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Media, Elections and Political Violence in Eastern Africa: Towards a Comparative Framework

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Nicole Stremlau and Monroe E. Price

An Annenberg-Oxford Occasional Paper in Communications Policy Research



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executive summary

The problem of post-election violence seems to be ever-more present as complexities of nation-building and democratic development arise. This report deals with some relevant questions. It is based on the outcome of discussions at a December 2008 workshop organized in Addis Ababa, Ethiopia by the Programme in Comparative Media Law and Policy at the University of Oxford, the Center for Global Communications Studies at the Annenberg School, University of Pennsylvania and the Stanhope Centre for Communications Policy Research.¹ Our objective was to examine the role of the media in the aftermath of competitive elections.

The workshop provided the opportunity to explore the election experiences of Ethiopia, Uganda, Kenya, Somaliland, Tanzania and Sudan in a comparative framework. The focus was on understanding why election violence occurred after some elections, what the role of the media was in either exacerbating or resolving disputes, and what this suggests about the broader political project and the state of the media in the countries under examination.

This report is only an introduction to the subject. Additional structured research will be important in furthering our understanding of these important issues, but we hope that this provides a starting point from which to launch deeper studies. As a way of furthering research in this area, this report suggests three ways of analyzing the role of the media can play in post-election violence: 1) as an amplifier, facilitating and accelerating the spread of messages that both encourage violence or appeal for peaceful resolutions; 2) as a mirror, offering either an accurate or somewhat distorted reflection of the state and nation-building process; and 3) as an enabler, contributing to the process of nation-building. We conclude by offering media policy recommendations.

¹ The workshop, held in Addis Ababa on December 15 and 16, 2008, was sponsored by the Africa Conflict Prevention Pool Fund and British Embassy in Addis Ababa.

part 1: exploring the issue

Post-election violence has become an increasingly observable phenomenon. The existence and destructive force of post-election violence challenges political transitions, aspects of nation-building, and notions of democratization itself. Post-election violence has a global footprint and a global impact, and as such, it is necessary to develop an understanding of how and when such violence occurs (or can be prevented) in a variety of circumstances.

The subject is a massive one. Our task here is to begin the inquiry by focusing on a workshop held in Ethiopia in December 2008. The workshop was organized to explore issues associated with the media and post-election violence in East Africa, though the lessons learned can be applied to other contexts. It was undertaken with the goal of developing useful policy recommendations as well as a theoretical framework that could drive a future research agenda. This is elaborated in Part 3 of the report.

Post-Election Violence in Context

As elections in Africa have become more competitive, they, and their aftermath, have also become more violent. Elections are intended to facilitate political conflict in a controlled, non-violent way and to legitimate outcomes—whether democratically determined or not. But given that most African states have weak institutions, that the rule of law is often diluted, that orderly succession is difficult to achieve and that many states are either engaged in or emerging from war, this process is easily inflamed. Election-related violence is typically systemic and is often an indicator of challenges faced in terms of economic development, nation-building and the consolidation of political power.

This has certainly been the case in Kenya, where violence of varying degrees has flared up consistently in elections since 1992, most recently after the 2007 Presidential election where the outcome was deeply contested led to violent protests. Although Kenya is frequently cited as a model for political stability and economic development in Africa, as Anderson and Lochery remind us, the violence in the aftermath of the Kenyan 2007 poll must be seen in the context of the contested nature of land settlement schemes since the 1960s and subsequent political violence.

Violence is a process, not an event. Violent acts may be spontaneous, but they are more often the product of a longer sequence of historical decisions and political actions.²

Among the many factors that can affect the incidence of violence, the role of the media is surely one of them. Many accounts of election-related disputes in East Africa and elsewhere express a concern about the role of media. Although it is not usually the defining factor in determining whether violence will or will not occur, the role of the media is a significant aspect of the overall context.

Violence can be associated with all three or just one of the election phases: the pre-election phase, the day/s of the election, or the immediate post-election period. Typically, violence is clustered around the pre- and post-election period; voting day generally—but not always—appears to proceed peacefully. It is the campaigning period and when the results start to emerge that the likelihood of violence increases.

The level of competition in an election is a fundamental test for the likelihood of violence.³ Kenya is representative of a growing trend across Africa whereby multiparty elections are associated with violence. In addition, the most recent elections in both Ethiopia (2005) and Zimbabwe (2008) saw scores killed. The elections in Kenya, Ethiopia and Zimbabwe were intensely competitive, and the upcoming elections in Somaliland—originally scheduled for September 2009, but now postponed—and Sudan in 2010, are expected to be similarly intense. This constitutes a marked difference with the landslide elections historically witnessed in the region, which are still seen in places such as Rwanda.⁴ Landslide elections

² Anderson and Lochery, "Violence and Exodus in Kenya's Rift Valley, 2008," 328.

³ In some cases, the fear of violence significantly shapes voting behaviour in essence making elections less competitive than they might otherwise be. In Ghana's 1996 elections, for example, Anthony Kwesi Aducci's research indicates that "inter-elite rivalry galvanised into expectations of post-elections violence and created fear among the electorate. This tense pre-election environment appears to have been strategically orchestrated by the politicians and at the end of it all, played a very important role in voters' decisions as to which party to vote for during the 1996 election. Apparently, many voters voted for J.J. Rawlings, and the NDC, not necessarily because of passionate loyal attachment to them or any fervid approval of their economic policy but because... they feared violence if Rawlings and the NDC lost the election. (Aducci, "Behind the Transparent Ballot Box," 103).

⁴ President Paul Kagame claimed 95 percent of the vote in presidential elections held in 2003 and all parties which competed in the subsequent parliamentary elections had supported his candidacy. See Reyntjens, "Post-1994 politics in Rwanda."

may also precipitate violence, but the response is more typically a long-term insurgency. Finally, competitive elections also differ from elections with marked voter apathy, such as Sudan's election in 1996 and Ethiopia's regional elections in 2008 and, we anticipate, Ethiopia's general election in 2010. In such cases, the likelihood of violence is relatively low.

Pre-election violence can have an impact in shaping the election. In Ethiopia, for example, the ruling EPRDF has a history of harassing and violently targeting opposition groups. In the first multi-party elections the country held in 1992, the opposition Oromo Liberation Front (OLF) pulled out and retreated back to its guerrilla struggle. More recently, in preparation for the upcoming 2010 elections, the Unity for Democracy and Justice (UDJ) party has said it is considering a boycott due to intimidation and violence, including the arrest of its leader, Birtukan Mideska. In some cases, this violence has a lingering effect defining and setting the tone for the entire election period; at the very least it certainly does not bode well for the election.

Our specific interest in this report is on the post-election period, which has often been neglected by scholars and policymakers. Typically, more focus is given to the role of the media, and media monitoring, in the run-up to, and during, voting day(s). Laws are often made and the media is monitored specifically for this earlier period. Similarly, election observers typically arrive several months before voting day to determine levels of press harassment, media manipulation and the levelness of the 'playing field.' The presence of such observers helps ameliorate pre-election issues. But, barring any immediate problems, election observers typically end their mission with an assessment soon after the official results are announced.

Violence in the post-election phase is often expressed, of course, over outcome and/or process. Citizens take to the streets to protest, and there may be riots or targeted attacks on certain groups. Violence usually reflects deeper grievances—not just the outcome itself—and elements of power, including officials and politicians, are frequently a party to or an instigator of the violence. In some cases the violence can force significant changes within a nation or bring it near or even over the precipice of war or government dissolve.

One way of understanding post-election violence and the possible media-related imperatives is to

look at the variety of contexts in which it can occur. We consider the following to be important:

1. Post-election violence where there is persistent and sustained sense of election fraud.
2. Post-election violence where the outcome is not so contested, but there is a bitter and non-accepting loser. A subset of this is when the government loses (and is surprised and shocked by the result).
3. Post-election violence where the cause of violence is an external or domestic source not immediately participating in the election process (another state, "terrorists," economic "profiteers" of violence).
4. Post-election violence where the violence is connected to contested legitimacy of the state itself or the failure/weakness of the nation-building process
5. Post-election violence that is supported or provoked by the government to implement controversial restrictions, consolidate political power or weaken certain communities.
6. Post-election violence that is pursued by non-state actors (including opposition parties) to economically profit from conflict, consolidate political power or weaken certain communities.

There are certainly additional possible contexts for post-election violence, but for the purposes of this report, namely the study of the media and its contribution to political/economic divides and instability, we will focus on the above points.

Looking at these questions in the context of East Africa, there is an additional complicating factor: the challenge of holding elections in states emerging from war. The literature on elections in conflict zones does not systematically address the role of the media, even as it raises relevant questions about political competition and violence and the applicability of imposing democratic templates on states.⁵

5 See Høglund, "Electoral Violence in Conflict-Ridden Societies;" Fisher, "Electoral Conflict and Violence;" Reilly, *Democracy in Divided Societies*; Basedau, Erdmann and Mehler, eds., *Votes, Money and Violence*; Rapoport and Weinberg, eds., *The Democratic Experience and Political Violence*; Wilkenson, *Votes and Violence*.

In the recent and accessible book, *Wars, Guns and Votes*, Oxford academic Paul Collier asks a foreground question: do elections increase the likelihood of violence and if so, why and what should be done about it? The question of whether elections are held “too soon” or are for some other reason counterproductive in terms of transitions is beyond the scope of this report. But Collier’s book is important because it makes an argument that is central for our study:

A post-conflict election shifts the risk of conflict reversion. In the year before the election the risk of going back to violence is very sharply reduced: the society looks to have reached safety. But in the year after the election the risk explodes upward. The net effect of the election is to make the society more dangerous.⁶

Collier is not alone in reminding us that the process of elections, during which differences are emphasized as a way of gaining political support, can exacerbate polarization, conflict and societal cleavages.⁷

Since the early 1990s, when international efforts to encourage democratization in a post-Cold War era proliferated, some scholars have been arguing that there are fundamental faults in the prevailing democratization and development paradigm. Roland Paris, for example, has extensively argued how what he calls “liberal internationalism,” or the “transplanting Western models of social, political and economic organization into war-shattered states in order to control civil conflict,” has not been particularly effective at establishing stable peace. And academics such as James Putzel and Thomas Carothers have similarly argued that there are problems with the transitioning paradigm for fragile states where state-building—including establishing territorial control, security and the monopoly of the means of violence, and establishing the fiscal basis of public authority—is the priority. State collapse is a real concern and undermining these factors in essence undermines further democratic development as well.⁸

In terms of international norms for media regulation, concern about state collapse should inform media policy; however, enforcing freedom of expression

norms often prevails over concerns of state collapse. Governments, however, also manipulate popular fears of the media’s ability to incite genocide as a rationale for closing down media outlets. Given the experience of Rwanda, this has particularly been the case in Eastern Africa.

In the case of Ethiopia, for example, one justification for closing down SMS (as well as many of the more critical newspapers) during the period of violence immediately after the elections was purported concern that inflammatory speech would enflame tensions and encourage violence, as occurred with hate radio in Rwanda.

However, drawing parallels with Rwanda is often deeply problematic. It not only mischaracterizes the use of the media there but in other countries as well. It also obscures the reality of the political events that may be unfolding. In many cases, including Rwanda, hate speech emanates directly from the government or politicians—it is not the responsibility of the media alone. Indeed, in Ethiopia some opposition supporters were wary about what they perceived to be deliberate manipulation of ethnic issues on the part of some within the ruling party.

The Ethiopian Ministry of Information was sharply criticized by some for not effectively gauging the effects that government propaganda would have on the public during sensitive times such as the post-election period. In his “Comments on the Aftermath of the Ethiopian Crisis,” the academic Christopher Clapham argued that some of the EPRDF’s comments exacerbated the situation by suggesting the situation was potentially:

equivalent to the Rwanda genocide,⁹ [which] conveyed a very clear impression, both to the opposition and to the outside world, that the EPRDF is entirely unwilling to engage in any normal or reasonable political process.¹⁰

As Clapham emphasizes, government propaganda and ineffective dialogue can have a key, even if unintentional, role in encouraging polarization, exacerbating tensions and escalating the violence during the election period.

6 Collier, *Wars, Guns and Violence*, 81.

7 Hoglund, “Electoral Violence in Conflict-Ridden Societies;” Paris, *At War’s End*; Aubynn, “Behind the Transparent Ballot Box;” Olukoshi, “A Transition to Nowhere.”

8 Putzel, “The Politics of ‘Participation;” Carothers, “The End of the Transition Paradigm.”

9 Bereket is quoted as saying “The alternative was strife between the different nationalities of Ethiopia which might have made the Rwandan genocide look like child’s play” (Plaut, “High Stakes in Ethiopia Standoff”).

10 Clapham, “Comments on the Political Crisis in Ethiopia.”

While governments often do manipulate reasoning for regulating the media for political ends, the concern about the media's role in exacerbating violence is very real, particularly when it comes to introducing new technologies.

In all of these cases, it is helpful to remember that the use of the media to spread violence and encourage a particular ideology is not new. In Kenya, for example, politics has been polarized for decades, and various actors in the political arena have stoked this polarization to their benefit, including through various communication mechanisms. Referring to the inflammatory speech from the vernacular radios during the post-election period, one journalist noted:

Before the radios, elders and church platforms were used. They would use coded messages. You have to understand the language. [Suspicion] takes time to build... but they were building suspicion, making them feel threatened. It is halfway through creating an army.¹¹

Media regulation has failed to keep up with the rapid liberalization of the airwaves or the emergence of new technology such as SMS messaging. There has, for example, been too little discussion on what constitutes hate speech on SMS or how governments should address the challenge when it occurs. At the same time, a nuanced media policy that is rooted in political realities would recognize that it might not be possible to develop media policies that can effectively keep up with a continuously changing media environment. As such, it may be necessary to ask what is the next best solution or what is most appropriate at the moment, and to be willing to re-evaluate policy decisions in the future.

Towards a Structure of Analysis

In the third part of this report, we seek to draw out an analytical framework that takes these issues into account. Here we offer a brief preview of the issues we found most compelling in thinking about the approach that local policymakers and actors, as well as international supporters, can take to understand the complex and often overlooked issue of media and post-election violence as well as the media's potential contributions to reconciliation, nation-building and societal functioning.

In the post-election context, the media (and particularly new media) can play three roles: that of *mirror*, *amplifier* and *enabler*.

As a *mirror*, the press, in particular, serves as an important reflection of the state and nation-building process. It provides insight into political dynamics and the level of dialogue within a society. It suggests the level of polarization in a society, the progress of reconciliation and, in the case of post-election violence, the possible avenues for the peaceful resolution of disputes. To deepen our understanding of how the media can be used as a mirror to provide insight into political conflicts, we have identified four key areas for analysis: historic pathways, media structure, electoral system design and political structure.

In much the same way as the press acts as a mirror, the new technologies employed for the distribution of media serve as an *amplifier*. Election-related violence is not a new phenomenon, but the use of mobile phones, the proliferation of radio stations, and an increasing ability to connect with like-minded individuals through Facebook and other social networking platforms facilitates and accelerates the spread of messages in a less controllable way. In short, technology does not necessarily alter the message—rumours and stereotypes that have been propagated for decades are still central in much of the violence— but it speeds up the ways in which such messages penetrate communities and mobilize individuals and groups for action. Throughout this report, we will return to questions of what 'media' exactly we are referring to. It is our argument that media such as mosques or tea houses can have as much influence in shaping politics and encouraging (or preventing) post-election violence as television or newspapers. These are, obviously, widely different mediums and it is difficult to interrogate all of them in the space of this report. Therefore, our focus is on those outlets typically included in media regulation, such as the print media, as well as some new technologies such as SMS, given their growing influence and complex role.

In the Kenyan elections of 2007 we saw some of the effects new technology can have on post-election violence. Despite a history of violence associated with elections, these were the first elections where mobile phones and access to vernacular radio stations was widely available. While mobile phones can be used for election monitoring and the verification of results, including obtaining up-to-date provisional results, in the case of Kenya, many of these benefits were overshadowed by the

¹¹ Interview: Samuel Muhuny, director of Necofa Kenya

role of mobile technology in spreading hate speech, particularly after polls closed. UN reports noted that SMS was vigorously employed in campaigns to “spread the word of hate.”¹² During Ethiopia’s 2005 elections, the government was highly sensitive to the use of text messaging in organizing protests in support of the opposition, and the SMS service was shut down for a year and a half.

The often unpredictable nature of new technology affects how we think about media policy and regulation in post-war situations. As discussed in the previous section, there are very real concerns about elections making violent conflict more likely; the same is true for media liberalization. In Somaliland, for example, our research has shown that a significant portion of the population does not think private radio stations should be introduced at this point. After years of war and continued outbreaks of violence, some Somalilanders argue that it is beyond the capacity of the current government to ensure that private radio stations do not exacerbate clan tensions. We want to be careful to note that we do not see this as an issue of censorship or media freedom but rather one of sequencing, institution-building and enhancing capacity.

The media’s role as an *enabler* is the most misunderstood and overlooked factor but arguably the most important. While much of the discourse around the media in fragile states focuses on promoting freedom of expression, we believe that the role of the media in nation-building should be prioritized. Recognizing that that the concept of ‘nation-building’ is contestable, by media as an enabler we suggest the ways in which the media might perform a positive role in transitional justice processes; in creating a national identity; in mediating divergent perspectives and negotiating political power, particularly among elites, on a national vision; and in providing a space for dialogue to reduce polarization.

Together, the three roles of the media offer a way of thinking about how the media contributes to the stability or instability of post-election periods. The political disputes, and associated violence, we discuss in this report are not uniform. Each case has its own underlying causes which are an

assemblage of political, economic, historical and cultural factors. These cases also demonstrate the wide array of considerations that must be taken into account—from division in society on the one hand or reconciliation, nation-building and societal functioning on the other. We cannot propose to offer policy templates applicable for all situations but we do hope to distill a process of analysis and some more general reflections on media policy that stakeholders should consider when facing potentially disputed elections.

¹² For example, the following message was circulated: “We say no more innocent Kikuyu blood will be shed. We will slaughter them right here in the capital city. For justice, compile a list of all Luos and Kaleos [two tribes associated with ODM] you know at work, your estate, anywhere in Nairobi, plus where and how their children go to school. We will give you a number to text this info.” (IRIN, “Kenya: Spreading the Word of Hate.”)

part 2: workshop summary

The second part of this report draws out some of the highlights from the workshop and summarizes the main arguments that were made. Each session description includes a box where we, as authors, offer our comments on what we considered to be the most important issues that were discussed.

The workshop considered case studies in East Africa where there was the tradition or possibility of competitive elections. We chose these criteria because the role of media may be functionally different in terms of its pre-election responsibilities and its post-election effects on violence where there is either a) an obvious landslide or b) marked voter apathy. There are important roles for the media to play even in these two instances, including serving as a check against corruption, ensuring that voters are informed, and determining the integrity of the election process. However, it is where there is meaningful competition that the potential for violence increases and the functions of the media become more complex. It is in these instances where it is especially important to define the responsibility of the media and to craft appropriate media policy and regulation. With this as a criterion, the case studies discussed in the workshop and in this report include Ethiopia, Uganda, Kenya, Tanzania, Somaliland and Sudan.

All of these countries, except for Sudan, have had at least one relatively competitive election in the past ten years, although their upcoming elections appear likely to be competitive and potentially contentious. Ethiopia's fiercely contested 2005 election will be discussed extensively; Uganda's 2006 elections were somewhat competitive; Kenya's 2007 election and the current power-sharing government is the result of highly contentious elections; in Tanzania, the condition of competitiveness was most obvious in the 1990s; and Somaliland held elections in 2003 where the president won by 80 votes.

Ethiopia and Kenya both recently experienced post-election violence, while Uganda and Tanzania have had only minimal election-related violence. Somaliland and Sudan are holding crucial elections in 2010 that look to be highly contentious. For a more in-depth review of the specific case studies, see Appendix A.

Session 1: Introduction

Nicole Stremmler, Monroe Price and Paolo Mancini

The workshop opened by questioning what framework can help in understanding the media in post-election violence and its potential for aiding dispute resolution. The organizers emphasized that the workshop does not begin with the premise that the media causes election violence. It is only one actor among many. The challenge for the workshop was to better understand the nuanced and changing role the media plays, particularly given how new technology is accelerating and expanding the reach of messages, while not necessarily changing them. In this context, what 'the media' referred to exactly was discussed. Outlets such as radio and newspapers are certainly included. And the internet and mobile phones are also generally considered to be part of a broader media ecology. But typically, less attention is given to news outlets such as mosques or teashops or mediums such as poetry. It was argued that in many societies, if the goal is to understand how news and information shapes political processes, these forms of communication are neglected at peril.

Different factors—electoral, political, media and historical—were outlined in an effort to encourage participants to consider all possible issues affecting the media and post-election period. Thinking comparatively about the case studies also helps to draw out which factors are most salient.

Paolo Mancini discussed the application of comparative methodology to media systems in Africa. His 2004 publication, *Comparing Media Systems: Three Models of Media and Politics*, co-authored with Daniel Hallin, proposed a typology for the categorization of media systems in 24 European and North American countries. Three media system models were identified: a Liberal Model, a Democratic Corporatist Model and a Polarized Pluralist Model.

Although Mancini advocated comparative research regarding media systems, he cautioned against the uncritical application of his model to new contexts. Whilst it can be useful to consider the key variables identified in the European and North American cases, the models cannot necessarily be applied without adaptation. Additional variables are likely to be required to understand the East African context, including the crucial influence of diaspora on the media.

The most similar approach to case selection for comparative research was emphasized and it was agreed that a comparison between East African countries is fruitful.

Four factors were identified which are likely to affect a state's media and its role in mitigating or promoting conflict:

1. The level of legitimacy ascribed to the state and the degree of trust and confidence citizens have in state institutions. Where the state's rational-legal authority and citizen acceptance of the state are lower, the media tend to be instrumentalized and used for the attainment of particularistic goods rather than for public information.
2. Political polarization, entailed by extremes of political opinion and the existence of anti-system elements which may not accept the electoral system, is conducive to conflict.
3. High levels of media partisanship reduce the likelihood that media will act as a moderating peaceful influence when there is a threat of violent conflict. Partisanship is not inevitably problematic, but becomes so in the context of a lack of transparency.
4. Where media are highly commercialized there are incentives for sensational reporting of the news and media is unlikely to contribute to conflict-prevention or mitigation.

The 'ritual' aspect of elections and their potential to generate unity at the national or sub-national level was emphasized. Where state legitimacy is high, elections can contribute to nation-building; when there is a high level of polarization, elections reinforce group partisanship and may exacerbate conflicts leading to more violence.

The session concluded with an assertion of the importance of journalistic professionalism, whereby journalists are aware of their power and the particular threats which exist in their country in relation to the likely occurrence of violent conflict. Whilst acknowledging that 'professionalization' could be ascribed a variety of different meanings, particular importance was placed upon a degree of technical knowledge and education.

During the discussion a debate was raised over the value and possibility of importing Western models of media systems. Mancini suggested that he was not suggesting that any of the models in his book

should be imported. The major point was seeking to understand variables and how they contributed to the functioning of media in society.

One participant argued that in Kenya, the conflict has been all-pervasive and can be seen during the elections in 1992, 2002 and 2007. It is difficult to know where to draw the line on when violence starts because 'post-election violence' assumes that the violence starts only after the election; the reality, according to this participant, is the announcement of the election itself is the beginning of violence. S/he claimed that too often Western democracies make assumptions that the politics in many African countries is similarly a 'gentleman's game' where after one loses there is discord, and argued that this is not the case.

While a colleague agreed with the argument that pushing for a Western model in all situations is problematic, he noted that he was afraid to emphasize the point because it would give a pretext to authoritarian states to use this game to stay in power. This challenge was compared to the difficulties in navigating theories of cultural relativism and norms of human rights.

KEY FINDINGS

The importance of legitimate institutions in regulating the media, managing elections and resolving disputes is central to the issue of media and post-election violence

Rather than focusing on normative discussions about the media, the transparency of political parallelism of media should be emphasized

There is no model for either analyzing media systems in election violence or an ideal system for media in fragile states. The historical and political context must be central to any study of the media's role or analysis

Session 2: Case Study Experiences from the Region

Devra Moehler (chair), Edwin Nyutho, Bernard Tabaire, Charles Kayoka, Berouk Mesfin and Mohamed Fadal

The session was devoted to comparative analysis of recent elections in the region within their particular historical, political and social contexts. Discussion focused on the nature of violence, where it occurred, and the role of the media before, during and after elections. The Kenyan, Ugandan, Tanzanian and Ethiopian cases were presented in detail, and brief introductions to the situation in Somaliland and Sudan were offered.

Although the countries under discussion had very different experiences of elections and highly varied media landscapes, key themes emerged across the case studies which echoed the variables proposed in the introductory session. In particular, the pattern of state or nation-building, the consequent importance of ‘ethnicity,’ and the credibility of institutions charged with conducting elections were cited as relevant to determining levels of conflict witnessed during the electoral period.

In terms of political factors, the relative importance of ethnicity within the polity, and the comparative degree to which governments have been able to overcome societal divisions in order to affect nation-building, were discussed. Also central to the discussion were the role of political elites—including distrust of them by the population, corruption, ownership of the media and their role in fomenting violence.

In Kenya, which experienced large-scale violence during and after the 2007 election period, it was argued that there has been a failure to develop a national identity while ethnic communities have formed a multitude of nation states within imposed colonial boundaries. The government has not been able to bring groups together into a national entity and ethnic mobilization provided a means to attain political power. In contrast, in the Tanzanian case, the election period was not entirely free of violence, but conflict was highly localized. The comparatively low importance of ethnicity in the Tanzanian polity and a history of inclusive politics were important in preventing violent conflict.

The history of elections within states was discussed. Kenya’s 2007 elections were located on a continuum with the elections of 1992, which were also marred

by violence and mass displacement. The importance of analysing Ethiopia’s 2005 election and its violent aftermath in the context of previous polls (which were largely uncompetitive) and through the prism of the ruling party’s political ideology was also emphasized.

Other electoral variables which emerged included the effectiveness and credibility of institutions mandated to conduct elections. In the Ugandan case, one reason given for the lower level of violence in 2006 in comparison to 2001 was the improved management of elections, including more responsible behaviour on the part of security forces and consultation with various parties by the Electoral Commission on matters including complaints mechanisms. The courts are also generally thought to be fair in arbitrating disputes over elections and thus losers have tended to accept their verdicts rather than organizing supporters to obtain redress through violence. The Electoral Commission observed the constitutional stipulation that the successful presidential candidate must be announced within 48 hours of the closure of the polls. In contrast, the speaker illustrating the Ethiopian case saw delays in announcement of the results as having increased the likelihood of violence.

The key media-related factors discussed were journalistic professionalism, the existence of effective regulatory systems and the political polarization of the media. The media’s interaction with factors such as power and ethnicity was also emphasized.

The way in which governments attempted to or failed to control the media was implicated in some cases. In Kenya, the proliferation of media outlets since the re-introduction of multi-party politics, from one national broadcaster in 1991 to more than 371 FM radio stations and 92 licensed TV stations in 2008, has not been met with a new regulatory framework. Government attempts to control the situation through banning live broadcasts were misjudged and forced people to turn to unreliable sources of information.

There were also problems with the regulatory structure in Uganda. The Media Council and Broadcasting Council which are statutory bodies lack capacity and their roles have often been usurped by other state agents. In Uganda, there is an active media, but its coverage of elections is affected by the wider political context in which it must operate. Laws regarding criminal defamation, sedition and

the promotion of sectarianism are often evoked by the government. The Monitor newspaper itself tallied votes cast on polling day and broadcast the results obtained on its radio outlet, KFM; however, the radio signal was blocked by the government.

In several of the countries, bills regulating the media are under consideration or have recently been introduced, including a controversial new Media Bill in Kenya.

Self-regulation by the media was discussed. In Uganda, *The Monitor* newspaper formulated its own benchmarks for electoral coverage in 2006, inviting parties to complain if they felt their candidates were not being allocated fair coverage. Civil society was active in this field in both Uganda and Tanzania. In Uganda the Democracy Monitoring Group included media coverage in its remit during the 2006 elections. The Tanzanian chapter of Gender and Media in Southern Africa (GEMSAT) has monitored election coverage and produces a weekly publication entitled Election Monitors during campaign periods. They assessed adherence to ethical standards, the gender balance of coverage and provision of informative content and civic education. This enabled public challenges to be made to bad performers.

Journalistic professionalism was frequently mentioned as a factor exacerbating tensions. On the one hand, some of the problems within the media during the post-election period in Kenya have been attributed to poor journalism. But on the other hand the approach of the media has been attributed to the goals of political elites. Radio presenters were described as being unable to moderate discussion and mediate conflict during phone-in programmes. One speaker highlighted the poor remuneration of journalists as a factor that facilitated corruption and manipulation. To varying levels across the countries this made it difficult for newspapers to keep good employees, leading to a prevalence of inexperienced journalists covering elections.

The role of media in violence, particularly in terms of the role media outlets have played as platforms for expression for political parties, governments and voters was discussed across the case studies. In the Kenyan case radio was heavily implicated in contributing to violence. In particular, phone-in radio shows permitted the declaration of extreme sentiments. In contrast, one speaker suggested that in Uganda, the opportunity which newspapers and radio stations provided for parties and their

supporters to express their views before, during and after election campaigns checked any likelihood of violent conflict as aggrieved parties were able to express their feelings through words rather than violence. One participant asked whether the presentation of a view in the media that elections would inevitably be flawed and the expression of the expectation of violence was likely to exacerbate the likelihood of conflict. Indeed, this was a challenge that arose throughout the workshop—how can a realistic assessment be made on the possibility of election-related disputes and violence without in fact subtly elevating the possibility? Preparation for all eventualities is important but the discussion can encourage the idea that the elections are somehow flawed.

The impact of state ownership or influence over media on election campaigns was raised. State-owned media bias was said to be becoming a less significant impediment to the conduct of fair elections in Uganda in the context of proliferation of private outlets, despite the fact that the state body, the Uganda Broadcasting Corporation (UBC), continued to devote significantly more time to the incumbent Museveni than other presidential candidates. Overall, the public media was credited with receiving little attention from the populace, with the New Vision as an important exception to some extent due to its relatively balanced reporting and popularity. In Tanzania, the existence of private media outlets does not preclude state influence. Media remain predominately under the control of a small number of men who are often co-opted through appointment to government posts or may be only owners by proxy as politicians retain control.

The impact of unconventional media forms was discussed. In the Kenyan case, rumour, often spread using mobile phones, was said to have been very powerful, and the use of the internet and blogs to spread information fuelled violence. In the case of Ethiopia, websites run by Ethiopian diaspora groups played a central role during the elections.

One participant asked how much emphasis should be placed on pictures and images used, as these could play a huge role in generating uncertainty and tension. Media monitoring tends to focus on content analysis of text, but pictures are particularly important where literacy levels are low.

Language was noted to be often overlooked but having a crucial reflective and constitutive role in relation to ethnicity in a country. This also connects

with issues of nation-building. The relationship between the level of ethnic polarization in the state and the media was discussed in relation to the existence of a broadcaster in a 'national' language. In Kenya, where hundreds of broadcasters were working in more than 20 languages, a well-respected national broadcaster working in Kiswahili could have had a significant preventative impact. Taking Tanzania as an example, the different roles of Swahili versus English media was flagged as an important issue for further research. Many people in rural Tanzania do not speak English, but is the issue that most Tanzanians communicate in Swahili a homogenizing effect? How is this different from the fact that Somalis enjoy a shared language yet have struggled with building a nation?

The case studies called into question a focus on post-election violence. In Kenya, violence began prior to the announcement of election results; in Uganda, although previous elections have been violent, violence has been concentrated in the period before polling. Participants were reminded that violence takes many different forms and understandings of violence were questioned, introducing the question of structural violence.

Following the country-specific presentations, the usefulness of a similar case studies approach was discussed, including cross-continental comparisons. It was, for example, also proposed that it would be possible to compare the Tanzanian case with 1950s Italy. Overall, however it was re-emphasized that the cases should not be compared with a normative liberal model, as doing so only obscures the important nuances and characteristics defining the political and media systems.

KEY FINDINGS

Post-election violence should not be seen as an isolated event of violence but part of a longer process and history of conflict, often with political and economic grievances going back for decades

Media monitoring can be an effective tool in both gauging the potential of violence associated with the elections but it should not just occur in the pre-election and voting period as is most often the case, but in the post-election period as well

Notions of professionalization should be probed in each society and normative assumptions of journalists being 'balanced watchdogs' should be avoided. Understanding the ideology of journalists is essential to understanding the media and political systems.

Session 3: Architectures of Electoral Systems and their Relationship to Conflict

Paolo Mancini (chair), Carl Dundas, Kimani Njogu, John Marsh, Magib Yusuf

The session examined the institutional structures in place for the management of elections, including the legislative framework, the role of courts, electoral management bodies and procedures for the announcement of results.

A presentation on models of electoral systems and conflict management provided an overview of electoral systems in use across Africa and their positive and negative features in relation to governmental stability, individual and group representation and minimization of racial or ethnic conflict. The importance of selecting an electoral system which is adapted to the particular conditions prevailing in a state was stressed.

Participants were reminded that the core function of an electoral system is to determine the way in which the number of votes cast is related to the allocation of seats. But electoral systems also include the administrative aspects of electoral processes and party formation and alliances. In some cases, there may be specific imperatives dictated by the country context. It may be necessary to assess the extent to which electoral systems will facilitate the representation of particular elements of the population, such as women or ethnic groups. Some African countries, including Lesotho, Mauritius, Mozambique and South Africa, have selected systems with elements of proportionality which should mitigate the potentially adverse effects of population diversity and minimize the likelihood of ethnic or racial conflict.

Many African states inherited the electoral system of their former colonial rulers, meaning that the British-inspired first-past-the-post system and its two-round variants are common in the region. Whilst majoritarian systems such as this do generate strong links between constituents and their representatives and can produce stable majority governments, they inhibit the success of minority parties. In addition, the geographically focused voting system incentivizes creation of ethnic or regionally-based political units. It was also noted that those deemed losers under majoritarian rules are seemingly more likely to draw on undemocratic means to advance their interests.

Under list-based proportional representation

(PR) systems, citizens vote for parties rather than candidates. Seats are then allocated to parties in accordance with the proportion of the total number of votes received and filled by candidates in the order in which they appear on a party list. Proportional systems enable greater success for small or minority parties and thus facilitate the representation of diverse social groups. During subsequent discussion of the new electoral system in Sudan it was noted that a new electoral law adopted in 2008 had altered the previous majoritarian system in the interest of wider participation. However, the presence of many small parties in the legislature can lead to the formation of potentially unstable coalitions and could enable the entrance of more extremist elements into the political system. PR does not generate strong links between constituents and their representatives and dictates a concentration of power in the hands of the party leadership.

An additional consideration which was raised in relation to the particular features required of East African electoral systems was the inclusion of diaspora in the electoral process. In Ethiopia, for example, the diaspora plays a strong role in both funding and staffing the opposition party. Some argue that this has led to polarization of the political system. But given that many countries in the region are highly reliant on remittances (in Somaliland, remittances provide the most significant source of revenue), including or addressing the views of the diaspora is a pressing issue.

Formal electoral rules must be situated within the particular conditions prevailing in each country, which affect the degree to which voters have confidence in their institutions, the likelihood that rules will be subverted and the capacity of institutions to conduct elections successfully.

The importance of strong institutions was raised during the presentation on Kenya, which focused on the lack of confidence in the Electoral Commission of Kenya. It was argued that the way in which the Kenyan 2007 elections were conducted was highly flawed, to the extent that it was impossible to determine who had been victorious. Kenyan institutions lacked credibility and legitimacy. After the elections, aggrieved parties did not address their complaints through the court system as the courts were not thought likely to be fair arbitrators, a legacy lasting for decades from at least the 1960s. The Electoral Commission of Kenya (ECK), which is responsible for announcing election results, was similarly compromised, partly as a result of being composed of presidential appointees.

It was also emphasized that assessment of the conduct of elections cannot be confined to the day upon which votes are cast. Attention was drawn to the irregularities in the distribution of voters' cards in Kenya and the consequent underrepresentation of women and youth in the electorate. The voter register excluded many eligible voters whilst permitting votes to be attributed to deceased citizens. Voter registration is a key issue that can lead to disputes and it can be compromised both by political interference and incompetence.

A discussion of the role of electoral monitors considered ways in which domestic and international actors have sought to assess the efficacy and fairness of electoral institutions. Regionally, election monitors have been important in determining the credibility ascribed to election results although in some cases they have also had a role in exacerbating disputes. There may be a number of different organizations actively observing the elections and there is not necessarily consensus as to how transparent the process was. Such disagreements can also fan tensions.

Symbolically, the invitation of international election observers by a government may serve as an indication on the part of the ruling authority that they will acknowledge recognized standards for elections. And the presence of electoral observers enhances the trust of the electorate in the process. A participant representing the Carter Center emphasised the importance of election observers in providing a comparative historical perspective on the elections taking place as they are able to assess improvement or deterioration since the preceding poll.

Discussion addressed the potential for observer findings to be instrumentalized in order to legitimize regimes. Although this was a risk, it was argued that it did not outweigh the benefits of observer presence.

Extensive debate was had over whether the emphasis by election monitors on the pre-election period and on voting day was correctly placed. It was argued that focusing on the post-election period would be more indicative of the political situation and stability of the state. After all, how disputes are resolved is central to post-election violence, and is indicative of the quality of institutions and the progress of the nation-building project. Thus, the efficacy of monitoring in terms of preventing violence should include the safety of the 'winners' and/or 'defeated' and form part of the observers'

remit as well as be a focus for media monitors.

Kenya-specific recommendations were made, including the establishment of a special court to deal with electoral disputes and the introduction of a period between the announcement of results and the swearing in of an elected president. More generally, the importance of combining institutional strengthening with the provision of voter education was stressed.

KEY FINDINGS

Election monitoring is typically focused on the campaigning period and voting day(s). Election monitors should prioritize the **post-election period** and how the parties handle disputes as well. The role of the media should be central to this process.

The systems discussed largely have a majoritarian system. But it was regularly argued that a proportional system is better able to manage a diverse society than a majoritarian one. Despite concerns that a proportional system may be more corrupted, it is likely to be better able to manage polarization and struggles. When a majoritarian system does prevail, there is evidence (not from the region but from elsewhere, including the 2008 elections in Ghana) that a two-round system may help to alleviate tensions. However, this is very costly and burdensome on election management bodies. Many countries are simply not able to cope with this system.

Greater attention should be paid to the role of the diaspora in elections, including in shaping the media environment. Often they are significant supporters and funders of political parties. Diaspora media can have an important role in either provoking violence or resolving disputes. While often focused on the internet, the messages are frequently picked up by other local media outlets.

Session 4: Political Dimensions of Media and Electoral Systems

Kimani Njogu (chair), Iginio Gagliardone, Mohamed Fadal, James Deane, Amare Aregawi, Tim Allen

This session explored the state-specific historical and political factors raised in the introduction in terms of their impact upon the legitimacy of institutions and government capacity to resolve conflict as well as the conduct of elections more generally. The role of the media in nation-building and conflict resolution was also discussed.

The importance of legitimate institutions to prospects for conflict resolution was illustrated in contrasting examples from Somaliland and Ethiopia. Drawing on the example of Somaliland's highly competitive Presidential elections in 2003, Somaliland's *guurti* (House of Elders), which forms part of the bicameral legislature, was credited with an important role in ensuring stability due to its connections to local level clan structures and its specialization in traditional ways of resolving conflict. Following the presidential elections, the *guurti* was influential in ensuring that the losing candidate accepted the constitutional court's ruling on the election result, despite the poll being very close. In recent years, the *guurti* has been weakened and increasingly divided. Significant concern was expressed about the resumption of conflict in Somaliland precisely because of the fragility of such institutions.

In Ethiopia, a major impediment to resolving the election dispute was that there was a lack of arbiters that could be seen as objective and neutral. The Ethiopian Electoral Commission failed to gain the confidence of the population and was widely perceived to be controlled by the ruling party. Part of its failure was that it was not established as an institution or in a way that gave confidence to the public. Similarly, international observers, and the European Union in particular, were seen by some as quick to reach conclusions and/or unprofessionally close to certain opposition leaders.

Participants agreed that the greatest responsibility for both facilitating violent conflict, and resolving it, falls with the government. The government is, after all, the one with the guns. And in Ethiopia, it was argued that the government's excessively heavy-handed approach undermined efforts of reconciliation.

Speakers discussed media factors and focused on the negative impact domestic and international

media can have upon nation building. At the same time, often-overlooked government efforts to harness the media for nation-building (both positive and negative) was also elaborated.

The Ethiopian media, both government and independent, was seen by some as a major culprit in the post-election impasse and exacerbated polarization. In the case of northern Uganda, one speaker criticized the standard of reporting from the region and described journalism in this case as having been more akin to advocacy. It was, for example, noted that European audiences have been presented with a picture entirely devoid of political analysis and the international media have seized upon the notion of 'traditional' justice as a means to post-conflict reconciliation. Similarly, aid agencies have worked on the basis of a flawed understanding of local customs and attempted to turn a local ritual for defining accountability into a collective healing ritual. The focus on regionally and 'tribally' specific justice has not made any contribution to national integration.

The example of how satellite communication has contributed to attempts to foster nationhood and consolidate political power in Ethiopia was explored. This particular programme, called Woredanet, connects local government units to the central administration and to each other, primarily through video-conferencing. This enables dissemination of information from the centre to the periphery and the training of local officials in order to improve service delivery around the state.

The particular way in which media technology has been deployed in Ethiopia is related to the specific imperatives faced by the state: in this case the desire to channel technological capacity towards nation-building which dictated an emphasis on improving service delivery through communication technology in order to demonstrate to the population that the government was committed to meeting their needs. Secondly, the particular 'culture of communication' of the leadership was influential, referring to the mix of theories and practices pursued by a group in their approach to communication. The speaker highlighted an Ethiopian preference for empiricism, or 'persuading by doing,' whereby rather than conducting extensive debates over ideology, it is demonstrated through practice what is beneficial. In relation to Woredanet, this meant that the best way to spread good practice was to enable those from one area to demonstrate to others how they were achieving objectives.

The role of international actors in supporting media systems was discussed. Drawing on the Woredanet example, one participant felt that international actors had played a contradictory role in the application of technology to Ethiopian development objectives. Dialogue is necessary regarding the right of countries to determine their own usage of technology within international frameworks which offer support to actors when systems are abused. Concern was expressed over the tendency to prescribe from the outside and to push for normative models that might not fit the current context and priorities.

One speaker characterized donor efforts to support media and aid their development as hindered by a lack of clarity about objectives, inconsistency and a low priority in international development strategies. Rather than engaging with, and supporting, the media system in a particular country, donors have often preferred to produce their own media outlets. In relation to elections, support provided to the media is often mechanistic and uniform, and displays a lack of understanding of the longer term relationship between media and elections or democracy more broadly. Programmes have focused on training, provision of forums for public debate and monitoring of elections, which are not necessarily activities for which recipient media organizations require support. Media should be seen as part of the broader fabric of democracy in line with a recognition that democratic politics cannot be reduced to holding elections.

Whether international criminal justice can assist in conflict resolution and post-conflict reconciliation, including in the case of election related violence, is an important current debate. The implications of ratification of the Rome Statute establishing the International Criminal Court (ICC) are being tested in central Africa. The ICC has issued warrants for Ugandan nationals and made its first arrest in the Democratic Republic of Congo in March 2006. The UN Security Council referred the case of Darfur to the court in March 2005 and, more recently, accused perpetrators of the election violence in Kenya may be brought before the ICC unless the Kenyan government manages to implement justice locally.

The ICC has been criticized by some as incompetent and irrelevant to those affected by conflict in Africa. It is suggested that pressing criminal charges can undermine peace talks and that an 'African' version

of justice may be more effective. Other criticisms of the ICC have been dictated by a preference for 'traditional' justice as discussed above. In this context, many have also questioned whether international criminal justice measures actually jeopardize prospects for peace. It was agreed that debates on transitional justice are often neglected but are an important part in understanding the role of the media in election-related violence and reconciliation.

Participants returned the notion of incompetence and how this can serve to undermine all proposed solutions. It is possible to come up with ideals and have ambitious discussions about self-regulation, but such solutions are not always realistic or well adapted to environments with weak institutions and a very fragile political environment. In thinking ahead, restrictions to be placed on the media in order to prevent violence and prevent hate speech and other abuses of media were discussed. An existing or a new UN agency could oversee this.

KEY FINDINGS

Media systems often reflect the process, or failed process, of reconciliation in fragile states emerging from war. In these cases, special attention should be given to the role of the media in post-war transitional justice processes and the potential of the media in undermining efforts to build national cohesion.

In terms of post-election violence, justice that attempts to address this will take different forms. In some cases, the ICC may be a valid response while in others, having local institutions address violence and disputes may be more important for long-term stability and development.

International donors often make incorrect assumptions about how certain communication technologies will be implemented and contribute to the political and economic activities of the state. Greater focus must be given to how governments are 'reinterpreting' technology for their own political and economic projects in line with their vision of national development.

Session 5: How do Particular Media Practices Contribute to Tensions or Promote Peaceful Resolutions to Electoral Disputes?

Tim Allen (chair), Linje Manyozo, Alice Klement, David Mukholi, Samson Mulugeta, Devra Moehler, Ylva Rodny Gumedde

The session focused on media factors in the cases as variables affecting the likelihood of violent conflict, including the availability of relatively new forms of technology, levels of press polarization and the need for journalistic training. Regulatory structures and state influence of media were discussed, particularly in relation to new electronic media and mobile phone technology.

The importance of the structure of media systems in relation to the existence of public and private media and state regulation of media was discussed in the case of Ethiopia and Uganda. At the same time, the difficulty in drawing sharp distinctions between public and private media was also highlighted as it was stressed that government advertising revenues were extremely important in many countries.

The state media in Ethiopia are seen by many as producing only propaganda, whereas the private media are often characterized as being the voice of the opposition. The two media blocs obtain information from different sources, as the private media for example have little access to the government. This increased polarization in media coverage of the 2005 elections.

Although state media had previously been tightly controlled in Ethiopia, the government permitted an unprecedented level of opposition access to media prior to the 2005 polls, which generated huge public interest and debate. The government did so on the basis of a false assumption that they would attain a large majority in the election. The government was both under international pressure to liberalize the media and they also wished to deny the opposition any opportunity to delegitimize their victory through claims of irregularities during the campaign period. However, after the elections, when their miscalculation had become apparent, the government reverted to restrictive practices.

In Uganda, the partially government-owned *New Vision*¹³ is an interesting and important example of government media that is both popular and comparatively balanced. *New Vision* contradicts

the assumption that state-owned media outlets act only as vehicles for propaganda and in the early days of the NRM demonstrated that government media can have an important role in nation-building. Established by an act of parliament, the publication has expanded into a large media house which now produces several other weeklies and plans to establish a television channel. Government shares in *New Vision* have been reduced from 80 to 53 percent. The paper has editorial independence and has voiced opposition to the government in the past. It was acknowledged that there are difficulties in reporting sensitive issues, in particular the conflict in northern Uganda, and in covering elections, during which the paper comes under government pressure to privilege coverage of the government.

New technology was a focus of the panel. Means of communication, including blogs, sermons and SMS messaging that are on the periphery of formal media can be highly influential. The impact of new forms of media has been highly significant, for example in facilitating transfer of information from areas which are difficult for journalists to access, such as northern Uganda, and in providing new means of establishing social control as previously discussed in the case of Ethiopia's Woredanet. Drawing on another case from Ethiopia, blogging was highlighted as a contributor to tensions in the 2005 elections. Blogs are heavily dominated by the diaspora, which in some cases was more polarized and strongly opposed to the government than the opposition within the country.

The use of mobile phones was highlighted through a discussion on Kenya. The potential for technology to fuel violence and, conversely, the benefits of technology for democracy and promotion of human rights, as well as policy responses to these contradictory outcomes, were discussed. Media in Kenya played both roles, leading one speaker to conclude that in the short term trade-offs may be necessary between security and freedom of expression. It may be necessary to consider a state's historical legacy to determine whether state repression or ethnic violence pose the greatest threat in the circumstances.

In terms of encouraging violence, radio shows regularly used inflammatory language and campaigns were conducted via SMS and email which promoted intolerance and violence through the dehumanization of groups. Cell phones were key instruments by which misinformation and rumour, key contributory factors to the violence, were spread. However, the media also facilitated

13 <http://www.newvision.co.ug>

calls for democratic participation and peace through voter mobilization and SMS services which informed people about political processes.

The importance of new media forms has an impact on potential regulatory structures and government response to violence. In Kenya, suggested measures to prevent the use of mobile phones to disseminate incitement to violence included closing down mobile phone networks. This was opposed by the CEO of Safaricom, a leading mobile phone network operator in Kenya, who argued that chaos would result as phones were also used by displaced people to contact relatives and as part of humanitarian efforts. Another potential policy response was monitoring and filtering SMS messages, but this was complicated by the fact that words used in inflammatory messages were difficult to identify and screen as metaphors were often used.

Prosecution is difficult because at the time of the elections there was no law in place to prohibit hate speech spread via mobile phones and as most phones in Kenya operate on a pre-pay basis it is difficult to track owners down. A law has since been passed to create a database of numbers and network users, as recommended by the Kenya National Commission for Human Rights. However, it remains possible and fairly cheap to send SMS messages from neighbouring Tanzania and Uganda, where neither country has such legislation. Participants were reminded that there are also beneficial ways of harnessing SMS in election monitoring—as has been used in Uganda—where citizens and reporters observe the elections and text in immediate developments at their polling station to a newspaper or other central news organization. Such results, however, when significantly different from ‘official’ statements, can also exacerbate tensions.

In Ethiopia, the sole mobile service provider, the state-owned Ethiopian Telecommunication Corporation, stopped SMS services for more than a year following the May 2005 elections. One speaker felt that this measure possibly contributed to a reduction in violence but the move was heavily criticized and came at great cost for the reputation of the government.

There was a debate over which constitutes the greatest threat: ethnic violence or state-imposed limits on freedom of expression and control of the media. One participant stressed the desirability of censorship once it has been accepted that flows of information are influencing violence. Although it is

problematic to identify who should be responsible for regulating such restrictions, it was proposed that an international body could assume responsibility. This suggestion was also deemed controversial by some participants.

The place of media monitoring within wider election monitoring exercises was discussed. It was noted that although there is extensive literature which deals with the role of the media in elections, stressing the importance of regulations and codes of conduct specifically for the post-election period is often excluded from handbooks for election monitors.

KEY FINDINGS

Government media is often responsible for exacerbating violent conflict, provoking tensions and polarizing the information space. Greater attention should be given to developing innovative approaches to government media for contributing to nation-building. The *New Vision* newspaper in the early days of the NRM in Uganda is one such example.

SMS has a new and complex role in media and post-election violence. It can accelerate messages, including rumours but it also serves as a tool for monitoring the electoral process.

The debate over the tension between freedom of expression and the role of the media in exacerbating conflicts in fragile states is difficult to navigate. It should not, however, become a debate over freedom of expression and censorship- the focus must remain on how the media can best contribute to nation-building. The appropriate approach will differ significantly in different countries.

It is important to be explicit about what is referred to as ‘the media’. It was agreed that it is necessary to move beyond consideration of journalism, to a broader conception of media. The salient ways in which attempts are made to influence popular opinion may be missed by a focus on the media as traditionally conceived by newspapers, tv and radio.

Session 6: Media Regulation: Hate Speech, Violent Conflict, and the Regulation of Communication in War and Post-War Situations

Mohamed Fadal (chair), Monroe Price, David Levy, Derbew Temesgen, Nassanga Goretti

The session explored media regulation in a comparative context. The desirability of regulation, in principle, and in particular circumstances, was discussed. Various state responses to a perceived need for regulation were explored with particular reference to recent events in Uganda and Ethiopia. Key themes that emerged were the difficulty in establishing criteria for legitimate intervention in media freedom, the efficacy of regulatory tools and the relative dangers posed by threats to free speech and the threat of ethnic violence.

The discussion began with an overview of types of state responses to conflict, in particular in relation to the media. Although regulation is often conceptualized as constituted by laws, it can take different forms. States have, for example, used extra-legal means such as intimidation and force in order to affect elections or to manage post-election circumstances. Recommendations by the government as to the type of 'discourse' the media should employ can also be used. One example is the case of the Indian government after the terrorist attacks on Mumbai when the Indian Ministry of Information issued advice to editors that videos of the attacks should not be broadcast, but did not invoke the threat of legal sanction.

The issue of defining when restriction of media freedom is justified or required was debated. Deciding what constitutes hate speech remains difficult. One speaker discussed decision-making related to modes of intervention when hate speech is broadcast. He expressed unease about the application of templates for regulation across different places. It is necessary to address the following points in each distinct context: which approaches should be employed, in terms of mechanisms and goals of intervention; what is legitimate in a particular context; and what is effective. This varies according to temporality, levels of technology, the political situation and the political culture existing in a location.

The importance of ethnicity within a state was re-emphasized as an important factor, including for regulatory issues. One speaker asked whether it

remained necessary to monitor occurrences of hate speech in countries without pronounced ethnic polarization.

The case of regulation in Ethiopia was discussed. When the ruling EPRDF came to power, freedom of the press was enshrined in law and censorship, strongly enforced by previous regimes, was officially abolished. This facilitated a proliferation of publications in many languages. However, as the power of the EPRDF slowly eroded, direct confrontation between the government and the press became more common. Following the elections, more than twenty journalists were arrested on charges of treason and it was claimed that they had attempted to overthrow the constitution.

A new press law in Ethiopia has recently been adopted. It demonstrates many improvements from the previous press law, but implementation poses a major challenge. While the new law contains a progressive freedom of information clause, it is unlikely to have significant impact as most Ethiopians are wary of pressing the government for information and there is not a culture of government dissemination of information.

In Uganda, several regulatory tools affecting the media were in place during the 2006 elections, including laws relating to terrorism, electronic media and defamation and a media code of ethics. Media outlets are expected take a balanced approach to all candidates during an election; in practice, however, the incumbent received more media coverage and the printed press favoured candidates. As the election approached, the government established a media centre in the capital, Kampala, through which it attempted to assert greater control, particularly in relation to foreign journalists.

One speaker concluded, in accordance with the guidelines of the European Union, that self-regulation during election times, including through such measures as codes of ethics, is not sufficient to ensure pluralism and equal access to the media for all. Independent media councils are one option for self-regulation, but the example of Uganda's Media Council, which did not fulfill its role, is indicative of the lack of capacity and competence these organizations may have. The Media Council was under-resourced and its weakness left space for government influence and control.

As was highlighted in the previous session, the proliferation of new media poses particular challenges in terms of effective regulation. It

becomes more difficult to judge what action to take to restrict outputs. Methods of intervention attempted in these cases have been very crude and pose significant threats to freedom of expression, for example the shutting down of entire SMS networks.

The question of who should be responsible for regulation of the media was discussed. Participants considered the merits of government regulation, with some expressing doubts about this approach. One participant thought it unlikely that government regulation would be an appropriate response to the growing problem and suggested that more sophisticated forms of regulation could form part of a solution. The potential role of civil society and the private sector as well as international actors in media monitoring was raised.

It was pointed out that much funding in this area is premised on the desirability of promoting freedom of speech as an end in itself, which proves to be a complicated endeavor in fragile states. However, another participant countered that freedom of expression was a crucial factor in building political institutions; in environments where the problem is likely to be one of too little rather than too much freedom of speech, excessive regulation carries the risk of impeding the development of deliberation and discussion through the media. The independence and the institutionalization of regulatory bodies were regarded as crucial in setting the tone for media regulation.

KEY FINDINGS

Code of conduct for journalists typically focus on the pre-election and voting day(s) period but they should include specific provisions for the post-election period, particularly when there is obvious concern about disputes over the results.

Media regulation has to be debated and updated to address issues of new technology including controversial issues such as the monitoring of SMS for hate speech.

Whether or not legislation is passed, all stakeholders should negotiate post-election media policies prior to elections. Such issues include policies on restriction of the live broadcast of violence, and the shutting down of radio stations or SMS in the case of incitement to violence.

Session 7: Upcoming Elections

Bernard Tabaire (chair), Elwathig Kameir, Mohamed Fadal

Drawing on previous discussion, this session looked to forthcoming elections in the region and the role of the media in the electoral process in Sudan and Somaliland. The case studies revisited issues which had been raised earlier in the proceedings, including the role of international criminal justice in exacerbating or resolving conflict, state monopoly and regulation of the media, the role of the diaspora in media provision and the role and legitimacy of institutions mandated to conduct elections.

In accordance with Sudan's Comprehensive Peace Agreement (CPA), elections are scheduled for 2010, with a referendum on Sudanese unity to follow in 2011. A free and fair election monitored by all stakeholders was described as crucial to prevent post-election violence and to persuade residents of southern Sudan to vote for unity in the forthcoming referendum.

Key obstacles faced in achieving the above objectives are the prevalence of mismanagement within the Sudanese government. In addition to this, laws which restrict freedom of expression and organization for individuals, political parties and the media in contravention of the CPA and the Interim National Constitution have not yet been amended. Censorship of newspapers and the harassment, detention and torture of media practitioners have also been increasing as the government becomes more concerned about political challenges.

The general population census, which will be used for the upcoming elections, was delayed. In addition, questions relating to religion and ethnicity were omitted from it, which has led southern Sudanese to dispute the results. It is suspected that the ruling party will seek to manipulate the results in order to determine electoral constituencies to their advantage.

Full participation in the Sudanese elections will be impossible, as demarcation of the border between north and south remains a contentious issue and the conflict in Darfur continues. At the same time, partial elections that exclude large areas of Darfur could have serious political consequences.

The incumbent National Congress Party's (NCP) monopoly over the material, human and institutional resources of the state, and in particular the media, restricts the ability of other political

actors to compete on an equal basis in the elections. Other political forces, including the Sudanese People's Liberation Movement (SPLM), suffer from organizational weakness, remoteness from their support bases, lack of resources and internal divisions, which will pose an additional challenge in competitive elections.

Another issue that threatens to jeopardize the electoral process is the indictment of President Bashir by the International Criminal Court. Unexpectedly, this appears to have strengthened the position of the ruling party and in some respects has broadened the space for dissent and media freedoms as the government is more confident of its domestic support.

It was argued that it is likely the elections in Sudan will be disputed, and possibly accompanied by violence. However, any analysis must situate events in the context of the overall transitional developments as media is only one factor in fuelling or preventing post-election violence.

In Somaliland, the Presidential elections were set to take place in September 2009.¹⁴ The elections have been repeatedly delayed and Somaliland's three political parties and the National Electoral Commission (NEC) have come together under intense public pressure to extend the president's term. The most recent agreement endorsed the resolution of the Somaliland House of Elders delaying the presidential election for one year, until 27 September 2009, and extending the incumbent's term in office until 29 October 2009. In early September, however, the government announced that the poll has been further delayed. The elections have been delayed for numerous reasons but one issue has been the voter registration process. The ambitious campaign to register all eligible voters, heavily supported by donors, was intended to minimize the potential for double-voting, but it has also led to distrust in the entire voter registration process. By international standards, registration has been thorough and includes a biometric system with a database registering fingerprints, photographs and personal details. Undoubtedly the use of such advanced technology has also had drawbacks. After the October 2008 bombing by Al Shabaab, the foreign staff that was in charge of running the computer equipment for the registration pulled out, severely delaying the registration process.

¹⁴ As this report went to press, the September 2009 elections were further delayed. See part 4, appendix A for more information on this.

The repeated postponement of the elections, however, has led to a constitutional crisis and there is no immediate solution in sight.

When the elections do eventually occur there are many potential sources of violent conflict that are of concern. The Electoral Commission is not independent and is unqualified. Much confidence has been lost in the voter registration process. And there is a lot at stake for candidates who are competing in elections for the second time and for those who do not wish to relinquish government posts.

In relation to the media, a speaker highlighted that most new media, which exert a significant influence, are controlled by the diaspora. The diaspora is deeply involved in Somaliland's politics- not only are remittances Somaliland's most significant source of revenue but many politicians are actually recent returnees from the Diaspora.

In general, the local media lacks professionalism. There is only one domestically-based radio station which does not reach far out of the capital, Hargeysa. Similarly, the diffusion of newspapers is mainly confined to the capital. Satellite television and mobile phones are a popular way of exchanging news and disseminating information beyond Hargeysa.

The speaker encouraged Somaliland to learn from the cases of Kenya and Ethiopia. Hope was expressed that the government owned Radio Hargeysa and the government television station would succumb to domestic pressure to permit similar airtime to all parties.

part 3: conclusions and recommendations

This section of the report draws out some conclusions from the conference and proposes a framework for analyzing the role of the media in post-election violence. We apply the categories of mirror, enabler and amplifier to understand the media's role in post-election violence and examine how the media can also be a valuable tool for predicting the likelihood of violence. We will then suggest some policy recommendations for stakeholders to consider. Rather than offering a templates approach to policy or regulation, we argue that the most important aspect of these recommendations will be the facilitation of dialogue and debate about their relevance and applicability to a particular context.

Our focus is on recommendations for media environments in the world's poorest countries and fragile states. While today's media systems are diverse, there is far greater access to communications platforms such as Twitter or blogs in high and middle-income countries such as the United States or Iran than in low-income Ethiopia. This is changing, as we have seen with the rapid increase of mobile technology in Kenya, but we have limited our scope to lessons that emerged from the workshop and from related research we have conducted in Africa. While limited, we believe that these recommendations will have resonance beyond the continent as well.

Analytic Framework

Effective analysis of the media and political context can suggest warning signs of possible post-election violence. Although election observers claimed that the 2005 elections in Ethiopia were on track to be free and fair, there were strong signals during the run-up to the election that any outcome that did not overwhelmingly favor the ruling party would be strongly contested. While the election preparations were certainly more fair and balanced than in 2000 when the opposition was intimidated by the government, a more historical and holistic approach, including analysis of the ruling party's ideology on democracy would have suggested that truly free and fair elections would be impossible. Similarly, there should have been warning signs that Kenya's 2007 elections could be explosive.

After all, the country experienced election-related violence during every election since 2002. In the quest to implement idealized electoral systems, often because of external pressure, the political reality can be obscured.

Analyzing these factors, particularly in a comparative context, can help predict how the media-political nexus will function. This analysis, in turn, will facilitate better understanding of the potential likelihood of pre, post, or election day violence, as well as the nature of the violence and possible avenues for resolution. We also suggest that an analysis of these factors is an important starting point for developing any set of media reforms.

This analytic approach draws on the research questions that Siebert, Peterson, and Schramm posed in *Four Theories of the Press*, which have been readdressed most recently in Daniel Hallin and Paolo Mancini's *Comparing Media Systems*.¹⁵ The contribution of these two works, especially that of Hallin and Mancini, to the field of communication studies lies less in the typologies or models they define but in their analysis of both political and media factors. Our effort here is to consider a somewhat different approach, more context-appropriate, of identifying variables for examination in post-election environments in East Africa.

Both Schramm et. al. and Hallin and Mancini focus on the role of the printed press. We also believe that the press has a particularly important role, especially in the East African context, and provides the best vehicle for viewing the media's role as a mirror. In addition, it is an accessible and manageable medium for a comprehensive analysis. Charles Onyango-Obbo, a founding editor of the *Monitor* newspaper in Uganda, argued that in his country it is the print media that really matters because:

In print you have the policy debate. In Africa you cannot have policy debates in any sensible way in the broadcast media. For call-in shows in Uganda and a lot of Africa their function is for people to vent. People go home after they have vented. They don't actually call so their point of view can form the basis of government action but they call spur-of-the-moment. It is not recorded. But the people that write in the media are very meticulous, they do their research, it is the intellectual forum.¹⁶

The press, as Onyango-Obbo implied, remains

15 Hallin and Mancini, *Comparing Media Systems*.

16 Interview: Charles Onyango-Obbo

the realm of the intellectuals and elites. Print journalists in the countries considered in this report have also had substantially more freedoms than their electronic counterparts and have been very active during and after their countries' transitions from civil war. Thus this research builds upon the experience of the press as a forum, both effectively and ineffectively utilized, for the negotiation of power between different factions, including elites and the government. The government has an important role in shaping this national dialogue through the printed press, but it is often overlooked.

Media as an Amplifier

The media by nature act as an *amplifier*. How much they amplify and what they amplify is determined by how they perform the *mirror* function and how committed they are (or are structured to be) in terms of an *enabling* function. An "independent" media or a media acting as a mirror with a strongly different perspective of the nation or state from that of the government may serve to weaken government.

The use of new technologies, including mobile phones and SMS messaging, and the proliferation of radio stations, among other factors, facilitates and accelerates the spread of messages in a less controllable way. While technology does not necessarily alter the message (rumours and stereotypes that have been propagated for decades are still central in much post-election violence) it greatly speeds up the ways in which such messages penetrate communities and mobilize individuals and groups for action. The workshop indicated that much more needs to be understood about this amplifying role and how governments and political parties react. In Kenya, the government intervened to impede amplification. The development of ethical standards or codes of conduct and the use of regulation to guide the amplifying role is an important area for further study.

In probing the role of media as an amplifier, a recurring question from the workshop is what we mean by "media" in particular societies and, subsequently, what is the role of different "media" in effecting the resolution of disputes or exacerbating tensions. This is a question of mapping "information ecologies" and distilling the particular uses and influence of media outlets. Different media have varying roles in particular contexts. While our focus in this report has been on media such as the press and SMS, we consider "media" to be much broader, extending beyond "journalism" to include a variety

of communication tools. Analysts and policymakers should be aware of and consider what avenues of communication will be considered most reliable for different societies, population segments and messages.

In our study, much of our interest is in the role of the printed press, radio and television, but the cases we consider in this report have varying information ecologies. In Somaliland, for example, with only one national radio station, the role of poetry, as a medium, and mosques, as an outlet, may be more important avenues for the dissemination of particular messages than in Uganda where there are many radio stations.

New technology emerged as a particularly salient actor in spreading information during post-election disputes. While there has been much international media coverage of the role of Twitter in the post-election dispute in Iran, SMS and blogs currently play a more important role in Eastern Africa.

SMS, for example, was a critical tool in mobilizing protests in Ethiopia and Kenya, as the Ethiopian government's efforts to shut down SMS services after the YEAR post-election violence attests. It was also effective in spreading rumours, which often confused fact and fiction. Rumours have always been part of the political landscape, but it is now far easier for local rumours to go national in minutes.¹⁷ Part of the power of texting lies in its perceived anonymity. As one Kenyan blogger lamented, anonymous messages spread rapidly among Kenya's nine million cell phone users: "One person sends it to five, those five send it to 20, those 20 send it to 100, and so it spreads... It is more dangerous because there is more stealth to it. It is not done in the open, it is done in secret, making it harder to put an end to."¹⁸

Media as a mirror

Analyzing the media as *mirror* incorporates the idea of objectivity and capacity to inform the public (and the government) when there are significant problems or when progress is being made. The media can be an accurate mirror or present a distorted reflection. They can provide insight into, or mask, political dynamics and the level of dialogue within a society. The media can be an indicator of how polarized a society is, the progress of reconciliation and the possible avenues for the

¹⁷ Osborn, "Fuelling the Flames," 316.

¹⁸ BBC *Monitoring Africa*, "Kenya: Mobile phones' messages of hate."

peaceful resolution of any election-related disputes. We believe that the challenge is how to make the media a more reliable mirror—a mirror that can be an early indicator of the potential for violence or reconciliation and can be relied upon by internal and external observers. In our consideration of the media as a mirror, we also seek to question how observers can better understand and analyze what the mirror might be projecting.

In an attempt to answer this, our analysis has produced a set of variables that we consider important to understanding media functioning in the relevant states. The prevailing idea is that the interactions between the political system and the media system are products of specific historical experiences; the theoretical problem is seeking to define criteria by which one media system can be differentiated from another. We provide these factors as a beginning framework:

Historical Pathways:

- How the government came to power: such as through a guerrilla insurgency or through an election
- The nation-building process, including reconciliation and the role of transitional justice efforts

Media Structure:

- Regulatory structure and media ownership
- Ideology and professionalism of journalists, including the quality of the industry's leadership
- Prevalence, nature, use and diversity of media sources, including the role of mobile phones, mosques, blogs and newspapers
- Government communication strategy (or lack thereof)

Electoral System:

- Type of electoral system (such as first-past-the-post or the two round system)
- Transparency of the election process
- The role of election observers (both domestic and international)

Political Structure:

- Type of politics: for example: ethnic, communal,

clan or class-based

- Legitimacy of the institutions, including the rule of law, level of corruption and the capacity of the government to act independently and resolve disputes
- Ideology and quality of the leadership, including the willingness to relinquish power
- International dimensions: what are the interests of other states and who are the international actors supporting?

Media as an enabler

Finally, the media's role as an enabler involves the press as a supporter of the government's nation- and state-building project. This has emerged as the crucial issue in understanding media and post-election violence both from our previous research as well as during the context of this workshop.

By media as an enabler we imply the ways in which the media might perform a positive role in transitional justice processes, including by creating a national identity; mediating divergent perspectives and negotiating political power, particularly among elites, on a national vision; and serving as a space for dialogue to reduce polarization. As elaborated during the workshop proceedings, the media, and particularly the press, provide an important space for elite negotiation in many parts of Africa.¹⁹ The media serve as a forum for competing political actors to vie for power and to offer alternatives to the national project. This is both a strength and weakness.

It is a strength because it means that the media, and the press in particular, can be a valuable space for reconciliation and dialogue between competing political perspectives. When perspectives are engaged effectively this can help to reduce polarization, and further define and consolidate the state- and nation-building agenda.

But the media's ability to serve as a forum is a weakness for fragile states that may not have the institutions to manage this kind of discussion. Similarly, it may be feared that the media will be used for further polarization by propagating the agenda of an ethnic group or clan rather than a

¹⁹ See also Stremmlau, *The Press and Consolidation of Power in Ethiopia and Uganda*, and Price, Al Marashi and Stremmlau, "Media in the Peace-Building Process."

space for dialogue. One example of this case is Somaliland where we have been leading a research project on flows of information. One preliminary finding from this research is that a significant portion of Somalilanders are reluctant to have more than one radio station; the fear is that without sufficient regulation private radios could become instruments of clan agendas. The freedom of expression that such outlets would provide is deemed not worth the potential collateral of a return to violence after decades of civil war. In this case, the consideration for not encouraging or allowing, at least for the time being, a proliferation of competition on the airwaves should not be viewed as censorship or restriction of freedom, but a question of sequencing and conscientious state-building.

The academic and policy literature on media development tends to regard the transitions of both political and media systems, as linear. However, post-election violence, particularly of the kind we have recently seen in Ethiopia and Kenya, demonstrates not just autocratic backsliding but a more fundamental weakness, and even failure, of the entire nation and state-building projects.

Thus, when we look at the role of the media as an enabler, the prevailing argument—that the media were not free enough, or that the government unjustly clamped down on freedom of expression—must be further interrogated. In many cases this is undoubtedly true. But continuously focusing on the importance of media freedom obscures more significant, and foundational, questions about political power, institutions and sequencing.

Peace, like other political projects, is an ideological conquest that at times must be imposed. There are very few examples of effective use of the media for nation-building in Africa, partly because nation-building itself has been so problematic. One seemingly successful example is Tanzania under its first president, Julius Nyerere. Nyerere, a former journalist, had strong beliefs on how the media should contribute to Ujamaa, the country's scientific socialist project. The media were harnessed to promote the use of Swahili as the national language as well as a national identity and a shared national vision. Such issues are often at the root of the violence, but are generally excluded from discussions of media policy in post-war situations. While today's failures of nation-building may stem from a lack of vision from the leadership, or from the overriding struggle for access to resources, a significant, and often overlooked challenge for many of the countries examined in this report is

to develop a strategy for the media to effectively contribute to developing a consensus on what the nation is, while building a viable state.²⁰

Conclusions and Recommendations for Media Policy in the Post-Election Period

Several key issues arose throughout the workshop, and have been briefly summarized in the “Key Findings” for each workshop session. In light of the conference summary and the above discussion which considers the role of the media as an amplifier, mirror and enabler, we offer here some selected recommendations for policymakers, international donors, journalists and governments. The following points also suggest areas for future comparative research and policy development. They are in no particular order.

GOVERNMENT RESPONSIBILITY

Legitimate institutions are central to effectively resolving election disputes. But in building institutional capacity, and relying on existing institutions for preventing violence, it is important not to lose sight of reality, and consider what is functioning best in the present circumstance. The case of the courts in Somaliland illustrates this point. There, the government court system is the least respected and used by the people. In contrast, customary law and customary justice take care of 80 percent of the cases and Shari'a law concerns itself with family affairs. The judiciary and courts system is the weakest link in the legal system and is seen as being closely aligned with the government. The high court is appointed by the president, and has never ruled against the government. Thus, when considering effective institutions for conflict resolution and electoral disputes in Somaliland, alternative dispute resolution methods, such as the *guurti* (the House of Elders) or coalitions of other elders or intellectuals are likely to offer a more viable solution.

²⁰ This is not to say that we are advocating a return to what was known in the 1970s and 1980s as ‘developmental media’ which was essentially government propaganda. Media for nation-building first and foremost requires political leadership with an enlightened vision. Such leaders have been admittedly rare in Africa but such projects should never the less be encouraged and progressive media policy designed to support such projects.

TYPE OF ELECTION

The type and nature of electoral system, especially in fragile states, plays a potential role in the occurrence of post-election violence. It was generally agreed that winner takes all systems—also referred to as first-past-the-post—are more risky. These systems are largely a colonial legacy, and there has been little initiative, either on the part of national governments or international supporters, to alter this. Emphasis should be placed on not what is ideal but what is most effective in representing citizens but least likely to exacerbate or reignite violent conflict.

ACCESS TO STATE MEDIA OUTLETS

It is important to ensure that state broadcasters provide mutually agreed upon and acceptable access to all political parties participating in an election. In the case of disputes, the state broadcaster has a particular role in advancing reconciliation and encouraging peace. Even if it is unlikely that a law on political coverage before, during and after elections will be promulgated in time, the process of drafting it and the involvement of all stakeholders is a valuable exercise in dialogue and awareness-raising. Even if the document is not perfect, it is more important to engage in a process of complex domestic negotiation rather than simply accepting an “ideal” template drafted by an external actor.

INTER-MEDIA DIALOGUE

Dialogue and cooperation within the media sector should be encouraged. This will help to reduce polarization and facilitates the media’s role as a space for elite negotiation. Given that much of the power lies with the government, government actors must take a leading role in this area by responding to criticisms leveled at them within the media, answering questions posed by journalists from media outlets that might be aligned with other political parties, and showing extra sensitivity regarding statements that might further polarize the media environment.

PARTISANSHIP AND ENDORSEMENTS

The question of whether newspapers should endorse candidates or parties should be addressed at an early stage. At the very least, journalists and media owners should be aware of the complexities of this issue as elaborated in this report.

RELEASE OF PUBLIC OPINION RESULTS

Public opinion polling organizations, the government and media should closely consider how to report and predict outcomes of elections, recognizing the potential of predictions to raise expectations and inflame violence. Issues to consider include possible restrictions on releasing polling data within a pre-determined period prior to the elections, or publicizing the methodology of polling as well as the fact that polling results often swing significantly in the days before the election.

ANNOUNCEMENT OF ELECTION RESULTS

A process for announcing election results should be discussed and agreed upon prior to the election along with procedures for its implementation.

LIVE BROADCASTS OF VIOLENCE

If coverage of violence is to be restricted (either through SMS, radio coverage, live television broadcast, or other means), the arguments for doing so must be made explicit and complemented by a strategy for addressing grievances. This should be discussed with all stakeholders prior to the elections. Comprehensive media monitoring should serve to provide warning signs and be a part of any regulation process.

SMS AND RUMOURS

Media regulation has not been adapted to the latest advances in technology. Special consideration must be given to the role of SMS in spreading rumours. Policies on monitoring originators of messages of incitement should be considered and discussed with private companies prior to the election. Monitoring and actions to stop the spread of rumours (if necessary) must be carried out by an independent committee or institution.

MEDIA POLICIES AND LIBERALIZATION OF THE AIRWAVES

Given the fragility of many states in Africa, special consideration needs to be given to the role of private radio stations. Professionalism is certainly a major problem but there are deeper questions of ownership and political-economic agendas that warrant careful consideration. International

advocates may push for a “marketplace of ideas,” but liberalizing media space does not always immediately lead to a perfect flowering and mix of voices. Extensive dialogue and consultations with all stakeholders and citizens (including through perceptions and polling research) should direct media policies in this area.

MEDIA MONITORING AND THE POST-ELECTION PERIOD

Media monitoring mechanisms should be put in place prior to the election. Ideally this would be carried out by a university or other independent research institution. Government-owned media would be monitored for access and all media would be monitored for hate speech or incitement. This should be an on-going project in the pre- and post-election period as well as the election period itself.

CODES OF CONDUCT

Codes of conduct that are common for journalists during the pre-election and voting periods should give significant attention to the post-election period as well, focusing particularly on how journalists cover disputes and violence. While codes of conduct are important, all sides must be realistic about the difficulty of actually enforcing or implementing them. The process of negotiating the drafting of the code should be given particular attention for its role in raising awareness, deepening understanding of the issues at hand and developing consensus among all stakeholders about the role of the media.

SENSITIZATION ABOUT HATE SPEECH

In some cases, laws and definitions of hate speech are muddled. While they may not be easily or quickly clarified, a dialogue about hate speech, what it might include and how thinly-veiled references to violence can also constitute hate speech is important. Recognizing that most media are partisan in the countries we are discussing, considering how “the other side” might perceive a message is an important component of sensitizing stakeholders to what may be perceived as provocative or hate speech.

Conclusion

As events throughout the world indicate, these questions of post-election violence and their relationship to the media seem to be mounting in importance and relevance. Our workshop began to identify specific means for thinking through issues of avoidance and prevention. But obviously there is far more to do. The project has already sought to work with governing structures in Somaliland where a close previous election, intense contest and several delays provide indicators of potential later violence. We continue to monitor contexts where these factors appear. Among the goals of the workshop and this report is to sharpen attention to these issues, to develop lines of future research, and to clarify options for decision makers. Ultimately, avoiding violence—whether during the post-election period or at another time—turns on the legitimacy of the institutional processes and the trust among the segments of the population. These pillars of governance are still too seldom solidly present. In their absence close attention to the connections between media structure and performance, on the one hand, and post-election violence, on the other, continues to be necessary.

part 4: appendix and bibliography

Appendix A: Eastern African Cases

This section briefly introduces the cases discussed in the workshop. Ethiopia and Kenya both experienced post-election violence during their recent elections. Tanzania and Uganda had minimal violence, although Tanzania's elections were notably more competitive. The final two countries, Somaliland and Sudan, will be holding crucial elections in 2010 that appear set to be competitive and highly contentious.²¹ We look ahead to the challenges they face and the potential for disputed results.

ETHIOPIA

Ethiopia's legislative elections of 15 May 2005 were the most competitive in the history of the country. A high level of public debate characterized the campaign period, and the government permitted opposition parties an unprecedented level of access to state media outlets, including live broadcasts of political debates. There were well-attended and peaceful pre-election rallies and voter turnout was extremely high.

Although the campaign was not entirely peaceful and there were many reports of intimidation of opposition supporters, voting itself was largely conducted in a transparent and orderly manner. However, on the evening of polling day, Prime Minister Meles Zenawi announced a month-long ban on demonstrations in the capital, Addis Ababa, and took direct control of the city's police and militia. The ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) then proceeded to claim victory, although the National Electoral Board of Ethiopia (NEBE) had not yet announced any results. Opposition parties responded with claims of fraud and rigging and subsequently made their own claims of victory.

Protests occurred across the country, but predominantly in Addis Ababa, over alleged irregularities in the polling process. These were dealt with harshly by security forces. Dozens were killed and tens of thousands arrested. Following

the wave of protests, opposition party leaders and supporters were arrested and charged with treason. The government blamed opposition parties for inciting violence and seeking to undermine the Ethiopian state.

After the election, the Ethiopian government began to restrict freedom of the press and civil society organizations, reversing the measures that had made the state media more accessible to opposition parties during the campaign period. Private media were also restricted and many journalists were arrested or forced into hiding. Most diaspora-run websites were blocked and the country's sole mobile telephone and internet service provider, the state-owned Ethiopian Telecommunications Corporation (ETC), ceased SMS services to subscribers, citing the need to carry out maintenance work.

Both the Ethiopian People's Revolutionary Democratic Front and the Coalition for Unity and Democracy had used SMS messaging as part of their campaign strategies and messages had been used in the organization of protests following the elections.

The service remained unavailable for more than two years until the eve of the Ethiopian Millennium in September 2007. As midnight approached, mobile phone owners received an SMS signed from the head of ETC wishing them a Happy New Year and advising them that the SMS service would shortly be available.

KENYA

Kenyans voted in record numbers in parliamentary and presidential elections on 27 December 2007. The election was extremely close. In the weeks preceding the Kenyan contest, some opinion polls found less than two percentage points separating sitting president Mwai Kibaki and opposition leader Raila Odinga.²² Although early election returns gave the opposition ODM a lead of one million votes, the race later narrowed to a tie, and final results announced by the Electoral Commission of Kenya (ECK) put Kibaki ahead by 200,000 votes.²³ Serious irregularities in vote tallying were reported by election observers and by staff of the ECK. These included a report of 115 percent turnout in the Maragua District, a Kibaki stronghold, and the alleged addition of 25,000 pro-Kibaki votes in the

²¹ After a number of delays, Somaliland's elections were most recently scheduled for September 2009, but they have been further postponed. A new date has not yet been set. Ethiopia will also be holding elections in 2010 but they are unlikely to be competitive.

²² NTV (Kenyan Television), "Kenya: Opposition presidential aspirant Odinga maintains lead in opinion polls."

²³ Gettleman, "Disputed Vote Plunges Kenya into Bloodshed."

Rift Valley town of Molo.²⁴

The widespread belief that Kibaki's party (PNU) had rigged the election was instrumental in provoking the violence that followed the election. Announcement of the election results was delayed for three days while ECK commissioners wrestled with conflicting vote tallies and an increasingly restive press corps. The opposition complained that ECK commissioners, of which 19 of a total of 22 were appointed by Kibaki, were doctoring the results, and the final press conference at which results were announced was disrupted by scuffles between opposition party members and the police.²⁵ Nevertheless, the ECK declared Kibaki the winner. Just five minutes after the announcement, Kibaki attended a hastily-organized swearing-in ceremony, and within 15 minutes rioting was underway in the slums of Nairobi and cities such as Mombasa and Kisumu. European Union election observers concluded that the Kenyan general election had "fallen short of key international and regional standards for democratic elections," and provided ample evidence of shifting vote totals that suggested a pattern of abuse.²⁶

In subsequent two months of conflict, more than 1,000 Kenyans were killed and up to 350,000 displaced. Violence was used both between citizens and by security forces against those disputing the election results.²⁷

UGANDA

Uganda held presidential, parliamentary and local council elections on 23 February 2006. These were the first multiparty elections since 1980, following a referendum on the re-introduction of multiparty competition in 2005. Prior to the polls, the constitution was altered to abolish a two-term limit for the presidency in order to permit incumbent Yoweri Museveni to run for the third time. Museveni's principal challenger, Kizza Besigye, of the Forum for Democratic Change (FDC), was arrested and charged with offences including treason and rape in the period preceding voting day.

Results released on 25 February showed Museveni to have won 59 percent of the votes with Besigye

attaining 37 percent. Besigye, citing fraud, challenged the results in the Supreme Court. Although a majority of the bench agreed there had been electoral irregularities, the result of the election was upheld.

The election period itself experienced some violence, including clashes between supporters of Museveni's National Revolutionary Movement (NRM) and those of the FDC in the pre-election period preceding, and numerous cases of intimidation by security forces on election day were reported by the press. However, the level of overt intimidation and violence was lower than in 2001, when 17 people died as a result of election-related violence. Improved management of the elections, by the Electoral Commission in particular, has been cited as a contribution to the improved situation.

There were examples of state intervention in media freedom before and during the polls, including intimidation and arrest of broadcasters and blocking of radio signals when election results were being reported. The Ugandan media provided outlets for expression of discontent and grievances. Hundreds of *bimeeza* (radio talk shows) allowed aggrieved parties to voice their complaints, and there was lively discussion in the opinion pages of newspapers.

The *Daily Monitor* produced its own benchmarks for coverage of the election which were communicated to representatives of political parties. Parties were invited to complain if they felt that their candidate was not receiving adequate coverage. As the 23 February polls were taking place, *The Monitor* carried out an independent tally of the votes as they were announced by polling stations. This was broadcast on an affiliated radio station, KFM. The Managing Director of the Monitor Group, Conrad Nkutu, claimed to have faced significant pressure from the Broadcasting Council, the Ministry of Internal Affairs, the Electoral Commission and the police to refrain from compiling results independently. Results reported suggested that Museveni would not attain the 50 percent required to avoid a second round of elections. KFM's signal was blocked and *The Monitor's* news website was made inaccessible for several days after polling day. These were restored only after protracted negotiations with the government.

TANZANIA

In contrast with Kenya, ethnicity has not been a

²⁴ Dagne, "Kenya: The December 2007 Elections and the Challenges Ahead."

²⁵ Bloomfield, "Kenya in Flames over 'Stolen Election.'"

²⁶ European Union Election Observation Mission, "Kenya General Election Preliminary Statement."

²⁷ "Report of the Findings of the Commission of Inquiry into Post-Election Violence," 345, 351.

principal means of political mobilization in Tanzania, which has reduced the potential for election-related violence. Although the Tanzanian mainland is inhabited by more than 120 ethnic groups, none is demographically or politically dominant, and the country shares a common language, as Kiswahili was promoted after independence. According to the Political Parties Act of 1992, parties must have at least 200 members from each of the country's ten regions and may not seek to promote an ethnic, religious or sectarian agenda.

Although multiparty competition was reinstated in Tanzania in 1995, the ruling Chama Cha Mapinduzi (CCM) party has continued to dominate of the presidency and parliament, at least on the mainland. In December 2005, CCM's presidential candidate won a landslide victory and the party maintained its large majority. The few violent incidents in the pre- and post-election period were highly localized.

On Tanzania's Zanzibar archipelago, elections have been more closely contested and have sometimes been violent. Political divisions on Zanzibar's two largest islands, Unguja and Pemba, continue to be largely geographically defined according to alignment during the 1964 Zanzibar revolution, with the opposition Civic United Front (CUF) very successful on Pemba and the ruling CCM predominant on Unguja. Tensions surrounding the conditions of the 1964 union of mainland Tanganyika and Zanzibar still exist and constitute one of the principal grievances of the CUF.

In January 2001, more than 30 civilians were killed by security forces on the island of Pemba during protests following CUF's rejection of the results of December's polls and demands for a re-run. More than 2,000 people fled to Kenya as refugees.

In 2005, the campaigning period was marked by violence between police and opposition supporters and irregularities observed during the elections in Zanzibar were greater than in the rest of the country. Violent incidents continued in the post-election period. The results announced by the National Electoral Commission were generally accepted on the mainland, being contested by only one opposition MP. However, the CUF refused to recognize the election of the CCM candidate as president and called for the poll to be re-run.

SOMALILAND

Multiparty elections in the Republic of Somaliland, which seceded from Somalia in 1991 but has yet to

be internationally recognized as a sovereign state, have always been contentious. Somaliland has already experienced violence in the current pre-election phase and violence is possible in the post-election period as well. The possibility of election-related violence is increased as the elections have, as of September 2009, been delayed three times. At the same time, the further delay of the poll presents an important opportunity to implement some of the recommendations of this report and to plan for additional eventualities.

In 2001, Somalilanders voted on a constitution that both reaffirmed Somaliland's independence and allowed for competitive elections. Many expressed concern that this new political system would fail to recognize the importance of the clan in politics and traditional leaders were nervous that they would be marginalized. Then-President Cigaal recognized these challenges and forcefully argued that "we could only be accepted as a member by the world community if we move to a new stage of nationhood... The international community does not recognize congregations of clans, each remaining separately independent."²⁸ Many Somalilanders were justifiably concerned that multi-party politics would threaten rather than reinforce the peace for which they had fought so hard.

As with the 2003 and 2005 contests, the upcoming poll is limited to three recognized parties: the incumbent United Democratic Peoples' Party (UDUB), the opposition Kulmiye, and the Party for Justice and Welfare (UCID). Although this three-party policy is controversial among some sectors of Somaliland society for limiting avenues of political participation, it was developed amidst concerns that a proliferation of parties would result in high levels of political violence, as experienced in the 1960s.

The upcoming elections have been repeatedly delayed for numerous reasons but particularly due to challenges in the voter registration process. An ambitious campaign to register all eligible voters, heavily supported by donors, has served to minimize the potential for double-voting, but it has also led to distrust in the entire voter registration process. Further complications have included fraudulent registrations, extensive equipment failure and delays due to efforts to change the technology to address shortcomings. As it became clear that the voter registration process will not be completed in time for the September elections, President Riyale

²⁸ Bryden, *Rebuilding Somaliland*, 16.

further delayed the elections. Donors have made strong demands that the NEC has to be reformed before the election occurs, and indeed many Somalilanders have criticized the competencies and biases of the NEC. Opposition parties have threatened to boycott the elections unless their demands are met, and there is very real concern that the elections will be able to proceed peacefully.²⁹

The most recent agreement endorsed the resolution of the Somaliland House of Elders delaying the presidential election for one year, until 27 September 2009, and extending the incumbent's term in office until 29 October 2009. This has now been delayed further with a date still to be determined.

Similar to Kenya, most observers predict that Somaliland's poll, when it occurs, will be close. This is not surprising as it is the second time the two main competitors have met. In 2003, a mere 80 votes separated President Riyale from his challenger, Ahmed Mahamoud Silanyo, leader of the opposition Kulmiye Party. As in the Kenyan case, the final vote count in 2003 was delayed for three days, during which Silanyo rallied his supporters outside the NEC and unilaterally declared an opposition victory. Silanyo conceded defeat following intense mediation, and after the Supreme Court ruled in Riyale's favour, stating that he did not want to take Somaliland into a civil war. As Silanyo is nearly 80, and this is the last time he will be running, there are real concerns that he and his supporters will not be so willing to cede ground in this election.

The opposition has decried the administration's use of government resources. Critics have accused Radio Hargeysa, *Mandeeq* and Somaliland National Television of serving as a platform for government attacks on the opposition. Throughout negotiations, some of the key demands made by the opposition have related to the introduction of a regulatory structure governing access for all political parties to national radio and television and the prevention of use of public money to fund governing party campaigns.³⁰

There have also been concerns that the private press has been exacerbating a tense situation and has been heavily provocative towards the government, using language that has at times verged on hate

speech. For example, the editor of *Haatuf*, Yusuf Gabobe, noted that his colleagues on the paper had recently published cartoons that "went too far" and had uncomfortable similarities with some of the messages in Kenya.³¹

One major challenge for the upcoming election is that the NEC is not regarded as a neutral arbiter, in part due to its composition: of seven members, five are appointed by institutions closely tied to the current president. As such, it is unlikely that it can serve its role effectively mediating between parties. In addition, because it has become so politicized recently, the NEC is also regarded by many as lacking the necessary competence to run the elections.

Just as Kenya faced pre-election tensions, the contending forces in Somaliland have also engaged in physical confrontations. The legislature's repeated postponement of the presidential election inspired street rallies by the opposition Kulmiye party. In the capital, Hargeysa, a rally at Kulmiye headquarters became a protest march, which was broken up when police fired weapons to disperse the crowd. In Burco, police attempted a raid of Kulmiye's local headquarters, firing live ammunition into the building. The operation was unsuccessful, however, and police retreated in the face of an angry local population.

Some see these moves by the government as deliberate provocations, aimed at inciting the opposition to violence in order to justify further crack-downs or even another election postponement.

SUDAN

Sudan is struggling with political, ethnic, religious and resource conflicts, with an estimated two million people killed since the outbreak of the Second Sudanese Civil War in 1983. Today, the government in Khartoum is dominated by President Omar Hasan Ahmad Al-Bashir. Despite his recent indictment by the International Criminal Court for war crimes, Al-Bashir will again stand for president in the upcoming elections, scheduled for 5 April to 12 April 2010.

On paper, these elections, should they occur, will decide who controls Sudan's powerful presidency, as well as the 360-member National Assembly. But such is the dominance of Al-Bashir's National Congress Party (NCP) that most observers see little

²⁹ If the elections were to be held in 2010, there would be four elections to be held that year: elections are scheduled in 2010 for the House of Representatives, the Guurti, whose four-year extension is coming to an end; and the local council elections which have also been delayed for three years.

³⁰ Somaliland Independent Scholars Group, "Implementing the Mediation Committee's Recommendations."

³¹ Interview: Yusuf Gabobe

chance of opposition parties gaining power through elections alone.

The most recent presidential elections, held in 2000, saw Al-Bashir claim 86.5 percent of the vote. In parliamentary elections held the same year, the NCP took 355 out of 360 seats.

In the upcoming elections, Al-Bashir faces Salva Kiir Mayardit, leader of the opposition Sudanese People's Liberation Movement (SPLM), a longstanding rebel group representing the south of the country. Between 1983 and 2005 the SPLM and its army fought for independence from the Khartoum government in the mostly Arab and Muslim north.

That war ended with the Comprehensive Peace Agreement (CPA) of 9 January 2005, which established a power-sharing system by which two Co-Vice Presidents, one drawn from the north and one from the south, serve alongside the president. The CPA also divided oil deposits between the regions and granted Southern Sudan autonomy for six years, to be followed by a referendum on independence. The Southern Sudan independence referendum is scheduled for March 2011, an event likely to be of greater significance than the governmental elections.

Also pending is the Darfurian Amalgamation Referendum, due to take place in July 2010 under terms of the Darfur Peace Agreement, just three months after the presidential elections. Inhabitants of the three Darfur states, West Darfur, North Darfur and South Darfur, will decide whether to merge them into one Autonomous Region of Darfur with its own constitution and government.

Appendix B: List of Workshop Participants

Allen, Tim – Professor in Development Anthropology at the London School of Economics

Aregawi, Amare – Manager and Editor-in-Chief of the *Reporter* newspaper in Ethiopia

Blackmore, Henrietta – Project Officer at the British Embassy in Ethiopia

Deane, James – Head of Policy Development at the BBC World Service Trust

Fadal, Mohamed Osman – Director of the Social Research and Development Institute in Hargeysa, Somaliland

Gagliardone, Iginio – PhD researcher at London School of Economics and senior researcher at the Stanhope Centre

Goretti Linda, Nassanga – Senior lecturer at the Mass Communication Department, Makerere University

Helling, Dominik – PhD researcher at the London School of Economics and senior researcher at the Stanhope Centre

Kameir, ElWathig Mohamed – Former lecturer at the University of Khartoum

Kayoka, Charles Mustapha – Senior journalist, columnist and media and communication consultant and trainer

Klement, Alice – Fulbright scholar teaching in the Department of Journalism at Addis Ababa University, Ethiopia

Levy, David – Director of the Reuters Institute for the Study of Journalism, University of Oxford

Mancini, Paolo – Professor at the Faculty of Political Science at the University of Perugia

Manyozo, Linje – Lecturer in the Media and Communications Department at the London School of Economics and Political Science

Marsh, John – Interim assistant director of the Carter Center's projects in Ghana and Ethiopia

Mesfin, Berouk – Senior researcher at the Institute of Security Studies (ISS), Addis Ababa, Ethiopia

Moehler, Devra – Professor at the Annenberg School for Communication, University of Pennsylvania

Mukholi, David – Editor of the *Sunday Vision*, Kampala, Uganda

Mulugeta, Samson – Ethiopian journalist and foreign correspondent based in Johannesburg, South Africa

Nakkazi, Esther – Freelance reporter and regular contributor to the *East African*, Kampala, Uganda.

Njogu, Kimani – Director of Twaweza Communications, Nairobi, Kenya

Nyutho, Edwin Ngure – Lecturer at the School of Journalism at the University of Nairobi, Kenya

Price, Monroe – Professor and Director of the Center of Global Communication Studies (CGCS) at the Annenberg School for Communication, University of Pennsylvania

Rodny-Gumede, Ylva – Senior researcher at the Stanhope Centre, Lecturer at the University of Johannesburg

Stremmlau, Nicole – Coordinator and Research Fellow, Programme in Comparative Media Law and Policy, Centre of Socio-legal Studies, University of Oxford

Tabaire, Bernard – Co-managing editor of the Daily Monitor, Uganda

Temesgen, Derbew – Lawyer, Ethiopia

Yusuf, Magid – Lawyer and Secretary General of the Sudanese National Constitutional Review Commission on secondment from the Ministry of Foreign Affairs, Sudan

Unable to attend:

El Baz, Adil – Editor in Chief and owner of *Al Ahdath*; Chairman of the Eastern African Professional Journalist Association, Sudan

Gabobe, Yusuf Abdi – Editor, *Haatuf* and *Somaliland Times*, Somaliland

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