existing level of freedoms is down to the loosening of authoritarian attitudes towards the media or the state's inability to enforce its will to the extent it would like. In the semi-autonomous Kurdish region, some observers believe press freedoms are fewer due to the fact that the authorities are stronger there.[98] There is no room for complacency – it is debatable whether many Iraqi officials ever really relinquished their authoritarian worldviews. International actors seeking to support Iraq's ongoing democratisation need to keep encouraging the Iraqi government to move towards allowing a free press and broadcast media, especially in light of a convoluted and under-developed legal framework.

"Many aspects of the laws do betray worryingly authoritarian tendencies, but this can be due to inexperience and haste rather than calculated action."

Far from a lost cause: Iraq's media ten years on

Iraq's media reform journey has been scrutinised in several important papers published by reputable NGOs, think tanks and academic institutes. In a 2011 paper for the National Endowment for Democracy Center for International Media Assistance, Shelley Ricchiardi wrote that, "The reality on the ground today is a far cry from what [US government] Pentagon planners envisioned for Iraq's reconstituted press system."[99] Deborah Amos, meanwhile, in a report for Harvard's Kennedy School of Government, lamented that despite half a billion dollars of investment in Iraq's state media, it remained unable to offer "a neutral media space" for the candidates in the 2010 elections.[100]

This is a fair judgement if made as a comparison with best practice in more developed media environments, but this was never likely to occur bearing in mind Iraq's starting point and its networks of patronage and power.

The seismic shift in attitudes that the Iraqi media was asked to embrace in the sector's reconstruction after Saddam's fall was always likely to take time. While technology has dramatically transformed media vehicles in Iraq in recent years, the media's role in Iraqi politics has been much slower to evolve. But that was to be expected. "You cannot create a cultural shift in ten years, especially when it is ten years of war," said Al Shahbander.[101]

> **"Iraq's government, sitting on the third largest oil reserves in the world, has little need for the resources of its people."**

As this analysis has shown, the reconstruction and support of Iraq's media is neither a resounding success nor a precipitous failure. The reality is much more complex and uneven, as in all sectors across the country, as it seeks to build a more stable and democratic future. The prospects for Iraq's media are less bleak than might first be imagined, and there are opportunities to achieve sustainable reform.

While sporadic abuses of journalistic freedoms continue amid Iraq's general culture of impunity, it seems there is no concerted and organised campaign to silence the press. Iraqi legislation guarding media freedoms is confused, opaque and incomplete, lending itself to opportunistic manipulation both by the authorities and the media. If the space that has been created is to be maintained, the Iraqi Parliament will need to revise old laws and pass new ones. However, as explained in this briefing, it is struggling to do that because of both political battles and a lack of expertise and legal capacity in this field.

For Iraq's regulatory system to function properly, the role of the CMC needs to be clarified. The passing of a law to replace CPA Order 65 seems necessary for this to happen. In an environment where there is such diversity and tension along ethnic, sectarian and political lines, the CMC has an important role to play. Meanwhile, the Journalists' Syndicate's monopoly over the dispensation of state funds, and its influence over the Iraqi executive, legislature and judiciary, remains a cause for concern for many of those interviewed for this briefing – both inside and outside Iraq.

The level of diversity is the single greatest advance within Iraq's media community over the last decade and this is likely to be sustained. However, as Mark Whitehouse, Vice President of IREX has noted, the criticism levelled at Iraq's media by many observers is not that it does not represent a variety of views, but that the views it does portray are partisan.[102] This appears unlikely to change as long as commercial revenue remains inadequate. The resources of indigenous Iraqi religious, sectarian and political actors, in combination with funding from competing regional powerhouses such as Saudi Arabia, Qatar, Iran and international actors such as the US government, are likely to continue to bankroll non-state media houses.

The IMN remains more of a state broadcaster than an independent public service broadcaster, but this does not mean that it should be written off. The fact that it has a board of governors and the legal framework to keep it a step removed from direct government control should not be forgotten. In this sense, its model (if not its performance) is a breakthrough compared with the governance of other state-funded media in the Arab world. There is hope, therefore, that attitudes can evolve, especially if IMN is given greater autonomy in handling its budget.

Nonetheless, the most intractable obstacle to the removal of state control over the media is structural. Iraq's government, sitting on the third largest oil reserves in the world, has little need for the resources of its people. Citizens of the country remain largely untaxed and the political bonds and accountabilities between state and citizen that are forged through taxation in most democracies do not exist in Iraq and probably will not any time soon. While the way in which politics works in the country is not under great economic pressure for reform, these circumstances

SABAH ARAR/AFP/GETTY IMAGES

make accountability mechanisms like the media even more important in ensuring that power and politics function effectively.

Seeds of progress have been sown over the last decade. The investment made in media support in the country has reaped at least some dividends. The challenge is whether, ten years on, they will be nurtured or left to wither.

How international actors approach the future needs to be rooted in the lessons of the past. Those lessons have tended to be learned slowly. In 2002, before the invasion, an expert on media support was invited to the State Department to discuss how the Iraqi media should be reconstructed in the event of war. "Western NGOs suffer from two misconceptions", said the expert. "They either believe the state and its media can be reformed just by training the journalists (without changing the power relations and culture of these institutions) or they dismiss the state, if they are not outright anti-state."[103] Both misconceptions are, according to the research carried out for this briefing, still held in relation to Iraq.

This briefing has examined in some detail the experience of the last decade of media development in Iraq and has set that against the workings of the Iraqi state and the wider context of media in the region. Important lessons can be learned from both the mistakes made and the accomplishments achieved over the last ten years. Putting those lessons into practice in a difficult funding environment will be challenging. As long as the inherited institutional and attitudinal factors highlighted here are understood and reflected in future support to Iraq's media, real hope remains that its media environment can play a key role in the country's democratic transformation.

Above Iraqi journalists from across the nation gather at the National Theatre in Baghdad, during a conference on 26 January 2013 that called for national unity and rejection of the sectarian and political divisions that continue to plague Iraq.

PART 7

Lessons for media assistance in transitional Arab countries

The experience of media reconstruction in Iraq has divided opinion. Controversy over the legitimacy of the Western military action in 2003 drove international actors to make decisions about the reconstruction and reformulation of the Iraqi state in a way that would not occur where outside military involvement was non-existent, limited or less controversial.

Iraq is not, therefore, a classic post-war reconstruction case study. The experience in Iraq does, however, raise important lessons for other Arab countries and especially those undergoing transition. The context of change between the Iraq experience and that facing other Arab countries today is, of course, different. The last decade has witnessed a shift in attitudes across the Arab world, especially following the 'Arab Spring', as well as significant technological changes. Both will invariably need to be taken on board when considering how the Iraq experience can inform media support in transitional and non-transitional Arab countries.

Nevertheless, important lessons from the Iraqi experience are relevant to the challenges facing media and support to media in the Arab World and perhaps elsewhere too.

Media support needs to be holistic

The traditional mainstay of media support, where improved journalistic skills are assumed to lead to increased governmental accountability and an improved public voice, will only be effective in certain circumstances. A more joined-up approach is required, identifying media attitudes and behaviours that can be changed through training and those that cannot. Understanding where the change is achievable – and where it is not – is crucial. International actors should, perhaps, reconsider the value of supporting training initiatives when there is little chance of bringing about a change in broader media loyalties and incentives.

Similarly, a narrow focus on legislation and regulation, especially if these borrow from what is referred to as 'international best practice', can also fall short of achieving optimal outcomes.

State broadcasters in other Arab countries share much of the original authoritarian premise on which Iraq's mass media was established. Today the same systems of ministries of information and syndicates remain even in those countries where the ministries have been disbanded in favour of new higher media commissions.

Bearing the IMN experience in mind, media support programmes aimed at transitional Arab countries should consider taking reform a step further – examining the legal and administrative structures of state broadcasters, journalist syndicates and non-state media organisations. In non-transitional Arab countries careful consideration could be given as to whether any sort of reform is achievable.

In transitional Arab countries, donors have increasingly focused their attention on engagement with youth and the use of social media. These are valid priorities. However, as the Iraq experience demonstrates, unless reform is holistic and tackles legislation and regulation in ways that free all forms of media – including the internet – from undue interference of government, the youth of today could grow up to be the co-opted civil servants of the future. It is worth noting that many of those who make up the community of self-censoring journalists in Iraq are still in their late twenties and thirties. A decade ago they were not much older than the youth of today, and were certainly not working as journalists under the previous regime.

Media development is a goal in itself

If support to media is to succeed in the face of the kind of complex challenges outlined by this briefing, it could usefully be a stand-alone priority and objective in its own right. Clear, context-specific and holistic strategies are unlikely to be developed and prioritised otherwise.

In researching data for this briefing, the difficulty of defining where media support, and funding for media support, begins and ends became all too clear. It has been listed under a variety of categories such as improving governance, electoral support, constitutional support and support for human rights. It has been argued that media support has been over emphasised and that other developmental needs are higher priorities, especially when looking at the poorer Arab countries of Yemen and Egypt. However, the media is increasingly becoming the main platform for popular engagement in the politics of Arab countries. As in Iraq, the character of democracy in transitional Arab countries has been, and will continue to be, shaped by the media. The media will be an important determinant of the sustainability of the political settlement in the country.

The media development organisation IREX has developed a useful set of indicators to measure the capacity of a

country's media to strengthen democracy.[104] Initiatives that aim to reform the media landscape in transitional Arab countries could achieve better, sustainable impact in the longer term.

Stakeholders should be carefully mapped

One of the key challenges highlighted in this briefing has been the limited understanding by international actors of the political complexity and positioning of local Iraqi actors. The Journalists' Syndicate has been one significant example.

Journalists' syndicates in other Arab countries have been established on similar principles, since – with the exception of the Tunisian Union – they all once belonged to the defunct International Organization of Journalists, which clustered all syndicates from the old Soviet bloc.

Jacqueline Frank, a media development expert, recently completed an analysis of the media environment in four Arab countries for a consulting firm contracted by the US government. She said, "because of their close ties to government, in most of these countries the local journalist syndicate can be part of the problem instead of the solution."[105]

The Iraqi Journalists' Syndicate remains influential within the regional association of Arab journalist syndicates. Whatever the outcome of the balancing act between the Syndicate and the Communications and Media Commission (CMC), it is likely to become an example for elsewhere in the region.

Independent regulation is a useful model

While the introduction of an independent regulator in Iraq has not been a celebrated success, it was a good model to choose, largely because it added a buffer between government and the media. Even if it is initially politicised and does not carry out its job effectively, having an independent regulator does provide a stepping stone in the process of easing governmental control over the media.

UNESCO has in recent years supported the concept of independent regulation in Iraq and elsewhere. Other international actors have not been so convinced. Greater clarity is needed when engaging with Arab countries about the role of media in democratic systems. The continued existence of the regulator in Iraq is certainly an achievement in a country so used to total state control over the media. Iraq remains the only country in the Arab world with this model. Its success or failure will have a knock-on effect on its promotion in other Arab countries.

As in Iraq, the Arab world enjoys media plurality. Even in countries where non-state broadcasters are still restricted, satellite dishes provide a huge array of pan-regional and international content. Yet audiences are increasingly looking for content that is relevant to their daily life. Cross-border plurality does not address the need for plurality of local voices. The availability of international media should not deter clear, determined efforts to further independent regulatory structures in order to facilitate the emergence of national media capable of reflecting those voices.

People's expectations of the media are not universal

Iraqis, and people across the Arab world more broadly, have certain expectations from their media because of the geopolitical makeup of the Arab world when broadcast media was first established. These can be fundamentally different from the expectations of audiences and communities in the West and elsewhere. Efforts to reform state broadcasters in particular need to keep this in mind.

Research commissioned by BBC Media Action in 2010 highlighted a near-universal agreement in Jordan, Lebanon, Saudi Arabia, Syria and Yemen (and to a slightly less extent in Egypt) that the ideal role of the media is to "create national pride and unity" and "portray my country in a good light".[106] These considerations scored much higher than the expectation that the media should hold officials to account. This survey was conducted before the 'Arab Spring', but it gives some indication of the mindset of Arab media audiences. Reform programmes that acknowledge the need for the national media to sound patriotic may have better chances of success.

> **"Reform programmes that acknowledge the need for the national media to sound patriotic may have better chances of success."**

Public service broadcasting – a challenging necessity

As this briefing has argued, partisan, sectarian and religious broadcasters are not in themselves the cause of fragmentation in Iraq. Nor are they the instigators of regional unrest. They reflect diverse views and a range of political, social and religious positions and perspectives. Partisan or segmented media sectors are particularly evident in Iraq, Lebanon and Egypt and are now emerging in Yemen, the Arab country with the least developed media. But they do not provide independent and trusted public service broadcasting capable of creating a platform where citizens can engage in the national debate. This is arguably of particular importance in fragile and transitional countries, though it has to be

acknowledged that defining the 'public' in fragmented societies is not easy.

The model for true public service broadcasting will be no easier to implement in other Arab countries than it has been in Iraq. But without support from international actors, independent media acting in the public interest will not emerge in the region.

> 66 Seeking to influence the economic foundations of the media industry in order to sustain independent media is a wise and valid objective in Iraq and elsewhere in the Arab world. 99

Reforming state broadcasters, as has been the case in Iraq, is one way of achieving public service broadcasting which relies on funding from the national government, though such reform needs to be carefully planned and designed. IMN's Director General, Mohammad Al Shaboot, has been honest and clear that his organisation needs support in changing the institutional relationship between the broadcaster and the government. However, his counterparts in other Arab countries may well define the needs of their organisations in terms of additional training or equipment, as has been the case with Iraqi broadcasters in the past. International actors need to carefully consider whether the support requested is indeed the support most likely to achieve reform.

Media support must consider market realities

Seeking to influence the economic foundations of the media industry in order to sustain independent media is a wise and valid objective in Iraq and elsewhere in the Arab world. However, thought should be given to its chances of being achieved. The media industry in the Arab world is neither based on simple financial considerations nor confined to national borders. It is debatable whether the few examples that exist for self-sustaining media are sufficiently robust. In Iraq, revenue from public service announcements generated by the government of Iraq has been counted as commercial revenue, giving a false impression of the potential yield from the market.

International actors can cause harm if they bring untested assumptions about the economic foundations of the media industry in a particular country. Such assumptions are often driven by the need to cap the duration of external support from donor agencies and by the growing concern that donor funding may end up being inappropriately used. Media development practitioners, in their efforts to respond to such need, will often echo the same assumptions.

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23   Price, M. Al Marashi, I. & Griffin, D. (2007) *Toward an Understanding of Media Policy and Media Systems in Iraq*. University of Pennsylvania, p 11.

24   Interview with Gary Thatcher, Washington DC, 26 November 2012.

25   Thatcher, 2012.

26   Interview with Douglas Griffin, Paris, 3 December 2012.

27   Interview with John Buck, London, 17 January 2013.

28   The US-appointed Iraqi Governing Council was created on 13 July 2003. It comprised 25 members: 13 Shia and 12 Sunni. The Sunni allocation was divided among Iraq's main minorities: Sunni Arabs, Kurds, Assyrians, and Turkmen. The Governing Council had the authority to appoint interim diplomats and ministers, approve budgets, and propose policies, but the CPA could veto any of its decisions. Critics argued that this made it toothless.

29   The validity of these CPA orders, like many others, is disputed: many argue that they are invalid as international law does not permit an occupying force to pass laws.

30   Interview with Dieter Loraine, 14 November 2012.

31   Thatcher, 2012.

32   Interview with Laith Kubba, Washington DC, 21 November 2012.

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37   Price, 11.

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44   Interview with Shamil Badran, Baghdad, 19 December, 2012.

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statistics quoted from the research, which is unpublished. While the provinces surveyed cover only one part of Iraq's demographics, there is no reason to think that the population's approach in the rest of the country to such general issues is any different.

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List of interviewees

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Bushra Al Ameen, Executive Director of Al Mahabba FM, Baghdad, 21 December 2012

Kamal Al Asadi, Editor in Chief, Al Mirbad, telephone interview, 1 December 2012

Ziyad Al Ajili, Director, Journalistic Freedoms Observatory, Baghdad, 17 December 2012

Ammar Al Badran, former director with Al Baghdadiya, telephone interview, 7 January2013

Shamel Al Badran, Member of the Board of Governors, Iraqi Media Network, Baghdad, 19 December 2012

Abbas Alyasiri, Vice Chairman of the Board of Trustees, Iraqi Media Network, Baghdad, 21 December 2012

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John Buck, former Iraq Director, United Kingdom Foreign and Commonwealth Office, London, 17 January 2013

Simon Collis, UK Ambassador to Iraq, Baghdad, 18 December 2012

Brian Conniff, President, Middle East Broadcasting Networks, Washington DC, 19 November 2012

Christina Dahlman, Seconded National Expert, Media and Freedom of Expression, European Commission, Paris, 3 December 2012

Theodore Dolan, Senior Program Officer, United States Institute for Peace, telephone interview, 24 January 2013

Alaa Eldin Elsadr, Arabic Media Press Officer at the United States' Embassy in Baghdad telephone interview, 10 January 2013

Erin Evers, Middle East researcher at Human Rights Watch, Baghdad, 20 December 2012

Jacqueline Frank, Head of Mission, Iraq International Research and Exchanges Board, telephone interview, 25 November 2012

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Oday Hatem, Director, Society for Defending Press Freedom, telephone interviews December 2012 and January 2013

Saad Al Jasim, Iraqi Journalist, telephone interview, 1 December 2012

Andrew Puddephatt, Director, Global Partners, telephone interview, 20 November

Kamran Karadaghi, former Chief of Staff to Iraqi President Jalal Talabani, London, 12 November 2012

Laith Kubba, Senior Director, Middle East and North Africa, National Endowment for Democracy & former Senior Adviser to Iraqi Prime Minister Ibrahim Jaafari, Washington DC, 21 November 2012

Dieter Loraine, Managing Director, Albany Associates, London, 14 November 2012

Charles Tripp, Professor of Politics, School of Oriental and African Studies, London, 14 November 2012

Ibrahim Al Marashi, Assistant Professor of Middle East History, California State University San Marcos, telephone interview, 19 December 2012

Christine McNab, former Deputy Special Representative, United Nations' Assistance Mission to Iraq, telephone interview, 18 December 2012

George Papagiannis, Director of External Relations, UNESCO, Washington DC, 17 November 2012

Bob Phillipson, Head of Press and Public Affairs, UK Embassy Baghdad, Baghdad, 18 December 2012

Andrew Puddephatt, Director, Global Partners, telephone interview, 20 November 2012

Shameem Rassam, Executive Producer, Middle East Broadcasting Networks, Washington DC, 19 November 2012

Haider Al Safi, Broadcast Journalist, BBC Arabic, London, 7 December 2012

Mogens Schmidt, Director, Bureau of Field Coordination and former Director of Freedom of Expression, Democracy and Peace, Paris, 3 December 2012

Daniel Smith, Research Consultant, International Crisis Group, Baghdad, 17 December, 2012

Mohamed Al Shaboot, Director General, Iraqi Media Network, Baghdad, 19 December 2012

Ali Al Shelah MP, Chair of the Parliamentary Culture and Media Committee, Baghdad, 19 December 2012

Ammar Al Shahbander, Chief of Mission for the Institute of War and Peace Reporting, London, 20 December 2012

Meghan O'Sullivan, Professor of the Practice of International Affairs, Kennedy School of Government, Harvard University & former United States' Deputy National Security Advisor for Iraq and Afghanistan, telephone interview, 4 January 2013

Gary Thatcher, Director of External Liason, Broadcasting Board of Governors, and former Director of Strategic Communications, Coalition Provisional Authority, Washington DC, 26 November 2012

Mark Whitehouse, Vice President, International Research and Exchanges Board, telephone interview, 30 November 2012

Monir Zaarour, Middle East and Arab World Coordinator, telephone interview, 10 January 2013

Acknowledgments