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January 2002

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Monroe Price

University of Pennsylvania, Mprice@asc.upenn.edu

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Recommended Citation (OVERRIDE)

Price, M. (2002). Memory, the media and NATO: Information intervention in Bosnia-Hercegovina. In J.-W. Müller (Ed.), *Memory & power in post-war europe: Studies in the presence of the past* (pp. 137-154). Cambridge University Press. Retrieved from http://repository.upenn.edu/asc_papers/54

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Memory, the Media and NATO: Information Intervention in Bosnia-Herzegovina

Abstract

If collective or social memory is power, then those engaged in the contest for control will seek to manage its production. One of the most important ways in which public or national memories have been nourished, shaped and limited in the twentieth century has been through broadcasting and, in the period since the late 1950s, more specifically through television. Television is one of the prime means by which to establish what Timothy Snyder in his chapter calls 'sovereignty over memory', and to provide both a national framework for collective memory and to shape individual memories of national events. In this chapter, I want to explore an important episode in the management of memory as an instrument of conflict prevention or resolution, namely the role played, in Bosnia-Herzegovina in the late 1990s, by the US-led NATO Stabilization Force (Sfor) and the Office of the High Representative (OHR). As Ilana R. Bet-El shows in her chapter, the Bosnian context was one in which, for generations and centuries, memories were articulated, projected and raised as flags of combat. Television gave a whole new force to such articulations.

6 Memory, the media and NATO: information intervention in Bosnia-Hercegovina

Monroe E. Price

If collective or social memory is power, then those engaged in the contest for control will seek to manage its production. One of the most important ways in which public or national memories have been nourished, shaped and limited in the twentieth century has been through broadcasting and, in the period since the late 1950s, more specifically through television. Television is one of the prime means by which to establish what Timothy Snyder in his chapter calls 'sovereignty over memory', and to provide both a national framework for collective memory and to shape individual memories of national events. In this chapter, I want to explore an important episode in the management of memory as an instrument of conflict prevention or resolution, namely the role played, in Bosnia-Hercegovina in the late 1990s, by the US-led NATO Stabilisation Force (Sfor) and the Office of the High Representative (OHR). As Ilana R. Bet-El shows in her chapter, the Bosnian context was one in which, for generations and centuries, memories were articulated, projected and raised as flags of combat. Television gave a whole new force to such articulations.

The narrative of control of information in Bosnia can be linked to the history of efforts by one state, or a group of states, to influence the articulation or suppression of particular narratives within the borders of another state. More than that, it is the precursor of a fairly radical and important area of potential change, given new media technologies, in the way in which governments treat the information space of other countries in times of crisis. Already, 'information warfare' is the subject of increased focus by military strategists.¹ Increasingly, there are examples of media

I want to acknowledge the considerable editorial assistance of Stacy Sullivan who was my research assistant at the Media Studies Center in New York. An extended treatment of this subject can be found in Monroe E. Price, 'Information Intervention: Bosnia, the Dayton Accords and the Seizure of Broadcasting Transmitters', *Cornell International Law Journal*, 33 (2000), 67.

¹ Information warfare has been defined as follows: 'Action taken in support of national security strategy to seize and maintain a decisive advantage by attacking an adversary's information infrastructure through exploitation, denial, and influence, while protecting

restructuring in the wake of conflict, part of the general effort (often an element of peacekeeping) to alter forces tied to historical animosities reflected in narratives of identity. Information warfare – dealing with the jamming of enemy military communications technology and command and control functions – is beyond the scope of this essay. I am interested, here, rather, in interventions to shape ideas, news, public perceptions of past and present events, and the relation between an infrastructure of memory that undergirds a fierce or combative patriotism and one that turns a people against their government or one another. In this respect, information warfare includes ‘public diplomacy measures, propaganda and psychological campaigns, political and cultural subversion, deception of or interference with local media, infiltration of computer networks and databases and efforts to promote dissident or opposition movements across computer networks’.²

Studying the seizure of transmitters in Bosnia in 1997 helps in exploring what role law has in affecting memory in the adjustment of power. In Bosnia-Herzegovina; the international governmental organisations that used military authority to structure the space of memory contended that they were acting pursuant to law. There can, of course, be efforts to shape memory by the use of force alone without legal justification. That was not, however, what the Office of the High Representative and NATO contended as they sought to limit Serbian television’s broadcasts – promulgations of memory-prodding rhetoric which had been deemed destructive to the peace process. The case of Bosnia, like other similar cases, demonstrates how those in power, faced with the opportunity or need for propaganda, use electronic media to play on memories, sometimes to contrast the painful present with a glorious past, sometimes to create or reinterpret a past to justify aggressiveness in the present, often to change perceptions of the present through manipulation of a sense of history. These events demonstrate problems in the way in which legal systems authorise or prohibit particular modes of invoking, controlling or inventing memory.

This case study tracks an international peacekeeping effort in which the tactical significance of power over media and the invocation of memory was fully recognised. The primary skirmish described in this chapter concerned not a point of traditional military advantage, but rather control over a series of regional broadcast towers. In a strategy involving memory, it is the modes of affecting speech and perception that are the

friendly information systems’, United States, Office of the Chief of Naval Operations, Department of the Navy, OPNAVINST 3430.26 1 (18 January 1995).

² John Arquilla and David Ronfeldt, ‘Cyberwar is Coming!’ *Comparative Strategy*, 12 (1993), 141, 144.

battleground, not bridges or physical terrain. The territory over which both the international governmental organisations (IGOs) and historic political forces sought power was not just physical but psychological. Through control of broadcasting media, both the competing forces within Bosnia and the peacekeeping administration that entered hoped strategically to invoke and suppress particular memories, and thereby to shape loyalties and behaviours of the viewing population. Of course, there is nothing new in this. Collective memory of defining events shapes and sustains national identity. Even in times of peace, states maintain – or even construct – such memories as sources both for shared national identity and for the legitimacy of state power. Conventional state mechanisms for emphasising particular histories and strengthening selected memories include things as relatively innocuous (except when they are points of turmoil) as designation of national holidays or days of remembrance and construction of monuments and memorials. Primary education, too, provides an opportunity to instil in children reverence for bygone national struggles or heroes, contempt for historic enemies and particular conceptions of the role of the state. In the past century, regulation of the media has emerged as another powerful mechanism for state control over memory construction and maintenance. Placing broadcasting in government hands, requiring that programmes reflect a predefined national identity, or establishing rules for the treatment of subjects such as Holocaust denial – these are all efforts to control who, and under what circumstances, will have the power to reinforce or alter those memories that affect the distribution of power within the society.

The narrative of Bosnia also underscores the fact that actors other than states participate in the formation of collective memory. Within the state, disempowered populations may articulate counter-histories, emphasising events elided in dominant versions of national history or offering alternative constructions of famous events. Disputes over the proper significance of Columbus's 'discovery' of the Americas reflect rival memories of this sort, as do Irish folk-songs condemning Oliver Cromwell. Similarly, outside actors, including other states or international organisations, may put forth their own version of events as the authentic one, and so seek to reshape memories within national boundaries. For these actors, both legal and technical challenges arise as they attempt to bring new influences to foreign information space.

As it happens, a surprising amount of law can be read as affecting the shaping of memory. Governments have used the power of the state as they seek to legitimise themselves by reinforcing their version of the past. Domestic law, even in the relatively pedestrian field of rules of evidence, may deal with the shaping of memory. The relation of memory

to law is particularly strong in laws and structures regulating electronic media. It is in large part because radio and television have such inherent power to alter perceptions of time, place and history, that their regulation has been the province of government. Still, there has not been a systematic analysis of how international norms are adjusted to allow or forbid the use of force to shape memory, or how international law is invoked to regulate memory in which memory is employed in the service of power. Yet, looking at international covenants and conventions, an underlying concern with the role of memory in the legitimate and illegitimate uses of power can be discerned. Paragraph 2 of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, dealing with limitations on freedom of expression, stands as a tacit recognition of the power of rhetoric, fuelled by memory, to provoke violence and threaten 'national security, territorial integrity or public safety'. Even in those instruments aimed at preventing violations of human rights, such as the Genocide Convention, it can be said that the shaping of memory has been a subject of international legal discussion. The Genocide Convention's concern with destructive attempts against groups based on ethnic and national identities is reiterated in more positive terms by the Convention on the Rights of the Child (CRC). Article 30 of the CRC expresses a positive right of children of indigenous ethnic minorities to be raised within that group and to 'enjoy his or her own culture' – in other words, to share the collective memories and perspectives of the particular group.³

While invocations of false memory may be the most obvious point of concern to international law, this is not the only significant issue. Indeed, in certain circumstances, invocations of inflammatory and all-too-real memories can trigger genocidal activities, and promote racism and war. Certain symbols – a burning cross or flag of the Confederacy in the United States, a swastika in much of the world, pictures of a mosque in India in the process of destruction, the very voice of a person designated a terrorist – these alone can be powerful and dangerous triggers of memory. Law sometimes has the function of mediating between permitted and prohibited expression of such flashpoints of nationalist emotion.

³ Convention on the Rights of the Child, Article 30. The requirement that children be raised within their own culture is reiterated in Art. 20 Par. 3, concerning state child care, and Art. 29 Par. c 1, concerning education. The Universal Declaration of Human Rights' guarantee of freedom of thought, conscience and opinion, and the International Covenant on Economic, Social and Cultural Rights' guarantee of peoples' right to self-determination can also be seen as considerations of cultural identity, as shaped by shared memories of historic and current events.

For more than six months in late 1997 and 1998, Sfor, the NATO troops playing the peacekeeping role in Bosnia, held key broadcast transmitters under 'security protection' to ensure that information transmitted to Bosnian Serbs through the media avoided the signals of conflict deemed dangerous by the IGOs' so-called Contact Group, the United States, the United Kingdom, France, Italy, Russia and Germany. Sfor also used its control of the media space to promote a more positive image of itself and of the Dayton Accords. Members of the Contact Group sought to create an entire new mechanism for the licensing of radio and television stations throughout Bosnia, establishing standards for their operation and providing enforcement mechanisms (including fines and closures) against what the Office of the High Representative deemed transmissions of propaganda undermining the peace process. This active, directed and explicit intervention in Bosnia, including the seizure of transmitters, has raised to a new level an international debate, one that began in earnest after the Rwanda massacres, about the appropriate role of media policy in the prevention of ethnic conflict and preservation of peacekeeping processes. Bosnia represents the whole gamut of foreign assistance to remould an indigenous media and the narratives it carries. Everything from professional training to the closing down of stations was employed – all with the goal of systematically altering representations about the past and the present.

Background on Bosnia and the role of the media in the conflict

Much has been written about the way in which the media were used by nationalist leaders to manipulate the collective memory and alter the framework of power in the former Yugoslavia. Several months before anyone in the region bore arms, agitators in the various Yugoslav republics began laying the groundwork for war by planning media campaigns that would draw from a repertoire of inflammatory memories. As an example, the then president of Serbia, Slobodan Milosevic, who is widely blamed for instigating the war in Bosnia, sent paramilitary troops and technicians to seize a dozen television transmitters in the northern and eastern parts of Bosnia-Herzegovina in spring 1992. These were the areas closest to Serbia which also had substantial Serb populations. As a result, more than half the people in the territory of Bosnia-Herzegovina began receiving the television signal controlled by Belgrade rather than the usual television from Sarajevo.

With these important transmitters under Milosevic's control, the formerly unified Bosnian information space, once centred on a national

signal emanating from Sarajevo, was fractured. The stage was set for a fierce war of propaganda and mobilisation of remembered hostilities that would precede any actual fighting. With the airwaves firmly in Milosevic's hands both in Serbia and in more than half of Bosnia-Herzegovina, his television began broadcasting fictitious reports that Serbs in Croatia and Bosnia-Herzegovina were being massacred by 'Croatian fascists' and 'Islamic fundamentalists'. The propaganda drew on one thread of collective memory, that of past hostility between ethnic groups. Audience members' perceptions of these reports were inevitably shaped by their own 'memories' of Croat or Muslim acts in the past – memories in part historical, in part apocryphal. Of course, neither individual nor collective memory is necessarily uniform in its ideological significance. Mobilisation of one powerful memory often requires the suppression of others. In this case, Milosevic's broadcasts emphasised conflict while obscuring fifty years of peaceful coexistence by Muslims, Croats, and Serbs. Widespread Serbian embrace of this bellicose propaganda was particularly remarkable given the 30 per cent intermarriage rate in Bosnia-Herzegovina, and perhaps reflects the emotional power of remembered, older hostilities.

There are varying, though unsatisfactory, interpretations of why the propaganda was so effective (some commentators point to historic ethnic divides arising out of the two world wars, others to the tradition of media always controlled by the state). False reports drew heavily on collective memories and suspicions. They were laden with Serb symbolism and historical references to Serb struggles against Ottoman Turks and the Bosnian Muslims who cooperated with them, as well as against German Nazis and Croat fascist collaborators. This appealed to many Serbs on an emotional level; for some, even questioning the truthfulness of the news reports was seen almost as treason against Serb culture. Some independent journalists in Belgrade wrote about the pernicious and dangerous potential of Milosevic-controlled television, but their publications did not have mass readership and could hardly combat the powerful nationalist television. Whatever the reason, this nationalist and inflammatory propaganda struck fear into the Serb population. So, when Belgrade television encouraged Serbs to arm themselves against the 'enemies of the Serb people', many Serbs in both Bosnia-Herzegovina and Croatia did as they were told.

The Serbs were not the only ones who understood that a key to power and influence lay in television and the invocation of memory. Well before any fighting began in Bosnia, the Croats of Herceg-Bosna, the area in Bosnia-Herzegovina that is closest to Croatia and has the largest population of Croats, seized nearby television transmitters and began receiving Croatian television broadcasts. Like its Serbian counterpart, Croatian

television inflamed remembered hostilities with its broadcasts, claiming that Serbs intended to exterminate the Croat population in order to form a 'Greater Serbia'. These incendiary programmes suggested to Croats that they were in mortal danger from the Serbs and that they should arm themselves before it was too late.

In early 1992 the Bosnian Serb leadership left Sarajevo for the nearby village of Pale, which would later become their self-styled capital. Almost immediately, in April 1992, they began broadcasting their own television channel, Serb Radio and Television (SRT). Firmly under the control of the nationalist leaders who would lead the war, SRT used the same tactics as Belgrade television before the war. They recognised the importance of reinforcing a particular set of memories to maintaining support for those then in control. Falsified reports of Serbs being slaughtered by Islamist fundamentalists (Turks) and Croatian fascists (Ustashe) were the norm, as were false reports about Western conspiracies against the Serb nation. But no matter how preposterous the broadcasts, they were successful in stirring up hatred against Muslims and Croats. Ample coverage was also given to the Serbs who were killed or interned by the Croats allied with the Nazis during the Second World War, lending credence to reports of new atrocities by reference to real, remembered ones. Ordinary Serbs came to believe that the 'Turks' and the 'Ustashe' were waging a war of aggression and that the Serbs needed to fight for the survival of their nation. They became convinced that if they did not begin 'cleansing' Muslims and Croats from 'their territory', the Muslims and Croats would do it to them.

For the first year of the war, the Muslims and Croats were allied against the Serbs. But once the Serbs were pushed back from Croat territory in 1993, the Croats turned against their former Muslim allies and began fighting them. Again, television played a key role. The Croats, like the Serbs, wanted to carve out a piece of Bosnia-Herzegovina for themselves to create a 'Greater Croatia'. Again playing on memories of past hostilities, Croatian television from Zagreb began broadcasting reports about Islamist fundamentalists trying to create a state in which Roman Catholic Croats would be oppressed and subjugated. Muslims were portrayed as dirty and anti-Christian, intent on depriving the Catholics of their religion and heritage. The strategy was effective, encouraging a sufficient number of Croats to fight against their Muslim neighbours and increase the carnage.

The Dayton Accords and the media

The war in Bosnia was a brutal combination of psychological manipulation and physical violence, which ended with the 1996 US-brokered

Dayton Peace Accords. Bosnian President Alija Izetbegovic, Serbian President Slobodan Milosevic and Croatian President Franjo Tudjman were summoned to Dayton, Ohio, where diplomats worked through the nights to hammer out a compromise and redraw the boundary lines on the map. It was finally agreed that Bosnia-Herzegovina would remain one country, but divided into two entities: Republika Srpska, and the Muslim-Croat Federation. That structure satisfied the Serbs because they were, in a sense, given their republic, even though it was an 'entity', not a state. The agreement satisfied the Muslims because it, in a sense, kept Bosnia-Herzegovina whole. It offered less to the Croats, except that, as part of the Muslim-Croat Federation, they were able to form special ties with neighbouring Croatia. A critical question was who would control the information space, who would determine which memories were repeated and reinforced, what narratives of the future would be created. How history was presented, including the very recent history, would affect the possibility of elections, the potential for resettlement of refugees and the success, if that word were possible, of the Dayton Accords themselves.

The civilian aspects of Dayton were not so well thought out as its military provisions and led to divided and complex sources of authority. The accords stipulated that the Organisation for Security and Cooperation in Europe (OSCE) would organise elections, that the United Nations would create an *unarmed civilian police force* to supervise the entities' police forces and that the United Nations High Commissioner for Refugees would oversee the return or resettlement of displaced peoples or refugees. A High Representative chosen by the Contact Group would coordinate the activities of the different organisations. Together, these organisations aimed, in a sense, to reconstitute Bosnia-Herzegovina's former multi-ethnic nature and create a Bosnian national identity against a backdrop of continuing ethnic hatred and loyalties. Each element – elections, domestic security and the return of refugees – implied a kind of reconstruction of consciousness that implicates the reformulation of memory. Each element, if it were to be perceived as organic and evolved, and not as an artificial creation of an alien occupation, had to find part of its justification in a practice or ethos of the past. The elections, which were designed to reverse ethnic cleansing, would be the IGOs' most crucial task, and also the most rigorous test of Dayton's success in altering the relationship of past to future.

The accords were signed in Paris in January 1996 and were immediately put into force. It was not possible, as part of the initial accords, to dislodge the recently conflicting entities from control of the media; Serb and Croat leaders clung to their party-controlled television and radio outlets to maintain and extend existing power. The Serb-held parts of

Bosnia-Herzegovina were still strictly under the influence of the rabidly nationalist Serb Radio and Television (SRT), and the Croat-held parts of Bosnia-Herzegovina under the equally nationalist influence of Croatian Radio and Television. The Bosniak-controlled part of the country received broadcasts from Bosnia-Herzegovina Radio and Television, which had become increasingly nationalistic over time, although committed to the cause of integration and the success of the Dayton experiment.

All three groups vied for use and control of the airwaves both within and beyond their geographic spheres of influence. Croats, Serbs and Muslims set about repairing war-damaged television transmitters on mountains within their respective territories, seeking the means to broadcast as far and wide as possible. Belgrade set up a television transmitter in Serbia, near the border with the newly created entity of Republika Srpska, to broadcast Serbian television throughout Serb-controlled territory, and also aided the Bosnian Serbs in repairing transmitters damaged by NATO bombing. Zagreb put up additional transmitters in Croatia, near the border with Bosnia, to broadcast Croatian television into Bosnian territory, and aided the Bosnian Croats in repairing existing transmitters, as well as adding additional transmitters to increase the coverage of Bosnian Croat television. The Bosnian government received outside assistance from the Norwegian government to renovate and repair some twenty-one television transmitters to enhance the multi-ethnic voice that would have the capacity to facilitate reconciliation. Each entity used broadcasting power to continue sending its own messages, reinforcing its own preferred threads of collective memory, and influencing viewers' sense of ethnic and national identity.

Implementation of the accords

Just days after the Dayton agreement was signed in Paris, Robert Frowick, the American who headed the OSCE mission in Bosnia, arrived in Sarajevo to begin planning for the elections. Frowick and the other European and American diplomats who were implementing the Dayton Accords were keenly aware of the role the media played in the war, and the role it would continue to play in peace. The diplomats feared that as long as rival broadcasters saturated the airwaves with invocations of divisive memories and tropes of conflict, the unified country envisioned by Dayton could not be realised. If alternative sources of information were not provided across the country, the same nationalist leaders who waged the war and controlled the airwaves were sure to be voted back into power. The international community recognised that it needed to play a role in adjusting media practices.

The refashioning of memory became part of the context of administrative vocabulary as it was translated into the field of bureaucratic operation. The template for election reform demanded objectivity and impartiality (as defined by the IGOs) – and failure to sustain this perspective in representations of past and present issues rendered political parties and broadcasters vulnerable to official complaint. The OSCE established a Media Experts Commission (MEC) within the Provisional Electoral Commission. It issued a set of rules and regulations, charging the media with duties including ‘providing true and accurate information’, ‘refraining from broadcasting incendiary programming’, and running OSCE and international election-related statements and advertisements. It also set up a monitoring group which could cite violations of these rules. Truth and accuracy could have reference to the past as well as to the present.

In addition to rules designed to restrain the existing media, the OSCE pioneered another technique of intervention, helping to finance a special broadcast network that would positively influence the mix of narratives and images transmitted to the public. The Free Elections Radio Network (FERN), was initially started by the Swiss government to provide ‘objective and timely information on the elections’ to the people of Bosnia-Herzegovina in all entities. This project provided a less incendiary news source, avoiding the national broadcasters’ constant emphasis on recent hostilities and tragedies – content which the OSCE found inconsistent with the reconciliation and democratic process envisioned by Dayton.

The seizure of transmitters

The existence of a highly nationalistic ethnically homogenous and intensely focused political party, coupled with a virtual monopoly of the media, posed a threat to the Office of the High Representative and the operation of the Dayton bureaucracy as it went about its rebuilding efforts. Regulation of the electoral process by the OSCE was not enough to reduce the harsh bias by which divisive memories were nourished. And, in spite of all the efforts to create alternative sources of information across Bosnia-Herzegovina, in spring 1997 the media remained divided into three mutually antagonistic components in Republika Srpska, Bosniak-controlled Federation territory and Croat-controlled Federation territory. The party-controlled television stations remained the most influential media outlets and the main source of news for all of Bosnia-Herzegovina’s ethnic groups. Other, internationally sponsored, efforts to break a tradition of dependence on official programming was not sufficiently successful. Clearly, the attempts by the IGOs to create an

alternative to the party-controlled media had not been sufficient to combat the nationalist television stations, which continued to stir up hostility, not only towards each other, but also towards the IGOs themselves. Much of Sfor's and the other international organisations' work towards reconciliation was perceived by Sfor and the OHR as being jeopardised by the news and propaganda of nationalist television and radio.

Over the summer of 1997, conflict over the content and control of broadcast media intensified. The Steering Board of the Peace Implementation Council of the Contact Group, distressed by the continuing divisiveness of party-controlled media, issued the Sintra Declaration, a document considered by OHR to be an extension of the Dayton Accords, although neither Bosnian signatories of Dayton nor current elected Bosnian officials signed the Declaration. This instrument dramatically asserted OHR's right both to demand airtime for its own broadcasts and to suspend broadcasts which contravened the letter or spirit of Dayton. The Sintra Declaration was later to be cited in justification of Sfor's seizure of broadcasting towers.

Within Republika Srpska struggles for media control intensified as US-backed Biljana Plavsic announced that the SRT station in her power base of Banja Luka would cut ties with the central SRT Pale station, broadcasting from the seat of her rival Radovan Karadzic. The Pale broadcast had drawn heavily on viewers' memories and associations of conflict, openly comparing Sfor to the occupying Nazi forces of a generation before. The broadcast played on recollections of previous atrocities, and featured alternating images of Sfor soldiers and Nazi storm troopers.

On 22 August US troops acted on the Sintra Declaration and, claiming that they moved to prevent possible clashes between Plavsic and Karadzic, seized the SRT broadcast tower in the north-eastern town of Udrigovo. This move cut off SRT Pale broadcasts to the region, temporarily suspending the flood of inflammatory invocations. Ten days later, American soldiers guarding the tower were attacked by a mob of 300 Serbs, presumed to be supporters of Karadzic. Pale radio broadcast that Sfor had 'occupied' the SRT transmitter and claimed that Sfor was a 'heavily armed military force threatening courageous unarmed citizens'.⁴

The resulting negotiation between the Sfor and the Pale authorities produced a document that became known as the Udrigovo Agreement. Sfor handed back the tower to the SRT authorities in Pale, and in return the Pale authorities agreed to certain conditions for resumed broadcasting. Pursuant to the Agreement, the media of the Serb Republic would stop producing inflammatory reports against Sfor and the other international

⁴ Bosnian Serb Radio, Pale, in Serbo-Croat, 1 Sept. 1997.

organisations implementing the Dayton Accords; SRT would regularly provide an hour of prime-time programming to air political views other than those of the ruling party; and SRT would provide the Office of High Representative with half an hour of prime-time programming daily.⁵

The Agreement required SRT to transmit alternate representations of both current events and the history that had led up to them. In the wake of the Udrigovo Agreement and the formation of the international Media Support Advisory Group (MSAG), the Serb leadership appeared to take a more conciliatory tone towards the Western diplomats implementing Dayton. But that cooperation was short-lived. On 8 September the OHR and Sfor sent a letter to SRT in Pale, demanding ninety minutes of air-time to broadcast an OHR programme that same evening and an hour of airtime the following day, among other time demands. SRT Pale refused to broadcast the material, and instead, further angering international officials, charged OHR and Sfor with violating 'freedom and human rights'. The SRT Pale newscaster read a statement from the SRT Pale editorial board stating: 'We publicly announce that under no conditions would we implement these requests. By doing this, we would trample on our moral integrity and our profession. In our radio and TV broadcast, we shall continue to ridicule orders like the one saying that video material must be broadcast in its entirety and with no changes. . . .⁶ Against this background of increased conflict on the airwaves of Republika Srpska, and raised stakes for political control of the entity as the election drew nearer, US government opinion increasingly favoured jamming SRT Pale's broadcasts. In fact, the United States dispatched three air force EC-130 Commando Solo aircraft capable both of broadcasting information and jamming existing radio and television signals. US officials claimed that the primary role of the electronic warfare aircraft would be to 'broadcast fair and balanced news and information to the local population';⁷ but Voice of America (VOA) broadcasts to Bosnia-Herzegovina also stated that the aircraft had the capability to jam pro-Karadzic transmissions. VOA also

⁵ The Media Support Advisory Group (MSAG) consists of the OHR, Sfor, the OSCE and the UN, the four principal organisations responsible for the implementation of Dayton. Established in late September 1997, its function was essentially to monitor and govern the media in Bosnia-Herzegovina to the extent that it could according to the Sintra Declaration and the OSCE's Media Experts Commission (MEC). The MSAG declared itself 'the body that provided the executive mechanism to demand the level and type of access required in an outlet deemed in violation of the . . . MEC'. If such demands were not complied with, the MSAG would then recommend escalation 'as necessary' using the par. 70 powers of the Sintra Declaration giving the High Representative authority to 'curtail or suspend' any media network or programme whose output is in violation of the Dayton Accords.

⁶ Radio B92, Belgrade, in Serbo-Croat, 8 September 1997.

⁷ Voice of America, Washington, English, 13 Sept. 1997.

reported the US belief that Karadzic supporters had violated the Udrigovo Agreement's mandate that they soften their rhetoric against Plavsic and NATO peacekeeping troops, and broadcast a US Defense Department spokesman's claim of Sfor's legal authority to block broadcasts.

As the local elections loomed nearer, with the battle for the Republika Srpska's airwaves becoming increasingly bitter, Western diplomats feared that the media conflict could lead to more violence. Milosevic (the real power broker among the Serbs) was urged to summon Plavsic and rival leader and broadcaster Momcilo Krajisnik to the bargaining table in Belgrade, where the internationally brokered Belgrade Agreement was hammered out. This document established a 'fairness doctrine' for SRT Banja Luka and SRT Pale, in which the two leaders agreed that the unified media environment of the Republika Srpska and free access to media by all participants in elections was 'vital' for a democratic process. They agreed that news programmes be broadcast daily from studios in Pale and Banja Luka alternately.⁸

Hope for a harmonious implementation of the Agreement were immediately dashed. Only a day after it was signed, the MSAG 'expressed concern about the editorial policies'⁹ of SRT Pale. A news release from the OHR said that SRT Pale was continuing to broadcast political announcements as news, 'devoid of any balance or alternative opinion'.¹⁰ The news release might have been taken as a warning by SRT Pale. But, characteristically, SRT Pale refused to soften its editorial content, and continued to structure its representations of both Sfor and domestic rivals to invoke memories of conflict, and sustain ongoing hostilities.

On the following day, 26 September, the chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia, Louise Arbour, gave a press conference in Sarajevo, which was covered by SRT. In a commentary, the SRT Pale announcer reiterated the Bosnian Serb leaders' long-held position that the tribunal was a political instrument and that it was prejudiced against the Serbs. The United Nations, which is a member of the MSAG, considered this a breach of prior understandings, including the Udrigovo Agreement, and demanded that SRT Pale make a public apology on television. On 30 September SRT Pale did so, and broadcast unedited footage of the news conference.¹¹ In spite of SRT Pale's apology, Sfor troops seized control of four SRT transmitters the next day (1 October), thereby preventing SRT Pale from transmitting its broadcasts. In addition to asserting that SRT Pale's blunder was a violation of the Sintra Declaration, Western governments also claimed

⁸ Belgrade Agreement, point 3, Belgrade, 24 Sept. 1997.

⁹ Beta News Agency, Belgrade, in Serbo-Croat, 25 Sept. 1997.

¹⁰ Ibid.

¹¹ Beta News Agency, Belgrade, in Serbo-Croat, 30 Sept. 1997.

that the station's repeated broadcast comparing Sfor troops to Nazis constituted a threat to the safety of the Sfor troops and, therefore, needed to be silenced. SRT Pale's appeal to memories of oppressive occupation, these governments recognised, could have very real consequences in the responses of viewers.

Sensitive to the potential for condemnation of the seizure, Sfor and OHR announced that SRT Pale could regain access to the transmission network and resume operations, but only if strict conditions were met. SRT Pale would be obliged to agree to 'criteria for its reconstruction and reorganisation, as well as for editorial control of broadcasting, as suggested by the Office of the High Representative in Bosnia-Herzegovina and the international community'.¹² On 6 October, several days after NATO seized the transmitters, the major international power broker, US special envoy for the Balkans Robert Gelbard appeared in the region. In a statement two days later, the High Representative said that a 'transitory international director-general' and two deputies would be appointed by the OHR to head SRT Pale, that the OHR would draft a statute and editorial charter for the station, that SRT Pale would be obliged to broadcast programmes requested by officials from other international organisations without editing or commentary, and that a team of journalists and editors would be brought in to train personnel and supervise the programming of SRT Pale. He added further that the SRT journalists and editors would be evaluated by the international representatives and that 'only those who are positively evaluated will be able to get a job again'.¹³ This was an extraordinary assertion of power by the High Representative and it infuriated the Bosnian Serb leadership in Pale, possibly drawing on a history of associations with official interventions in the Soviet period.

At the Peace Implementation Council's meeting in Bonn in December 1997, the Contact Group members agreed to reinforce efforts to 'break the political control of the media', and restructure the media landscape 'according to internationally recognised standards'.¹⁴ The OHR said that the idea was to create an interim media regulation board to intervene in editorial content, restructure the media and regulate its content. The board would provide training to journalists, but it would also have the power to shut down media and to pick and vet journalists – in other words decide who could and could not work as a journalist. OHR would establish two commissions, one to 'ensure that media standards are respected and would issue licenses. The other would be of an appellate nature and would deal with complaints on media treatment or media

¹² Radio Bosnia-Herzegovina, Sarajevo, in Serbo-Croat, 3 Oct. 1997.

¹³ Beta news agency, Belgrade, in Serbo-Croat, 9 Oct. 1997.

¹⁴ OHR Media Strategy paper, Background, point 2, April 1997.

behaviour in the communications process.¹⁵ In a neat reversal of SRT Pale's Nazi comparisons, the officials noted that the foundation for the new media strategy in Bosnia-Herzegovina was based on the Allies' post-war experience in Germany. Here, the power of Second World War memories was mobilised against the broadcasters, rather than against the Western powers.

Information intervention, memory and the marketplace for loyalties

Bosnia-Herzegovina is an institutionally and legally complex case study of the phenomenon newly christened as 'information intervention'. In the world of ethnic and regional conflict, whether it involves Zapatistas in Mexico, Kurds in Turkey, separatists in Angola or Tamils in Sri Lanka, terrestrial transmitters and signals direct from satellites can serve to shape public perception of current events, often drawing on collective memory of previous conflict or injustice. These resurgent memories can be fuel for campaigns of violence by or against the state and among communities with different views of the public order – often shaped by their different versions of past events. Not only the United States as superpower, but the international community as a whole, increasingly sees potential for countervailing use of the media as a therapeutic tool, including the affirmative use of a more pluralistic media to reduce or prevent conflict or increase the possibility of democracy.

Because of the importance of this phenomenon of information intervention, it is crucial to understand the basis on which the international community can intervene in a way which, on one level, seems to violate free speech principles, and which had such a comprehensive effect on media and information space in Bosnia-Herzegovina. If the international parties intervening were not acting pursuant to legal authority themselves, their moral claim that those in conflict follow the rule of law loses some of its credibility. NATO, the OSCE and the OHR acted as law-makers and enforcers: they required that their statements be broadcast; they established standards for existing stations; they closed stations down; they put into operation a mechanism wholly to revise the licensing and administration of radio and television. What occurred was one of the most comprehensive possible catalogues of the exercise of authority. Various groups within Bosnia-Herzegovina questioned whether the United Nations or NATO or others had valid power to engage in these activities, and outside groups, including the World Press Freedom Committee,

¹⁵ Dveni Avaz, Sarajevo, in Serbo-Croat, 30 Oct. 1997.

expressed grave reservations as to whether these steps were consistent with international norms.

The law of media intervention in Bosnia-Herzegovina is nowhere clearly stated, and it is not necessarily true that the United States and other parties sought a legal justification at each step as opposed to responding to practical realities. But the source of law matters. For example, if the United States and its Western allies were acting as occupiers, then their powers and the limits on them would be governed by a particular body of international norms.¹⁶ If they were acting, on the other hand, under a consent regime, then the shape of their authority would be governed, in large part, by the conditions of their entry. One could ask whether the peacekeeping forces were functioning as occupiers, although under current norms (norms that, themselves, are subject to debate), occupation – and certainly ‘belligerent occupation’ – does not best describe the status of the international presence in Bosnia. This is important because occupiers have the capacity to act in lieu of a sovereign, although those actions are constrained by the duty to serve as a surrogate for the local sovereign and to do so in accord with internationally established standards.

¹⁶ Another source of law – either authorising the actions of NATO and the OHR or establishing limits to those actions – involves what might be called the law of occupation. There has been a debate about the use of the term ‘occupation’ in describing the activities of the international community in Bosnia and a debate, as well, over the use of the power of the occupier to justify media and information intervention there. After the Second World War, the United States and its allies made it a major objective to refashion totally the radio broadcasting systems in Germany and Japan. One of the important elements of the occupation was to construct or reconstruct a democratic society. To do that required a transition and an imposed architecture that would have transformative capabilities. A focus on changes in radio seemed especially appropriate given the key role of propaganda in fuelling the war, both at home and abroad.

In Germany, the future structure of broadcasting was changed for ever by the Allies, who forced a splitting up and decentralisation so as to prevent a dominant national voice. In Japan, the US government sought to eradicate all elements of militarism and nationalism, as it was there understood. The first Memorandum of the Allies, in somewhat Orwellian phrases that are invited by this kind of situation, claimed to be reestablishing freedom of speech and of the press, but at the same time required that news be true to facts, be faithful to the policies of the Allied Powers and refrain from sceptical criticisms of the Allied forces. None of this history, of course, necessarily serves to justify the actions of the OHR or Sfor. Bosnia-Herzegovina is not Japan or Germany, and the accoutrements of occupation are not exactly present there.

In Japan and Germany, the Allies were ‘belligerent occupiers’, and a framework of international law has developed to articulate standards for such an occupation. Less well developed is what might be called a ‘non-belligerent occupation’, one that is more characteristic of the Bosnian context. (The question of whether there is such a status as non-belligerent occupier and what powers such an occupier has comes down to consent. And in that sense, the issue of the powers and limitations of this non-belligerent occupier are governed by the Dayton Accords, since is that is the foundational consent of that agreement.)

Perhaps at the heart of the Dayton Accords was some understanding, at least by the parties, that memory and its exploitation was as important an element of peacekeeping as more traditional military and quasi-military undertakings. The maintenance of an intensely partisan, politically controlled, monopoly media, strongly contesting the integrity, goals and competing narrative of Sfor and the IGOs simply could not long be tolerated. If a plural, multi-party Bosnia-Herzegovina was to emerge from Dayton, then, at least in the eyes of the OHR, a morphological unity between political party, ethnic group and dominant channel had to be broken. The media structure symbolised a Bosnia-Herzegovina that was seen as antithetical to a multi-ethnic future polity. Breaking the hold of the Bosnian Serbs' nationalist party on the media and the electorate was part of the basis of seizing the transmitters that serviced SRT Pale. In establishing the machinery for elections, the parties agreed to have put in place a set of election principles and a mechanism for deciding when those principles were violated.

Conclusion

'Information intervention' describes efforts by those in power – an international force or local authority – to use media to shape collective memory of the past so as to influence present and future activity. Media regulation and exploitation is commonly used by the controlling group or groups to reinforce its ideal notion of identity and history. As in a market for goods, competitors in the 'market for loyalties' seek to use force or the force of law to seize and maintain power over media. A narrow funnel for expression, created by controlling which viewpoints have access to the means of mass communication, is often used either to function as an integrating, assimilating influence, subtly reinforcing a vision of cohesion, or to support and exacerbate existing cultural divisions in society.

Law has been used to protect domestic producers of national identity from international competition. For most of the twentieth century, the international order believed that radio transmissions should be contained primarily within the boundaries of one nation; the international function was to dispense frequencies so as to ensure that conditions of market division along national borders could be realised and enforced. International regulations and arrangements were built to implement the policy of limiting broadcasting, in large part so that these internal monopolies over memory could be preserved. For example, an early document of the League of Nations provided that "The High Contracting Parties mutually undertake to prohibit and, if occasion arises, to stop without delay the broadcasting within their respective territories of any transmission

which to the detriment of good international understanding is of such a character as to incite the population of any territory to acts incompatible with the internal order or the security of a territory of a High Contracting Party.' And in the debate in the 1970s over the use of direct broadcasting satellites, a draft agreement provided that state parties 'undertake to exclude from television programmes transmitted by means of artificial earth satellites any material publicising ideas of war, militarism, Nazism, national and racial hatred and enmity between peoples as well as material which is immoral or instigative in nature or is otherwise aimed at interfering in the domestic affairs or foreign policy of other States.'

In Bosnia-Herzegovina NATO and Sfor, managing what I have called a market for loyalties, used media law to establish the parameters of what memories could and could not be articulated. A market for loyalties implies one in which entry is highly regulated, essentially to reinforce the mix of accounts of the past and present that maintains the existing power structure. In fact, the function of government in a market for loyalties ordinarily goes far beyond its role as regulator and enforcer for a cartel of identity producers. The government is frequently a participant in the market for loyalties in its own right, also trying to insert and promulgate its own version of historical narrative. The relationship between the state as censor and the state as generator of images is important. Not only have governments historically sought to exclude a range of destabilising narratives, but they have also ensured that a reinforcing sense of national identity is available and, if possible, prevails. The actions of Sfor and the OHR are in this tradition of state control of memories. The nature of the peace process and the qualities of those elected offices would be a direct function of the images of the past that received the extraordinary imprint of television. For that reason, intervention became the desired option. If there is a market for loyalties, the Bosnian example illustrates how external powers' forcible control of information space alters the functioning of the cartel and redefines the relationship of memory to power.