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Challenges and Opportunities: The Impact of the Press Law (2008) on the Role of Journalism in the Kurdistan Region post-2003

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ABSTRACT

Challenges and Opportunities: The Impact of the Press Law (2008) on the Role of Journalism in the Kurdistan Region post-2003

Saman Jalal Mawlood

Keywords: Kurdish Media, Journalism, Kurdistan Region, Press Law

This thesis examines the role of the media in the Kurdistan Region focusing on developments since the fall of Saddam Hussein's regime in 2003 in order to identify the challenges which have faced journalists there, and the construction of national identity and the potential opportunities which this sector presents for shaping public opinion and strengthening the nascent democracy in the region.

After tracing the history of the Kurdish media against the broader backdrop of Iraq, using an interdisciplinary approach, this thesis analyses the strengths and weaknesses of the Kurdish media, with particular reference to regulation, examining the Press Law (2008).

It concludes with a series of recommendations regarding the growth and development of new opportunities in the Kurdish media. In addition, it will present arguments to support the urgent need to develop a legal and regulatory framework which is fit-for-purpose for the media in this style democracy.

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Finally I would like to offer my heartfelt appreciation to my ever-patient and long-suffering wife Benaz who accompanied me throughout my study in exile.

DEDICATION

This thesis is dedicated to all those journalists who work to uphold professional standards throughout their career.

TRANSLITERATION AND PRONUNCIATION GUIDE FOR THE KURDISH SORANI AND KURMANJI ALPHABETS

Kurdish consonants		
Sorani	Kurmanji	IPA
ب	B	[b]
پ	p	[p]
ت	t	[t]
ج	c	[ʤ]
چ	ç	[t͡ʃ]
ح	ḥ	[ħ]
خ	x	[x]
د	d	[d]
ر	r	[r]
ڕ، ڕ، رر	ř	[r]
ز	z	[z]
ژ	j	[ʒ]
س	s	[s]
ش	ş	[ʃ]
ع	ʿ	[ʕ]
غ	ẍ	[ʁ]
ف	f	[f]
ڤ	v	[v]
ق	q	[q]
ک	k	[k]
گ	g	[g]
ل	l	[l]
ڵ	Ɫ	[lˠ]
م	m	[m]
ن	n	[n]
و	w	[w]
ھ	h	[h]
ی	y	[j]
	Kurdish vowels	
ا، ئا	a	[aː]
ه، ە	e	[ɛː]
	i	[I]
و	u	[u]
وو، ۇ	û	[uː]
ۆ	o	[o]
ۆێ	ö	[œ]
ی، یی	î	[iː]
وی	ü	[ʉː]
ێ	ê	[e]

This table has been adapted from Hassanpour (1992:42-43)

IPA: International Phonetic Alphabet

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GLOSSARY OF GENERAL ABBREVIATIONS

BSC	Broadcasting Standards Commission
RA	Radio Authority
ITC	Independent Television Commission
Ofcom	Office of Communication
Oftel	Office of Telecommunication
BBC	British Broadcasting Corporation
PCC	Press Complaints Commission
KRG	Kurdistan Regional Government
PUK	Patriotic Union of Kurdistan
KDP	Kurdistan Democratic Party
ID	Iraqi Dinar
CIB	Central Intelligence Bureau
PKK	Kurdistan Workers Party
UK	United Kingdom
US/USA	United States of America
IFJ	International Federation of Journalists
USAID	United States Agency for International Development
RWB	Reporters without Borders
CPJ	Committee to Protect Journalists
IWPR	Institute for War and Peace Reporting
KNN	Kurdistan News Network
MICT	Media in Cooperation and Transition
IREX	International Research & Exchanges Board
FOIA	Freedom of Information Act
AK News	Kurdistan News Agency

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CHAPTER 1: INTRODUCTION

Unlike many other countries, Kurdistan does not currently have any self-regulatory bodies which have sole responsibility for dealing with the media or the legislation of media-related issues. At the time of writing, the only piece of legislation which relates to the Kurdish media is the Press Law; but, as this thesis will show, this has a number of significant shortcomings, the most obvious of these being that it only covers the Press and does not currently deal with other media forms, despite the media undergoing rapid expansion. It is, therefore, unclear as to whether this piece of legislation is fit for purpose and whether it is incapable of coping with the many challenges that are facing the media in Kurdistan. Firstly, there are numerous and very real dangers facing the journalists working within Iraq and Kurdistan. In addition, there is also, all too often, a lack of quality and professional Kurdish media practitioners. Moreover, the media are being heavily influenced by foreign powers and factions which have vested interests in the evolving politics of the region. Furthermore, it is recognised that the Kurdistan Region has not only failed to create media supervisory bodies, but also lacks any professional codes of conduct for its media channels. In contrast, supervisory bodies and professional codes are important regulators and are observed to exist in many countries, including the UK.

In this thesis, the role of the Kurdish media will be examined; in particular, it will concentrate on the events which have occurred since the fall of Saddam Hussein's regime in 2003. One of the key aims of this research is to identify those areas in which the Kurdish media still need to make progress and expand their role,

in order to guarantee that they overcome the challenges they face and make the most of the many opportunities which the current situation offers them.

Bearing this in mind, then, this research will examine a number of areas including media regulation and law, and the position and role of journalists, focussing where necessary on specific developments in the Kurdistan Region since 2003. This analysis will contribute to an understanding of the current Kurdish media environment and will suggest ways in which the Kurdish media in general and journalism in particular would benefit from better media regulation and improved professional development within the sector.

1.1 The aim of the thesis

To date, only a small number of academic studies have focused on documenting and analysing the complexities of the emergent Iraqi media landscape in the post-Saddam era and, even fewer have investigated, in detail, the media of the Kurdistan Region.

Benjamin Isakhan (2008: 4) described the emerging media sector in post-Saddam Iraq, including the Kurdistan Region, as 'divergent, ad-hoc and highly volatile' and, like a number of other writers, highlighted the urgent need for an appropriate legal and regulatory framework for the media in this nascent democracy.

The role of the media in the Kurdistan Region will be examined in order to identify ways in which the Kurdish media can develop and ideally expand their role, in order to overcome the current challenges they face and to make the most of the opportunities available to them. Although numerous Kurdish media channels are available in the Kurdistan Region, there is still great potential to expand the capacity

of these further, as many of them are in the early stages of development; as such, new opportunities are constantly present themselves throughout the different media sectors. Thus far, the Kurdish media is not viewed as being of great economic importance by the Kurdistan Regional Government (KRG) or the various political parties; however, advanced communication technologies are prominent and are impacting significantly on the expansion of the Kurdish media sector.

This research will therefore analyse the current strengths and weaknesses of the Kurdish media, with particular reference to the area of regulation. Furthermore, it will explore the opportunities for future developments in this area and the threats and challenges experienced in this sector, in relation to the role the media play in helping to shape public opinion and possibly strengthen the still fragile democracy in the Kurdistan Region.

The topic for this thesis was chosen because of the researcher's personal experiences of working in different positions within the Kurdish media, including: producer-director of the students' television programme for the Patriotic Union of Kurdistan's (PUK) television channel; manager of a radio channel dedicated to students interests in the Kurdistan Region; editor-in-chief of the Student Union newspaper for Kurdish students; and, most recently, the manager of the media department in the central election office of the PUK. Throughout this time, the researcher was in a position to observe the implementation of changes which occurred on various levels within the Kurdish media; furthermore, the researcher had the opportunity to compare these observations with the contemporary media of developed countries, especially the media in the UK. This experience greatly influenced the researcher's choice to study this area; moreover, the introduction of

regulations regarding journalists and journalism in 2008 further supported the research choice for this thesis.

The research adopts a mixed or interdisciplinary perspective and approach, combining a number of techniques for exploring the chosen issues. These included interviewing relevant groups with an interest in media regulation, gathering and analysing data from a broad range of secondary sources (for example, relevant published research, official documentation and legislation) and cross-referencing this with information obtained from the interviews. Further details about the methodology are given in Chapter Four.

The thesis concludes with a series of recommendations regarding the growth and development of new opportunities in the Kurdish media. In addition, the thesis will also present arguments to support the need for increasing regulation within the Kurdish media and improving this in order to ensure that is fit-for-purpose in the context of the Kurdistan Region as an emerging democracy.

1.2 Research questions

The general aim of this thesis is twofold: firstly, to determine the nature of the diverse challenges which have faced the media in general (and journalists in particular), in the Kurdistan Region since 2003; and, secondly to identify the potential opportunities which this sector presents for the future. As such, the research will address the following questions:

1. How have the Kurdish media responded to the challenges which they have faced?

2. How will they respond to the opportunities which this sector will present in the future?
3. What are the roles of journalists, journalism and the media in an emerging democracy?
4. To what extent does media regulation serve to support the development of this role?

In order to achieve these objectives, a number of areas will be examined with a view to establishing the context for these issues. Thus, the history of the Kurdish media will be examined against the broader backdrop of Iraq; Kurdish media regulation will be presented and evaluated, and the nature of the relationship between the Kurdish media and the Kurdistan Region authorities will be identified. In order to achieve these set objectives, the following areas will therefore be focused on: journalist circumstances; freedom of speech; freedom of the press and access to information; the role of media with the process of democratisation and nation building; the role of the journalist in fostering democracy and regulation in a democratic society; media regulation and the introduction of the Press Law in the Kurdistan Region; and, the role of the Kurdish authorities in regulating the Kurdish media. Ultimately, the Press Law will be evaluated based on the amendments needed and implementation aspects that need focus.

1.3 Methodological considerations

As previously outlined, the methodologies to be utilised in this thesis are:

1. A case study focusing on the development of the new Press Law in the Kurdistan Region

2. Interviews with relevant interest groups comprising media practitioners, academics and government representatives with responsibility for media regulation
3. Analysis of relevant secondary materials including published research, documentations, and draft and final versions of the Kurdistan Region Press Law.

The methodology and research tools chosen for the exploration and investigation of a specific issue are always dependent on: the differing circumstances in which the research is conducted, and on the information which is required. In addition to providing a general overview of the research paradigms, this chapter will also provide a rationale for the choice of research methods used in this thesis. Each of the main research tools will be outlined and their relative strengths and weaknesses will be considered in order to adapt the tools to ensure they can be used to meet the objectives of this doctoral research. Interviews, with a number of government officials, journalists and academics, conducted in the Kurdistan Region in September 2009, will provide the key primary source material analysed in Chapters Five and Six. These interviewee responses to questions posed by the researcher regarding the key topics of the study serve to identify significant issues and themes which are then reflected upon within the thesis.

It is argued that the lack of regulation in all areas of the media, including the traditional channels of press and broadcasting and more particularly the new digital media which poses its own specific difficulties, currently threaten to hinder the future development of the Kurdish media sector. In order for the Kurdish media to survive

and thrive, urgent attention needs to be given to the issue of developing a robust regulatory framework which is fit for purpose in the context of the Kurdistan Region.

1.4 Expected research contributions

This research will make a number of contributions to the general area of media regulation in emerging democracies. More specifically by focusing in particular on the role of Kurdish journalists and the print media post-2003 in the Kurdistan Region, and on their future regulation and development, this thesis will:

1. Raise awareness of the contemporary state of the media in the strategically important, but little known, area of the Kurdistan Region.
2. Contribute to debates regarding the role which journalists can play in political processes, policy making and the construction of national identity.
3. Explore the various historical and socio-political factors which have helped to shape the relationship which exists between the Kurdish authorities and the media in the Kurdistan Region, and consider the particular circumstances in which Kurdish journalism currently operates.
4. Develop a knowledge and understanding of the role of journalism in an emerging state which is working towards full democracy.

1.5 Research aims and objectives

This research has the following principal aims:

1. To explore the current state of the Kurdish media (with particular reference to the press), and to analyse the role in which they may play in helping to strengthen democracy in the Kurdistan Region.

2. To identify the challenges currently facing and likely to face this sector in the future and to outline the future development opportunities which the Kurdish media presents.
3. To conduct an analysis of media regulation in the Kurdistan Region, by examining the new Press Law and where useful, making comparison with relevant legislation developed in the context of the UK, in particular the Editors' Code of Practice.
4. To explore the role of the media in an emerging democracy and the relationship between journalism and the media laws which impact on working practices.
5. To develop a knowledge and understanding of the social, legal and regulatory frameworks of the Kurdish media.
6. To develop a critical knowledge of the role which journalists can play in political processes, policy making and the construction of national identity.

1.6 Challenges of the thesis

As with all research projects, this thesis posed a number of challenges to the researcher.

Research was completed into the contextual background of the Kurdistan Region and the history of its media, and a literature review of the relevant areas was conducted. Many of these works were available only in Kurdish and needed to be sourced from the Kurdistan Region. Quotations which were to be used had to be translated into English. After the research methodology had been chosen, appropriate interviewees had to be identified and their agreement sought to be interviewed. Some of them were very busy individuals and great persistence and patience was needed to

secure suitable interview slots which were mutually convenient. These were carried out by the researcher during a fieldtrip back to the Kurdistan Region.

The interviewees consisted of representatives from the Kurdistan Regional Government, the General Secretary of the Kurdistan Journalists Syndicate, various media academics, an editor-in-chief, general managers from different television companies (satellite and terrestrial) and radio channels together with journalists affiliated to political parties and those who consider themselves to be independent.

All of the interviews and interviewees were relevant to this study of media regulation and, in some shape or form, all were involved in the regulation and development of the Kurdish media. In order to explore this topic amongst the different interviewee groups, a number of issues were identified and the interviewees were asked to share their knowledge and understanding of these specific topics, namely: the relationship between the government and the media, the various kinds of media channels and the differences between them; the difficulties, challenges and opportunities faced in developing the Kurdish media; Kurdish media regulation; the circumstances in which Kurdish journalists operate; and finally, professionalism and working as a journalist in Kurdistan. Once again all the interviews were conducted in Kurdish and had to be transcribed, then translated into English for inclusion in the thesis.

1.7 Scope and structure of the research

A brief description of the each of the chapters, within this thesis, will now be presented.

Firstly, **Chapter Two** presents an overview of the context of the contemporary Kurdish media, providing useful background information on Iraq and the Kurdistan Region, and outlining some of the key events occurring between these two neighbouring states. The chapter also identifies some of the factors which have contributed to the creation of challenges facing the Kurdish media. Finally, this chapter will explore the opportunities which present themselves for future developments and it will discuss the threats and challenges which may arise in this sector, in relation to the role which they may play in helping to shape public opinion and in strengthening the still fragile democracy in the Kurdistan Region.

Chapter Three outlines the development of the Kurdish media under the different political systems and legislative frameworks within which it has operated, including the Ottoman Empire, Iraq and, more recently, the Kurdistan Regional Government following its independence in 1991. In particular, the chapter will chart the many changes which have occurred since the end of Saddam Hussein's regime, when the attention of the world focused on Iraq. This chapter will also analyse the current state of the media in the Kurdistan Region. The removal of state control by successive regimes has meant that since 1991 freedom of the press has existed; consequently, the factors currently influencing how the media in the Kurdistan Region functions and how they may develop in the future will be examined.

Chapter Four describes the research methodologies to be used in this thesis. The choice of methodology and research tools chosen for the exploration and investigation of a specific issue are always dependent on: the differing circumstances in which the research is conducted, and on the information which is required. This chapter will therefore provide a general overview of the research paradigms and it

will then present a rationale for the choice of research methods used in this thesis, namely: case study, content analysis and interview. Each of the three main research tools will be outlined and their strengths and weaknesses will be considered. An explanation will also be provided about the adaptations which needed to be made to each tool in order to meet the objectives of this doctoral research.

Chapter Five will examine the Kurdish Press Law, which came into force in September 2008. This law represents the latest attempt at providing legislative regulation for dealing with the press in the Kurdistan Region. As a result of these challenges, the draft legislation was amended. Although the Press Law still has many shortcomings and some significant omissions in several areas, its overall quality has been improved.

In order to fully understand the present Press Law, this chapter will consider the earlier draft of this legislation and identify how it was influenced by the socio-political and historical context in which it was produced. In addition, it will analyse the current Press Law (2008) by examining its amendments, identifying its shortcomings, and by suggesting areas needing further amendment in order for it to become fit for purpose in the media environment of contemporary Kurdistan.

This chapter examines a number of aspects of media regulation in contemporary Britain. This examination will focus on the press in order to provide a context and point of comparison for the later discussion of media regulation in Kurdistan. This chapter will explain why the research chose to compare the legislative and regulatory framework of media in the Kurdistan Region with that of the United Kingdom, as opposed to one of its neighbouring countries in the Middle

East. It should be noted that a significant percentage of the articles in the Kurdish Press Law were based on, or translated from, existing Press Laws from other Middle Eastern countries in the region, including legislation and regulations originally formulated in Egypt, Syria, Iran and Jordan.

Chapter Six will focus on the role which journalism can play in the process of democratisation. The chapter will also review the difficulties faced by journalists operating within a nascent democracy and will conclude with a brief examination of the necessity of media regulation within an emerging democracy.

Despite there being great opportunities for the Kurdish media to modernise and develop with the coming of democracy, a number of underlying problems and conflicting interests continue to pose a threat, particularly concerning the nature of their relationship with the Kurdish authorities. Thus, this chapter will also focus on analysing the current strengths and weaknesses of the Kurdish media, with specific reference to the area of regulation.

The final chapter of the thesis, **Chapter Seven,** will draw together the conclusions from the research. Ultimately, the chapter will make recommendations regarding the specific needs for the legislation of the Kurdish media within the Kurdistan Region.

CHAPTER 2: THE KURDISH MEDIA IN CONTEXT

2.1 Introduction

In order to understand the situation of the media in the Kurdistan Region it is necessary to focus on the context in which it operates. Moreover, in order to understand the Kurdish context it is also necessary to provide an overview of Iraq because it must be borne in mind that the Kurdistan Region has been connected to this country since 1921, when the modern state of Iraq came into being. Iraq has influenced the Kurdish people and the region in which they live in many different respects and although Kurdistan has effectively been self-governing since 1991, for most of the twentieth century it was generally overshadowed by the political climate within Iraq and affected by developments there.

As the acknowledged expert on the Kurds, David McDowall has rightly observed in his book charting the history of these people: 'Trying to master Kurdistan and its inhabitants has never been easy for outsiders' (1996: 151). Therefore the aim of this chapter is, firstly, to identify and outline the importance of some key events in the history of Kurdistan, thus providing useful background information on Iraq and the Kurdistan Region. It will then explore the relationship between Iraq and Kurdistan, explaining some of the challenges which this has presented in the past and the opportunities which it provides in the present. It should be noted that throughout this chapter, and elsewhere in this thesis, the geographical area under discussion will be referred to as the Kurdistan Region rather than 'Northern Iraq', 'Iraqi Kurdistan' or 'Southern Kurdistan' (see Figure 2.1 Map of the Kurdish Regions).

2.2 A brief historical overview of Iraq[1]

Iraq is a small independent federal republic in the Middle East. Latest estimates put the country's population at over 28 million (CIB, 2009) with an ethnic composition which is made up of Arabs, Kurd, Turcoman, Chaldean and Assyrian. The officially recognised languages used in Iraq are Arabic and Kurdish although a number of other minority languages are spoken there including Syriac, Armenian and Turkmen amongst others (Iraqi Council of Representatives, 2008). The country's main religion is Islam and the Muslim population is made up of followers of the Sunni tradition (living in what was originally the Ottoman Empire province of Baghdad), the Shi'a tradition (in what was Basra province) and the Kurds who are also follow Sunni Islam (in Mosul province in the north). However there are also a small number of long-established communities of Christians, Jews and Yazidis.[2]

As a modern state, Iraq has a complex and conflict-filled history. During World War I, it was occupied by the British and then, in 1921, it became a constitutional monarchy, ruled initially by the British-imposed Emir, then King Faisal. This state of affairs lasted until 1958, when following a Republican uprising, the ruling monarch, Prince Abd Al-Elah Ali, was killed. He was to be Iraq's last monarch. A further five military coups occurred in quick succession during the years up to 1963. In this year, the Ba'ath Party took control of the Iraqi Government following another military coup. Saddam Hussein Abd al-Majid al-Tikriti, who had ambitions to be a leader of the Arab world in the mould of President Nasser of Egypt,

[1] A timeline tracing the history of Iraq in the period from 1921 to 2003 is provided in Appendix 1, giving further details of the country's different political regimes, and its changing monarchs and political leaders.

[2] The Yazidis are an important religious minority living mainly in northern Iraq, Syria, and southeast Turkey. For further details about their cultural practices and religious beliefs see Allison (2004).

took control of the Iraqi Government in 1979 and his regime lasted until 2003 (Noor Al-Deen, 2005; BBC News, 2006).

War broke out between Iraq and its neighbouring country, Iran, in 1980 and continued until 1988. Two years later, in 1990, Iraq invaded another neighbouring country, Kuwait, but after coming under immense pressure for several months from the Coalition Forces, the Iraqi forces were made to withdraw from the emirate and the United Nations obliged Saddam Hussein to agree to the elimination of Iraq's weapons of mass destruction. Strict sanctions were also imposed on the country.

When President George W. Bush was elected in 2000, the United States of America started to refer openly to the need for 'regime change in Iraq'. Following the 9/11 terrorist attacks on Washington and New York, and unsubstantiated claims regarding Iraqi weapons of mass destruction, Iraq was labelled a 'rogue state' (BBC News, 2006). Declaring that the diplomatic process was over, the Americans and the British invaded Iraq in March 2003, supported by the so-called Coalition of the Willing, bringing about the overthrow of Saddam Hussein's much-feared Ba'athist regime. On 30 December 2006 Saddam Hussein was executed by hanging, having been found guilty of crimes against humanity (Pauly and Lansford, 2005: 125-126).

Since the end of the totalitarian Ba'athist regime in 2003, there have been a number of developments in Iraq. On the positive side, commentators have pointed to the fact that the Iraqi people have gained democracy and are now in a better position to control their own fate. Iraq finally has a power-sharing government in Baghdad and there are continuing attempts to bring security and self-government to the different peoples of Iraq and to develop civil society (Dawisha, 2004). However Iraq still faces immense difficulties as a result of both external and internal factors.

External factors include international terrorism and outside intervention, with most of the Muslim and Arab world having a negative view of the continuing presence of foreign troops in Iraq (Barak, 2007) Moreover among the various nations and ethnic groups within Iraq itself there are still very real local tension caused by long-standing feelings of mistrust, anxiety, and fear amongst the Kurds, Shi'a and Sunni Muslims.

Commenting on the post-war situation in his own country, the Iraqi political scientist Dawisha (2004) concluded that: 'Whatever one thinks of how the war began, the whole civilised world has a vast stake in setting Iraq on the path toward democracy and the rule of law, and the case for cautious optimism remains strong'. It is to be hoped that his optimism will not prove to be unfounded.

2.3 A brief history of the Kurds and Kurdistan: An Invisible Nation[3]

Kurdistan is situated in the south west of the continent of Asia. It is surrounded in the north by Armenia and Turkey, in the south by Iran and the Persian Gulf, and in the west by Iraq and Syria. However O'Shea notes that: 'even the very existence of Kurdistan has been a matter of contention, and its disputed extent is even more controversial' (O'Shea, 2004: 17). For the purposes of political administration, the Kurds live in six nation states, namely Turkey, Iran, Iraq, Syria, Azerbaijan and Armenia, all of which have, to a greater or lesser extent, suppressed their Kurdish minority. It is also difficult to give exact numbers for the Kurds living in these areas since as O'Shea further observes: 'figures given by Kurds and outside observers vary enormously' ranging from 7 million to 30 million (O'Shea, 2004: 46). However

[3] This is a reference to the title of Quil Lawrence's (2008) book about the search for Kurdish statehood. For detail information about the history of Kurdish nationalism see Vali (2003).

following McDowall (1996) she estimates that the current number of Kurds living in these areas is some 26 million (O'Shea, 2004: 46).

As McDowall (1996: 1) notes 'Any modern history of the Kurds must examine [...] the struggle between the Kurdish people and the governments to which they are subject for control of the lands they inhabit', for much of their history has involved conflict to secure their nation from invasion, for example the struggles between the Ottoman Empire and Iran for the occupation of Kurdistan during the sixteenth century are well documented (Mason, 1993; Sengay, 2008: 20).

The Kurdish people originally followed the religion of their neighbours in ancient Iran. This may have been 'Zerdeşt' (or Zoroastrianism in English) which dates from 1200-1500 BC or it may have been another Iranian religion. Today a small number of Kurds practise Zoroastrianism (BBC 2009). Since the middle of the seventh century, Islam has played a major role in Kurdish history. Today the vast majority of Kurds (some 75%) are Sunni Muslims (Ẍefûr, 2006; Azadî, 2002) with a further 15% of them (mainly those living in Iran) being Shi'a (McDowall 1996: 11). However there are several other religious minorities including Jews, Christians (mainly Armenians, Chaldean and Assyrians), Yazidis and, in Central Anatolia, the Alevis (or Qizilbash).

For many years Kurdistan was caught between the Ottoman Empire and the Safavid Persian Empire, meaning that it was effectively divided into two parts, namely 'the Western part', which was placed under the authority of Persia, and 'the eastern part' which was placed under the authority of the Ottoman Empire. Both of these parts of the Kurdish territory remained under their respective authority until the end of the World War I (Ẍefûr, 2006; Sengaü, 2008).

The Kurdish Liberation Movement both within and outside Kurdistan played a strong role in the struggle against the Ottoman Empire, especially in the late nineteenth century and early twentieth century. During that period, the Kurdish Liberation Movement published the first newspaper and several manifestos in support of this movement and in order to provide information for the Kurdish people (Sengaü, 2008).

However, like many nation states across the globe, Kurdistan became embroiled in WWI, being invaded by troops from Britain, France and the former Soviet Union and for four years 'armies marched and counter-marched across the land, laying waste to life, property and landscape' (McDowall, 1996: 103). Under the terms of the Anglo-French Sykes-Picot Agreement in 1916, most of the land which included the Kurdish territories was taken to form Western Asia (Sengaü, 2008). Later, on 10 August 1920, the successful World War I Allied and Associated Powers, including France and Britain, signed the Treaty of Sèvres with Turkey and the former subject nations of the Ottoman Empire. This was the first international agreement which supposedly supported Kurdish rights by introducing Kurdish autonomy within a designated area (Article 62) and the holding of a referendum to decide on the independence of Kurdistan (Article 64).[4] However, due largely to the reservations expressed by the Turkish signatories, the Treaty of Sèvres was never ratified.

Therefore, another agreement, known as the Treaty of Lausanne (signed on 24 July 1923) was drawn up and this led to the division of Kurdistan into four separate areas. The largest part was allocated to Turkey, the second largest to Iran, the third largest to Iraq and the smallest part to Syria. As a result of this division, most Kurds then found themselves living in Turkey, Iran, and Iraq with a smaller

[4] McDowall reproduces the relevant articles of this treaty in an appendix to his book (1996: 459-460).

group in the Syria. As Mason (1993) noted, many historians believe that this failure to honour the Treaty of Sèvres can be seen as the root cause of the disappointment, conflict, struggles, trouble and problems faced by the Kurdish people today. It is also due to this division of Kurdistan that Kurds are often referred to as the largest stateless ethnic group in the world.

Over the years, large numbers of Kurds have left their homeland to live in other countries. The First World War produced mass emigration from Kurdistan which later continued with the collapse of the so-called Mehabad Republic on 15 December 1946, following its creation less than a year earlier in Iranian Kurdistan on 22 January 1946. Other large-scale migrations of Kurds occurred in 1975, 1988, and 1991.

The instability within the various regions of Kurdistan and the many decades of conflict there have created a substantial Kurdish diaspora which according to O'Shea (2004) numbers approximately one million Kurds and is made up of those who consider themselves to be refugees, asylum seekers and economics migrants, as well as second- and third-generation citizens of many countries. O'Shea (2004) quoting from the Kurdish Information Centre Annual Report 1995-1996 identifies the locations and estimated size of the major communities of Kurds as follows:

HOST COUNTRY	ESTIMATED KURDISH POPULATION
France	50,000
Germany	500,000
Netherlands	50,000
Sweden	50,000

Switzerland	20,000
UK	20,000
USA	20,000

Throughout the course of their history, the Kurds have struggled against the authorities occupying their areas. They have made frequent attempts to gain independence for their nation and have found themselves in conflict with the countries which have invaded what they see as their territory. Kurds have their own distinctive culture and traditions and speak their own language, Kurdish, which consists of several different dialectal forms. Further discussion of Kurdish language issues appears in Chapter Three. Since Kurds live in different areas distinguished by artificial borders, sometimes they find it difficult to understand the range of different Kurdish dialects which have evolved due to the fact that the groups live in various regions under different national authorities (Mason, 1993).[5] This linguistic difference is one of a number of factors which have been used, as McDowall (1996:3) notes, to 'cast doubt on the unity of the Kurdish people'. It is also one of the factors which has made it difficult to create a unified Kurdish media which literally speaks with one voice.

2.4 The Kurds of the Kurdistan Region

The Kurdistan Region, known in Kurdish as *Herêmî Kurdistan*, is an autonomous, federally recognised region situated in the Republic of Iraq. The region is also referred to as both Southern Kurdistan (because of its geographical location in relation to the area known as Greater Kurdistan) and as Northern Iraq, when it is

[5] For an overview of the varieties of Kurdish, see Meho (1997: 3-5).

viewed in relation to that country. The official ruling body, known as the Kurdistan Regional Government[6] (KRG), uses the terms 'Kurdistan Region' to designate the area over which it has authority but does not use the descriptor 'Iraqi Kurdistan'.

The Kurdistan Region covers approximately 78 736 km^2, meaning that it makes up some 18% of the total surface area of Iraq (Brayetî Senter, 1999: 20). As one might expect, estimates of the population of the Kurdistan Region vary but the most recent estimate available puts this figure at some 5.3 million inhabitants (Ḧedad, 'Abdulrehman and Xoşnaw, 2009: 37). The population is largely concentrated in the region's capital, known in Kurdish as Hewlêr or Erbil in Arabic, and in its other cities.

FIGURE 2.1 MAP OF THE KURDISH REGIONS

The whole of the area marked in red is the area inhabited by the Kurds. The boundaries of the Kurdistan Region correspond with those of the Iraqi frontier (outlined here in yellow).

Source: Kurdish Human Rights Project http://www.khrp.org/content/view/276/125/

[6]The Kurdistan Regional Government is often referred to by the international community as the Kurdish Regional Authority or KRA in its abbreviated English form.

The Kurdish struggle for recognition in the twentieth century began just after the First World War when on 1 January 1918, in a meeting in the city of Suleîmanî, a group of Kurdish leaders demanded that the British support their request for the establishment of a unified Kurdistan under British protection, since they had no desire to be absorbed into the new Arab state of Iraq which was to formed as a result of the agreement between the British and the Arabs who had helped them during the war.

Amongst those Kurdish leaders pleading the Kurdish cause was Şêx Meḧmud Barzincî whose influence was such that he inspired his fellow Kurds to revolt against the British in a rebellion which began on 22 May 1919 and ended in the taking of the Suleîmanî region and the formation of the first KRG in the Kurdistan Region during the period 1919-1922. When the British regained control, he was forced into exile in India.

In 1920, another delegation of some 62 Kurdish tribal leaders once again demanded the formation of an independent Kurdistan under a British mandate, insisting that Kurdistan be ‘treated as an integral ethnic and geographical whole’ (McDowall: 1996: 132) but the British refused, largely because they were afraid that if the Kurdish were granted self-rule, the Arabs in Baghdad and Basra would also make similar demands for independence. In addition, as the extent of the oil reserves in Mosul became clear, Britain came to the conclusion that Iraq ‘was not viable politically, militarily or economically without southern Kurdistan’ (McDowall 1996: 142). However, the series of Kurdish uprisings which followed were not brought under control by the British authorities for a further two years and Şêx Meḧmud Barzincî’s rebellion became a symbol of Kurdish nationalism.

In 1922 the British allowed Şêx Meḧmud Barzincî to return from his exile in India in the hopes that he would be able to unite the Kurds in the Kurdistan Region to protect the area against the Turkish who were becoming increasingly interested in claiming the area's two main cities, namely Mosul and Kirkuk. Seven years later, in 1929, the Barzanî, one of the most powerful and numerous tribes in the Kurdistan Region, demanded the establishment of a Kurdish province in northern Iraq but again without success. When Iraq was admitted as a member of the League of Nations in 1930, Şêx Meḧmud Barzincî started another uprising against the British authorities which was again quelled by British forces. Mindful of the demands made by the Barzanî, in 1931 a group of distinguished Kurds made a further appeal to the League of Nations requesting the formation of an independent Kurdish state under British and Iraqi Government (Sengaü, 2008). Again their request was rejected.

When Britain reoccupied Iraq during the Second World War in 1945, Mullah Mustefa Barzanî, who was to become one of the most influential leaders in the Kurdish national movement, led a rebellion against both the British and the Iraqis but was forced into exile, leaving the Kurdistan Region for Iran where the Kurdistan Republic of Mehabad had been established by the Iranian Kurds in 1946.

Following the collapse of this independent state less than a year later, Mullah Mustefa left Iran for the former Soviet Union where he remained for the next twelve years. Over a decade later, when Abdul Karim Qasim and his fellow army officers gained control of the Iraqi Government on 14 July 1958 as the result of a largely bloodless *coup d'état*, he asked Mullah Mustefa to return again to Kurdistan and to become Chairman of the left-wing Kurdistan Democratic Party (KDP) which was given full legal recognition in 1960. However, when the promised independence for Kurdistan failed to materialise, Mullah Mustefa started the first revolt against Abdul

Karim Qasim's government in the summer of 1961 and the latter proved unable to control these Kurdish uprisings (Sengaü, 2008). McDowall (1996:302) is of the opinion that these problems were inevitable given the deep divisions which existed 'between rival nationalisms, between the civilian and military elements in Baghdad, and between tribalism and ideology in Kurdistan'.

After Abdul Salam Arif took power as President of Iraq, he declared peace with the Kurdish rebels on 10 February 1964 following negotiations, and as Kinnane (1964: 59) observes this period was 'a time of unparalleled amity between Kurds and Arabs and Baghdad and the Kurdish north of Iraq'. Following the death of Abdul Salam Arif in a helicopter accident, Iraqi forces once more attempted to overcome the Kurds in 1966 but again proved unsuccessful. When the Ba'ath Party came to power in Iraq by means of another army coup in July 1968, the Iraqi Government started an all-out campaign, largely masterminded by Saddam Hussein to satisfy his own ends, to put an end to the Kurdish uprisings. These finally came to an end in 1969 and on 11 March 1970 a peace plan was announced between the Kurds and the Iraqi Government. This treaty finally recognised that a Kurdish nation existed and made provisions for more autonomy for the Kurds and promised many of the demands which the Kurds had made, including the establishment of Kurdish as a co-official language; full participation by Kurds in the government and regional and local administration, the appointment of a Kurdish vice-president, and the setting aside of funds for the development of Kurdish culture, arts and economic growth (McDowall, 1996: 327-328).

It is also important to note that during the 1960s, the population of the Kurdistan Region started to become increasingly divided between two groups: the confederation of Barzanî tribes in the north and the KDP-affiliated tribes in the east

who were under the leadership of Jalal Talabany. This division between the Kurds was to become increasingly acute and violent over the course of the next few decades.

Mainly due to the fact that the Iraqi Government had signed a so-called Treaty of Friendship with the former Soviet Union in April 1972, the peace held until 1974 when a new offensive against the Kurds began. However on 5 March 1975, following the intervention of the President of Algeria, Houari Boumédienne, Iraq and Iran signed an agreement known as the Algiers Pact (Accord). Under the terms of the Pact, Iraq agreed to Iranian demands in return for an end to Iranian aid to help and support the Kurds. As a result, only a few days after the signing of the agreement, caught between the forces of the Shah in Iran and Saddam Hussein in Iraq, the Kurdish resistance ended and the autonomy movement appeared to be over (Kurd Press, 2008).

The start of the Iranian Revolution and the overthrow of the Shah in 1979 came as a sudden shock to the leaders of the Muslim world and worried by this unexpected development in a neighbouring state, Saddam Hussein was prompted to start a war between Iraq and Iran. This began on 4 September 1980 and was to last for eight years, finally coming to end on 8 August 1988 when Ayatollah Khomeini formally accepted the declaration of cease-fire. Although the short-term consequences of this conflict were positive, since it allowed the Kurds to establish greater control in Kurdistan, in the long term the consequences proved disastrous for them. During that time a liberation movement, known as the Kurdistan Front, which attempted to secure autonomy for the Kurds, was created from six different Kurdish political parties namely the KDP, the Patriotic Union of Kurdistan and four other minor Kurdish parties. Believing that the Iranian Government would support their

right to autonomy in return for support in the war against Iraq, the leaders of the Kurdistan Front joined forces with them, making Saddam Hussein all the more determined to ensure that the potential threat of the Kurds was eliminated.

The Ba'athist government launched the so-called *Enfal* campaign (normally translated in English as 'spoils of war'),[7] which essentially consisted of the attempted genocide of the Kurds in the Kurdistan Region. This was as Herdî notes 'the climax of the Iraqi state's atrocities against the Kurds. [...] a logical conclusion to the state's progressive hostility towards its largest ethnic minority' (2011:35). Throughout their history in the Kurdistan Region, the Kurdish people had faced attempts at the enforced Arabisation of their languages, culture and national symbols, but had never come under such a concerted attempt at their eradication.[8] The *Enfal* campaign continued over several years but was probably at its most intense during the period of March 1987 until April 1989.

Thousands who had fought in the Kurdish *Pêşmerge* were summarily executed and tens of thousands of civilians were held in dire conditions in concentration camps whilst their villages were destroyed, their wells capped and fields contaminated in order to prevent later resettlement. As a consequence of the *Enfal* campaign the Human Rights Watch organisation estimated that more than 50,000 people living in Kurdish villages were killed and over 4000 villages razed to the ground by the military forces of Iraq (Mexmurî, 2002; BBC News, 2006). In what was to become the most infamous attack, the Iraqi Government used a deadly

[7] McDowall (1996: 366) explains the origin of the name for the campaign, which is taken from one of the sections of the Koran and refers, ironically, to a battle between believers and infidels.

[8] For details of the forced Arabization programme undertaken by Ali Hassan al-Majid,a cousin of Saddam Hussein, who became infamous under the nickname of Chemical Ali, see Human Right Watch (1993).

cocktail of mustard gas, nerve gas and cyanide to kill over thousands Kurdish civilians in one attack on the frontier town of Halabja on 16 March 1988.[9]

In 1990, Iraq invaded and took control of the neighbouring emirate of Kuwait and the Kurds in Iraq saw the war as another opportunity to advance their cause and try to gain independence and they were involved in a huge uprising (or *Reperîn* in Kurdish) against Saddam Hussein's regime, when they fought against the Iraqi army in the south of the country. The Kurds believed that at last they could have a country of their own but their initial success was short lived. They were confident that the Americans would support them in their fight for freedom, but that support did not prove to be forthcoming (Mason: 1993) despite the fact that President George Bush (Senior) had himself effectively called upon the peoples of Iraq to rise up against their leader in a statement broadcast there by the Voice of America radio station, stating the following: 'There's another way for the bloodshed to stop, and that is for the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein, the dictator, to step aside' (cited in McDowall, 1996: 372). When the initial Kurdish triumph proved short-lived, some one and a half million Kurds fled Iraq in late spring of 1991, terrified by the threat of military repercussions by the Iraqi regime, and they headed into the mountains towards the Turkish and Iranian borders.

In 1991 a large number of Kurdish refugees were persuaded to return to their homeland when the United Nations, under pressure from the British, Americans, and French, decided to create a safe haven and provide a secure zone in Iraq for the Kurds who were living there. The United Nations admonished Saddam Hussein

[9] For further details of the use of chemical weapons against the Kurds during the Enfal Campaign see Herdî (2011) and Human Rights Watch (1993).

under Section 688 of the Human Rights Act for the atrocities which had been committed against the Kurds. Following this, American and British air forces protected a number of Kurdish areas in Iraq maintaining no-fly zones and on 26 October 1991, after a number of clashes with the Kurdish forces, the Iraqi Government withdrew all their troops and officials from the Kurdistan Region.

As a result of the 1991 events, the Kurdistan Region became self-governing but this achievement was overshadowed by the worsening political atmosphere generally within Iraq. The Kurdistan Region was established as an autonomous region with its own authorities based in the city of Hewlêr/Erbil. In theory, this regional government also had authority over the Kurdish cities but, in reality, it was still under control of the Iraqi Government (Mexmurî, 2002).

The Kurds in the Kurdistan Region had an election on 19 May 1992 and established a parliament and government. Although in theory there were several Kurdish political parties who could have governed the Kurdistan Region (under the system of multi-party pluralism) in reality, only two main political parties shared the major responsibility for governance in the Kurdistan Region, namely the Patriotic Union of Kurdistan and the Kurdistan Democratic Party. Since the two parties had a long-standing rivalry and different tribal allegiances, serious rifts soon emerged. Tensions were exacerbated by the problems resulting from the imposition of double sanctions, since the Coalition had imposed sanctions on Iraq which in turn had imposed sanctions on the Kurdish safe haven.

The Kurdistan Region was badly affected by these economic embargos during the whole of the period from 1991 to 2003. In August 1991 the United Nations imposed an embargo on Iraq following the United Nations Security Council

Resolution 661 which established a series of comprehensive sanctions against Iraq, including an embargo on arms sales. The wording of the embargo in Resolution 661 declares that states should prohibit 'the sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories' (United Nations Security Council: 1990).[10] This also included the Kurdistan Region because it was still officially part of Iraq. In addition, Iraq also imposed an embargo on the Kurdistan Region when it withdrew from the Kurdish areas and then attempted to cut off electricity and water to parts of the Kurdistan Region. However, finally in 1996, the United Nations decided that 13% of Iraq's oil sales had to be sent to the Kurdistan Region (Office of the Iraq Programme Oil-for-Food: 2003) and as a result, the area made some economic progress as it was able to benefit from the Oil-for-Food Programme which had been imposed on Iraq.

Only two years after the first elections had taken place, a civil war broke out between the two main political parties in the Kurdistan Region, the PUK, led by Jalal Talabany, and the KDP, under the leadership of Masoud Barzanî. The two groups took control of various Kurdish media channels and some journalists were killed and others arrested. After three years of alternating fighting and cease-fires, the civil war was finally brought to an end in 1997, under the terms of the Washington Agreement which came into effect in 1998 (Kurd Press: 2008).

In March 2003 Operation Iraqi Freedom was started by a coalition of multinational forces, led by the US and the UK, and Kurdish forces helped them with their operation to bring down the Iraqi Government. After that, elections took place

[10] Following the fall of the Iraqi Government, the Security Council modified the regime of sanctions in May 2003 by means of another Security Council Resolution, known as Resolution 1483 (Stockholm International Peace Research Institute: 2002).

in Iraq on 15 December 2005, including in the Kurdistan Region, with the aim of establishing an Iraqi Parliament (known as the National Assembly of Iraq). The two major Kurdish political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), which are normally political rivals, produced an alliance in Kurdistan, their aim being to achieve 53 seats in the Baghdad-based parliament (Kurdistan Parliament: 2008a).

According to the BBC journalist, Jim Muir, most Kurdish people viewed voting for this alliance as a national responsibility because it was thought that a large Kurdish bloc would be able to influence the content of the constitution which was due to be drafted. The Kurds in the north of Iraq favoured complete self-determination but recognised that federalism could be seen as the first stage towards this long term target (Muir: 2005). Two further elections were also held in the Kurdistan Region, these being for the Kurdistan Parliament (known as the National Assembly) and the Council of Cities (which was responsible for governing the provinces). As a result of the election, the Shi'a and the Kurdistan Alliance (made up of KDP and PUK) won the majority of seats. Following this, Jalal Talabany, the leader of the PUK, was one of the candidates for the presidency of Iraq whilst Masoud Barzanî, the leader of the KDP, became president of the Kurdistan Region (Kurdistan Parliament, 2008a).

Since 2003 the Kurdish people have placed increasing emphasis on their territorial rights, their political situation, their language, homeland, and national issues (McDowall, 1996: 1-3). The Kurdish people in Iraq are now self-governed by the Kurdistan Regional Government and the Kurdistan Parliament but still have the possibility of representation in the central government of Iraq. However, some Kurdish areas including Kirkuk, Khanaqin and Sinjar are still under the control of the

Iraqi authorities and the KRG wants a referendum to be held about the government of these areas. The Kurdistan Region has its own flag, its own national anthem and its own army, known by the traditional Kurdish title of the *Pêşmerge* (literally meaning 'those who face death').

The last decade for Kurds in the Kurdistan Region has presented a number of positive opportunities and the economy has grown steadily. There are now two international airports and in December 2005, for the first time, the Kurdistan Region started to produce oil (Kurd Press: 2008). Further positive signs of development include the Kurdistan Region's eight State-financed universities, ten privately-financed universities together with 25 institutes of further education (Ministry of Higher Education and Scientist Research: 2009-2010).

Writing in the mid-1990s, the journalist Sheri Laizer lamented the fact that for most of the twentieth century, the Kurds had been the minority group 'whose issues forever fall off the bottom of the Western liberal agenda' (1996: 2). Writing in one of a number of more recent books which examine the aftermath of the overthrow or Saddam Hussein, Michael Gunter (2007: 1) illustrates the changes which have taken place in the status of the Kurds at the start of the twenty-first century:

> For the first time in their modern history, the Kurds in Iraq [...] are cautiously ascending. [T]he two U.S. Wars against Saddam Hussein have had the fortuitous side effect of helping to create a KRG. The KRG has become an island of democratic stability, peace, and burgeoning economic progress, as well as an autonomous part of a projected federal, democratic, post-Saddam-Hussein Iraq. If such an Iraq proves impossible to construct, as it well may, the KRG is positioned to become independent. Either way, the evolution of a solution to the Kurdish problem in Iraq is clear. At long last, it seems that the Kurds in Iraq will have the chance to thrive rather than merely struggle for survival.

CHAPTER 3: THE KURDISH MEDIA

3.1 Introduction

Since the overthrow of Saddam Hussein's Ba'athist regime in 2003, when the attention of the world was focused on Iraq, there have been innumerable changes in this country. After many years of government control, Iraq now benefits from the same freedom of the press which has been enjoyed by the people of the Kurdistan Region since 1991, when this area was granted a degree of independence. Events in Iraq will inevitably influence, to a greater or lesser extent, how the media in the Kurdistan Region function and how they develop in the future. Thus in order to understand the Kurdish media and explore their development, it is also necessary to understand the Iraqi media. Therefore the objective of this chapter is to provide some of the key contextual information about the various media forms both in Iraq and in the Kurdistan Region in order to facilitate an understanding of how the media have developed in these still relatively unknown areas, examining the challenges which the current situation presents for the media and the professionals employed in this sector and considering the possible changes which the future may bring.

As the chapter will show, throughout its history in this part of the world, the media has been closely linked to the Kurdish Liberation Movement which has made use of the print media and broadcasting to express and consolidate nationalist feelings amongst Kurds and to promote and defend the idea of a Kurdish homeland. More recently, as researchers such as (Abu-Bekr: 2002, 62-65) have shown, satellite technology and digital media have also played a key role in helping to construct and maintain a wider notion of community amongst Kurds. During often difficult times, the Kurds have been forced to adapt to the situation in which they carried out their

publishing and broadcasting. Sometimes, of necessity, publishing and broadcasting have been a clandestine activity, carried out in secret in mountain-based locations. For similar reasons, many Kurdish publications have enjoyed only a short lifespan, managing to print and circulate only a few issues before being stopped due to political conflict or economic difficulties, imposed by the regime and political system in Iraq or in the Kurdistan Region. This has made it difficult also to research the troubled history of the rise and spread of Kurdish media culture since the nineteenth century, with the Iranian Kurdish scholar Amir Hassanpour being the first academic author to publish in English on this area (1992; 1996).[11] Many of the more detailed studies in this area are still only available in Kurdish, including Emîn's (2002a and 2004) two-volume work on journalism in the Kurdistan Region, which covers the period 1918-1958.

This chapter mainly focuses on the Kurdish media in the Kurdistan Region (which is sometimes referred to by researchers as Iraqi Kurdistan) since this topic forms the major focus for this research. However, where relevant, general information is provided which relates to the Kurdish media in the other areas which form part of the territory inhabited by Kurds, these being North Kurdistan (which is currently part of Turkey), East Kurdistan (which is located in Iran) and West Kurdistan (situated in Syria). The Kurdish media can be said to date from the post-World War I period but it has an intermittent history throughout this period having had to face a significant number of challenges which will be outlined later. As is the case for most nations in the world, the history of the media in the Kurdistan Region effectively began with the birth of Kurdish newspapers and as the study of the

[11] In these works, Hassanpour also identifies further reasons for the dearth of information and research in this area, namely the erroneous perception that the culture and language of Kurdish society has been oral and unwritten, and that it is has generally been viewed as merely a 'local variety' of the dominant cultures and languages of the Middle East, namely Arabic, Persian and Turkish.

history of journalism in this part of the world shows, this process of media development in the Kurdistan Region has been greatly affected by different factors including the changing political climate, social issues and economic development.

3.2 Media in Iraq: past and present

What is written in Cairo, is printed in Beirut but read in Baghdad.[12]

The first Iraqi newspaper *Al-Zawra* (one of the names given to Baghdad in Arabic) was published in Baghdad on 15 June 1869.[13] Between 1908 and 1914, some 61 newspapers were published in Iraq in Arabic, French and Turkish. By the 1920s this number had grown to 105 different publications including dailies, weekly and literary reviews and when the country was given its independence in 1921 the Iraqi press also became independent. The most influential newspapers in that period were *Dijlah* (Tigris) which was established in 1921, *Alam al-Arabi* (The Arab World) and *Al-Misbah* (The Light), both established in 1924, and later *Al-Sahafa* (The Press) which followed in 1927 (Noor Al-Deen, 2005).

When Iraq became a monarchy in 1932, it was faced with economic, ethnic and religious problems, and ideological conflicts. Six different political parties made their appearance, each one using the media to disseminate their criticism of the Iraqi monarchy and the government via their own newspapers, including *Sawt al-Ahali* (Voice of the People) of the National Democratic Party, *Ittihad al-Sha'ab* (Union of the People) of the Iraqi Communist Party, *Al-Istiqlal* (Independence) of the

[12] This popular saying across the Middle East is quoted in the publication *The Iraqi media: 25 years of relentless repression* which was compiled and published by the campaigning group Reporters without Borders (2003: 4).

[13] *Al-Zawra* has also been used as the title for the Arabic weekly newspaper published by the Iraqi Journalists' Union and was also used by a short-lived Iraqi satellite television channel known for broadcasting video footage of insurgent attacks on US-led coalition forces in 2007.

Independence Party, and *Al-Afkar* (Ideas) of the Arab Socialist Ba'ath Party (Davis, 2003). As Noor Al-Deen (2005) has noted:

> The Monarchy kept closely monitoring the press in general and the political press in particular. Despite such scrutiny, several journalists challenged the system by criticizing the authorities [and] were penalised by short imprisonment or shutting down their newspapers.

However, 'No government (between 1921-1958) dared to strangle the press and impose total censorship' (Noor Al-Deen, 2005).

Whilst the newspapers were largely aimed at the literate élite[14] when Iraq's first radio station, which was owned and controlled by the Iraqi Government, began broadcasting in 1936, it was seen as the medium for the masses (Noor Al-Deen, 2005). Iraq was also the first Arab country to have a television system which was launched in 1955. This proved popular with the rich and initially focused on entertainment programmes imported from America and Britain (Davis, 2003).

Following the military coup in 1958 which transformed Iraq into a republic, some 15 different newspapers appeared, each being backed by one of the different political factions which then existed, including Communists, Kurds, Democrats, Ba'athists and Islamists. As coup followed coup, censorship increased and, post-1963, many newspapers were closed down and their licence to publish withdrawn. As a result, by 1968 only one newspaper, known as *Al-Thawra* (The Revolution), remained. This was to become the official newspaper of the ruling Ba'ath Party for

[14] The press was also used in the formation of literacy among the young population with the first periodical for children in Iraq, entitled *Al-Tlmiz Al-Iraqi* (The Iraqi Pupil), being published in 1922. This was followed by a number of other newspapers and magazines aimed at children and young people, including Madrasa (School) in 1926; Talab (Student) in 1932; Ftwa (Youth) in 1934 and Alam Al-Atfal (Children's World) in 1945 (Beĺaî, 2010).

twelve years until it was succeeded by *Al-Jumhuriya* (The Republican) (Noor Al-Deen, 2005). In the same period, radio and television became important providers of information, entertainment, and education, due to the still low literacy rates, and played an increasingly important role in disseminating political messages as well.

During Saddam Hussein's regime (1979-2003) the media in Iraq was fully controlled and journalists suffered all forms of brutal treatment. According to the organisation Reporters without Borders (RWB) (2008), over 500 journalists of them were executed during the period and hundreds more forced into exile. Severe censorship measures were enforced throughout Iraq and all Iraqi media sources and channels were subjected to close scrutiny, meaning that only those press articles and broadcasts which were supportive of the regime were published, acting as propaganda for Saddam Hussein and his government. In addition Saddam Hussein's son, Uday, was appointed as head of the editorial committee for most of the print media, television and radio outlets and became the leader of the Iraqi Journalists' Union in 1992. The introduction of new technologies was also carefully controlled. When the Internet was introduced in Iraq in 1999 its usage was monitored closely by the regime and information was censored via government-owned servers. The regime also banned the household use of satellite dishes.[15]

As Sinjari (2006) notes, due to the Ba'athists' repressive management of the media, many Iraqi journalists and media personnel fled the country whilst hundreds of others were arrested and liquidated. As a result: 'From its pioneering position in the Arab world in the 1970s the Iraqi media regressed to a very backward state by the end of the 1990s' (Sinjari, 2006: 478).

[15] Jaffer Sheyholislami's doctoral thesis (2008) contains a number of accounts concerning the ends which individuals would go to in order to obtain a satellite dish and the importance with which this piece of technology was viewed at the time.

In their 2005 report on media sustainability in Iraq, IREX commented on the very significant changes which had taken place in the country's mediascape since 2003:

> The tightly controlled media system functioning as a propaganda tool to extol the virtues of Saddam Hussein's rule of Iraq has been replaced by a crammed market of newspapers and broadcasters offering a myriad of perspectives. Satellite dishes, printing presses, and foreign news sources are legal for all, the Internet is widely accessed, and media outlets can be privately owned. It is possible for journalists to question officials, publish opposing viewpoints, and pursue topics once utterly off-limits. The Iraqi media industry currently employs some 50,000 people, 10,000 of whom are journalists and other content providers (IREX, 2006: 165).

In addition, at the time the report was composed, there were over 200 newspapers being published regularly in Iraq, and more than 15 satellite television channels and 30 radio stations (IREX, 2006: 167).

A new commission, the National Communications and Media Commission, was formed in March 2004 to oversee all electronic communicatin, to act as an advocate for the independence and freedom of the media and to regulate broadcasting. It was founded under the US-led Coalition Provisional Authority to secure 'free, independent, responsible and reliable media for the people of Iraq' (Reporters without Borders, 2008: 140-141). There is now also an independent Iraqi Press Agency which covers social, economic, cultural and political affairs. However despite the many positive developments in media's circumstances in Iraq after 2003, including the return of the freedom of expression and media independence, there are still a number of issues which remain to be resolved. Although the Iraqi people enjoy watching the once banned satellite television and freely accessing the Internet, they still have a deep distrust of the media due to the level of control and use of propaganda during the Ba'athist regime (Noor Al-Deen, 2005). There is also a real

lack of experienced free-thinking journalists to support these developments as so many trained professionals fled the country under Saddam Hussein's rule (Reporters without Borders, 2008: 165-166).

Most worryingly, both Iraqi and foreign journalists and media workers alike cannot easily operate in Iraq due to problems with safety as they still face threats of injury, violence, kidnapping and death. Sometimes reporters have been captured and executed by terrorists, faced death at the hands of the Iraqi authorities or have been killed by mistake in ambushes by Alliance troops. The Iraqi Government is still unable to protect reporters meaning that due to these challenging circumstances journalists continue to leave Iraq every day and are currently living in exile elsewhere (Reporters without Borders, 2008).

Iraq has also seen violence not only against the journalists themselves but also against anyone who works with them. A report compiled by the Committee to Protect Journalists (CPJ) in 2008 indicated that the number of media support workers who have been killed on duty in Iraq numbers 51 (50 men and one woman) and that most of them were security guards whilst others were employed as drivers, interpreters or kitchen staff (Committee to Protect Journalists, 2008). Statistics from the same organisation show that in the period 1992-2010 some 142 journalists have been killed in Iraq (Committee to Protect Journalists, 2010).

Post-2003 there was a boom in the Iraqi media, meaning that Iraq now has more than 100 radio stations and countless satellite and local television channels. Media cooperation and freedom of speech in Iraq is considerably better than in neighbouring countries such as Syria or Jordan but journalists are still under threat there, with Iraq considered to be the third most dangerous country in the world for

journalists. Although the statistics provided by RWB and the CPJ vary somewhat, successive reports by both organisations make it clear that even post-Saddam Hussein, Iraq remains a dangerous place for journalists and anyone who chooses to assist them with their work. A programme broadcasted on 21 January 2010 on the Kurdish News Network reported by the journalist Klaas Glenwinkel (the Chief Executive Officer of Media in Cooperation and Transition), included an interview on the KNN TV *Private Programme.* The programme showed that although the Iraqi Government is generally supportive of media freedom, the level of threat varies in different areas of the country and journalists in Najaf and Basra face threats from opposition parties and rebel groups. In addition, Glenwinkel's report argued that the Iraqi Government does not take its responsibilities seriously enough in relation to death threats against or killings of media workers.

3.3 Kurdish print media

A hundred epistles and odes are not worth a penny,

Newspapers and magazines have become valuable and respected[16]

As Sheyholislami (2008) has noted forms of media such as newspapers, radio and television have played crucial roles in the formation and reproduction of Kurdish national identity and nation-building throughout modern times. The emergence of journalism among the Kurds can be said to mark the beginning of their movement for national rights.

[16] Lines from the Kurdish poet Haci Qadirî Koyi (1890), an important figure in modern Kurdish nationalism, cited in Hassanpour (1996: 221).

For the duration of the Ottoman Empire, the Kurds were prevented from printing any Kurdish language publications within Kurdistan. For this reason, the first Kurdish newspaper, known simply as *Kurdistan*, was published outside Kurdistan itself by Meqdad Madhat Badrkhan, who was from north Kurdistan (Turkey Kurdistan). Its first edition appeared in Cairo (Egypt) on 22 April 1898 although later editions were printed firstly in Switzerland (Geneva) and then in the UK (London and then Folkestone) due to the opposition from the Ottoman Empire authorities in Istanbul which was against publications of this type. As a result of these publication difficulties, throughout its four-year lifespan (1898-1902) only 31 issues of this newspaper were published. The *Kurdistan* newspaper was bilingual, being printed in the Kurmanji dialect of Kurdish and Arabic script, and proved to be a significant form of communication among the Kurdish people (Siamak, 1998a). Like McDowall (2004: 90), ‘Omer (2001: 48-53) stresses the role that the publication played in stirring up nationalist feelings amongst the Kurdish people and also notes its key importance in promoting the use of Kurdish outside the purely poetic realm, showing that Kurdish could also be the language of progress and learning.

FIGURE 3.1 FRONT PAGE OF THE FIRST KURDISH NEWSPAPER (1898-1902)

KURDISTAN

كردستان

In 1908 *Kurdistan Tealî Cemîyetî*, a Kurdish organisation based in Turkish Kurdistan, published *Kurd Tehaûn Tereqî Ẍezetesy* (Kurd Co-operation) and on 6 June 1913 another Kurdish organisation *Komeleî Hêvî* (Hope Society) founded a magazine called *Rojî Kurd* (Kurd Sun) in Istanbul (Ëḧmed, 2003). In the same year, in Iranian Kurdistan, the Kurdish population published its first publication named *Kurdistan Megezîng* of the Xö (a city in Iran). The Iranian newspaper *Emroz Tehran* (Tehran Today) responded by publishing an article against the magazine which stated: 'We must silence Kurdish voices and destroy all Kurdish newspapers' (Ḧusên, 2002: 68-69).[17]

[17] For more information on this period see Ali, 2005: 132-150); Badi, 2005: 221-222; Celîl, 2007: 47-61; Tahir, 2005: 184-187.

FIGURE 3.2 FRONT PAGES FROM *ROJÎ KURD* LAUNCHED IN 1913

Although there were many publications available to the Arab Iraqis in the Kurdistan Region (Iraqi Kurdistan) before 1914, since approximately 70 newspapers were published in Arabic and Turkish, only literate Kurdish speakers were able to access these publications. The first publication to be printed in Kurdish was a literary magazine entitled *Bangî Kurd* (The Kurd Call) which was launched on 8 February in 1914 in the Iraqi capital, Baghdad. It had a wide-ranging content including articles on education, culture, agriculture and historical topics. Like *Kurdistan*, it also aimed to promote the development of literacy and nationalistic sentiments.[18] Although a Kurd by the name of Mahruf Jeawuk had previously published a newspaper known as *Al-Hquq* (Rights) in 1912, this had been printed in Arabic and Turkish rather than Kurdish (‘Omer, 2001: 69-71).

In the period 1914-1939 the Kurds in the Kurdistan Region published several newspapers and magazines, some of them under the influence of the British authorities in Iraq and Kurdistan, some of them under the influence of the Ottoman Empire but a number were directly inspired by the Kurdish Liberation Movement.

[18] Hassanpour (1996) suggests that when the first Kurdish newspaper *Kurdistan* was published in 1898, about 97% of Kurds were unable to read or write in any language, largely due to the fact that rural Kurds had no opportunity for schooling in any language.

Following World War I, Iraq came under British control and the British recognised the need for media publications in Kurdish, meaning that the first newspaper of this kind was printed on 1 January 1918 in Baghdad and was called *Têgeîştnî Rastî* (True Understanding). Covering mainly politics and current affairs, the newspaper was intended to familiarise the Kurds with the fortunes of the British troops, informing them about their successful campaigns against the Turkish. By playing to their feelings of nationalism, it was also intended to attempt to influence the Kurds to support future British interests in the region (‘Omer, 2001: 76-85).

Following the success of this initiative, a further newspaper entitled *Pêşkewtn* (Development) was published in the Kurdish area of Iraq. It was launched on 29 April 1920 following the appointment of British representative Major Eli Bannister Sloane in Suleîmanî in 1919. Rather like its predecessor, *Pêşkewtn* was intended to explain Britain’s viewpoint on contemporary political issues to the Kurds and to attempt to limit social unrest (Emîn, 2002a: 51-58).

When Şêx Meḧmud was appointed governor of the Kurdistan Region in 1922, some four newspapers were published: *Bangî Kurdistan, Rojî Kurdistan* (Kurdistan Sun), *Eumêdî Estqlal* (Independent Hope) and *Bangî Heq* (call of truth). The latter which was launched on 28 March 1923 was the first newspaper of the Kurdish people’s revolution and was printed in the Eşkewtî Casene (Jasana caves) located to the north of the city of Suleîmanî. All four newspapers were intended to support the Kurdish Liberation Movement which was led by Şêx Meḧmud and advocated independence for the Kurds. *Bangî Kurdistan* focused mainly on politics, science and literature and was published in Kurdish, Turkish and Persian. *Rojî Kurdistan* and

Bangî Heq also covered social issues, as did *Eumêdî Estqlal* which was published by Şêx Meḧmud's own administration in Suleîmanî (Ḧeîdery, 2004).[19]

FIGURE 3.3 VIEWS OF EŞKEWTÎ CASENE (THE CAVE OF JASANA)

FIGURE 3.4 FRONT COVER OF AN EDITION OF *BANGÎ KURDISTAN*

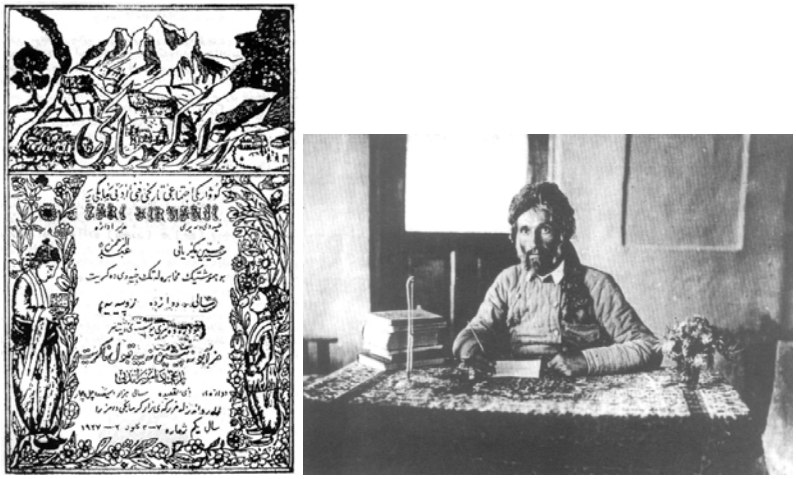
بانگ کردستان

The period 1924-39 proved to be a difficult time for Kurdish journalism, since many journalists came into conflict with the Iraq authorities and were arrested and their licences to publish were withdrawn. Over the years the Kurdish media have faced constant censorship but, undeterred, Kurdish journalists have looked for other ways to publish. Often this was achieved by a particular individual with the desire to

[19] For more information on the history of Kurdish journalism in this period, see Amin (2002a: 137-315); 'Abdul Wahid (2007: 90-117); 'Omer (2001: 86-98).

publish against all odds, one example being Ḧusên Ḧuznî Mukryanî who not only wrote all the articles in his Kurdish magazine *Zarî Krmancî* (Kurmanji Dialect) which first appeared in the town of Rawanduz on 25 May 1926 but also printed them on a press he had imported from Germany in 1915 using a special Kurdish typeface which he had designed (‘Omer, 2001: 117-118; Mela Ḧesen, 2004).[20]

FIGURE 3.5: FRONT PAGE OF AN EDITION *ZARÎ KRMANCÎ* AND ḦUSÊN ḦUZNÎ MUKRYANÎ



Other publications included the newspaper *Kirkuk* published on 12 October 1926 in Kurdish and Turkish. Until 1930 most of the publications in the Kurdish city of Kirkuk were published in Turkish due to the Ottoman presence but later the Arabs tried to ensure these was printed in Arabic. Other Kirkuk-based publications include the newspapers *Journal* (1909); *Hawadth* (Event) launched 24 February 1910; *Agency* (1911) and *Necme* (Star) 1918 initially published in Arabic and later Turkish. A magazine *Maharif* (Encyclopaedia) also appeared in 1913 (Ferec, 2005: 126-131).

[20] Mukriani’s achievements feature in the book *Road through Kurdistan: The Narrative of an Engineer in Iraq* (1937) written by Archibald Hamilton, a NewZealand-born civil engineer who was commissioned to build a road that would stretch from Northern Iraq, through the mountains and gorges of Kurdistan and onto the Iranian border.

On 18 August 1924, another Kurdish newspaper *Jîanewa* (Revival) was launched by the British in the city of Suleîmanî in the Kurdistan Region and lasted until 1926. As Emîn (2002a: 343) notes *Jîanewa* appeared at a turning point in the political history of Kurdistan as the British were attempting to forge a new Iraqi identity from the disparate groups which had been drawn together with the formation of the modern state of Iraq which included the Kurds.

Following its closure, *Jîanewa* was effectively replaced by *Jîen* (life) appeared on 21 January 1926, to be followed in turn by the newspaper *Zban* (Language) launched on 11 September 1937. On 25 February 1938 the periodical *Scientific* appeared, focusing on issues of scientific, literary, artistic, historical, and economic interest. Other Baghdad-based Kurdish-language publications included the newspaper *Dîarî Kurdistan* (Gift of Kurdistan) which made its first appearance on 11 March 1925 and the magazines *Peîje* (Ladder) (1927), *Yadgarî Lawan* (Remembrance of Youth) launched in 1933 and followed in 1934 by *Dîarî Lawan* (Gift of Youth). The city of Kirkuk had its own newspaper, *Kirkuk*, which appeared in 1930 whilst the magazine *Rûnakî* (Illumination) was published on 24 October 1935 in Hewlêr city. *Hawar* (Voice) magazine was published in Western Kurdistan (which forms part of Syria) on 15 May 1932 (Emîn 2002a: 322-333).

Most of the Kurdish publications throughout this time focused on fomenting national feelings and celebrating the achievements of famous Kurds including the publishing pioneer Ḧusên Ḧuznî Mukryanî, the poet Peramerd, etc. and there was significant support for Kurdish writing, although this tended to be of a more literary nature rather than professional journalism. All of the publications which appeared lasted for only a few issues and were then forced to close down due to the political

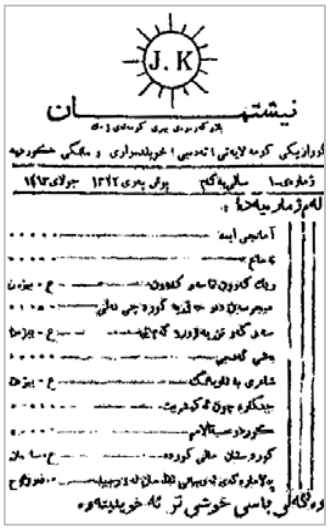
situation, economic pressures, and problems with printing machines or censorship from the Ottoman Empire or Iraqi authorities (‘Omer, 2001: 171-175).

At the outbreak of World War II the political situation became increasingly complex and in December 1939 the Kurds in the Kurdistan Region published the magazine *Gelawêj* (August) which lasted until August 1949. Throughout the 1940s in the Kurdistan Region the Kurdish publications which appeared consisted of three different types of journalism. Firstly, there were publications by private individuals which could be legally published at that time. The second kind of publication was foreign journalism, because in World War II both the British and Americans published materials in Kurdish language for their own political purposes in the Kurdistan Region. Thirdly, there was clandestinely published journalism which included all those publications by Kurdish political parties which were not legally allowed. Publication of clandestine journalism formed part of the activities of the growing Kurdish Liberation Movement in Kurdistan. Although the situation in northern (Turkish) and western (Syrian) Kurdistan meant there were no opportunities for clandestine publication in Kurdish, there were some limited opportunities to publish this material in Iranian Kurdistan.

Thus during the period 1938-1958 several clandestine publications were published in Kurdish, the first being *Nîştman* (Homeland) magazine which was launched on 1 July 1943 in Iranian Kurdistan (Tofiq, 2007). Reports were gathered in Mehabad, the publication was printed in Tabriz and finally returned to Mehabad for distribution. This underground magazine, focusing on social issues and literary concerns, was published by the Kurdish Revival Association, a clandestine Kurdish political party which advocated independence for Kurdistan by peaceful negotiations not armed struggle (Emîn, 2004). When *Nîştman* was first published in Mehabad

City, the Iranian consul sent a telegram to the Iraqi Government warning them about this publication. The telegram cautioned that 'The Mehabad Kurds are publishing a magazine entitled *Nîştman* which is being published in the Kurdish language and they will send it to the Kurdish Iraqis in secret'. Following this warning, the government of Iraq, Iran and Turkey began searching for the printer which was producing this publication (Ḧusên, 2002: 81).

FIGURE 3.6 THE FRONT COVER OF AN EDITION OF *NÎŞTMAN*



Article 4, Section 5 of the Iraqi Law of Association passed on 2 July 1922 forbade the establishment of any nationalist associations or political parties and was in force throughout the period of the Iraqi monarchy. As a result of pressure from the regime all of the clandestine publications which were published were limited in size, contained few pages, appeared irregularly and lasted for only a few issues. Nonetheless they were read by many people in secret and had a significant impact in conveying their political message relating to Kurdish nationalism (Salḧ 2004a).

Other clandestine publications which appeared during this period included a number published by the Kurdish branch of the Iraqi Communist Party. *Yekêtî*

Têkoşîn (The Union Struggle), published in 1944, was a magazine aimed at raising class consciousness in labourers and farmers. It also supported freedom and independence for Kurdistan on the basis that this would be beneficial for both Kurds and Arabs in Iraq. Another magazine, *Azadî* (Freedom), published in Kurdish in April 1945, focused on encouraging mutual understanding between Kurds and Arabs rather than separatism. Later in March 1954 the same organisation produced publications aimed at farmers, students, soldiers and army officers including *Yekêtî Felaẖ* (Farmers' Union) and *Gencan* (Youth). It also issued *Azadî Kurdistan* (Kurdistan Freedom) on 14 June 1957 (Emîn, 2004).

FIGURE 3.7 FRONT COVERS FROM *AZADÎ, YEKÊTÎ TÊKOŞÎN* AND *RZGARÎ*

The Communist Party was not the only source of political literature. The Kurdistan Democratic Party also published a number of clandestine publications during the period 1946-1956. The titles clearly indicated the Party's concern with nationalism and separatism and included *Rzgarî* (Liberation), *Nda Kurdistan* (Kurdistan Call) and *Xebatî Kurdistan* (Kurdistan Struggle). Like the Communists, they also produced publications which were aimed at specific groups, for example *Nrkeî Cutîar (*The Farmers' Voice*)*. Salẖ's (2004a) index of clandestine Kurdish publications which appeared in the 1940s and 1950s also includes the following:

MAGAZINES	NEWSPAPERS
Afretî Azad (Free Woman)	*Çîa* (Mountain)
Awat (Desire)	*Necme* (Star)
Bo Pêşewe (Progress)	*Rewez* (Consultation)
Dengî Felaẖ (Farmers' voice)	*Trusk* (Gleam)
Dengî Kurd (Kurdish Voice)	*Zerdewele* (Wasp)
Dengî Rastî (Voice of Truth)	PAMPHLETS
Goîje (name of a mountain)	*Al-Itihad* (Union)
Helmet (Campaign)	*Blêse* (Blaze)
Kanêskan (name of a district)	*Dengî Das* (Voice of the Sickle)
Mrov (Human)	*Dengî Mîlet* (People's Voice)
Pşko (Ember)	*Hîwa* (Hope)
Rzgarî Cedîde (New Freedom)	*Rêga* (The Way)
	Şorş (Revolution)
	Şu'le (Flame)
	Xebatman (Our struggle)
	Yekêtî Lawan (Youth Union)

FIGURE 3.8 FRONT COVERS FROM *NDA KURDISTAN*, *NRKEÎ CUTÎAR* AND *AZADÎ KURDISTAN*

FIGURE 3.9 FRONT COVERS FROM *XEBATMAN*, *BO PÊŞEWE* AND *GOVAR*

Some publications were designed to be specifically of local interest. Zengene (2007: 186-189) provides details about a newspaper called *Hewlêr* (Erbil city) which was first published on 16 December 1950 and lasted until 1953. This bilingual newspaper was published in Erbil and Mosul, with a Kurdish version for Erbil and an Arabic one for Mosul although the publication was distributed in other cities throughout the region.

In addition in 1945 the Kurds in Iranian Kurdistan published *Hawarî Kurd* (Kurd Voice) magazine and during the period of the Mehabad Republic (22 January-15 December 1946) they were able to publish significant numbers of magazines and newspapers. The newspaper *Kurdistan* was launched on 10 January 1946 by the Kurdistan Democratic Party, a short time prior to the declaration of the Kurdistan Republic of Mehabad. *Hawarî Nîştman* (Homeland Voice) was launched in Mehabad City on 21 March 1946 by the Democratic Youth Union, beginning as a magazine but evolving into a newspaper which covered literary, political and social issues of interest to young people. *Helale* (a flower which grows in the mountains of Kurdistan) magazine also appeared at the same time but was published in the city of Bokan (name Kurdish city which is located in Iranian Kurdistan). As its title suggests, *Grugalî Mndalan* (Children's Games) was the first publication aimed at Kurdish children and was launched on 21 April 1946 (Tofiq, 2007:29-35).[21]

The content for these publications was produced by Kurdish writers, poets and journalists from different areas of Kurdistan and the material included not only news and features but also various kinds of creative writing such as short stories and poetry (Ḧusên, 2002: 82-83)

Following the fall of the Iraqi monarchy on 14 July 1958, the Iraqi constitution approved the right of the Kurds to be recognised as a nation. The Kurdish community in Iraq then had new possibilities for exercising their rights and further opportunities with media and publication opened up for them because, for the first time, Kurdish groups and political parties in Iraq did not have to publish their

21 The next publication aimed specifically at children did not appear until 1972 when the magazine *Estêre* (Star) appeared as a supplement to *Rojî Kurdistan* in Suleîmanî (Beĺaî, 2010).

publications underground or clandestinely. Consequently, the Kurds made the most of this opportunity by launching many new publications. Salḧ (2004b) notes that over 32 publications were launched in the period 1958-1961. On 10 February 1959 *Rzgarî* (Liberation) newspaper was published openly in Baghdad for the first time since 1945 when it had originally been founded as an underground publication. *Xebat* (Struggle), another newspaper, was launched in the same year on 7 April. However, following increasing conflict between the Kurds and the Iraqi regime in 1960, some Kurdish publications faced a crisis including *Xebat* which was forced to cease publication when its printing press was seized by the Iraqi regime early in 1961. Some periodicals were published in Kirkuk including the magazine *Şefeq* (Twilight) launched on 15 January 1958 and published in Kurdish and Arabic, the newspapers *Azadî* (launched 1 May 1959), *Gaurbaxî* (29 June 1959), *Raî Gel* (6 September 1959) and the trilingual *Telîhe* (Avantguard) (1960) printed in Kurdish, Turkish and Arabic (Ferec, 2005: 126-131). After 1961 only three Kurdish publications remained: the magazines *Hîwa* (Hope) and *Runahî* (Illumination) and the newspaper *jîen* (Life).

The Kurds started an uprising in 1961 against the then President of the Government in Iraq, Abdul Karim Qasim, who proved unable to quell this revolt. A year later, in 1962, the Iraqi regime imposed an embargo on the Kurdistan Region which also impacted on the Kurdish media. However the Kurds responded by publishing many new publications although unsurprisingly given the difficulties each one lasted for just a short time.

Kurdish newspapers, magazines and other periodicals launched in the period 1958-1970[22]	
Afret (Woman)	*Kurdistan*
Afretî Azad (Free Woman)	*Mrov* (Human)
Awat (Desire)	*Necme* (Star)
Azadî (Freedom)	*Newroz* (Kurdish New Year, celebrated on 21 March)
Beyan (Statement)	
Blêse (Blaze)	*Pêşkewtn* (Development)
Bo Pêşewe (Progress)	*Pşko* (Ember)
Brwa (Belief)	*Raber* (Leader)
Çareserkrdnî Kştukal (Farmers' Work)	*Raperîn* (Uprising)
Çîa (Mountain)	*Rastî* (Truth)
Dengî Das (Voice of the Sickle)	*Rewez* (Consultation)
Dengî Felaẖ (Farmers' voice)	*Raî Gel* (Public Opinion)
Dengî Feqê (Teachers' Voice)	*Rêga* (The Way)
Dengî Kurd (Kurdish Voice)	*Rêga Nö* (The New Way)
Dengî Mîlet (People's Voice)	*Rojî Nö* (New Day)
Dengî Qutabîan (Student Voice)	*Runahî* (Illumination)
Deng u Bas (News)	*Rzgarî* (Independence)
Eraqî Nö (New Iraq)	*Rzgarî Cedîde* (New Independence)
Al-Itihad (Union)	*Şefeq* (Twilight)
Gaurbaxî	*Şorş* (Revolution)
Goîje (name of a mountain)	*Şu'le* (Flame)
Govar (Magazine)	*Suleîmanî*
Gzeng (Dawn)	*Telîẖe* (Avantguard)
Helmet (Campaign)	*Trusk* (Gleam)
Hîwa (Hope)	*Tutn* (Tobacco)
Hîway Kurdistan (Hope of Kurdistan)	*Xebatman* (Our struggle)
Huner (Art)	*Yekêtî Lawan* (Youth Union)
Kanêskan (name of a district)	*Zerdewele* (Wasp)
Karî Mîlî (People's Work)	

[22] Based on 'Aewnî (2000: 33-35); Se'îd, 2005: 49-55 and Salẖ (2004b)

FIGURE 3.10 FRONT COVER FROM ONE EDITION OF *XEBAT* NEWSPAPER

خەبات

When the Ba'athists first came to power on 8 February 1963, Abdul Salam Arif assumed the role of president of Iraq, and this regime continued to exert its authority under various different presidents until 2003. All legal Kurdish publication came to a halt and the press was once again forced to go underground (Salḧ 2004b). In addition some magazines and newspapers started to be published in European countries. This topic is explored in further depth later.

However in 1991 with the expulsion of the Iraqi regime from Kuwait by the Coalition forces, the Kurdish Liberation Movement and the Kurds of the Kurdistan Region rebelled against the Iraqi Government and have been independent since 1991. Prior to 1991, the media message of the Iraqi Government held sway but since 1991 when the Kurds rose against the authority of the Iraqi regime, they have had more opportunity for personal freedom, free speech, media planning, setting their own economic policy, etc.

In the period from 1963 until 1991 there were effectively two different kinds of Kurdish media. On the one hand, there was the media which served to relay the Iraqi Government's messages to Kurdish audiences and, on the other, there was the

media which were used by the Kurdish Liberation Movement themselves to address their fellow Kurds (Abu-Bekr, 2002: 43).

FIGURE 3.11 FRONT COVERS FROM THE MAGAZINES *AMANC* AND *DEFTERÎ KURDEWARÎ*

For most of the twentieth century the fortunes of Kurdish journalism can be linked to those of the Kurdish Liberation Movement and at times when there is a favourable environment for the latter, the former has flourished. Thus for example when the Kurds were in negotiation with the Iraqi regime during the period 1970-1974, some 22 different Kurdish language publications appeared, covering a wide range of interests and aimed at different readerships. The list of magazines, newspapers and pamphlets, according to Se'îd (2005: 23-24) and Zengene and Salḧ (2004) is as follows:

MAGAZINES	NEWSPAPERS
Amanc (Target)	*Bîrî Nö* (New Idea).
Beyan (Statement)	*Brayetî* (Brotherhood)
Brayetî (Brotherhood)	*Dengî Cutîar* (Farmer Voice)
Defterî Kurdewarî (Notes from Kurdish Life)	*Hawkarî* (Co-operation)
Gêtî Pûl (Stamp World)	*Rêgaî Yekêtî* (Union Way)
Hewlêr (Erbil)	*Regaî Kurdistan* (Kurdistan Way)
Gzng (Dawn)	*Jîn* (Life)
Hoşîarî Krêkaran (Labourers' Consciousness)	
Kolêcî Edebîat (Literary Academy)	
*Korî Zanîarî Kurd (*Kurd Information Forum)	PAMPHLETS
Perwerde u Zanst (Science and Education)	*Alaî Sur* (Red Flag)
Nuserî Nö (New Writer)	*Hêvî* (Month)
Nuserî Kurd (Kurdish Writer)	*Pêşkewtn* (Progress)
Mujde (Largesse)	*Roşenbîrî Nö* (New Culture)
Nobere (Eldest)	*Têkoşîn* (Struggle)
Rojî Kurdistan (Kurdistan Day)	*Xebatî Lawan* (Youth Struggle)
Ruange (Observer)	
Şorşî Kştukalî (Farmers' Review)	
Xebatî Qutabîan (Student Struggle)	
Zanîarî (Information)	

FIGURE 3.12 FRONT COVERS FROM THE MAGAZINES *KOLÊCÎ EDEBÎAT, GÊTÎ PÛL* AND *PERWERDE U ZANST*

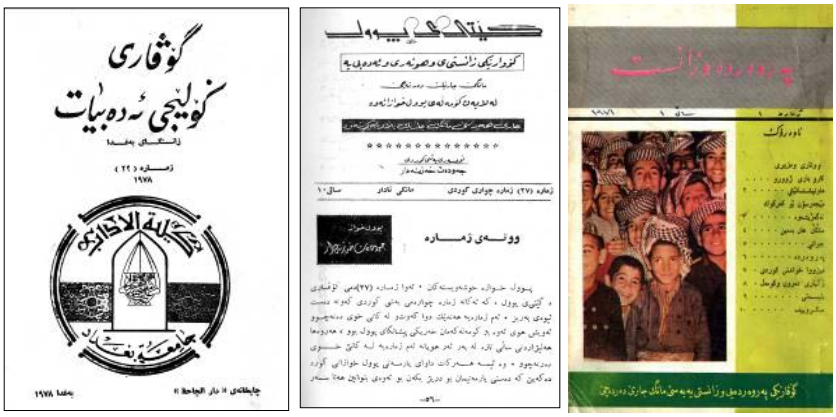


FIGURE 3.13 FRONT COVERS FROM THE MAGAZINES *HEWLÊR, GZNG* AND *NUSERÎ NÖ*

From the end of the 1970s and throughout the 1980s in the Kurdistan Region, the Iraqi regime controlled education, political matters, social issues, the economy and all media establishments except in those mountain areas where the Kurdish political parties operated and some Kurds lived. There were no opportunities within the Iraqi Government to allow for the exchange of points of view about independence for the Kurds. When Saddam Hussein was in power, all news items, press articles, broadcasting or any form of written expression which tried to put forward the perspective of the Kurds was banned by the Iraqi regime on the grounds that it was against the national security interests of Iraq. Many Kurds were accused under this pretext of having threatened national security and some of them were arrested and

held in the prisons of Saddam Hussein's regime whilst others were executed (Abu-Bekr, 2002).

In this context, the weekly newspaper *Hawkarî* (Co-operation) was launched on 9 November 1970 and enjoyed some popularity for four years. Since *Hawkarî* was published after 11 March 1970 when negotiations began between the Kurds and the Iraqi regime, it focused on promoting brotherhood between the Kurds and Arabs and commenting on the social, cultural and political context of the time. Originally, it simply received the backing of the Iraqi Government. However, from 1974 until 2003, it was effectively taken over by them and they replaced the correspondents from Kurdistan Region cities and used the newspaper as a source of propaganda for the regime (Se'îd, 2005: 95-98).

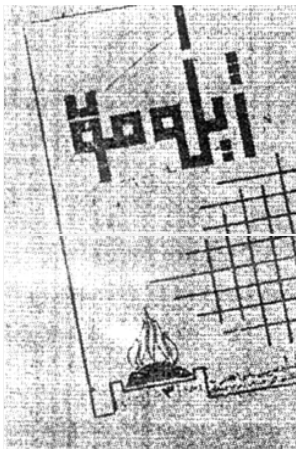
After 1975 and especially during the 1980s, in those Kurdish areas which were under the control of the Kurdish Liberation Movement, there was a relatively high-level of freedom although the standard of living was very basic since the possibilities for economic development were limited. The Kurds living in the liberated areas or in isolated Kurdish villages had greater opportunities to receive information from the Kurdish Liberation Movement whereas those people living in towns and cities had to seek this out clandestinely.

The Kurdish media also accompanied the *Pêşmerge* throughout their struggle in the mountains and various kinds of periodicals were published clandestinely in cities throughout the Kurdistan Region, with writers secretly sending news and information by post, hidden in sweet wrappers, to the Kurdish media in mountains. In the period 1975-1991, the Kurdish media clandestinely published some 96 pamphlets and magazines on behalf of various Kurdish political parties and

organisations, printing these both in mountain locations and in cities and towns. These periodicals included *Xebatî Mamosta* (Teachers' Struggle), *Bereî Kurdistanî* (Kurdistan Front), *Rêbazî Nö* (New Method), *Alaî Şorş* (Flag of the Revolution) and *Jîlemo* (Ember), a magazine which was published secretly in Hewlêr city. Pages from some of the publications were secretly posted on city walls (Tenîa 2004). A number of these publications were aimed at children including *Newroz* (Kurdish New Year), *Sruşt* (Nature), *Pêşmerge*, *Babe Gurgur*[23] and *Estêra* (Star), a supplement of *Gzeng* (Dawn) magazine (Şemam, 2009: 119-126).

FIGURE 3.14 FRONT COVERS FROM THE MAGAZINES *XEBATÎ MAMOSTA, ESTÊRE* AND *BEREÎ KURDISTANÎ*

FIGURE 3.15 FRONT COVER FROM THE MAGAZINE *JÎLEMO*



[23] Babe Gurgur is a large oil field near the city of Kirkuk which was the first to be discovered in Northern Iraq in 1927. Babe Gurgur literally means father of fire in Kurdish and the place has a significant symbolic value for residents of Kirkuk.

Comments from the Kurdish media usually acted as an incentive to encourage the Kurds in their struggle towards freedom for their homeland, both in those Kurdish areas which had been liberated and in those areas still controlled by the Iraqi Government. Given this important role, the Kurdish print media focused on evoking emotional responses in the Kurdish audience. The circumstances were generally difficult for all print media. Even posters which were hung on walls at night in the Kurdistan Region by members of Kurdish political parties were rapidly removed by the members of the Iraqi regime. All printed materials which referred to the Kurdish Liberation Movement, or contained statements about the Kurdish situation or expressed any opinion against the Iraqi Government were also confiscated. Given these difficulties, printing of booklets, pamphlets and posters was often carried out in the mountains in the Kurdistan Region, since these areas were under the control of the Kurdish political parties and far from the watchful eyes of the Iraqi regime. The Kurdish newspaper entitled *Bereî Kurdistanî* (Kurdistan Front) which was launched in 1988 was produced in this way and distributed in secret. The PUK also secretly published a pamphlet entitled *Şerare* (Spark) in the mountains in October 1988. Sometimes the newspapers they published resembled tabloids in size but they were more serious and published in low numbers. A few issues were distributed in liberated Kurdish areas whilst the others were circulated to the members of political parties in the Kurdish areas under the control of Saddam Hussein's regime (Abu-Bekr, 2002: 62-65).

After the failure of the revolution in 1974 some of the Iraqi Kurdish remained in Iranian Kurdistan, Iran and the mountainous regions of Iraqi Kurdistan and during the period 1975-1995, Kurdish political parties published more than 39 magazines, newspapers and pamphlets in Iran and Iranian Kurdistan (Eastern Kurdistan) some of

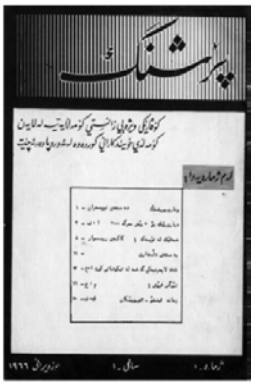
which were secretly distributed within the Kurdistan Region or Iraq. These publications mainly focused on political and nationalistic feeling although some of them were supported by Islamic Kurdish political parties and thus tended to focus on Islamic topics more than nationalistic feelings. Examples of these magazines include *Azmer*, (chain of hills surrounding Sulamani) *Exbar Eraq* (Iraq News), *Exbar Kurdistan* (Kurdistan News), *Qerahe* (Combat), *Al-nahtha Al-islamea* (Islamic Revival), *Asoî Eslam* (Islamic Future), *Alaî Azadî* (Freedom Flag), *Aware* (Refuge), *Bang* (Call), *Bendekanî Xwa* (Slaves of God), *Pîrozyekanî Eslam* (Sacred of Islam), *Pêşkewn* (towards), *Jn* (Woman), *Jîen* (Life), *Xebat* (Struggle), *Raperînî Eslamî* (Islamic Uprising), *Cîhadî Kurd* (Kurdish Jihad), *Dengî Bewer* (Voice of Belief), *Raperînî Xöndkaran* (Student Uprising), *Serbexoîî* (Independent), *Spêde* (Morning), *Sefîn* (name of mountain surrounding Şeqlawe town), *Qendîl* (name of mountain in Kurdistan), *Surên* (name of mountain), *Rûnakî* (Illumination), *Soşîalîst*, *Şehade* (certificate), *Krmanc* (one of the Kurdish tribe), *Gzeng* (Dawn), *Nuserî Kurdistan* (Kurdistan Writer), *Komele* (Community), *Legel Mucahîdan* (With the Mujahidin) etc (Şerîfy , 2007: 156-168).

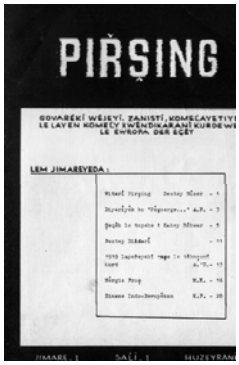
Student journalism also flourished during this time with magazines such as: *Hîway Lawan* (Hope of Youth) and *Dengî Qutabîan* (Student Voice) joining forces in 1986 to became a new magazine called *Hîway Qutabîan u Lawan* (Hope of Student and Youth) clandestinely published in the mountains for three years during the period 1986-1989. This magazine covered student- and youth-centred subjects including study, sport, etc but was also aimed at stirring up political and nationalistic feeling (Eḧmed, 2007: 108-120).

FIGURE 3.16 FRONT COVER FROM THE MAGAZINE *HÎWAY QUTABÎAN U LAWAN*

In the period from 1975 to 1991 a number of Kurdish magazines and newspapers were published outside Kurdistan including the magazine *Piřşing* which originally appeared in June 1966 in Austria (*Rojnamenus* 2005: 19-46) and was relaunched by the Association of Kurdistan Students there again in 1985. Another magazine, *Çuarçra* (four fire or name of one place which is located of the Mehabad city in the eastern Kurdistan (Iranian Kurdistan), was also published in 1986 in Sweden (Eḧmed, 2006a).

FIGURE 3.17 FRONT COVERS FROM TWO EDITIONS OF *PIŘŞING* MAGAZINE





Many Kurds living in Turkey, Iraq, Iran, and Syria left their homeland and emigrated to other countries including Russia and parts of the former Soviet Union as a result of political conflicts between the former Soviet Union and Turkey and also as result of Turkish aggression towards the Kurdish in the Turkish Kurdistan (North Kurdistan)

particularly during the First World War. As a result the Kurdish community in Russia has published many different types of periodicals since 1923. These include newspapers such as *Kurdistanî Sovîet* (Soviet Kurdistan), *R'ya Taze* (New Way), *Kurdistan*, *Dengî Kurd* (Kurdish Voice) and *Kurd*, *Botan* (name Kurdish city which is located in north Kurdistan-Kurdistan Turkish), magazines such as *Raportî Kurdistan* (Kurdistan Report) and *Dengî Jnan* (Women Voice) and newssheets including *Deng u Bas* (News), *Armanc*, etc (Newrozî, 2006: 19-27).

As this overview of its historical development pre-1991 until shows, the Kurdish press has faced major difficulties from the very beginning. Hassanpour (1996: 276) summarises the state of the Kurdish press up to the end of the 1980s in the following terms:

> The Kurdish press is characterised by the absence of enduring dailies, low circulation, poor distribution facilities, dependence on subscription and single copy sales, lack of or insignificant advertising revenue, poor printing facilities, shortage of newsprint, and limited professionalisation and specialisation. These features are characteristic of the press in developing societies, although their persistence and hindering impact on the Kurdish press has been reinforced by the division of the Kurdish speech community and political restrictions on the use of language.

3.4 Radio broadcasting

The first Kurdish radio broadcasts began in the period 1923-1929 from the Kurdish autonomous region based in the former Soviet Union in Transcaucasia (Hassanpour, 1996: 73). The first Kurdish radio had little influence on the Kurds in the eastern and southern parts of Kurdistan because there were no transmissions in those areas as originally the governments of Iran, Turkey and Syria prevented the broadcasting of Kurdish radio. Later in 1946 a Kurdish radio station called Tabriz (name city which is located in Iran), Radio originating in the Azerbaijan Republic began to broadcast

to eastern (Iranian) Kurdistan. When the Kurds themselves declared the Republic of Mehabad within eastern (Iranian) Kurdistan in 1946 under the leadership of Qazi Muhammad, a radio station was established but it was closed down after the collapse of the Mehabad Government and lasted only nine months. In 1951 the Iran Government was put under pressure to counteract the propaganda in Kurdish which was coming from the then Soviet Union and thus decided to establish its own radio station in Sanandaj, a city in Iran. The Kurds living in northern (Turkish) Kurdistan were only able to receive radio broadcasts from Yerevan in the neighbouring country of Armenia because for many years the Turkish Government prevented the use of the Kurdish language (Ḧusên, 2002; Siamak, 1998a).

However, for those Kurdish living in Iraq, a radio station known as Baghdad Radio was launched in Baghdad on 19 November 1939 meaning that the Kurds were able to listen to some programmes in Kurdish. The transmission included music programmes broadcasting Kurdish songs via this radio station. The British Forces later established a Middle East radio station with a Kurdish section called Kurdistan Radio in 1942. This was based in the city of Jaffa in Palestine, where it lasted until 1944. Two years later, in 1946, Kurdistan Radio was established in Mehabad City, later becoming Radio Cairo as it switched its Kurdish transmission to Egypt in 1957 (Emîn, 2002b: 3-13).

In 1961 during the so called Eylul (August) Revolution, the Central Committee of the KDP decided to establish a Kurdish radio station as an independent station in order to provide another voice for the Kurds. The station known as *Ashti* (Peace) Voice of Kurdistan Radio started broadcasting on 20 August 1963 from one of the caves in the Grdarash hills in the Kurdistan Region (Salḧ, 2007: 96-97).

The Kurdish Liberation Movement had two radio stations: Dengî Gelî Kurdistan (Voice of the Kurdistan People) was run by the PUK whilst Radioy Kurdistanî Eraq (Iraqi Kurdistan Radio) was run by the KDP. Dengî Gelî Kurdistan was originally known as the Voice of the PUK (Dengî Yekêtî Nîştmanî Kurdistan) and started transmission on 21 March 1979 during the new revolution for the Kurds. The Iraqi Government had Kurdish radio stations under constant surveillance and so that nobody was able to listen to those radio channels freely in those Kurdish areas which were under the control of the Iraqi Government, they jammed the Kurdish radio transmissions electronically to ensure there was constant interference and prevent these signals from being received or heard clearly (Abu-Bekr, 2002: 44-45).

3. 5 Television broadcasting

The Iraqi Government made its own official broadcasts to Kurdish audiences but the Kurds were not able to receive any transmissions from external media channels without these having been previously censored. In the 1980s television programming in Kurdish came from Kirkuk television station and later, during 1989-1990, some Kurdish programmes were broadcast by Mosul television station. Prior to 1991 all television channels including the Kurdish television channel in Kirkuk were controlled by the Iraqi regime. This Kurdish channel was also exploited by the Iraqi Government mainly to broadcast propaganda which was used in their support. Before 1991, the Kurds had some Kurdish programmes broadcast from their various host countries but all of these channels were controlled by the governments of the relevant country (Abu-Bekr, 2002: 63-65).

Until 1991 the Iraqi Government prevented the broadcast in Iraq of any Kurdistan-based television stations and this was part of Saddam Hussein’s regime

general policies at that time which did not allow Kurdish citizens freedom of expression (either spoken or written), press freedom, personal liberty, free elections or free trade and prohibited any involvement in political matters. All Kurdish political parties were banned in the Kurdistan Region and in many spheres of life, particularly within the media, those who opposed the strategies of Saddam Hussein's regime were simply suppressed.

3.6 The Kurdish media in the wake of the 1991 uprising

Since 1991, the Kurdish media have experienced a very complex situation for a number of reasons. Firstly because there were many different media channels and there has been uneven development of these. Secondly, there have been continual changes within the political system within the Kurdistan Region, due to numerous battles and conflicts. Thirdly, the Kurdish media has been controlled by different Kurdish political parties and there has been a constantly changing relationship between the KRG and the Iraqi Government. Finally, in general terms, everything in the Kurdistan Region has undergone changes in the change from dictatorship to democracy since 1991: political systems, economic affairs, international relationships and social structures.

In March 1991 when the Kurdish *Pêşmerge* rose up against the former Iraqi regime, there was only one radio station, Dengî Gelî Kurdistan, providing coverage of war news, and it helped inspire the Kurds in the Kurdistan Region to fight for freedom for their country. All Kurdish audiences listened to this radio station and it helped to shape public opinion amongst the Kurds, making this the first time in Kurdish media history that the Kurdish media was able to shape public opinion to this extent. Over the course of 1991, the Kurdish media has progressed within the

Kurdistan Region: more than 71 print media publications appeared, taking the form of booklets, pamphlets and tabloid newspapers. Kurdish radio stations were transferred from mountain area locations to the cities and towns. However few new Kurdish media channels appeared in 1991 because of the speed of change of events gave little opportunity for contacting the Kurds in the Kurdistan Region. Thus the Kurdish authorities originally contacted their supporters in 1991 by using different traditional channels of communication including meetings, conferences, seminars, demonstrations, posters, booklets and tabloid newspapers (Abu-Bekr, 2002: 66-70).

However, when the Iraqi regime finally withdrew from the Kurdistan Region on 26 October 1991 and the region gained autonomy from Baghdad this marked the start of a new era for Kurdish media because the decision was taken to establish new media and from 1992 onwards there has been rapid development of new Kurdish media. Maggy Zanger (2004), the director of the Iraq programme of the Institute for War and Peace Reporting, described the period as a 'media free-for-all' with a plethora of new publications bursting onto the scene. The first Kurdish television station, called Gelî Kurdistan (Kurdistan People) started broadcasting from Suleîmanî on 11 September 1991 (Eḧmed, 2006b; Abu-Bekr, 2002). The first Kurdish daily newspaper, *Kurdistanî Nö* (New Kurdistan) was launched in the Kurdistan Region in Hewlêr City on 1 December 1992 and is still available today but the content is controlled by one of the Kurdish political parties, PUK.

The Kurdish media had many opportunities to develop and improve but also faced a number of problems and difficulties in the early nineties. All of the Kurdish media outlets are controlled by Kurdish political parties. There are no channels which are independent, self-determining or self-regulating outside the authority of

political parties. Also dozens of print media were published without any serious thought given to the quality of production and sometimes Kurdish media channels were misused to broadcast propaganda to Kurd audiences (Zanger, 2004). During the period 1991 to 1994 many things were gradually organised and the Kurdish media became more oriented towards objectivity than was previously the case. The Kurdistan Region held elections for the Kurdistan parliament and the KRG in 1992.

In addition, many Kurdish television channels came into existence. These included PUK Hewlêr (Erbil), PUK Duhok, PUK Suleîmanî, PUK Koye (a Kurdish town), PUK Kirkuk, Kurdistan Hewlêr (Erbil) television, Kurdistan Suleîmanî television, Kurdistan Duhok television and Azadî (Freedom) television.

A daily newspaper known as *Herêm* (Region) was launched on 26 November 1992 following the establishment of the Kurdistan News Agency. During those years, information and news was exported to and imported from foreign media channels and Kurdish correspondents were sent abroad to other countries from where they provided news and reports. In addition, international media, including satellite television, newspapers and radio broadcasting, also made an appearance in the Kurdistan Region.

After the KRG had opened media departments for their ministries, for the first time, in 1993 the Kurdistan Parliament decided to introduce a Publication Law in order to attempt to bring some legislative order to Kurdish publication (Abu-Bekr, 2002: 73-75; Bêxalî, 2006: 91-94). Also there was more literature written in the Kurdish language than journalism because during this period most Kurdish writers continued to produce literature including novels, short stories and other works in the

mountains and within the Kurdistan Region clandestinely or they wrote indirectly about Kurdish themes (Ḧusên, 2008: 311-318)

When civil war broke out between the two main Kurdish political parties, the KDP and the PUK, on 1 May 1994, the Kurdish media entered another stage and much of the progress which had been made was destroyed. The Kurdish media were effectively divided into two main groups, either pro-KDP or pro-PUK meaning that the media no longer worked to shape public opinion positively, as had previously been the case.

During this civil war most of the Kurdish channels started to support one of the Kurdish political parties and thus they became sources of propaganda rather than objective media information. Censorship of the content of newspapers and broadcasting by the Kurdish political parties reappeared and neither of the main political parties allowed correspondents from media outlets to work with them. Moreover, as a result of the fighting, a number of radio and television stations were destroyed during the course of the civil war. Kurdish media channels did not broadcast for the duration of the Kurdish civil war and the numbers of newspapers, magazines, books and other printed materials decreased in comparison with previous publication figures. Thus, the Kurdish media lost its previous dominant influence on Kurdish audiences (Abu-Bekr, 2002: 75-77).

As a result, during the civil war years Kurdish audiences tended to make use of international television (satellite channels) rather than Kurdish media channels because they had little faith in the reporting by the Kurdish media channels due to the nature of the conflict. During the civil war, the Iraqi regime once again supported the KDP and with its cooperation entered into the Kurdistan Region on 31 August 1997.

At the same time the PUK and several other Kurdish political parties left the cities and towns in the Kurdistan Region.

A new phase in Kurdish media began when one of the Kurdish political parties known as the Kurdistan Workers Party (PKK) leased a television channel in Britain and then commenced broadcasting in three of the main Kurdish dialects to south and central Asia, North Africa and Europe in 1995 from studios in Belgium, Britain and Sweden. Thus MED-TV was established on 15 May 1995. It was intended to inform the public about developments in Kurdistan, both at home and abroad and its other aims are to revive the culture and identity of the Kurdish nation. As Sheyholislami (2008: 214) notes of MED-TV:

> It established relations with Kurdish viewers not as members of an audience but rather as citizens of a Kurdish state [...]. Every day, viewers experienced the citizenship of a state with its national flag, national anthem, national television and national news agency. Indeed, everyday MED-TV raised the Kurdish flag in about two million homes.

Kurdistan satellite channel was broadcast for the first time in the Kurdistan Region, on 15 December 1998 in Hewlêr by the KDP and two years later, on 1 January 2000, Kurdsat was established in Suleîmanî city by the PUK (Eḧmed, 2006b: 83-89).

The station was also widely watched in Iran, Iraq and Syria but its license was revoked in April 1999 on the charges of breaching regulations on impartiality. However within a few months, on 31 July 1999, another station, Mîdîa TV, started broadcasting from Europe with its main studios in a small town near Brussels. The PKK obtained another international Kurdish television station, known as Mesopotamia and based in Amsterdam (Siamak, 1998a) and a further satellite channel, Roj (Sun), was also established in Paris following the closure of Mîdîa TV (Eḧmed, 2006b: 83-89).

As Zanger (2004) observes, in the late 'nineties the PUK and the KDP began to dominate the broadcast and print media, dividing Kurdish media channels into two main factions, with each of these Kurdish political parties attempting to develop the Kurdish media in their own area. Thus for example the Kurdish daily *Kurdistanî Nö* (New Kurdistan) received support from the PUK whilst *Brayetî* (Brotherhood) was financed by the KDP. Moreover these two parties were able to subsidise smaller political parties and consequently effectively control their media operations, as well. Since there were limited possibilities for developments within the Kurdish media during this period the KDP decided to follow the example of the PKK and establish international broadcasting via satellite with its station, Kurdistan TV, going live on 19 January 1999. The PUK also established international broadcasting via its own station, Kurdsat, on 1 January 2000. Both Kurdistan TV and Kurdsat later changed analogue to digital systems.

In recent years, several Kurdish media outlets have become well established international satellite and radio stations. Kurdish television stations which have appeared include Zagros (the name of one of the mountain chains bordering Kurdistan), Komel (Society), Yegrtû-Hewlêr (Union-Erbil), Yegrtû- Suleîmanî (Union- Suleîmanî), Yegrtû-Duhok (Union-Duhok), Gulan (the name of one of the months in the Kurdish calendar, roughly equivalent to April) and Xak (Earth) TV established on 1 March 1997 (Eḧmed, 2006b: 83-89).

Regarding media for children, as an example we can take Bahdinan, one Kurdish area. In 1992 there was just one publication aimed at children, a supplement distributed with the newspaper *Botan* (name of Kurdish city) which was entitled *Xalxalok* (name of bird), between 1992-1998 there was no children's press. After 1998 several children magazines appeared including *Sfore* (Squirrel), *Tîroj* (sun

shine), *Azadî* (Freedom), *Stêr* (name of the Kurdish tribe), *Çîa* (Mountain), *Kew* (Partridge) and *Roj* (Sun). Currently in Behdînan (Duhok) and the areas around this city there are no less than nine magazines aimed at children including *Zeng u Beng* (Ring), *Kepr* (Treehouse), *Zrîmok* (name one of the Kurdish chick), *Pelatîng* (Butterfly), *Tluve*, *Şalul* and *Vîn* (Live) (Beĺaî, 2010).

In spite of these often challenging problems, the Kurdish media has undergone great development, for example between 1991 and 1997 more than 529 newspapers and magazines were launched in the Kurdistan Region. In addition, there were positive developments in relation to enhancing the professional status of Kurdish journalists and their career possibilities, when the Kurdistan Journalists Syndicate was established at a meeting held on 27-29 December 1999 (‘Aewnî, 2000: 35). During 2001 two Kurdistan Journalists Syndicates appeared, each one being affiliated to a separate Kurdish political parties (Locussol, 2002) but these were amalgamated again in 2005.

FIGURE 3.18 THE FRONT COVER OF *BRAYETÎ WERZŞ* (BROTHERHOOD OF SPORT) 12 OCTOBER 1999

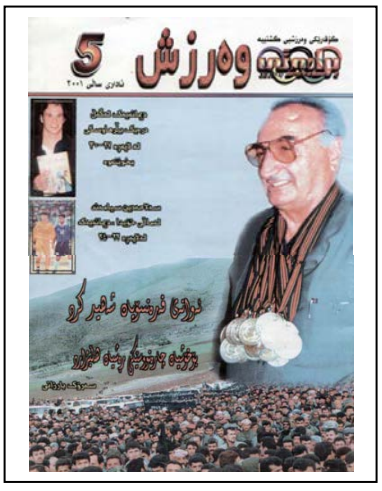
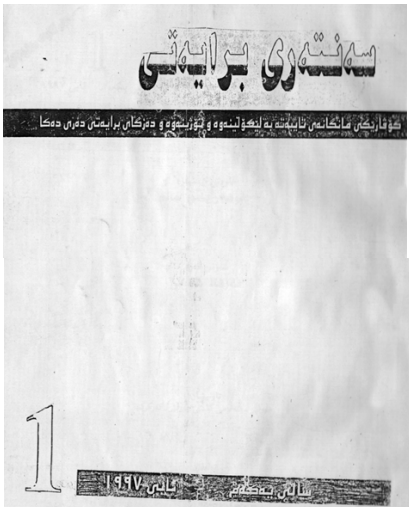


FIGURE 3.19 THE FRONT COVER OF *SENTERÎ BRAYETÎ* (BROTHERHOOD CENTRE) FOR AUGUST 1997



Until 1999 there were no academic courses to train journalists and no departments of journalism in the higher education system. Thus there was no concept of professional journalism in the Kurdish media at that stage. But the Kurdistan Region began to establish academic departments which offered the study of journalism, the first being opened in the Technical Institute of Suleîmanî in 1999, followed by two others in 2000, based in the University of Suleîmanî and the University of Hewlêr respectively. A Department of Media Studies was also established in the Technical Institute of Hewlêr in the same year (Ḧusên, 2008).

Moreover Kirkuk City was not liberated until 9 April 2003 as a result of Operation Iraqi Freedom. Prior to this, the Kurdish writers and journalists avoided Kirkuk due to pressure from the former Iraqi regime, having to publish newspapers and magazines outside Kirkuk from 1963 when the Ba'athists gained power. From 1991 until 9 April 2003 a few Kurdish writers and journalists created some publications for Kirkuk people and these were distributed in Kirkuk secretly. These included magazines such as *Megezîn* published in Kelar, *Aran* published in Çemçemal, *Ḧemrîn* (a Kurdish Mountain) published in Derbendîxan town, *Babe*

Gurgur, *Proje* (Project), *Hawarî Kirkuk* (Kirkuk Call), *Enfal* (Genocide), *Rûnakî* (Illumination), *Sorax* (Trace) and *Çarenus* (Destiny) together with the newspapers *Blêse* (Flame), *Hewal* (News) and others (Ferec, 2005: 126-131).

Following these developments, the concept of press freedom and freedom of expression in journalism grew ever stronger and some Kurdish media wanted to distance themselves from any of the Kurdish political parties. As a result, the first independent Kurdish newspaper, entitled *Haûlatî* (Citizen) was launched. This weekly publication is based in Suleîmanî and has been run by a small group since 5 November 2000. It has proved very popular and is distributed throughout the Kurdistan Region, currently boasting a circulation of 15,000, the largest in Kurdistan and as Zanger (2004) observes: 'Its editorial board has gone to great lengths to maintain both editorial and financial autonomy'.

3.7 The Kurdish media from 2003 onwards

After Operation Iraqi Freedom led by the Coalition forces, the Kurdish media entered another new era because as Zanger (2004) notes: 'With sanctions lifted, Saddam Hussein removed from power, and Kurdistan the most secure place in Iraq, Kurdish media have unprecedented potential to thrive'. This period has seen incredible political changes, the internationalisation of the media, the arrival of new technology, the increase in local media channels and academic journalists, growing interest from media companies, the growth of non-governmental organisations, the introduction of the Press Law, and positive economic developments. On the negative side, the Kurdish media continues to experience a number of shortcomings in relation to the misuse of the media, violence against journalists and the difficult circumstances in

which local journalists must operate, conflict among media channels meaning they are unable to shape public opinion, and the problematic nature of the relationship between the government and the media. In addition there are the challenges and opportunities represented by the need to develop the Kurdish media and ensure it is adequately regulated. These challenges and opportunities are discussed further in this section.

After 2003 many new Kurdish media channels were established in the Kurdistan Region. According to the most recent statistics provided by the Ministry of Culture of the Kurdistan Regional Government, today there are hundreds of newspapers, magazines, radio stations and television channels in the Kurdistan Region. Post-2003, satellite channels have been introduced including *Zagros* established in Hewlêr (Erbil) on 16 June 2005 by the KDP. This was followed by Al-Hurea (Freedom), a local television station in Baghdad which became a satellite channel on 5 December 2005 thanks to the PUK. Others include:

Spêde (Morning)	Kurdistan Islamic Union
Gelî Kurdistan (Kurdistan People)	PUK
Peîam (Message)	Kurdistan Islamic Association
Newroz (Kurdish New Year)	Kurdistan Regional Government
Korek (name of mountain)	KDP
Kenal 4	KDP

In eastern Kurdistan (Iran Kurdistan) Kurdish political parties have also founded stations: Rojhelat (East) started 1 January 2006. Others are Komele (Association), Tîşk (Shine) and Ishtar (Arabic name) (Eẖmed, 2006b: 83-89). One of the few

commercial satellite channels is Nîga (Glance) which draws its funding from advertising.

In addition, after 2003 the prices of the Kurdish newspapers, magazines, and print material generally decreased and as a result print media have become more widely available. Moreover there are still no licences for the Kurdish broadcast media which operate without any charges meaning that Kurdish audiences watch television and listen to the radio for free.

In the last two years a new political movement has appeared known as Goran (Change) which is in opposition to the Kurdish authorities. This movement has established KNN, together with radio stations such as Newa (Comfort), Madaniat (Civilization) and Goran Radio together with the newspapers *Rojname* (Newspaper), *Çawdêr* (Observe), *Awêne* (Mirror) and *Aso* (Future). Print media and programmes are available not only in Kurdish but also Arabic, Turkish and English. However there are still numerous gaps in the Kurdish mass media market.

As a result of Operation Iraqi Freedom, Kurdish journalism has been undergoing major changes in all the Kurdistan Region cities including Kirkuk where three media establishments have started to publish newspapers and magazines. The first company is Hewal which publishes the newspapers *Hewal (*News) in Kurdish, *Nabaa* (news) in Arabic and *Nrgal* in Syriac. The second establishment is *Şefeq* (Twilight) which publishes the newspaper *Basere*, the magazine *Şefeq Nö* (New Twilight) and a children's publication *Mnalani Babe Gurgur* (Baba Gurgur Children). Thirdly there is the Association of Education and Society in Kirkuk which publishes a Kurdish-language newspaper *Kirkuki Amro* (Kirkuk Today) and two magazines: *Musteqbel* (Future) printed in Arabic and *Bane Roj* (Under the Sun) in

Kurdish. In addition the Kurdish Writers' Union publishes a magazine entitled *Gzeng* (Dawn) (Ferec, 2005: 126-131).

When interviewed towards the end of 2009 about the current state of the media in the Kurdistan Region, Hewar Reuf[24], who is head of the Information Services of the General Directorate of Media, gave the following figures:

> There are 281 daily, weekly, fortnightly, monthly, quarterly and yearly newspapers. There are also 506 weekly, monthly and quarterly magazines. Currently there are 4 news agencies which have got formal permission. In addition there are 37 television channels and 45 radio stations in the Kurdistan Region. There are also 16 satellite channels (Appendix 3).

However she acknowledges that the Ministry of Culture cannot be completely sure about these statistics for Kurdish media because of the evolving nature of the situation. When asked how many of these media outlets were still in existence, she explained:

> Some of them have failed; a few of them published and broadcast for a while and then stopped and the rest are still in existence, especially radio and television channels. Occasionally some of the media channels change their names especially independent media channels because when these media channels are sold to other owners they change their names. All the satellite channels are still working. We cannot guarantee that all these magazines and newspapers are still publishing currently in the Kurdistan Region (Appendix 3).

It is true then that numerous media channels did come into existence in the Kurdistan Region after 2003. However most of the media channels are of poor quality even if they have improved since 2003. None of the local Kurdish broadcasters are able to offer 24-hour coverage for their audiences and still have fairly limited transmission

[24] For more biographical details of Hewar Reuf, see Appendix 5.

capacities although some of the satellite channels are now able to offer this service to their audiences.

As was the case elsewhere, the introduction of digital technology led to the emergence of new media forms in the Kurdistan Region, most importantly satellite channels and the internet. As previously mentioned, satellite channels were banned by the Iraqi regime until 1991 and it was not until 1996 that this technology became affordable for the majority of people. The Kurdistan satellite channel was broadcast for the first time in the Kurdistan Region in 1998 by the KDP with the PUK launching Kurdsat some two years later (Şasuarî, 2007: 28-29).

The first Kurdish newspaper to publish a digital version online was *Kurdistanî Nö* which was launched in 2000 and since then the importance of the Internet and electronic media in the Kurdistan Region has continued to grow with most publications now possessing their own website. In addition many journalists publish their blogs online. For many Kurdish people the internet now serves as an indispensable source of information. (Meḧmud, 2008: 74-75).

Like other media forms the new media face difficulties caused by lack of regulation or legislation, with most of them being under the control of political parties. On the positive side, the internet can provide a useful outlet for those serious Kurdish journalists and bloggers who wish to write about corruption, or other political issues under the protection of an assumed identity. On the negative side, the new media also provide the opportunity for anonymous individuals to write articles and blogs which contain inaccurate information or spread rumours and gossip about others' private lives.

3.8 Ongoing media-related problems and potential solutions

Although there have been very significant improvements in most aspects of the media in the Kurdistan Region, some significant issues still need to be tackled and appropriate solutions sought. As the 2005 Media Sustainability Index Report (2006: 164) noted the media of the Kurdistan Region, like those of Iraq, have 'only begun to develop the free-speech protections, journalistic professionalism, media management skills, and supporting institutions necessary for a robust media sector that meets the information needs of citizens and contributes to government accountability'. This section examines these problems in more depth.

Also Kurdistan doesn't have any independent news agencies; news agencies from neighbouring states publish and broadcast news about Kurdistan, depending on their requirements. Sometimes, written news and information is presented purposefully against the Kurdish authorities and the Kurdish people because they want to create conflict and chaos rather than democracy in Kurdistan. They are often successful in creating inaccurate and biased news and information which is against the Kurdish area. Unfortunately, the Kurdish journalists cannot react to these situations and phenomena because they haven't got the experience or legal media protection to source independent information and publish it (Sepan, 2006: 99)

Regarding journalists' behaviour and ethical standards, Glenwinkel has highlighted the problem of corruption as one of the key issues in Iraq and Kurdistan, noting that: 'We heard of many cases in which journalists received money not to publish their article' (Glenwinkel, 2010).

Outbreaks of conflict and insurgencies within the Kurdistan Region and its neighbouring countries will continue to have an impact on the development of

journalism within this area as the press must be free to report facts without fear of reprisal from terrorists or rebel groups. However it is hoped that with the moves towards democracy a more stable political situation will hopefully reduce the threats faced by journalists.

In more general terms violence in Iraq and the threat of violence to the Kurdistan Region has impacted on Kurdish journalism. After 2003 the Kurdish media has started to publish and broadcast a great deal of information which is related to safety, security, first aid, violence, terrorist attacks and explosions. In particular since 2003 most of the Kurdish media outlets have produced hundreds of news items, reports, analysis, documents, interviews and investigations about terrorism and terrorist attacks. This concentration by the media on violence-related topics in Iraq and the Kurdistan Region has meant that they have sometimes neglected their reporting of other areas of public concern because audiences, especially women and youth, are not interested in being told about the same events every day for eight years. This is one of the reasons why other Kurdish media channels such as: Korek, Channel 4 and Zagros satellite television channels, Xak television, *Sîxurme* magazine and Z radio were established with the aim of providing lighter entertainment programmes and features for Kurdish audiences.

But at the same time this type of media circumstance which publish and broadcasting date which are related to conflicts and violence that is increased to more focus from the international media, Kurdish political parties and other citizens are interested to know about the political situation. This was one of the reasons why dozens of the Kurdish media outlets, especially the press, have been published to focus on political affairs including the newspapers *Haûlatî* (citizen,) *Rudaw* (The

Happening), *Awêne* (Mirror), *Aso* (Horizon), *Xendan* (Kurdish name-Smiles) and the magazines: *Lvîn* (Movement), *Wala* (Opening) and *Standard.*

3.8.1 Media development

The Kurdish media are relatively new and have not yet really gained a role within international broadcasting because of their lack of experience in this area due to the many political and economic problems which they have faced on a national level within the Kurdistan Region. A further problem is the lack of coverage of news and fresh material in the Kurdish media because sometimes a high percentage of the information which they provide is too old for Kurds to enjoy the content and coverage because most of the subjects are translated from other languages and few of the subjects which are dealt with are of real importance to the Kurds. It is frequently the case that the Kurdish media provides more coverage of political subject matter than any other issues (Mustefa, 2008:197-198).

In response to this, several attempts have been made to establish a Kurdistan news agency to cater for the Kurdish press and provide central news based on the model of foreign news agencies. Several media centres have already been established in cities throughout the Kurdistan Region. However most of those which were established did not had any significant influence on shaping Kurdish public opinion. In order to achieve this, the Kurdish would need to establish a Kurdistan news agency in the Kurdistan Region to provide coverage of Kurdish news and for the purpose of exchanging news with international news agencies (Surmê, 2006: 35-36). Finally, after several failed efforts, a Kurdistan news agency for the Kurdistan Region was established in Erbil on 20 November 2008. The newly created news agency is called AK News and this organisation is headed by Bedran Eẖmed Hebîb.

The news agency was established with the support of the Aras Institute for Printing and Publishing but it is hoped that in the near future it will be supported by other media channels in the Kurdistan Region.

It is worth noting that in terms of gender, most of the media channels are run by men but female journalists in the Kurdistan Region play an active role. Of the estimated 808 Kurdish media channels, approximately 40-50 are run by Kurdish women journalists. The Kurdistan Journalists Syndicate has some 4000 members, 500 of these are female (Eḣmed, 2010a).

According to Heval Abu-Bekr, a lecturer at Suleîmanî University, speaking on Kurdistan TV, on *Private Programme* (2010), a number of problems have been caused by the proliferation of the media by particular television companies. As already noted, each political party has several local television and satellite channels. As Klaas Glenwinkel observed: 'This kind of factional media exists in Germany [his home country] and most of the information in this media carries coverage about the political party and its members, without paying due attention to other issues'. In addition, there are many private local television and satellite channels in the Kurdistan Region, with the former playing an important role in the cities of Duhok and Erbil because 35% of the population there do not own a satellite dish. Local television channels are also important for people because Kurdish satellite channels are unable to broadcast some subjects such as football games and films due to copyright issues. These prohibitions do not apply to the local television channels. Although some of these channels are of poor quality in terms of their standard of presentation, those which offer their audiences something different have proved to be very successful.

Too many of these television channels have been established in the Kurdistan Region without due planning in terms of technological infrastructure, technical expertise, communications, legislation and Codes of Practice, and audience research. Claiming their right to freedom of speech, anyone can enter the media market. Some of the television channels currently work without any licence or legal permission to broadcast. Others have obtained a licence but still have not been established. The lack of regulation goes hand in hand with a lack of professionalism, and some of the programmes are not in the public interest or reports approach issues in a way which is neither moral nor ethical, intruding into the lives of private individuals in an unacceptable way. According to Abu-Bekr and ‘Abdul-Wahab (2010): ‘Most of the journalists working for Kurdish television channels lack the necessary objectivity’.

An additional problem is the low quality both of the presentational style of the programmes and their content. Kurdish satellite channels do not cover international news and current affairs whilst local channels focus mainly on cities and ignore towns and villages, often broadcasting old programmes which have been taken from international channels, complete with their logos and slogans, rather than exploring new subjects and material more relevant to the intended audience. Stories and photos are not bought from international news agencies and more correspondents are needed.

In addition to the proliferation of media channels, there are too many journalists in Iraq, for example in Kurdistan alone more than 4000 journalists are registered as members of the Kurdistan Journalists Syndicate which makes it difficult for journalists to find work.

As Klaas Glenwinkel (2010) noted, most of the Kurdish media, currently, rely on funding from political parties and public information broadcasts for the government, so advertising for private companies would make a useful financial contribution towards the running of these channels. This would also bring much needed independence to the media in the Kurdistan Region. Currently however those in industry do not want to do much advertising, partly because the Kurdish media channels do not get know how to deal with companies and have not been proactive in creating interest in this area. Also the Kurdish media do not have any data about audience demographics or market research with which to convince companies to spend money on media advertising.

This problem is exacerbated by the fact that historically, for most of the period from the birth of Kurdish journalism in 1898 until 1991, most of the Kurdish newspapers and magazines were distributed for free because they were published in order to serve as propaganda for a particular political party. Post-1991 until now, although most newspapers and magazines have been for sale, a few publications have been distributed free of charge. Every issue of *Hewlêr* newspaper consists of more than 25,000 copies which are distributed for free but 25% of the newspaper consists of advertising and it also receives financial backing from the KDP (Aub, 2009: 157-165).

Some 25 radio and television broadcasters do not have a licence, most of these being radio channels based on the outskirts of cities in the Kurdistan Region. Others have licences but fail to comply with regulations laid down by the Ministry of Culture and change their frequencies or increase their power at will. Consequently local television channels often experience difficulties due to interference, for example five local television channels in Erbil City have frequencies which they

share with the local communications company, Arya Phone Company. This example was quoted by Helgurd ‘Abdul-Wahab, the General Media Manager at the Ministry of Culture, during his interview on Kurdistan TV, in *Private Programme* (Abu-Bekr & ‘Abdul-Wahab, 2010). Abu-Bekr & ‘Abdul-Wahab (2010) also explained that a committee has already been formed to organise frequencies and technical specifications for television channels in the Kurdistan Region but another commission made up of technical experts is needed to monitor the performance of the television channels in the Kurdistan Region.

3.8.2 The government, media and finance

In the Kurdistan Region there are two models of media. One set of media are directly under the control of political parties whilst the other media are independent. Mustefa (2008) notes that although most of the Kurdish media channels are under the control of the Kurdish political parties some are controlled by the government, non-governmental organisations, educational centres, international companies, community associations and private individuals. Some of these non-governmental organisations have links to political parties and they represent the interests of diverse groups including students, teachers, women, children, doctors, farmers, workers, engineers, etc.

There are a number of Kurdish political parties in the Kurdistan Region. Each one has different ideologies and each one of these parties has links to several media channels especially the two main political parties, the KDP and the PUK. The Kurdish media do not have any agreement to cover particular news stories or important issues in order to help shape public opinion. Instead each of the media channels broadcasts their own ideas and opinions. However those media which are

controlled by political parties undergo more censorship by the authorities and must try to reach the goals set by their political parties. They are also obliged to demonstrate their support for the policies and strategies put forward by their political parties by publishing or broadcasting news and information which is related to the activities of a specific political party. Each of the channels had responsibility for coverage which provided information aimed at a different social class or interest groups.

It has been claimed that the tradition of independent Kurdish media was started by the publication of the *Kurdistan* newspaper in 1898 although in more recent times there has been much debate about whether any media can be considered truly independent. The first newspaper in the Kurdistan Region to declare itself to be independent was *Amro* (Today) which was launched on 15 August 1994 in Erbil (Resul, 2006: 65-77).

Independent media of this kind try to put media principles first but sometimes forget important aspects including media ethics and disclosure of information since sometimes independent media omit certain important points when revealing news or divulge confidential information. They make efforts to gather and publish/broadcast news and different opinions and it is not their intention to help shape public opinion or to act as a voice for Kurdish society. Whereas journalists who work for party-political media must be seen to directly support the authorities, journalists working in the independent media situate themselves between the authorities and society. In reality most of the independent media in the Kurdistan Region receive indirect financial support from groups, individuals or political parties, for example, all of the so-called independent media in the Kurdistan Region receive some financial backing from Ministry of Culture with the exception of the newspaper *Haûlatî*. With respect

to financial support for media, it is clear that political parties provide this form of support to their own media channels, for example Channel 4 satellite receives monthly funding of about $120 000 dollars from the government (Kurdiu 2010a). According to Resul (2006) this kind of situation goes completely against the core principles of media independence.

Sepan (2008) has discussed some of the potential difficulties presented by the emergence of independent media in the Kurdistan Region. Firstly, he notes that in the case of independent media the source of this financial support is unknown as the individuals providing financial support for independent media organisations do not need to identify themselves and thus often remain unknown, meaning that they can make use of these media in order to produce propaganda for their own causes whereas at least the programmes of political parties are well known. This means that some independent media channels can be either directly or indirectly anti-government. Moreover, financial backers of this kind can pull out of deals with media whenever they wish, creating major problems as a result (Sepan 2008). For example the Islamic Union of Kurdistan, one of the Kurdish political parties in the Kurdistan Region, had some 14 television channels and 18 radio channels but decided to focus its energies on Spêde (Morning) satellite channel which supports it. It closed all the local television channels which have proved not to be cost-effective for this political party since they are only able to broadcast their programmes to a restricted area (Emîn, 2010). This kind of decision can leave channels on the verge of financial collapse.

In reality, Kurdish media do not have adequate financial backing for their channels because for the most part, these media channels focus mainly on inspiring

feelings of patriotism amongst the Kurds and their programming also serves as a source of propaganda to support their respective political parties.

Some of the independent media outlets have decided not to support the Kurdistan Regional Government or participate in the reconstruction of the Kurdistan Region and they do nothing to help solve the issues relating to corruption which they cover in their news stories. These outlets do not serve the interests of Kurdish society as a whole but seem to want to bring about the downfall of the government. According to Ḧesen speaking on *Different Opinion* these outlets put a negative spin on coverage of issues and events concerning the government. Moreover some journalists and media channels occasionally publish material relating to court cases which is intended to discredit the authorities simply because they want to get their name known (Newzad, L., Ḧesen, D. and ‘Osman, S., 2010).

Usually the media get their financial support from a range of sources, be it State subsidy, private finance or in many cases, advertising. However, in Iraq most of the financial support for the media comes from political parties, neighbouring countries and the US, partly for political reasons and also because the economy is not yet strong enough to support the media there (Glenwinkel, 2010). According to Klaas Glenwinkel (2010), the Chief Executive Officer of Media in Cooperation and Transition, interviewed on the KNN TV in *Private Programme*, noted that:

> People are aware of the source which is providing the media outlet with financial support so this is not a problem whether it’s the KRG, the PUK, the PDK or the Goran movement. Audiences are not stupid; they can differentiate between different types of information.

However journalists like Newzad (2010) believe that the Kurdish media is in disarray with discord between not only the authorities and Kurdish journalists but also among the different Kurdish media outlets and this ongoing problem needs to be resolved as

soon as possible. In Newzad's opinion not all independent media is backed by political factions but all the Kurdish media channels need to face scrutiny about their source of financial support (Newzad, L., Ḧesen, D. and 'Osman, S., 2010).

The Kurdish media do not obtain many benefits from the companies in the Kurdistan Region. Currently more than 10,000 companies work in the Kurdistan Region, of this number, more than 1,200 are foreign companies, most of which are connected with the food and construction industries; however, the media cannot contact them very easily (Mamend, 2010).

The media in the Kurdistan Region is currently run by the Government, political parties, private people and companies, but the political parties effectively have the largest influence on it. Thought should be given to the funding of the various publications especially newspapers and encouragement given to find independent funding so they become less dependent on the political parties. This would encourage the public to have confidence in the independence of the media.

3.8.3 Language

As documented elsewhere in this thesis, since the formation of the KRG print and broadcast media in the Kurdish language have experienced a massive growth in the Kurdistan region. Following the fall of Sadam's regime in 2003, Kurdish was recognised in the new Iraqi constitution as one of the two State languages, along with Arabic, and is now used for both written and oral communication in official settings. As Ghazi notes, these two developments 'have complicated the question of dialects, their unification and standardization' (2009: online).

As Hassanpour (1992) demonstrates since the earliest days of media in Kurdistan Kurdish journalists and writers have been at the forefront of attempts to

help create a common standardised form of Kurdish which could be used as a medium of expression in education and media.

In order to understand some of the complex issues involved in standardization and the role which the media has played in this often contentious debate, it is necessary here to provide some contextual information on the Kurdish language, or rather on the dialectal variants of which it is composed. As Kreyenbroek notes in his chapter on the Kurdish language in Kreyenbroek and Sperl (1992) Kurdish is classified as a western Iranian language, forming part of Iranian branch of the Indo-European language family (1992:70). It is therefore, very similar to Farsi or Persian which is Iran's national language but has no obvious linguistic connections with either Turkish or Arabic. It should be noted that there are two other minority languages are spoken in the Kurdistan Region, namely Turkoman and Neo-Aramaic (also referred to as Syriac).

Due to a range of factors including historical migrations and geography, Kurdish has evolved to form what linguists refer to as a dialect continuum formed from a number of different linguistic strands which can be grouped into two major dialects which are often referred to as Kurmanji (also known as Badini in Northern Iraq) and Sorani.

There are a number of significant differences between Kurmanji and Sorani in terms of their phonological systems and morphology as detailed in Hassanpour (1992: 23-24). Kreyenbroek outlines these thus: 'From a linguistic or at least a grammatical point of view [...] Kurmanji and Sorani differ as much from each other as English and German [...]. For example, Sorani has neither gender nor case-endings [...], whereas Kurmanji has both [...] Differences in vocabulary and pronunciation are

not as great as between German and English, but they are still considerable' (1992: 71). The two dialects also use different scripts with most Kurds using the Roman script to write Kurmanji whilst Sorani is normally written in an adapted form of the Arabic script (Kreyenbroek, 1992: 71). As a result of these significant differences attempts to standardise between the two dialects would prove highly problematic if not impossible. In practical terms this means as Kreyenbroek notes: 'Many Kurmanji-speakers therefore cannot understand Sorani, and vice versa' (1992: 71) or in Hassanpour's terms 'the speakers of Kurmanji and Sorani are not able to communicate effectively in all contexts' (1992: 24).

There are also two further minority dialect groupings which are referred to as Hawrami (and its related forms including Zaza, Gorani and Dimili) and Kirmashani (Hassanpour, 1992: 19-20).25 As Ghazi (2009) explains, historically linguistic conflicts have been between speakers of the two dialects which have the most speakers, namely Kurmanji and Sorani but Sheyholislami (2009: online) gives a detailed account of the attempt in 2006 by Hawrami speakers to petition the Kurdistan Parliament to recognize them as a 'distinct linguistic minority', requesting also that Hawrami be used as the medium of instruction in primary schooling in the Hawraman region.

Sheyholislami's paper also examines the petition or 'letter of the 53' which was published in Haûlatî on April 20 2008 addressed to the Kurdistan President, Masoud Barzanî, the Kurdish Parliament and the Kurdistan Regional Government. The document asked for Sorani Kurdish to be declared as the standardized Kurdish language and recognised as the official language of the Kurdistan Region. The

[25] Hassanpour (1992: 19-20) adds Luri as a further grouping.

petition was signed by 53 individuals including some of the Kurdistan Region's most well-known authors, journalists, and academics.

As Sheyholislami (2009: online) notes the 'letter of the 53' attracted attention from many quarters prompting mixed reactions from a range of officials and organizations, amongst them, Şefîq Qezaz the head of the Akadîmyay Kurdî (Kurdish Academy) in Hewlêr, the Governor of the Duhok province, the Duhok branch of the Union of Kurdish Writers and the KRG's then Education Minister, Dlşad 'Abdulrehman. The latter was the only Government representative to support the proposal (Ghazi, 2009: online). The issue also prompted considerable debate amongst the Kurdish diaspora, reflected in articles such as that published in The Kurdish Globe (2008: online) which concluded that 'It is a pity to observe that southern Kurdish intelligentsia is occupied with trivial and artificial issues rather than more serious and challenging subjects that will determine the future of the nation'. However such a comment failed to grasp the vital importance which language can and does play in power relations within a society. Hassanpour joined in with the debate when he published an online critique of the language project posting his opinions on the Rojname blog and concluding: 'declaring a variety as an official language will confer power on its speakers, while it results in the denial of power to the speakers of other dialects.' (cited in Ghazi 2009: online).

Ghazi's summary of the two opposing viewpoints reflected in the language standardization issue highlights the important links which language has with national identity and politics: 'one group advocates the traditional equation of nation with language: one nation/one language. They see national unity as a product of linguistic unity. Since the Kurdish language is multi-dialectal, they equate linguistic unity with dialectal unity. The other side of the conflict emphasizes plurality and freedom of

choice and sees the imposition of any dialect in a multidialectal society as an undemocratic political project which involves coercion' (2009: online).

The petition prompted further debates, one of the most recent in March 2009 about the language variant in which schoolchildren should be taught in Duhok with the decision finally being taken on a local level to adopt Kurmanji as the medium of instruction for children up to Grade Nine (Ghazi, 2009: online). This is illustrative of the fact that such decisions seem to be taken on an ad hoc basis since despite much deliberation the Kurdistan Academy has yet to make recommendations about a concrete language policy and the wider conflict remains unresolved.

The above discussion about standardization is of relevance to any discussion of the Kurdish media since communication can be impaired by the lack of a unified Kurdish language. This lack of one standard form or common dialect of the Kurdish language makes it difficult to provide appropriate coverage on media channels when they wish to address Kurdish audiences. Moreover, Kurds living abroad choose to rely on the media reports about Kurdistan which are produced by the written and broadcast media of the country in which they are living (Siamak: 1998b). A second general language issue for print media results from the fact that the large numbers of Kurds are illiterate.

The Kurdish media currently use several different languages in their coverage of material including Arabic, Kurdish, English, Turkish and Farsi (Persian). They also tend to overuse jargon and to borrow words from other languages to talk about certain issues and subjects which confuses their audiences. These problems have been noted in Kurdish radio and television broadcasts and in newspaper and magazine due to a shortage of appropriately trained linguists. Therefore thought

needs to be given to exploring ways of standardising the Kurdish language would support the development of a more democratic form of media as all the information would then be available to all the people.

In the period since the first Kurdish newspaper was published at the turn of the nineteenth century until 1991, Arabic, Turkish, and Farsi (Persian) had a major impact on Kurdish, influences which were reflected in the language used by Kurdish journalists. After 1991 the linguistic influence of these languages (and specifically that of Arabic) in the media of the Kurdistan Region was significantly reduced. However since then and in particular after 2003 a new linguistic phenomenon has appeared: the use of English neologisms by Kurdish writers and journalists (Cemal, 2009: 113-116).

Many claim that the reason for using these new words which have been imported to Kurdish is to enrich the language. When Arabic words were used in the Kurdish media it was easier for listeners and viewers to recognise them but in the Kurdistan Region journalists and writers have made a deliberate effort to replace Arabic neologisms with words which are usually taken from American English. Examples which have been used include: formal, agenda, sponsor, moral, supermarket, gender, idea, active, media, programme, form, reform, positive, negative, fact, office, stadium, zoom, dialogue, restaurant, band, flashback, background, balance, proposal, local, team, group, overpass, underpass, palace, monument, Globalism, business, Secularism, perfect, etc. Many of the English words which are used by the media in the Kurdistan Region undergo certain spelling/pronunciation changes when they are imported into Kurdish.

Some linguisticians and media researchers believe this tendency represents a threat to Kurdish and may damage the language and they draw attention to the fact that Kurdish journalists, writers and educated people must bear some responsibility for this problem because they often use imported English terms incorrectly or inappropriately for the context in which they are employed and in the process they change the meaning of the original words (Eẖmed, 2010b: 213-214; Serabî, 2010a:215-230; Wesman, 2009: 182-185). This occasionally creates difficulties of comprehension for viewers, readers and listeners but many individuals prefer these English imports to Arabic influence in the Kurdish language because of the Kurds previous experience with the former Iraqi regimes which made a systematic attempt to use media and language to remove the Kurdish language.

Other journalists and academics believe that this growing inclusion of English terms in the language of the Kurdish media is also related to the broader phenomenon of globalisation and is the result of the fact that Kurdistan has been influenced by the cultures of other countries. This use of neologisms and jargonistic terminology can sometimes prove confusing and stressful for Kurdish audiences and Kurdish media channels are not competent to deal academically with the results of this terminology transfer (Serabî, 2010b: 207-212).

3.8.4 Education

Although the numbers of the academic journalists and academic departments specialising in journalism and media studies in universities and institutes of higher education in the Kurdistan Region are increasing, these still remain relatively low and attitudes towards this area are still fairly negative. Newzad as one of the contributors to a television debate on the topic of the role of Kurdish media

commented, repeating a joke about attitudes towards media workers: ‘In the Kurdistan Region if someone knows nothing, he can always become a journalist’ (Newzad, L., Ḧesen, D. and ‘Osman, S., 2010).

Further investment in the training of professional journalists is not only needed to fill the current vacancies but also the future need that will be created by the development of the news agency and media city which are planned. Good quality provision of training and professional expertise will be fundamental to the successful future of journalism in Kurdistan.

The authorities believe that it is still important to inform people about security and safety issues and provide them with an understanding of political affairs. For this reason some new programmes and magazines have been launched to address these issues. Current affairs periodicals include the magazine *Hestî Asudeî* (Happiness), first published in June 2005 in Erbil by the Ministry of the Interior, and the weekly newspaper *Nawxo* (Local) which was launched in March 2004 (Mala Muhammad, 2009: 128-150).

FIGURE 3.20 THE FRONT COVER OF *HESTÎ ASUDEÎ* (HAPPINESS) MAGAZINE

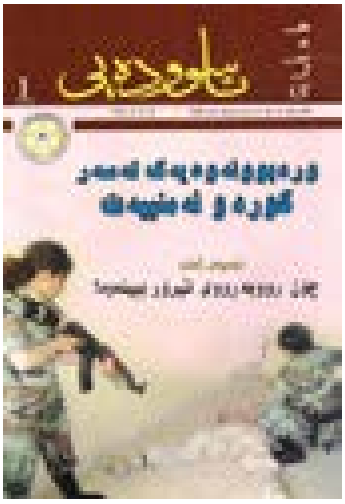


FIGURE 3.21 PAGE FROM WEEKLY *NAWXO* (LOCAL)

FIGURE 3.22 PAGE FROM WEEKLY *HATUÇO* (TRAFFIC)

The MICT was another attempt at media cooperation between Iraq and the Kurdistan Region and Germany intended to train Iraqi and Kurdish journalists, using financial support solely from the German Foreign office. This organisation not only focuses on training journalists but on offering longer-term support to journalists wishing to improve their reporting skills. After publishing and broadcasting their materials, they receive detailed feedback from analysts and readers. Using this system, journalists can learn and improve. In the Kurdistan Region the MICT are running these projects with several radio channels and they also run websites like NIQASH (debate). Some 30 journalists, most working in Kurdistan but some in Iraq, publish their materials on this trilingual (Kurdish, Arabic and English) website which does not carry advertising. It does not publish news because many newspapers take their newsfeed

from International News Agencies or the Kurdish News Agency. NIQASH concentrates on the stories behind the news headlines.

MICT also offers practical training on film production which lasts only two days with the whole training programme taking just four days in total to deliver, and since there are a shortage of places problems often arise since novices find themselves in the same group as well-experienced participants, creating a problem for both groups (Glenwinkel, 2010).

MICT has plans to establish a school for training journalists which will offer a range of classes, some taking place in the evening, others available one full day a week. Other courses will offer training for professional journalists to be taken as part of a programme of study leave. The school will be in the Kurdistan Region because there are many media companies, strong Arabic media and the area is a safer environment not only for this organisation but also for people from the other areas in Iraq. The school will be financed by student fees (Glenwinkel, 2010).

3.8.5 Audiences

Even after 2003 the Kurdish media still continues to use some of the techniques and models which were associated with the media during the regime of Saddam Hussein because throughout recent history the Iraqi Government has influenced the Kurds.

The Kurdish media have traditionally been dependent on the media products of their neighbouring states and foreign media in order to satisfy audiences, meaning that they have tended to neglect their abilities of innovation and creativity. In the spheres of both publishing and broadcasting they have grown accustomed to producing material for an untargeted audiences due to censorship and the need to avoid producing anything which might be considered a ‘threat to national security’.

As a result the media in the Kurdistan Region have no real understanding of the behaviour of their own Kurdish audiences. Thus the Kurdish media now need to pay attention to researching the psychological side of their audiences in order to try and understand their wants and needs. The idea of targeting niche audiences is particularly relevant to the Kurdish press which has to publish in a specific area covering a city, town or village, or need to address a particular sector of society or a social class.

The Kurdish journalists cannot contact Kurdish families with their magazines and newspapers; they can only contact the Kurdish political parties and establishments. In addition, the Kurdish press can't contact people in the small towns and villages in the Kurdistan Region because they cannot send things by post because the post system doesn't work properly. The system is antiquated and fails to contact families in cities, towns and villages, the post which comes from foreign countries may arrive but this is not guaranteed and it takes a long time. Furthermore, each magazine and newspaper are responsible for the posting of their own publications; for example: *Xebat* is a daily newspaper which is publish in Erbil in the earlier morning, the readers can get this newspaper, in Erbil, from 7 am, but this doesn't arrive to Suleîmanî until between 10 and 11am. Thus, post is another issue for Kurdish journalism (Sepan, 2009: 37-54).

As mentioned previously, in the Kurdistan Region there are several linguistic, cultural and religious minorities and following independence in 1991, media have developed to satisfy the needs of these minority audiences including Chaldean, Syriac and Assyrian Christians and Yezidis. In reference to the first of these, in 1997 the magazine *Dengî Aşurî* (Chaldean Voice) was published in Duhok to be followed in 1999 by a further two publications, namely *Nahrinita* (Two Rivers i.e.

Mesopotamia) and *Al-Muthaqaf Kldani* (Chaldean Education), both of which were based in Erbil. Launched in 1991, *Zuha* was the first non-clandestine newspaper aimed at Syriac Christians and was followed by another magazine *Necm Beit Nehrên* (Star of the Two-River Country). The Assyrian community is particularly well-served by the media. It has several magazines including *Şraxa* (launched in 2001) which was followed in 2007 by a further three titles, namely the Erbil-based *Al-Medxel* (Gateway), Sewt Al-Rahia and Ur. A year later the publication Hlimutha appeared in Erbil. There is also an Assyrian television station and Beit Nehrên Radio and more recently these have been joined by websites which carry information aimed at an Assyrian audience in Syriac, English, Arabic and Kurdish (Teodor, 2008: 184-85).

Mrad (2004) has argued that the media in the Kurdistan Region has helped with the development of Assyrian and Syriac as languages (Mrad, 2004: 123-125) but the same author notes that despite many recent positive developments Assyrian journalism still faces a number of difficulties (Mrad, 2009: 209-210).

Although the Yezidis do not have a language of the own and are able to access publications and broadcasting in Kurdish, like the other minority they nonetheless wish to have their own media which focuses on and reflects the issues which are of specific interest to them. As a result, some specialist publications have been founded since independence and these include the magazine Lalsh, which was first published in 1993. The monthly *Zhra Nisan* (April flower) and *Şêxanî* magazine were both launched more recently in 2007. Currently there are plans to establish a Yezidi satellite channel (Rudaw 2011).

The system of funding for the minority media is similar to that which exists for the mainstream Kurdish media i.e. it is mainly funded by the Kurdistan Regional Government together with political parties and associations (some governmental, some NGOs). A small percentage are independent and self-funded.[26] Currently it is not possible to obtain reliable circulation information or viewing figures for minority media.

Kurdish media need to reflect the diversity of the differing nations and ages living in Kurdistan and attempt to offer culturally specific media material which addresses their religious and ideological concerns, paying close attention to public opinion.

Before concluding this discussion of media in Iraqi Kurdistan it is worth making some brief remarks about the important role played by the media which is watched by audiences there but is produced elsewhere, in particular the crucial role played by satellite television and more specifically MED-TV, the first Kurdish language satellite channel. In his article on this television phenomenon which transcended international borders, Amir Hassanpour summarises the importance of MED-TV in the following words:

The channel allowed the Kurds, for the first time in their history, to establish a powerful mode of communication among themselves, and undermine the state-centered geopolitical order that has reduced them to the status of helpless minorities. For the first time in their divided history, the Kurdish people can now see their own lives, their own reality, reflected on television screens across the world. Iranian Kurds can speak to Turkish Kurds in phone-ins, and Iraqi Kurds can see how fellow

[26] The Kurdistan Journalists' Syndicate keeps up-to-date information about current media channels in the Kurdistan Region and their sources of funding. This information also covers minority media.

Kurds live in Europe. For a few hours every night, the world's largest stateless nation has a home (Hassanpour, 1998: 53).

Following a number of difficulties, MED-TV became known as Roj TV in March 2004.

Currently viewers in the Kurdistan Region can watch a number of satellite channels which are produced by other countries including MMC TV (Mesopotamia Music Channel), Tîşk (Shine) TV, Komele (Community) TV, Rojhelat (East) TV, KBC (Kurdish Broadcast Channel), Kliksat (Click), Kurd1, Aso Sat, Kurdo TV, and Kurd Kenel (Kurd Channel). A recent innovation is the website Kurdo TV (www.kurdotv.com) developed by a Kurdish engineering student. This acts as a platform giving access to all the Kurdish satellite television channels and digital radio stations available on the Internet, its intention being to spread the plight of Kurds to the world media and provide information for the Kurds themselves (Kurdo TV, 2011).

As both Hassanpour and Kurdo TV have concluded satellite channels and electronic media are extremely useful ways of providing communication between the Kurdish people in the Kurdistan homeland and the Kurdish community living abroad. Satellite technology, electronic media and digital media can all play a crucially important role in helping to foster and support the construction of a transnational Kurdish identity, creating a wider notion of what it means to be Kurdish in the Kurdistan Region and beyond.

3.8.6 Forming public opinion

In the opinion of Abu-Bekr (Abu-Bekr & 'Abdul-Wahab, 2010) Kurdish television channels should make it their common cause to help form public opinion about

certain issues. In order to do this effectively, media channels need to improve all aspects of their quality including the technical skills of their broadcasting and the level of their content, in terms of both images and writing.

The Kurdish media does not currently play any useful role in influencing the population or helping to form public opinion. Furthermore if the Kurdish media remains problematic itself it will not find it easy to reflect on other social and economic problems or to offer solutions to help resolve these difficult issues. Also Kurdish media focuses on political issues rather than the other social problems such as educational attainment, women's roles and power shortages. They choose to ignore and neglect any issues which relate to the future of the Kurdistan Region (Newzad, L., Ḧesen, D. and 'Osman, S., 2010).

According to Abu-Bekr whereas the Arab media has shown its powerful potential to address issues and to encourage audiences to sympathise with the cause of Palestine, Lebanon and Sudan, Kurdish media channels have thus far only succeeded in producing negative emotions, causing people to distrust their fellow Kurds, to the extent that nobody believes the Kurdish authorities, nobody believes Kurdish doctors, teachers, politicians or members of the Kurdish opposition (Abu-Bekr & 'Abdul-Wahab, 2010).

3.9 Media law and regulation

The Kurdistan Parliament, the government of the Kurdistan Region and the Kurdistan Journalists Syndicate were not sufficiently established to organise the introduction of legislation relating to the media and those who work in this industry. However the Kurdistan Parliament finally approved a Press Law on the 22nd of September 2008 which still requires amendment if it is to be suitable to address the

issues facing journalists and those who work in and with the media in the Kurdistan Region. It is only recently that the Kurdistan Region has had the three authorities necessary to adequately regulate its media, namely the legislative, the executive and the judiciary, and the continued development of laws and regulations will serve to support the Kurdish media, as it will not only help to enhance the freedom of the Press and the safety of journalists and media workers but will also provide a framework for the development of professional standards of journalism and media ethics. Further legislation will be needed to address the concerns voiced by IREX (2006: 168) regarding the need for legal structures 'to protect and promote free speech, ensure access to public information, and enable effective journalism'. One specific area which still needs legal clarification in Kurdish legislation is that of defamation of character. In addition, there is still no law which relates specifically to televisual or digital media.

When interviews were conducted with a sample of media practitioners, academics and government representatives from the Kurdistan Region, they identified a lack of professional ethics as being one of the issues currently posing particular problems in the context of the Kurdish media, with many journalists being unaware of their legal rights and responsibilities. More specifically, they pinpointed difficulties with understanding the concepts of freedom of speech and defamation, and noted that the latter does not receive sufficient coverage in the only existing media legislation in the Kurdistan Region – the Press Law which was introduced in 2008 (Appendix 4.2). Since this legal concept has particularly important implications for Kurdistan, there will be detailed discussion of this specific element of law and how it impinges on the media in the chapter on Press Law.

Opinions amongst the members of the independent media group differ but all share a number of viewpoints on Kurdish media regulation, namely that the government has no role to play in media regulation. The government should not interfere in any of the Kurdish media outlets and that any complaints which relate to the media should be directed to the police due to the lack of a supervisory body of this kind. Although the Parliament formulated the Press Law which was approved in 2008, the Government largely continues to deal with journalist cases by means of the old law, previously known as the Iraqi legislation, namely the Iraqi Penal Code No. 111 of 1969 (See Chapter Five).

The members of group two interviewees: Government representatives (Individuals holding official positions of authority) are in agreement that there is a need to set up organisations with responsibility for regulating the Kurdish media although they have different views on the form this should take. Ferhad 'Aewnî[27], General Secretary of the Kurdistan Journalists Syndicate was the only interviewee to state that the government has a role to play in media regulation because 'Aewnî is the General Secretary of the Kurdistan Journalists Syndicate and wants to use the Press Law to fully regulate the media and journalists because his syndicate raised the draft Press Law to the Kurdistan Parliament. He also wants the Kurdistan Journalists Syndicate to be the observation media instead any other supervisory bodies such as; PCC, BSC, ITC, RA, Oftel, and Ofcom in the UK. On the other hand The Kurdistan Journalists Syndicate is controlled by the political parties who want all the media channels to come under the control of this Union (see Appendix 6.7).

The journalists affiliated to political parties have a more negative viewpoint on the Government and Parliament expressing the viewpoint that journalists' rights

[27]For more biographical details of Ferhad 'Aewnî î, see Appendix 5.

are not protected due to the lack of self-regulation by the media channels. They quote the example from March 2010 of a journalist Fuad Sedîq who was editor-in-chief of *Gulan* newspaper who wrote and published an article in his newspaper which was critical of the Kurdistan Regional Government, being an evaluation of the Government's performance over the previous six months. Following this, Dr. Berhem, the prime minister, was called to step down from his job for several months (Sedîq 2010). Another example involves Stran Ebduía a Kurdish journalist who was editor-in-chief of *Xendan* newspaper, following pressure from the President of Kurdistan Masoud Barzanî, Ebduía was removed from his role as editor-in-chief and his newspaper because he had written and published an article concerning the salary of the President of the Kurdistan Region.

Regarding the Press Law, the independent journalists believe this needs to be reviewed sooner rather than later due to its many shortcomings including the severity of sanctions, access to information, the amount of the fine and the fact that it does not cover television and radio channels (see Chapter Five on the Press Law). They also focus on the fact that the Law needs to be implemented by the judges and courts since many of them continue to use the old Law which was the Iraqi legislation, namely the Iraqi Penal Code No. 111 of 1969 which allowed for journalists to be arrested. However these interviewees also comment on the shortcomings of the Press Law and the difficulties caused by its implementation. They highlight the need for the Law to be implemented by the judges and courts, providing many examples of the failure to do this by some courts and judges. Tariq Cewher [28] is the Senior Media Adviser for the Kurdistan Parliament, justified by this point, he said that: 'The Kurdistan Region has a Judicial Authority and an Attorney General'. Because he

[28] For more biographical details of Tariq Cewher, see Appendix 5.

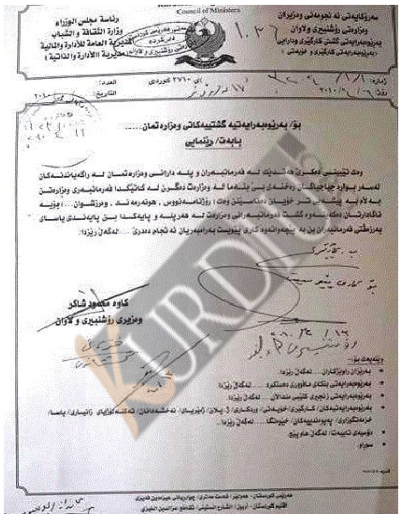
justified the need for other laws or supervisory bodies for media regulation, he also justified this in front of offences from journalists and against journalists (see Appendix 6.6).

The academic journalists agree that the government is not playing a role in the regulation of media in the Kurdistan Region and point out the Press Law's shortcomings. Firstly that it doesn't specifically relate to broadcasting and internet websites. Secondly that most of the sections are hard (see Chapter Five).

3.10 Freedom of speech and access to information

The Ministry of Culture decided that it would not provide information to journalists or media channels from any of its employees in its directorates regardless of their level. An official message signed by Dr. Kawe Meḧmud Şekr, the Minister of Culture of Kurdistan Regional Government, was sent to all general directorates within the Ministry of Culture. This official communiqué states that no employee of the Ministry of Culture is permitted to criticise the regime and that anyone who fails to comply with this command may face trial and prosecution (Se'îd, 2010).

FIGURE 3.23 AN OFFICIAL MESSAGE FROM THE MINISTRY OF CULTURE



Asos Herdî [29], an independent journalist and director of the Awêne (Mirror) Company which publishes the *weekly Awêne*, *Sport Awêne* and *Awênekan* magazine, states:

> If we want to contact a minister for a meeting it's very difficult. Sometimes we spend a month looking for a minister but we cannot contact him. If he does not personally like our newspaper that's fine but he should give us the opportunity to answer our questions because he is a minister and all the ministries have a responsibility towards the people and should give journalists the opportune, city to obtain information (Appendix 6.2).

Kemal Reuf[30], Editor-in-Chief of the *Haûlatî* newspaper also criticised the authorities for making it difficult to obtain data and information, in particular from government sources, explaining:

> Our government doesn't have a spokesman so how can you correct news which is not true? Sometimes certain ministers say 'We have no idea' in relation to problems which are related to their own ministry. Most of the members of the top-level committees of the political parties don't know anything. Just a few have the key information about everything (Appendix 6.1).

Herdî stresses that there is a lack of transparency in the case of obtaining information within the Kurdistan Region and that the KRG is not open in dealings with the media and believes that: 'Journalists want to be able to obtain information and news sources' (Appendix 6.2).

Also all of the interviewees from group two, including government representatives (individuals holding official positions of authority), agree that it is difficult for journalists to obtain information and that the journalists' criticism of the

[29] For more biographical details of Asos Herdî, see Appendix 5.
[30] For more biographical details of Kemal Reuf, see Appendix 5.

government is valid on this point. According to ‘Adnan Muftî[31], President of the Kurdistan Parliament, mentions positive points but he may have also wanted to make a negative comment but refrained, because according to him:

> [....] highlight shortcomings and select people who demand that information should be given to those in positions of power. When the Government in power knows about social issues, shortcomings and problems it can improve things (Appendix 6.4).

Like the other interviewees Ferhad ‘Aewnî is the General Secretary of the Kurdistan Journalists Syndicate understands the criticism made by journalists in the case of ‘access to information’:

> Sometimes this is true because the Kurdish authorities haven’t enough time to provide information for journalists. Some governmental organisations treat journalists as they used to do previously and hide information from the journalists which makes them angry and then they publish articles that make no sense (Appendix 6.7).

Both academics support journalists who are critical about the lack of information. Nîaz Lacanî[32], General Manager of Zagros Satellite, is also academic and professional journalist comments:

> There are those journalists who [...] reasonable criticism about the lack of information’ or they don’t support some government organisations, and criticism of this kind is good. It’s one of the better points in our society. However when some journalists stop behaving professionally and become agitators, creating unrest, when they resort to intimidation or slander, when they obtain information by underhand means, all of them face questions from the government (Appendix 6.8).

Ḧekîm ‘Osman Ḧemîd[33], Head of the Journalists Department at Suleîmanî Technical Institute, looks at the issue from another angle:

[31] For more biographical details of ‘Adnan Muftî, see Appendix 5.
[32] For more biographical details of Nîaz Lacanî, see Appendix 5.
[33] For more biographical details of Ḧekîm ‘Osman Ḧemîd, see Appendix 5.

> Journalists complain when they cannot get access to information. I think this kind of criticism is valid because free speech doesn't just mean publishing and broadcasting information. It also implies obtaining information from both of the sides involved (Appendix 6.9).

The group four interviewees, journalists who are affiliated to political parties and those who work in the politically affiliated media, generally agree that it is difficult for journalists to obtain information. According to Awat Esma'îl[34], Administrative Director of the Kurdsat Satellite, even for party-affiliated media and journalists obtaining information is difficult:

> Journalists want to obtain information but it is very difficult for them. Journalists in developed countries have more freedom to obtain information than journalists in Kurdistan. It is not easy to obtain information in my country and in the Middle East (Appendix 6.10).

Nermîn Sndy[35], Programme Manager for the Radio Voice of Kurdistan and one of the journalists affiliated to political parties adds more on the problems faced by journalists:

> There is a lack of opportunity for journalists to do their work in relation to general issues which are [....]; a lack of news sources; no reliable organisation to provide information to journalists, as well as it being so difficult for them to obtain documents and data (Appendix 6.15).

Moreover during one of the sessions in the Kurdistan Parliament, the President of the Kurdistan Parliament made a statement to the effect that anything which happened in Parliament should be communicated to people freely and transparently, and that one way of resolving the current media issue would be for the Kurdistan Parliament media to broadcast Parliamentary meetings to other media channels. Doing this would provide a solution to one of the key problems, that of space. The President

[34] For more biographical details of Awat Necmedîn Esma'îl, see Appendix 5.
[35] For more biographical details of Nermîn Sndy, see Appendix 5.

explained that it would be too difficult to allow all of the media channels into Parliament because there are more than 802 of these in the Kurdistan Region. He further commented that they were working to establish satellite and radio channels which would be able to broadcast Parliamentary sessions and that they were also planning to create specialist facilities which could be used for briefing journalists. He reassured journalists that the Parliament would never deliberately hide information from the people (Şêrwanî, 2010).

3.11 Violence against journalists

In the period after 2003, in the wake of radical changes in the political situation in Iraq, which influenced the Kurdistan Region to a certain extent despite being semi-independent prior to 2003, the circumstances for journalists changed.

In order to differentiate between these types of violence and to protect Kurdish journalists, the Kurdistan Committee to Protect Journalists (KCPJ) decided to produce and publish a report about Kurdish Journalists in the area every six months. During the first six months of 2008, the KCPJ noted that three Kurdish journalists had been killed, fifteen journalists had faced abuses of their human rights and there had been some thirty-eight complaints against journalists, a record number (*Xebat*, 2008: 1 and 12).

In the second half of the same year the KCPJ recorded the following incidents: two journalists killed in Kirkuk and Mosul; two Kurdish journalists wounded in Baghdad and Mosul; nine journalists arrested by the KRG; a journalist kidnapped in Erbil; seven journalists beaten; seven journalists assaulted; eighteen complaints against journalists (a record number) and ten journalists faced threats. In addition, there were two cases of sanctions being imposed on journalists; the first one

involved a fine of one million Iraqi Dinars and the second, prevented publication of a newspaper column. Also in the second half of 2008, ten journalists were threatened via mobile phone calls in the Kurdistan Region (Kurdistan Journalists Syndicate, 2009).

According to the Human Rights Data Bank (2009) no Kurdish journalists were killed in the Kurdistan Region in 2009. However some twenty nine journalists were arrested by the Kurdish government, eleven journalists beaten, twenty journalists faced threats, fourteen journalists faced slander and libel, three journalists had lost their jobs and 3 had been fined. Abuse against journalists in the Kurdistan Region usually increases during the election campaigns as shown by the fact that during the campaign for the elections which were to take place on 7 March 2010, there were more than 45 recorded cases of journalists facing abuse in the Kurdistan Region (*Haûlatî* 2010).

Concerned about increasing abuses against Kurdish journalists and following a meeting with the staff of *Lvîn* magazine Claudia Aranda, an EU media analyst and one of the members of the team tasked with observing elections in Iraq, started to compile a report for EU ministers on the abuses against Kurdish journalists in the Kurdistan Region (*Lvîn*, 2010).

Furthermore a number of the international organisations for the protection of journalists including the Committee to Protect Journalists have mentioned problems of violence against journalists in the Kurdistan Region. All the independent journalists agree this is the case and support their points with examples. Kemal Reuf is the editor-in-chief of *Haûlatî* (Citizen) observes: '[....]. One of our journalists faced a threat yesterday, namely mistreatment. We can talk of mistreatment [...]'

(Appendix 6.1). Herdî provides further examples:

> Cemal Muxtar, the General Manager of Education Television, was abducted. One day when he left his office, he was suddenly snatched by four people who put him into a car and after badly beating him, they threw him out somewhere. Azad Atrushy, General Manager of Newroz satellite, was also abducted … (Appendix 6.2).

Nzar Zrar Eḧmed (Gzaly)[36], member of the editorial staff at the *Awêne* newspaper, refers to the killing of journalists in the Kurdistan Region: 'Violence against journalists has taken different forms. Journalists are killed in Kirkuk because this city does not have the same status as the others in the Kurdistan Region'. Gzaly says he hasn't personally seen violence just being terrorised, imprisonment, etc. but he mentioned some indirect threats of violence:

> For example, recently I did an interview with someone who is in a position of power who said 'That journalist had a grudge against me' and he mentioned the journalist's name and he continued 'This journalist is very stupid. Doesn't he know anything about us and who we are?' I commented that he hadn't done anything wrong, he had simply published some facts, but he disagreed: 'No, he can't publish facts like these and I can kill him. I would not kill him myself but indirectly and then we could say it was an accident, couldn't we?' This threat was indirectly aimed at me. It was his indirect way of threatening me, telling me 'You came here today because you want to publish this information, but I can kill you using the same means as I would against that man'. As a result of such threats against independent journalist, most of these journalists carry weapons; even if I cannot use the weapon, I still carry it (Appendix 6.3).

But the interviewees, from group two including government representatives (individuals holding official positions of authority), disagreed with the independent journalists and rejected their claims of violence against journalists. Muftî states:

> I don't think there is violence against journalists in the Kurdistan Region: quite the opposite. I think journalists have lots of freedom but sometime

[36] For more biographical details of Nzar Zrar Eḧmed (Gzaly), see Appendix 5.

> things happen, for example a journalist was assassinated. This shouldn't happen and the government will prosecute anyone found guilty because this is a worrying incident and the authorities are investigating this situation (Appendix 6.4).

Faruq Cemîl[37], Ministry of Justice, KRG, echoes these sentiments: 'We haven't faced the kind of situation that we used to have especially since the Press Law was drafted in the Kurdistan Parliament and now if any journalist commits an offence and is tried it becomes a legal matter' (Appendix 6.5). Tariq Cewher is the Senior Media Adviser for the Kurdistan Parliament also rejects suggestions that there are problems and violence:

> Some international organisations for the protection of journalists publish information which isn't 100% accurate because the organisations aren't actually present in Kurdistan. Nor do they send international teams to see the reality of the circumstances of Kurdish journalists. Also they only pay attention to two or three people who have close relationships with them. Also most of the civil media outlets send false information to international organisations which try to protect journalists (Appendix 6.6).

'Aewnî expands on this situation:

> [....] some of the organisations which protect journalists publish information that is far from honest and true; some information is out of date and sometimes behind this misinformation there is a political agenda. If these organisations want to know about the journalists' situation they should contact the Kurdistan Journalists Syndicate and rely on their reports. The CPJ mentioned an issue in Kurdistan but they are not close enough to the journalists and they talked about a problem that happened to someone two years ago but they said it had happened now (Appendix 6.7).

However the interviewees in group two representing the Kurdistan Region Government and Parliament disagree with the independent journalists and reject their

[37] For more biographical details of Faruq Cemîl, see Appendix 5.

claims of violence against journalists. This is mainly because they do not want to acknowledge the existence of violence because if they do, this makes it difficult for the authorities to claim that there is a democratic system and freedom of speech both of which are a core element of their message. In addition, sometimes violence is not caused by the authorities but is the result of terrorist groups, for example in 2003 an Australian journalist was killed in an explosion caused by a terrorist group in the Kurdistan Region. One year later, in 2004, more than 10 journalists were killed in two different bombings by terrorist groups. Sometimes the threats are the results of the fact that the person responsible lacks intelligence. Clearly the three preceding points don't relate directly to the authorities. It is worth mentioning finally that some organisations which aim at protecting journalists refer to violence against journalist in the Kurdistan Region, which indirectly hints at the fact that this violence is carried out by the authorities but they don't fully explain what the origin of this violence is, failing to identify whether this is the authorities, political opposition parties, or terrorist groups, and whether this is related to social issues, personal issues or other reasons.

The interviewees in group three, who were academics or professional journalists, were asked for their opinions on these claims about violence against journalists. According to Lacanî:

> Some of the Kurdish opposition organisations here they want to tell the world that the government has an unpleasant side. Like any other citizen, if journalists do something wrong they must face the law and respond to the complaint and this is a normal situation, it's not an act of violence against journalists. Some journalists face the law because they face charges of slander or interfering in private lives and they tell these organisations that they are being persecuted. Some journalists are facing other charges which might be theft or terrorism but again they claim they are being persecuted because they are journalists (Appendix 6.8).

Ḧemîd takes a different perspective:

> There is violence everywhere, including the Kurdistan Region. Sometimes the violence is merely a question of verbal threats. Sometimes ministries respond by taking a tough stance with journalists because they are afraid of them. The circumstances of Kurdish journalists are comparable to those faced by journalists in Iran, Syria and Iraq although they don't face the same level of violence as journalists in those countries. In the Kurdistan Region journalists have been killed and threatened (Appendix 6.9).

The interviewees in group four who are journalists affiliated to political parties and those who work in the politically affiliated media, were asked what they thought about these allegations. Esma'îl does not deny this may have been an issue in the past:

> I can say that nothing happened this year but previously there has been some violence which has gradually diminished, day by day. The Government, the security forces and the Ministry of the Interior decided that journalists must not be arrested. I haven't heard about any major cases (Appendix 6.10).

Lawend Newzad[38], Director of the Gelî Kurdistan Televisionl, mentions violence against journalists but does not see this as being unique to Kurdistan:

> It certainly exists and in America as well. Some British journalists were assassinated by the mafia but this is not the case in the Kurdistan Region. There are some people in power who have assaulted journalists but the assaults were not very serious and the source for this information is the civil media outlets which regard everything the government does as bad (Appendix 6.11).

According to Nejad 'Azîz Surmê[39], Editor-in-Chief of *Xebat* Newspaper, this violence is part of a broader social phenomenon, is also classed as a party-affiliated journalist, linked to the media itself:

[38] For more biographical details of Lawend Newzad, see Appendix 5.
[39] For more biographical details of Nejad 'Azîz Surmê, see Appendix 5.

> If what they mean by violence is making complaints, then that happens all the time. Three complaints have been filed against me. Once a religious mullah made a complaint against me but I was released on bail. We reported that the material he was publishing could provoke violence. That was all we said but he complained about us (Appendix 6.12).

Salar 'Osman[40], is the General Director of Kurdistan Voice Radio, is also classed as a party-affiliated journalist; he believes that there is a great deal of violence in the Kurdistan Region in general, not only between journalists and the authorities, as he explains:

> I am sure that violence against everyone still exists, in every home between parents, and between teachers and students. There is a lack of understanding between the authorities and the journalists about what is considered to be violent. .... Journalists do face violence but some journalists have been imprisoned on other charges. When an organisation visits a journalist in prison, he says 'I have been imprisoned as a journalist' but, in reality, he's been imprisoned for espionage or crimes against society or because he owes someone money but hasn't paid his debts (Appendix 6.13).

Pery 'Omer[41], Correspondent of the daily newspaper *Xebat*, is also classed as a party-affiliated journalist accepts that violence is a problem:

> There is violence against journalists in the Kurdistan Region; sometimes we know which group is responsible for this violence, sometimes we don't. A number of journalists have been killed but we don't know who was responsible because mostly this has happened in Kirkuk which is one of the cities in Kurdistan but it is under Iraqi security forces. Sometimes the Kurdish authorities have carried out acts of violence, for example if someone writes a report about an official who has done something wrong then in the future there may be violence (Appendix 6.13).

Sndy believes that there may be violence but is not sure who is responsible: 'I think this does happen occasionally.' He states:

[40] For more biographical details of Salar 'Osman, see Appendix 5.
[41] For more biographical details of Pery 'Omer, see Appendix 5.

> There may have been some incidents which have been labeled as violence but nobody knows who has committed these. We don't know exactly who has assaulted or tortured journalists; it may be a social problem or a perhaps a political party is behind it so I couldn't say whether this is violence against journalists (Appendix 6.15).

Some of the problems of mistrust between independent journalists and the authorities in the Kurdistan Region relate to previous problems caused by the authorities' involvement in political, economic and social corruption. Further problems are caused by the particular mentality of certain people in the authorities which results from this situation leading them to believe that if someone makes any criticism of them, it is dangerous and must be repressed, quelled and silenced (Barzincî, 2010).

It is worth considering here one particular case which gained notoriety in the Kurdistan Region. Serdeşt 'Osman, 23, was a freelance journalist and a final year student majoring in English language at the Salahaddin University in Erbil, the capital city of the Kurdistan Region. He was killed in unclear circumstances on 4 May 2010, having been kidnapped from in front of his College and his body recovered in the city of Mussil. It is generally believed that he was killed because he wrote an article entitled 'I am in love with Barzanî's[42] daughter' criticising the family of Masoud Barzanî, president of the Kurdistan Region. Most of the allegations about the responsibility for this event were directed against the KDP because the area in which 'Osman was kidnapped and killed is under their control.

In the two years prior to 'Osman's death two other journalists were killed, namely Soran Mame Ḧeme and 'Abdul-Star Şerîf. Again it is generally thought that the KDP was implicated in these cases because both journalists had also written articles which were critical of the Masoud Barzanî family. The KDP media and

[42] Barzanî: Masoud Barzanî who is the president of Kurdistan.

Masoud Barzanî himself have pointed to the lack of evidence in relation to the case. However Barzanî has added his voice to those calling for the need to discover who was guilty for ‘Osman’s murder and he has promised to form a committee to investigate his case. ‘Osman’s death led to demonstrations by thousands of Kurdish people who took to the streets in cities and towns to protest about this incident and about abuse against journalists in general (‘Abdulla, 2010a; Dagher, 2010; Peyamner News Agency, 2010a and 2010b).

But, five months later, the results of the investigation failed to surprise to anyone. The investigation concluded that ‘Osman was connected with the ‘terrorist group’ Ansar al-Islam and that he refused to participate in further cooperation with ‘terrorists’ and therefore in revenge it led to his murder. But most of the people did not believe the investigation’s result, because Serdeşt was not religious, and Asnasr al-Islam refused this result because ‘Asnasr al-Islam usually issues statements claiming responsibility for their acts. On this occasion, it claimed the contrary. Also Ebduía add his comments: ‘The KDP is indeed playing his difficult hand badly; and the result of the investigation is that they did not offer any candles in the dark to the ease the pain of Serdeşt family’. The Committee to Protect Journalists issued a statement: ‘The CPJ is dismayed by the deficient inquiry and calls on Kurdish authorities to conduct a thorough and credible investigation into ‘Osman 's death’. Writers and journalists both inside and outside Kurdistan have had different feelings of disbelief and anger towards the news that their fellow journalist has been accused of being a member of an Al-Qaeda affiliated group (‘Abdulla, 2010b).

FIGURE 3.24 DEATH OF SERDEŞT ‘OSMAN

Since 17 February 2011, demonstrations have been occurring in the Kurdistan Region, they have created violence in the area. The protesters are demonstrating against corruption and are demanding political, social and economic reform. During this time, nine people have been killed and 130 people injured, including the protesters, the public and the police. The Kurdish authorities have promised to sort out the problems, but they need to act rather than just say they will. The Kurdish authorities have started to make changes in some aspects, especially with regards to the Kurdistan Regional Government, but people are still angry (Faieq, 2011; ‘Abdulla, 2011).

During these demonstrations, the journalists and media channels have faced much violence in the Kurdistan Region. According to the statement published by the Kurdistan Journalists Syndicate on 6 March 2011, the journalists and media channels in the Kurdistan Region have faced numerous abuses and violence. The statement noted that:

1. Numerous journalists faced threats and were beaten, assaulted and shoot at.

2. Goran Radio (Radio Change) and Goran Television (Television Change) faced an arson attack in Erbil.
3. Nalia (NRT) satellite faced an arson attack in Suleîmanî.
4. Dengî Garmian (Voice of Garmian) also faced looting and pillaging in the Garmian area.

In the statement, the Kurdistan Journalists Syndicate (2011) declared that: 'All the violence and abuses were completely against the Kurdistan Region's laws, especially against the Press Law'.

Enwer Ḧusên, the secretary of the Kurdistan Committee to Protect Journalists, stated that: 'Since 17 February 2011, more than 200 types of violence and abuses have faced journalists in the Kurdistan Region' (Faris, 2011).

In addition, the Iraqi Journalists Union published a statement concerning the abuse and violence that has been directed towards the Kurdish journalists in the Kurdistan Region during these demonstrations. The statement condemned the aggression from the Kurdish authorities towards the Kurdish journalists. Furthermore, the statement focused on the notion that the violence and abuse was a violation against freedom of speech and freedom (Sbeiy, 2011).

CHAPTER 4: RESEARCH METHODOLOGY

4.1 Introduction

As Palmer (1998: 84 cited in Bertrand and Hughes, 2005: 6) has insightfully commented: 'Research is far from an idealised process, immaculately conceived and elegantly executed. In reality concepts do not automatically generate operational definitions and theories do not fall into place once all the data are in'.

The purpose of this chapter, therefore, is to chart the reality of the process of undertaking this doctoral research project, identifying and elaborating on the research strategies and methodologies which were adopted to achieve the aims and objectives formulated for this thesis, as presented in Chapters 5 and 6.

The chapter begins by presenting and justifying the choice of the methodologies which were used, situating these within the different kinds of research paradigms which are available to those investigating within the fields covered by this research area. It also discusses in broader terms the research philosophy which has informed the approach taken to this specific project.

This chapter also details the methods and techniques which were employed firstly in the collection and generation of data in relation to the case study and secondly in their subsequent analysis and reflects on the suitability of these methodological tools for exploring the key concerns of this research. It then goes onto consider some of the ethical issues which can face the researcher when conducting this type of qualitative research which involves interviewing and how the challenges which arose were dealt with. Finally the chapter concludes by considering in general terms the difficulties which may be encountered in any research project

employing qualitative methods and techniques and then focuses on some of the specific limitations of this research project.

4.2 Research paradigms

According to Pearce and Butler (1993: 6 cited in Bertrand and Hughes, 2005: 9):

> … researchers should not take for granted the methods, concepts or data that they use but rather examine these critically, exploring, appraising, setting out and justifying underlying assumptions, theoretical considerations, technical factors and limitations in use.

It is important to understand the philosophical underpinnings of the methodology which is chosen when beginning a research investigation as this enables the researcher to consider the various approaches and distinguish between them, establishing which methods are most suitable for the particular research questions to be explored. Therefore before explaining which approach has been chosen in the case of this thesis, this section briefly outlines some of the key differences between differing research paradigms or philosophies since these have informed the methodological approach to be taken and the assumptions underpinning these have impacted in turn on the methodologies and research tools used in this research. In combination these have formed the research paradigm which has guided the research.

4.2.1 The research paradigm

Whether or not they choose to articulate fully and explicitly their responses, all researchers must, as Said observes, consider the answer to some fundamental questions: ‘How does one speak the truth? What truth? For whom and where?’ (1994: 88). The term ‘ontology’ is used to refer to the overarching framework governing how reality is understood by the researcher whilst ‘epistemology’ is used

when indicating the scope of what there is to be known and the kind of questions that can be asked. The working assumption of this thesis is that due to a variety of specific historical and socio-political circumstances which have helped to condition their development, the Kurdish media (press, television, and digital media) and those who work in this sector in the Kurdistan Region have faced a particularly difficult situation since 2003. Although on the one hand there would appear to be great opportunities for the Kurdish media to modernise and develop with the coming of democracy, there also remain a number of underlying problems and conflicting interests which continue to threaten them, particularly the nature of their relationship with the Kurdish authorities.

This research therefore analyses the current strengths and weaknesses of Kurdish media particularly in reference to the area of regulation (the Press Law). It also explores the opportunities which present themselves for future developments in this area and discusses the threats and challenges which may arise in this sector, in relation to the role which they may be able to play in helping to shape public opinion and strengthen the still fragile democracy in the Kurdistan Region.

It is generally acknowledged that essentially there are two main research methodologies: quantitative and qualitative. These in turn are informed by two main philosophical approaches, namely positivism (which generally relates to quantitative methodologies) and phenomenology (which generally relates to qualitative methodologies). With a positivistic approach information is normally gained by direct participation or through observation which can be considered objective due to inquisition and authentication. Phenomenology, on the other hand, has various meanings but is generally considered to be an individual philosophical perspective of events (Maykut and Morehouse, 1994:1-3).

Maykut and Morehouse (1994) identify some key differences between quantitative and qualitative research, expressing these in the following terms: 'Quantitative research is based on observations that are converted into discrete units that can be compared to other units by using statistical analysis' whereas 'Qualitative research generally examines people's words and actions in narrative or descriptive ways more closely representing the situation as experienced by the participants' (Maykut and Morehouse, 1994: 2).

Qualitative research therefore is usually concerned with the exploration of multiple perspectives and the expressions of opinion of an identified group of people, who are recognised as having specialist knowledge about or direct personal experience of the topic which is under analysis. A qualitative approach attempts to define and describe an existing situation being concerned with building a new understanding of the phenomena being observed rather than imposing a particular framework of reference on the people and happenings which are being surveyed or examined. For this reason it tends to concentrate on developing dynamic research tools rather than employing more inflexible kinds of categorisation. Qualitative research also focuses on approaches which allow the researcher to explore how individuals analyse data and events and construct their understanding of this knowledge (May, 2002: 199). Research projects which adopt a qualitative approach often conclude by making a series of recommendations which are formulated in accordance with the outcomes of the research (Maykut and Morehouse, 1994:1-3).

The methodology which underpins this thesis is influenced by the principles of the case study methodology but some of the research tools which are used combine elements of both qualitative paradigm and qualitative techniques. This research involves using principally three different methods for data collection and

analysis, namely content analysis, case study and interviews. The discourse of the regulation and the Press Law and the interviews were analysed using content analysis. These techniques were chosen rather than purely quantitative research methods because focusing solely on the statistical analysis of data would be of limited usefulness and relevance in approaching the type of research questions which this thesis addresses.

Given that the methodology needed to be one which was sensitive to the chosen case study and the nature of the aims and objectives of the research an approach has been adopted which combines qualitative methods and techniques and triangulates this by drawing on material from multiple data sources.[43] As the commentary in the following sections will show, each of these research tools or methods has a number of inherent strengths and weaknesses. Therefore, choosing to use these different methods and then triangulating the information which is gained from each approach by comparing and contrasting the results which are obtained will serve to facilitate the validation of the outcomes of this research (Hansen *et al*, 1998:45).

In recent times there has been an increasing awareness in many academic disciplines which draw on qualitative research techniques of the interplay between personal, emotional and intellectual factors. Thus a later section of this chapter will reflect briefly on the importance of the role of positionality of the researcher since this research has been influenced by insights gleaned from the researcher's own

[43] For a detailed discussion of the origins of triangulation as a conceptual framework and a critique of its strengths and weaknesses as a research method in the social sciences, see Oppermann, M. 'Triangulation: A Methodological Discussion', *International Journal of Tourism Research* 2, 141-146 (2000).

professional experience and his personal understanding which is the result of having lived and worked in the situation being studied.

4.3 The research approach: methods and strategies

The choice of methodology and research tools to be used for the exploration and investigation of a specific issue is always dependent both on the differing circumstances in which the research is being carried out and the information which is required. In the following sections the key research tools used in this thesis are outlined, their relative strengths and weaknesses considered, and a rationale is provided for the choice of research methods used in this thesis before describing how each has been adapted for use in meeting the objectives of this doctoral research.

4.3.1 Case study

One of the qualitative methods which is commonly chosen by researchers within media and communications studies is the case study which according to Yin (2009: 18) is 'an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context'. Bloor and Wood (2006: 27) note that as a research strategy the case study is particularly useful 'to provide description through a detailed example or to generate or test particular theories'. It follows therefore that some conditions apply in order for the case study to operate effectively as a research approach. Firstly, it needs to be related to a set of research questions which have been carefully formulated. In the case of this project these are as follows:

1. How have the Kurdish media responded to the challenges which they have faced?

2. How will they respond to the opportunities which this sector will present in the future?
3. What are the roles of journalists, journalism and the media in an emerging democracy?
4. To what extent does media regulation serve to support the development of this role?

The case study approach also requires the development of appropriate methods and instruments for data collection and the elaboration of a sampling strategy. Unlike quantitative methods which generally aim to generate representative data from a large random sample, the individuals, groups and settings which are chosen for investigation in the case study are precisely those most likely to be involved in or affected by the issues or phenomenon which form the focus of the research, in this case the relationship between journalistic practice and legislation in an emerging democracy. Silverman (2001: 252) refers to this technique as theoretical sampling because the chosen sample is 'meaningful theoretically' since it builds in 'certain characteristics or criteria which help to develop and test theory and explanation'.[44] Thus in the present study all of those who were interviewed by the researcher were selected either because of their capacity as decision-makers within the media or political sector in the Kurdistan Region or because they were media practitioners directly affected by the socio-political and legislative context of this study. Since case studies are qualitative and in-depth in nature, even small sample sizes can be used to explore an issue and are not detrimental to the research. However careful thought must be given to the choice of interviewees, ensuring that these are appropriate to the focus of the research. These groups were identified by the

[44] Maxwell refers to the same process as 'purposeful sampling' in which 'particular settings, persons or events are selected deliberately in order to provide information that cannot be got as well from other choices' (1996: 70).

researcher as part of an initial mapping exercise designed to pinpoint these key groupings.

It should be noted that proponents of quantitative research are often sceptical about the usefulness of qualitative research due to their belief that when data are generated from observation and the gathering of opinions in a particular context this produces findings which make sense only within that context and therefore lack a wider resonance or applicability and cannot be generalised (Denscombe 1998). For those researchers operating within a quantitative paradigm generalisability is also of necessity linked to issues of validity and reliability, and therefore they would view the fact that results cannot be generalised as seriously detracting from the significance, relevance, impact and utility of the data obtained. It cannot be denied that with a case study of this kind, the finer details of the research argument are specific to the Kurdistan Region's geopolitical and socio-historical circumstances and cannot therefore necessarily be transferred to other national contexts. However since it can equally be argued that the results of this case study can make a meaningful contribution to the growing body of work examining the role of the media in the formation of national identity in emerging democracies and how legislation and regulation can be used to shape and improve the professional working practices of journalists. More specifically, it can contribute to our understanding of a number of related issues, including:

1. The relationships which exist between legislation, regulation and media practice and the ways and forms in which these are expressed within legal frameworks within emerging democracies.
2. The role which individuals and institutions play in the maintenance and dissemination of these legal frameworks.

3. The evolving dynamics of the nature of journalism in a context of political and technological change.
4. The various ways in which the role of the journalist is interpreted at both institutional and individual level.

The results of the study will thus be of interest to a number of audiences including media and communications researchers concerned with issues relating to governance, legislation and regulatory frameworks, together with political scientists with an interest in Iraq and the Kurdistan Region, or those focusing on emerging democracies.

Yin (2009: 18) highlights the fact that as a research method the case study 'relies on multiple sources of evidence, with data needing to converge in a triangulating fashion' and stresses that the best case studies use multiple sources of evidence and data collection since this helps to enhance the dependability and accuracy of the evidence in the case study (2009: 114-122).Yin identifies six possible sources of evidence, namely documentation, archival records, interviews, direct observation, participant-observation and physical artefacts (Yin, 2009:101). When using the case study approach, therefore, it is essential that the primary data and analysis generated from the interviews are used in conjunction with contextual information from an appropriate range of secondary data sources.

Using multiple or combined research methods and strategies to form part of a continual process of research triangulation has a number of benefits. Most importantly, by providing more complex information it gives 'added depth to the description of the social meanings involved in a setting' (Hammersley and Atkinson 1983: 198). In addition, when a comparison of these different data sources is carried out it can highlight similarities and differences within the range of material which

has been used and thus can serve to pinpoint potentially contentious areas and vested interests. Moreover, using a mixture of data collection methods can help to counterbalance the biases or flaws which may arise from the employment of a single technique of data collection and analysis, meaning that this triangulation technique can provide a useful validity check. Overall this increases the likely reliability of the results of the research.

According to Yin (2009: 103) secondary sources can include all or some of the following categories. Firstly, there is documentation which covers items such as meeting agendas; correspondence or e-mails; administrative documents; memoranda; newspaper articles and press coverage providing reports of events; diaries (either official or personal) and calendars. Secondly, it may be useful to consider archival records, a category which may cover such items as files available for public access; service records; organisational records; maps and charts; and also survey data. However Yin cautions that the researcher has to be careful in estimating the accuracy of the evidence or records since official records will not necessarily be exact or accurate and will have some element of bias (Yin, 2009: 105-106). In addition, in emerging democracies, it may be extremely difficult to access archival records either because these have been destroyed (deliberately or as a result of conflict) or because they may never have existed since such information was never produced.

As a third source of case study evidence, Yin regards interviews as one of the most significant sources of information and data collection (Yin, 2009:106-109). The reason for this is that most case studies revolve around human affairs or behavioural events and 'Well-informed interviewees can provide important insights into such affairs or events' (Yin 2009: 106). In addition, Yin argues that interviewees can help to provide the context to the prior history of situations and help researchers to

pinpoint other relevant sources of evidence. Furthermore, they may be useful means of substantiating and corroborating evidence gathered from other sources. More will be said about the use of the interview as a means of case study evidence in a later section of this chapter.

Yin (2009: 112-113) identifies three further sources of information: direct observation; participant-observation; and finally, physical artefacts. Although these can be very useful in some research scenarios, they are of limited applicability to the present study. However it could perhaps be argued that there was an element of participant-observation in the collection of data due to the researcher's own personal background as a media practitioner in the context being investigated which gave him a special ability to gain access to information and individuals that would generally be inaccessible to the researcher from outside this context.

It is relevant to comment further here on this issue at this stage. Recent debates on reflexivity and the positioning of the researcher in various fields have highlighted the challenges that can arise during interviewing and the problematic negotiations involved when the researcher finds that he has to shift between perspectives and subjectivities. Duijnhoven and Roessingh, for example, reflecting on their changing roles when involved in fieldwork interviews, commented:

> Researchers have to constantly think about which part of their identity they have to emphasise or hide, or about what they want and what is best for their research. Such choices often represent the position the researcher takes between different actors or groups (2006: 124).

In essence, some theorists now argue that aspects of a researcher's own background, training, experiences and beliefs may affect the research process and it is useful here to reflect briefly on this issue. While being an 'insider' can facilitate the researcher's

access to informants it can occasionally create difficult situations. On the positive side, the researcher's position as a national of the Kurdistan Region and as a media professional who has worked there for a number of years was of key importance to gaining access to interviewees. Knowing the cultural context and language of the Kurdistan Region, it was possible to establish a good rapport with all the interviewees, which in many respects facilitated access to the needed data. However, it was also the case that as an insider, being aware of some of the political sensitivities of the situation, it was not possible to ask some of the 'innocent' questions which an outsider-researcher might have risked without causing offence, questions of the kind which can occasionally provoke revealing answers. Some interviewees were perceived to be somewhat guarded in their response to questions perhaps because they believed, rightly or wrongly, that the researcher had his own personal stake in these issues as an individual who had worked in the media in the Kurdistan Region. However, wherever possible I tried to position myself as a researcher wishing to understand more about their particular situation and viewpoint.

It became evident during the course of interviewing that research in a familiar setting throws up a number of challenges to one's own identity and role in this context. This meant I often had to negotiate between competing categories of insider-outsider and media practitioner-researcher depending on whom I was interviewing. It is thus important to acknowledge this issue of one's own positionality so that readers of the thesis are able to make their own decision about how the evidence which has been presented might be interpreted.

Yin (2009:130-133) notes the importance of a number of key strategies that the researcher needs to follow in order to ensure that the case study approach produces useful results. The first of these focuses on the need to rely on theoretical

propositions in constructing the case study. In the case of this study, a number of theoretical propositions relating to media and emerging democracies have been considered by reading a broad range of secondary literature on this topic. Secondly, Yin underlines the importance of developing a case description. In this thesis, the chosen topic – media in the Kurdistan Region – is contextualised by providing a historical overview of both the development of media and of Kurdish identity. Thirdly, Yin emphasises that both qualitative and quantitative data should be used in this methodological process in order to triangulate results. Thus the data which was gathered from the interviews was supplemented with and compared to information from a range of other sources including existing academic research and reports, official documents, legislation (in particular the Press Law and its draft version) and the researcher's own observations and knowledge, in order to confirm the evidence and data from interviewees. Fourthly and finally, Yin points out that it is necessary to examine rival explanations for the results of the case study. This examination takes place where appropriate within in section and also in the concluding chapter.

Overall, then, the case study proved to be the most appropriate research methodology given (a) the type of research questions which were posed; (b) the extent of the control which the researcher has over actual behavioural events and (c) the nature of the focus of the study, which was on contemporary as opposed to historical events (Yin, 2009: 7-8).

4.3.2 Content analysis

Another research method, known as content analysis, was used to examine the discourse of the regulation and the Press Law approved by the Kurdistan Parliament together with the primary data gathered through the transcriptions of the interviews

with key groups. In broad terms, content analysis is a technique of annotating, coding, collating and categorising which can be applied to a corpus of texts, for example various types of media communication. It can be applied to both written texts (for example, laws and regulations) or to the spoken word (for example, interviews) for the purpose of gathering certain statistics relating to particular features of the text and their relative importance and relevance. Content analysis is particularly useful comparative technique for revealing not only what is included in a text but also what is omitted due to an underlying political agenda, for example.

According to Bernard Berelson, writing in 1952, 'Content analysis is a research technique for the objective, systematic, and quantitative description of the manifest content of communication' (cited in Hansen *et al,* 1998:94). However there has been considerable debate about whether this method should be classed as solely quantitative, and Berger (2000:173), for example, notes that Charles R. Wright, writing in 1986, was representative of a number of scholars questioning the supposed 'objectivity' of content analysis, arguing that this had a number of features which were more usually associated with qualitative research methods.

Hansen *et al* (1998:94-95) are less tentative in their critique of content analysis and argue that although content analysis is a useful tool for explaining and evaluating a theoretical framework in the context of qualitative research, as a technique it can never be truly objective. They base their argument on the fact that the content being analysed must be categorised and classified and each individual who reads a text will formulate analytical categories in a different way and choose to interpret them in their own way. Moreover the person carrying out the analysis relies on their individual experience to interpret the text and this could vary considerably from the intended thought offered by the author of the text under consideration.

Therefore, as Hansen *et al* (1998:99) stress, as a research technique, content analysis should not be used solely for counting and calculating the words in the text. They also point out that careful thought must be given when devising and allocating categories and classification in order to ensure the effectiveness of the coding system and the information must be adequately prepared so that it can be properly analysed. Like the previous authors, Deacon *et al* (1999:116) emphasise that the statistical evidence which is produced should then be subjected to a qualitative analysis which is used in order to determine and clarify the content of the communication under analysis. In addition, the analysis must concentrate on the content that is directly related to the thesis subject.

In qualitative research of the kind conducted in this thesis coding involves segmenting the data and rearranging it into categories that will facilitate the comparison within and between these categories. These categories can also be thought of as themes and in general terms there are two different kinds of themes. The first refers to items of discourse that can be seen to run throughout all or most of the data being analysed. In this context, this might be a point made by all the interviewees or a repeated idea in the regulation. The second kind of category covers statements which are considered to have a particularly heavy emotional or factual impact. When these are identified it becomes possible to examine the convergences/similarities and divergences/differences which emerge from the discourse under analysis.

4.3.3 The interview

The third kind of research technique, used for generating qualitative data in research, is one of the key methods which is most commonly used – this is the interview. In

general terms, an interview can be considered to be a conversation between the researcher and the interviewee for the purpose of collecting the necessary data as well as presenting an opportunity to gather further information and ideas on a particular topic. Many qualitative researchers focus on the reactive response as the method which facilitates the best opportunities for discussion and exchange in their research interviews. Using this approach often generates further information and knowledge which is valuable to the researcher.

There are a range of different interview types. In structured interviews the researcher asks all respondents the same series of pre-established usually closed questions and there is generally little room for flexibility in the way questions are asked or answered. They can be useful for obtaining basic factual information or data which can then be coded to ascertain behaviour patterns within pre-established categories. Unstructured interviews, on the other hand, make use of open-ended questions and do not limit the inquiry process by enforcing any prior categorisations. Interaction is framed with the intention of recognising the complex behaviour of individuals within society.

These two types can be successfully combined in the semi-structured interview which gives a general framework for the interviewer and allows for an element of comparison where appropriate. Such interviews combine both closed and open-ended questions. Closed questions can be used to elicit factual data and also allow the researcher to become acquainted with the interviewee and vice visa. They can also be used to clarify information about events and facts provided by the interviewees. Open-ended questions are useful for the purpose of elaboration and opinion giving.

All the interviews were semi-structured and were undertaken individually and conducted face-to-face between the researcher and the interviewee since this method not only provides the maximum opportunity to facilitate explanation of the information required but also permits the researcher to gain insights into respondents' perspectives on their experiences and situations by allowing them to formulate these in their own words. The interviews were also what Bertrand and Hughes (2005) term in-depth interviews which are characterised by their length, depth and structure. Although they take a longer time to conduct than questionnaire-based interviews, in-depth interviews provide an ideal opportunity for interaction between interviewer and respondents. When approached with the correct level of sensitivity, in-depth interviews can provide an excellent means of gathering data which can be used to assist the researcher in understanding the experience of other people and the meaning they make of this experience. Bertrand and Hughes (2005) stress the need to encourage the respondents to use their own words and express their feelings when conducting interviews of this kind.

There are many steps involved in the interview process and since this method constitutes one of the essential tools for data collection for this research, these must be undertaken carefully to ensure generalisation is avoided and vital data recorded. There are also several significant fundamentals to consider when conducting interviews, crucially that it is important to remember that the data collected by interview is not 'objective truth but the expression of a point of view' (Bertrand and Hughes, 2005:145). In addition, the interviewer must be aware that interviewees sometimes misconstrue the questions to give information they think the interviewer wants to hear or they may forget some essential information which is important for the research. There is also the possible problem that different individuals may

interpret the wording of the questions in different ways. For this reason it is often useful to ask for feedback from a third party on the questions which have been set so that the most obvious misunderstandings or ambiguous wording can be avoided or corrected. In addition, sometimes it may be the case that the individual who has been chosen for interview may not have any information of value to share in relation to particular issues (Berger, 2000:124-125). In these cases, the interviewer must make the decision about whether to pursue points or to omit sections of questions. On the occasions when this happened, this is recorded on the transcript.

Interpersonal skills including the ability to build rapport are important in successful interviewing since it is important to put interviewees at their ease as this will increase the chances of obtaining information from them that is more likely to provide insights into the feelings and beliefs of the individual. It is also important to remember that the role of the interviewer needs to be a balanced one and whilst a relationship much be established to facilitate dialogue, the researcher must not impose his own idea or lead the interviewee into saying what is required. The interviewer must try to keep a balance between allowing people to express their feelings freely whilst on the other hand controlling the conversation in order to anchor it to the focus of the research.

For these reasons, as noted elsewhere, it is important to employ other methods of data collection which can be used to verify and support the information gathered often using the method of triangulation of data collection (Mason, 2002) which in this case involves content analysis and case study in addition to interviews. When using the interview method, it is essential to ensure that the target questions which are formulated for the interviews are carefully matched to meet the aims of the research which, in turn, are reflected in the research questions, as mentioned in 4.3.1.

In order to explore this topic amongst the groups of interviewees, a number of key issues were identified and interviewees were asked to share their knowledge and understanding of these topics, which are as follows:

1. Kurdish media regulation; in particular the Press Law.
2. The relationship between the government and the media.
3. The freedom of press and access to information.
4. The difficulties and challenges faced in developing the Kurdish media and the opportunities this represents.
5. The nature of the current circumstances in which Kurdish journalists operate.
6. Professionalism and the working practices of journalists in the Kurdistan Region.

Four relevant groups participated in the interview questions; firstly, group one consisted of independent journalists and those who work in the independent media. This group consisted of three interviewees. The independent journalist Kemal Reuf is the editor-in-chief of *Haûlatî* (Citizen). Asos Herdî is another independent journalist and director of the Awêne (Mirror) Company which publishes the *weekly Awêne* newspaper, *Sport Awêne* and *Awênekan* magazine. Nzar Zrar Eḧmed (who is also known as Gzaly) works as a member of the editorial staff at the *Awêne* newspaper and is head of the Awêne office in Hewlêr (Erbil). Biographical details of interviewees can be found in Appendix 5 and a full transcript of their replies to the questions can be found in Appendices 6.1, 6.2 and 6.3.

Secondly, group two consisted of individuals holding official positions of authority. The four interviewees in this group hold positions of authority in Kurdistan. ‘Adnan Muftî holds the top governmental office as President of the Kurdistan Parliament which is also one of the bodies responsible for regulating

media and passing legislation including laws affecting the Press. Faruq Cemîl is a judge and the current Minister for Justice whose Ministry is responsible for implementing laws and regulation. Tariq Cewher is the Senior Media Adviser for the Kurdistan Parliament and has more than eight years of experience in Parliament. Ferhad ‘Aewnî is the General Secretary of the Kurdistan Journalists Syndicate. Biographical details of interviewees can be found in Appendix 5 and a full transcript of their replies to the questions can be found in Appendices 6.4, 6.5, 6.6 and 6.7.

Group three consisted of academic and professional journalists. There were only two interviewees in this group and both had a background in the academic study of the media, although Dr. Nîaz Lacanî is also the General Manager of Zagros satellite. Ħekîm ‘Osman Ħemîd is the head of the Journalism Department at Suleîmanî Technical Institute which was Kurdistan’s first academic media centre, established in 1999. Biographical details of interviewees can be found in Appendix 5 and a full transcript of their replies to the questions can be found in Appendices 6.8 and 6.9.

Finally, the fourth group consisted of journalists who were affiliated to political parties or those who worked in the politically affiliated media. The six interviewees in this group were all journalists who were affiliated to political parties and those who worked in the politically affiliated media. As Manager of Kurdsat, Awat Necmedîn Esma‘îl has been responsible for running the Kurdsat satellite channel since it was established by the Patriotic Union of Kurdistan. Salar ‘Osman is the General Director of the Kurdistan Voice Radio. Pery ‘Omer, a correspondent for the *Xebat* (Struggle) daily newspaper. As head of programming for Kurdistan Voice radio Nermîn Sndy is also classed as a party-affiliated journalist. Nejad ‘Azîz Surmê is the editor-in-chief of *Xebat*, a daily newspaper. Lawend Newzad is a writer and

journalist and Director of Gelî Kurdistan television. Biographical details of interviewees can be found in Appendix 5 and a full transcript of their replies to the questions can be found in Appendices 6.10, 6.11, 6.12, 6.13, 6.14 and 6.15.

When preparing the questions the interviewer must ensure that all relevant subjects relating to the research objectives are included even if some of the questions are potentially difficult because the interviewees may not wish to answer them. Using open-ended questions permits the interviewee to enlarge and expand on the subject which may serve to enrich the data gained. Thus the questions were designed to give a general idea of the thesis topic and also explore the familiarity and depth of experience of the interviewees on the topic under investigation.

The questions which were used in the interviews relate to different aspects of the contemporary reality of the Kurdish media in the Kurdistan Region. Currently, there are no sources available regarding the key questions which are addressed in this research and only limited information about the opportunities which present themselves for future developments in the Kurdish media and discusses the threats and challenges which may arise in this sector, and also the effect of regulation on the Kurdish media. There is an element of objective inquiry in a number of the questions which serve to establish factual information about the current state of the Kurdish media in the Kurdistan Region. However these interview questions also fit into the case study methodology and qualitative research paradigm because they also attempt to capture the understanding of events and the range of personal experiences of those interviewed.

A group of questions were devised to reflect the main research areas which had emerged from reading of secondary sources. Thus the first group of questions

(that is numbers 1-11) focus generally on the Kurdish media and are intended to establish the range of opinions which may exist on this topic. These questions are as follows:

1. Some local media channels and journalists have criticised the authorities believing that the journalists have faced harassment and their rights have been abused by the authorities. Do you agree with this statement and if so, why?

2. What do you consider to be the main differences between the politically controlled media sector and the independent media sector? How does this affect their working relationship?

3. What do you consider to be the main criticisms that journalists have of the Kurdish authorities? What do you think journalists want from the Kurdish authorities?

4. What do you consider to be the main criticisms that the Kurdish authorities have of journalists? What do you think the Kurdish authorities want from journalists?

5. Do you know of any examples of co-operation between the various media groups in order to help form public opinion?

6. In your opinion, what are the most important difficulties currently facing the Kurdish media?

7. What do you consider to be the main challenges facing the media in the Kurdistan Region? And how would you like to see the media develop in the future?

8. What do you consider to be the main opportunities presented by the media in the Kurdistan Region?

9. How do the Kurdish authorities currently regulate the media?

10. With specific reference to your area of work, what do you think are the most important issues and challenges facing the media?

11. Describe the role which you play in your organisation, and how your job responsibilities contribute to fulfilling the aims of the organisation?

In the next section of the interview (numbers 12-25) the questions which were posed related more specifically to the subject of media regulation in the Kurdistan Region:

12. A number of international organisations for the protection of journalists in the world, for example the Committee to Protect Journalist, have mentioned problems of violence against journalists in the Kurdistan Region. How would you describe this situation?

13. Why has the Press Law in Kurdistan been written mostly as instructions rather than recommendations and guidance?

14. Some aspects of the Press Law appear to have been neglected including guidance on dealing with children generally, children in sex cases and adult victims of sexual assault, preventing intrusion into cases involving shock or grief, the concept of harassment, gaining permission to enter private or public areas and a number of others. Could you explain why these have been omitted?

15. Do you think the Press Law needs to be reviewed and amended where necessary, sooner rather than later?

16. Which sections of the Press Law would you like to see amended and how?

17. To what extent do you think the Press Law can it brought into line or is it

comparable with the current media legislation in developed countries?

18. Does the Kurdistan Region have an organisation or centre which deals with complaints made by journalists and/or complaints made against media channels or journalists by members of the public?

19. When the Kurdistan Parliament recently discussed the Press Law it omitted legislation relating to broadcasters (television and radio), industrial communication, telecommunications, and wireless communication services. Are there any plans for regulating these?

20. What steps were taken to ensure that the Press Law reflected the ideas and values of the various political parties in the Kurdistan Region?

21. Have there been any difficulties in implementing the Press Law?

22. Which aspects, if any, of Kurdish culture are reflected in the Press Law?

23. How has the Press Law been received by the media channels, government, political parties, national and international organisations for the protection of journalists?

24. The Committee to Protect Journalists has referred to violence against Kurdish journalists and Reporters without Borders has also mentioned violence against journalists in Iraq (including the Kurdistan Region) in its annual report. Do you think that the Press Law will resolve this situation?

25. Whilst the new Press Law was being drafted a number of media academics also compiled a version which included all media channels not just the Press. Although this was initially supported by the Ministry of Culture it was subsequently ignored.

How do you account for this change of attitude?

In the third and final section the questions (numbers 26-30) focus on the topic of professionalism and what it means to be a journalist.

26. In your opinion, what makes a professional journalist?

27. In your opinion, what distinguishes a professional journalist from a non-professional one?

28. What support is available for the training of professional journalists?

29. Does the Kurdistan Journalists Syndicate support the professional development of journalists? If so, how?

30. Do academic departments play a role in supporting the development of professional journalists? If so, how?

When the actual interviews took place, it did not always prove possible to ask the same set of questions to all interviewees or to obtain the information desired for various reasons. There were two reasons for this. Firstly because initial interviews suggested that sometimes interviewees misconstrued the question that was being asked, and so for this reason the original version of question 18 was changed in later interviews. Secondly, despite the careful planning that was undertaken, it emerged that some questions did not prove to be important in terms of the central areas of the thesis, thus for example questions 10, 11, 17, 20, 2 and, 26 did not feature in all of the interviews as they were not relevant to the experience of some interviewees. Thirdly, some questions which were initially separate were later joined together as there proved to be an element of repetition in them , for example in the case of questions 15 and 16, both of these focus on the changes which interviewees would

like to see made to the Press Law. As the researcher's confidence and skill grew he was able to change the way questions were worded, to omit questions which were not appropriate to the interviewee in question or had already been answered and to add supplementary questions when necessary.

It was an important aspect of the interview method to identify and select appropriate individuals to represent not only the more obvious key players in the media including decision-makers and policy strategists from the various governmental bodies and representatives of the main agencies active within the Kurdistan Region but also the whole range of media practitioners. This is because it is their knowledge on the research subject that will best support the investigation. For this reason the sample of interviewees was chosen carefully and included individuals who are acknowledged as experts in the field of the Kurdish media. All are well-known and respected in their respective areas of expertise and have appropriate professional responsibility and experience in the Kurdistan Region.

The individuals who were interviewed belong to a number of different categories. These consisted of representatives of the Kurdistan Regional Government, the leader of the Kurdistan Journalists Syndicate, media academics, an editor-in-chief, General Managers of television companies and radio channels together with journalists who are affiliated to the main political parties in the Kurdistan Region and journalists who consider themselves to be independent.

In keeping with an ethical code of conduct all interviewees were informed about the nature of the research, its aims and focus, via a letter of introduction sent by email which established my research credentials. Permission was also sought to record interviews from those participating.

Gaining access to official representatives was made easier when prior personal contacts had already been established either by the researcher himself or a mutual professional acquaintance. Thus, in the case of the President of the Kurdistan Parliament, ‘Adnan Muftî President of the Kurdistan Parliament, the researcher found it easy to contact him because he already knew the President. The President was confident that no negative information would be published against him, or changing by the researcher at a later time. However, the researcher still planned to approach the research neutrally in an honest and objective manner for all the interviewee replys, including President ‘Adnan Muftî’s responses. However usually journalists wanting to contact government ministers for interviews find it very difficult and this sometimes proved to be the case in this project. Government ministers tend to be wary of journalists because some of them try to obtain information with the sole purpose of defaming or slandering those who provide the information. Thus the researcher tried to contact the Minister of Culture, Falakaddin Kakaee, several times by different methods but all requests for an interview were politely refused despite the fact that the questions to be asked were made available to him. The Minister of Culture had been chosen because Kurdish media issues fall within the remit of this Ministry. It is not wholly clear why the request was refused but it is thought that since this individual works with the Kurdistan Democratic Party, he may have preferred to only be interviewed by journalists from his own political party. As a result the researcher had no opportunity to gain information and answers from this important perspective despite having sent questions directly to him.

With regards to interviewing Judge Faruq Cemîl, the Minister of Justice within the Kurdistan Regional Government, initial contact was established via the

Judge's secretary who advised making contact through another individual, known as Judge Ali who was a part of the Ministry of Justice. When the researcher interviewed Judge Ali; however, he was unable to provide any information relating to the research questions due to his limited knowledge of the media in general and journalism in particular. It later emerged that he had only agreed to the interview because the Minister of Justice had told him to do this. When the researcher later met up with the Minister of Justice at the Centre for the Patriotic Union of Kurdistan, I told him about the interview, he agreed to it because he knew the interviewer and the fact that he worked with his political party and thus was not a threat.

Interviews with official representatives were conducted in offices whilst those with representatives of other groups took place in appropriate work-related locations. Most of the interviews lasted for an hour, the shortest being 25 minutes and the longest nearly two hours. Interviews were conducted in Kurdish and were taped with the agreement of the interviewees. Notes were also taken during the course of the interview as a back-up and also to record any relevant body language which added meaning to the spoken word, for example emphatic or explanatory hand gestures. Interviews were then transcribed in their entirety immediately afterwards and although this proved to be very time consuming it was useful because impressions of the interview were still fresh in the researcher's mind. When analysing interview transcripts it is important to form an understanding not only of what is said but how it was said and what might be implied since there is always a significant element of interpretation involved when analysing the spoken word. This is particularly true in the environment of an emerging democracy where certain topics may still be viewed as taboo or some concepts may be difficult to express. Thus when later reading the transcripts and coding them, the researcher often needed to draw on his personal

experience and insider knowledge of the Kurdish media when attempting to understand what the interviewees intended to say. All the interviews were later translated from Kurdish into English by the researcher himself.

As one doctoral researcher cited in Maykut and Morehouse (1994) noted with regard to the writing up of data gathered in interviews: ‘this process is inevitably infused with the perspectives, intentions, or ambitions of the author’. It is right to conclude therefore by acknowledging that the methods used in this research have some limitations. Conducting, transcribing and analysing interviews is very time consuming. There can be problems with accessing some of the interviewees, particularly government officials, given the sensitivity of the issues. Moreover, there can be unintended misrepresentation of the views which interviewees put forward due to various reasons. Words or phrases may be incorrectly transcribed or translated; body language may be unintentionally misinterpreted; interviewees may fail to understand a question. Ultimately, of course, the quality of the data from these interviews depends to a large extent on how sincere the respondents are and also on how the questions are asked. Some might have considered that data being sought was politically sensitive and may have been reluctant to elaborate on details or give full information. This highlights the importance of ensuring that in keeping with the principles of the case study method, triangulation is used to support any data supplied by interviewees.

CHAPTER 5: MEDIA REGULATION IN THE KURDISTAN REGION AND THE INTRODUCTION OF THE PRESS LAW (2008)

5.1. Introduction

Unlike many other countries, the Kurdistan Region does not currently have self-regulatory bodies, for all forms of media that have responsibility for the legislation of media-related issues. There is, in fact, only one form of regulation, the Press Law, which only applies to the Kurdish Press. This has a number of shortcomings as this chapter will argue.

The Kurdish Press Law of September 2008 is the latest attempt in the Kurdistan Region at legislative regulation for dealing with the Press and was approved by the Kurdistan Parliament as the first piece of legislation covering a particular medium. When the previous legislation was drafted in 2007, it faced a number of protests from various quarters including Kurdish and foreign organisations (amongst them Reporters without Borders, the Committee to Protect Journalists), writers, and journalists, all of them expressing the opinion that some of the Articles in the draft were problematic. It was believed that the Law would lead to the imposition of overly harsh fines and allowed for even worse penalties, including the imprisonment of, and State-sanctioned violence against, journalists (Ḧeme Tahir, 2008a). As a result, therefore, of these challenges, the draft legislation was amended in an attempt to deal with those shortcomings and significant omissions which had been commented on by various groups and individuals.

This chapter will examine the Kurdish Press Law (2008) but in order to fully understand the present legislation, it is necessary not only to consider the earlier draft

of this legislation, but also to understand something of the socio-political and historical context in which it was produced. This chapter will also analyse and discuss the areas and issues which it ignores and will suggest those further amendments which are needed in order for it to become fit for purpose in the media environment of contemporary Kurdistan.

This chapter examines a number of aspects of media regulation in contemporary Britain. This examination will focus on the press in order to provide a context and point of comparison for the discussion of media regulation in Kurdistan.

5.2. An overview of media regulation in the Kurdistan Region pre-1991

Given the previous status of the Kurdistan Region as part of Iraq, any consideration of the history of legislation covering publishing must take into account Iraqi law in this area which, in turn, has historical links to the publishing laws of the Ottoman Empire. Thus, the Kurdistan Region's first publishing law can effectively be traced back to 1863 and was formulated by the officials of the Ottoman Empire since Iraq was at that time governed by and under the control of the Ottoman authorities. When publication of the first newspapers started in Iraq in 1869 and from the Kurdish region 1898, this law regulated the activities of Iraqi and Kurdish journalists who were subjected to close scrutiny by the Ottoman Empire authorities.

The earliest legislation relating to publication laid down some directives for journalists which included avoidance of religious issues in reporting and no publishing on any subject using a pseudonym. The 1863 Law also included a list of words which were forbidden from use in printed publications. Amongst the terms which were prohibited were strike, mobilisation, revolution, dynamite, explosion,

collapse, slaughter, Bosnia, Cyprus, independence, equality, constitution, state and Yildiz (the palace of the reigning Ottoman sultan, Abdulhamid II) (Farhadi, 1988).

Following the dethronement of Abdulhamid II in 1909, a second law of publication was formulated which was used until the final collapse of the Ottoman Empire and continued in force in Iraq until 1931. According to the terms of this Law before publication, a copy of any material to be published had to be submitted to the authorities as the condition for obtaining permission to publish (Se‘di, 2006).

Thus from 1914 until 1931 all print publications in the Kurdistan Region were also subject to the same Ottoman Empire legislation since it was the Ottoman authorities which published most of the publications during that time using Turkish, Kurdish and Arabic. In 1931 Iraq formulated its own version of the Ottoman publishing legislation, known as Law of Publication (No. 82 of 1931). Rather than allowing greater opportunities for freedom of expression, instead this law was even stricter than the previous publishing laws which had been formulated under the Ottoman Empire authorities. The Iraqi publishing laws gave responsibility to the Minister of the Interior for controlling all publications. This law was criticised for its stance on the freedom of expression in journalism (Qanh, 2001).

This law was amended in 1932 and one of the new clauses added a requirement that all those wishing to produce material for publication must have completed their secondary school studies and all those responsible for publishing material needed to have completed high school studies. Both of these educational conditions would have been very difficult to fulfil in Iraq at that moment in time. In 1933 another Law of Publication (No. 57 of 1933) was formulated and then amended with additions in 1934 to include a section relating to the penalties ‘anyone

publishing anything against the Prince or army; the punishment for this is imprisonment but for no more than three years and a fine, or just one of them', also 'anyone publishing anything against the British or the British army face the same punishment' (Farhadi, 1988: 35).

In 1954 another Law of Publication was formulated which then continued in force until 1958 and this Law was worse than the previous one as far as journalism and journalists were concerned although, once again, there was still a requirement for all materials to be submitted for approval prior to publication. Following this Law, much of the publishing in Iraq and the Kurdish area came to an end and during the period 1954-1958, Kurdish journalism was very much weakened by censorship and the strictures of this Law. Farhadi (1988:34-37) has argued that the 1954 Law of Publication completely contradicted Section 12 of the Iraqi constitution at that time which stated that: 'in accordance with the law, the Iraqi people have the right to freedom of expression, to publish and to establish organisations'.

On 14 July 1958 the Iraqi monarchy fell and the Iraqi constitution approved the rights of the Kurds to be recognised as a nation. With this change in Iraq, Kurdish journalism underwent something of a revival and in the period 1959-1960 the Kurdish community in Iraq launched over a dozen new magazines[45]. However between late 1960 and early 1961 Kurdish journalism faced another crisis, due to a period of conflict between the Kurds and the Iraqi regime (Farhadi, 1988: 38-48).

Another Law of Publication (No. 206 of 1968) was approved but publication of print media was more affected by another piece of Iraqi legislation, namely the

[45] Ferhadî (1988: 38-48) states these included *Hîwa, Şefaq, Pêşkewtn, Neshtiman, Rzgarî, Newroz, Afret, Blêsa, Hîway Kurdistan, Dengî Qutabîan, Huner, Gzeng, Rojî Nö, Çareserkrdnî Kştukaí, Eraqî Nö, Jîan, Edebî Eraqî and Runahî) and a broad range of newspapers (Brayetî, Xebat, Rastî, Azadî, Raî Gel, Brwa, Dengî Kurd, Kurdistan and Hewlêr).*

Iraqi Penal Code No. 111 of 1969 which came into force one year later, in 1969. This Law related to freedom of speech which was an important issue at the time and thus impacted directly on journalists and journalism. Whereas in many countries, for example, Turkey, Syria, France and Swaziland, issues relating to publication are dealt with under the terms of the legislation relating to publication, the Iraqi regime used Penal Code to deal with many cases relating to print media issues (Qanh, 2001: 15-16).

There was another revival in Kurdish print media publication during the years 1970-1974, when the Kurds in the Kurdistan Region reached agreement with the Iraqi regime about Kurdish rights, and during that time published large numbers of magazines.[46]

During Saddam Hussein's regime (1979-2003) the media in Iraq was controlled by the use of many different methods. Journalists suffered greatly with many of them being sent into exile when draconian censorship measures were enforced in Iraq. With all Iraqi media sources and channels being controlled, only those Press articles which were supportive of the regime were published because Saddam Hussein only gave media outlets the opportunity to produce propaganda for himself and his government. This media control was not confined to the newspapers only but also affected broadcasting. In addition, Saddam Hussein's son, Uday, acted as head of the editorial committee for most of the print media, television and radio channels (Reporters without Borders, 2002).

[46] *According to Ferhadî (1988: 49-59) these were (Beyan, Hawlêr, Brayetî, Şorşî Kştukalî, Zanîarî, Çîa, Gêtî Pûl, Xebatî Qutabîan, Dengî Mamosta, Nuserî Kurd, Rojî Kurdistan, Perwerde u Zanst, Hêvî, Rehêla, Gzeng, Nuserî NÖ, Berew Runakî, Estêre, Hoşîarî Krêkaran, Berî NÖ, Kolêcî Edebîat, Bo Pêşewe, Roşenbîr, Roşenbîrî NÖ, Korî Zanîarî Kurd and Amanc), and four newspapers (Jîn, Brayetî, Dengî Cutîar and Bîrî NÖ).*

5.3. An overview of media regulation in the Kurdistan Region post-1991

The Iraqi regime withdrew their governmental establishments from the Kurdistan Region when negotiations between the so-called Kurdistan Front and the Iraqi Government were concluded on 26 October 1991. Following this withdrawal, there was an immense gap in the administrative and legislative authorities in the Kurdistan Region. Therefore, to combat this problem the Kurdistan Front decided to establish a Kurdistan parliamentary system involving free elections among the Kurdish people. For planning purposes, the Kurdistan Front brought together a special committee made up of 15 people including judges, lawyers and representatives of all of the Kurdish political parties. These committee members exchanged opinions from 23 December 1991 until 28 January 1992 in a series of controversial meetings. Subsequently, they drew up their legislative scheme as a draft law. This was approved by the Kurdistan Front and became known as Law No. 1 of 1992 and covers the Kurdistan Parliament's Election Law. The Kurdistan Region then held its first general election, with approximately one million voters participating. The election process was monitored by representatives from the United Nations, observers from Human Rights organisations, and some members of the European Parliament (Kurdistan Parliament: 2008b).

Following these elections, the Kurdistan Parliament started to formulate civil laws and amongst this legislation, the Kurdistan Parliament approved Publication Law (No. 10 of 1993) on 25 April 1993. Six years later, the Ministry of Culture of the Kurdistan Regional Government published Decree No. 1 of 1999 to implement this Law. The first Publication Law did not contain any references to sanctions which would be imposed since any contraventions in relation to publication had previously

been dealt under the terms of the Iraqi Penal Code which was no longer in force in the Kurdistan Region. This Law made provision for greater opportunities for freedom of speech than the previous Ottoman and Iraqi legislation relating to publication which had been in force for many decades in the Kurdistan Region (Qanh, 2001). Two further pieces of legislation relating specifically to journalists in the Kurdistan Region have also been approved (Erbil) and enacted, namely Law No. 4 of 1998 establishing the Kurdistan Journalists Syndicate and Law No. 13 of 2001 in relation to the retirement of journalists (Se'di, 2006:12-13).

In the immediate aftermath of the events of 2003, it was not possible to introduce media law of the kind found in fully fledged democracies into the Kurdistan Region because the Kurdistan Parliament, the government of the Kurdistan Region and the Kurdistan Journalists Syndicate were not sufficiently established to organise the introduction of a fully developed regulatory framework for supervising Kurdish media and those who work in this industry.

5.3.1 Journalists in the Kurdistan Region[47]

Currently most of the Kurdish media outlets are controlled by the two Kurdish political parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan. It is perhaps not surprising therefore that in recent times the Kurdish independent media, both broadcasting and publishing, has tackled the Government very aggressively on the issues of official neglect and abuse of human rights. As well as this, they have challenged the role of the establishment media by exposing cases of routine corruption and misconduct by the Kurdish authorities, as well as highlighting various social issues. They do this by publically exposing through

[47] A later chapter of this thesis will examine the role of journalists in depth and will examine in more depth the kind of abuses which are still suffered by media practitioners in the Kurdistan Region.

articles, the news and through media channels the ways and means particular individuals and authoritative bodies are involved in the corruption. This more often highlights and exposes information that is usually kept hidden from the public. Having investigated allegations made by the Kurdish independent media, the CPJ has greatly criticised the Kurdish authorities, especially the two Kurdish political parties in power (Sweeney, 2008).

In the Kurdistan Region, no laws concerning the freedom of press or access to information have been approved by the Kurdistan Regional Government or the Kurdistan Parliament. This has had a negative influence on the Kurdish journalists and journalism in the region. Furthermore, journalists face being arrested, beaten, injured, silenced, dismissed from their jobs, removed from the country or exiled (banished), threatened, or even killed. This realisation has restricted the freedom of speech and the freedom of the press as well (Barzanî, 2010: 175, 176).

During the last few years, especially since 2003 and before the ratification of the Press Law by the Kurdistan Parliament, the number of publications, television channels and websites in the Kurdistan Region have grown. However as Ridolfo (2007) has noted some Kurdish journalists and other media workers have openly criticised the Kurdish authorities on the grounds that they continue to treat journalists badly and prevent them from exercising their freedom of expression

The Kurdistan Region is safer and more peaceful than many parts of Iraq but it is also responsible for the abuse of the rights of Kurdish journalists who continue to face overly large fines, threats, arrest and in the worst cases, death. Therefore, international observers, in particular the CPJ, have alerted officials in the Kurdistan Region to the need to improve many aspects of its dealings with and treatment of

journalists. This interest by external bodies goes back to 2005 when Kemal Seîd Qadir, an Austrian-born Kurdish writer, was arrested on the order of the Kurdistan Democratic Party in Erbil. Qadir published an article on the Kurdistan Post website which criticised the Barzanî family and contained references to the president of the Kurdistan Region. The Kurdish authorities in Erbil decided that Qadir should be sentenced to 30 years in prison (Sweeney, 2008).[48]

In addition, during the last seven years in particular, following the arrival of the coalition forces, Iraq has become one of the most dangerous locations for media workers in the world. The Kurdistan Region has also been affected by this status since Iraqi Kurdistan was included in statistical surveys which assessed the level of danger facing journalists. Those international observers and organisations which campaign for the protection of journalists in the world have collected many facts about the circumstances faced by journalists in Iraq including the Kurdistan Region. They have discovered that most of the journalists who have been killed in this area died not only because they were in the wrong place at the wrong time, but also because they were journalists.[49]

5.4 The Kurdistan Region Press Law

5.4.1 Objections and challenges to the first draft of the Press Law

The first draft of the new Kurdish Press Law was brought to the Kurdistan Parliament by the Kurdistan Journalists Syndicate in 2007 and this was then approved by the Kurdistan Regional Government and the Kurdistan Parliament on 11

[48] For a full listing of abuses committed against journalists in the Kurdistan region see http://www.cpj.org/news/ which alerts those in the profession and others to the problems being faced by media practitioners around the world.
[49] See for example http://www.cpj.org/.

December 2007. However, following review by the Kurdistan Region president, Masoud Barzanî, on 28 December 2007, the Law was sent back to Parliament for further discussion. The first draft proposed very harsh sanctions for contravention of the Law including fines of up to 20 million Iraqi Dinars[50] for any newspaper found to be supporting terrorism or inciting insecurity and fear. Fines were also mentioned for the harassment of individuals and religious sects. In addition, the first draft approved imprisonment for journalists perceived to have committed an offence. Moreover, the draft made provisions for stopping publication and closing journalists' establishments. It also controlled the distribution of media channels. There were many objections from Kurdish journalists who thought the law was overly tough in many respects (*Turkish Weekly*, 2008). They were particularly concerned by the harsh sanctions proposed for journalists who published criticisms of the Kurdish authorities and therefore they rapidly put pressure on Kurdish authorities not to support the legislation by means of criticism and protests against the draft law (Ridolfo, 2007).

The first draft of the Press Law had both internal and external implications for the Kurdistan Region due to the potentially negative impact of its content on Kurdish civil liberties, since under its provisions, journalists could be prosecuted in counterterrorism courts, which could lead to the death penalty, and publications could be shut down for up to six months with accompanying fines of up to ten million Iraqi Dinars (or some 8,400 US dollars) (Cole, 2007).

Within the Kurdistan Region itself there was a great outcry against the draft Press Law among both the independent media and certain sectors of the pro-government media channels with media workers writing memoranda, publishing

[50] About 16,800 US dollars.

articles, making complaints, holding meetings, giving interviews, and generally making every possible effort to attempt to influence the Parliamentary Legal Committee, the Kurdistan Journalists Syndicate and especially President Barzanî.

The Kurdistan Regional Government also faced pressure on it from outside Kurdistan to comply with calls for media freedom. When the Committee to Protect Journalists (CPJ) found out about the situation which the Kurdish journalists were facing and the severity of the sanctions proposed in the draft law, it immediately contacted several Kurdish journalists, both independent and party-affiliated. The CPJ then spent a fortnight holding meetings and discussions with the aim of changing the draft so that these sanctions were less harsh and reflected the kind of sanctions typically imposed elsewhere. CPJ representatives also met with various officials to exchange opinions about the issues. Throughout the fortnight, the CPJ attempted to collect a range of opinions from journalists about their relation with the KRG. Some claimed that the Kurdish authorities had used arrests, beatings, confiscations, censorship of certain materials, abductions, seizure, and insults in order to control journalists. But other journalists argued that the government did have a right to intervene, suggesting that some of these measures were justified in certain circumstances (Sweeney, 2008).

The CPJ increased international pressure by sending a report of its controversial findings directly to the Kurdish authorities in May 2008. The report indicated that the Kurdish authorities had been using many different ways of dealing with and controlling journalists there and that in the first six months of 2008 there had been some 60 cases of killings, attacks, threats, and lawsuits against journalists in the Kurdistan Region, treatment which has been witnessed by independent journalists. In addition, the CPJ report contained evidence from journalists and

workers in the independent media that media channels were controlled by the dominant political party (Sweeney, 2008). The report also maintained that the increasing assertiveness of the independent Press had triggered a spike in repression over the last three years, noting that the most forceful attacks had targeted those who had reported critically on President Barzanî, the Iraqi president Jalal Talabany, and other high-level officials. The CPJ also demanded that the Kurdistan Regional Government refused to pass a law that 'stipulates prison penalties, bans news outlets, sets excessive fines, prescribes vague prohibitions and imposes professional requirements' (Ḧeme Tahir, 2008a).

In response to a delegation from the CPJ in May 2008, President Barzanî commented that 'it would be intolerable to have someone arrested in freedom of expression cases'. Further comment came from the spokesman for the KRG, Cemal 'Abdulla who told the Institute for War and Peace Reporting that the authorities would 'take the report seriously'. In addition he promised that the KRG would 'organise awareness courses for security and police forces to teach them to behave in a civilised way with journalists and people' (Ḧeme Tahir, 2008b).

Given that the first draft of the Press Law had prompted such serious objections and protests both inside and outside the region, the Kurdistan Region President sent it back to Parliament for further amendments. There was considerable discussion among members of Parliament and the Parliamentary Legal Committee, which has responsibility for scrutinising new laws. The focus of the discussion was on Articles 1, 2, 3, 4, 5, 9 and 10, which related to the following topics: the level of fines proposed as sanctions, the closure of publications, the need to balance freedom of expression with the interests of national security and public morals (see appendix 4.1).

It was finally decided to approve the new amended version of the Press Law on 22 September 2008, in accordance with Decree Number 1 of the 2008 Kurdistan Parliament (Iraq Updates, 2008). It appeared a day later and the Kurdistan Parliament and Regional Government were proud of the new piece of legislation. Falakaddin Kakaee, Minister of Culture of the KRG, commented that: 'The parliament opened a wider door to freedom and the chance granted to journalists must be used to rebuild the country' (Iraq Updates, 2008). The Kurdistan Parliamentary President, 'Adnan Muftî, acknowledged that journalists would be given further chances and opportunities to amend the law at a later date, if needed (Iraq Updates, 2008).

Shortly after the approval of the Press Law some journalists from Radio Nawa, seven newspapers and three magazines composed, wrote and signed a joint statement which was passed to the Kurdistan Parliament. The joint statement mentioned the clause about combating terrorism, and also indicated the need to 'preserve the journalist's right to obtain information that concern citizens and public interest'. It also requested that 'the journalist should be given the right to appeal to the public prosecution or the Special Court in order to investigate the relevant body if it refuses to provide the requested information'. Other points made included the demand that the controversial Article 6.2 be deleted. This article concerns the sanctions to be imposed on any publication which publishes false information and, under the terms of the legislation can, result in a fine as high as two million Iraqi Dinars (Iraqi Letter, 2008).

Kurdish journalists are happy with some sections of the new Press Law but still have criticisms and fears about a number of aspects, especially the sections related to freedom of expression (Article 9.1). Journalists have raised concerns about the list of areas which are prohibited and believe the legislation imposes undue

restrictions on the publishing of articles on what may be legitimate concerns. Many also believe that the new Press Law does not provide sufficient support for journalists in the area of freedom of information.

The later sections of this chapter examine in more depth the range of opinions voiced by journalists, government representatives and academics when interviewed on the amended version of the Press Law.

On 6 October 2008, President Barzanî received an open letter from Joel Simon, the executive director of the CPJ in Washington, in which he made a number of comments relating to the dangerous circumstances in which journalists in the Kurdistan Region have to operate. Simon also provided Barzanî with another copy of the CPJ's May 2008 report on the treatment of journalists in the region which had been compiled from documents provided by the Kurdistan Journalists Syndicate. In the letter, Simon reminded the president that journalists were faced with: threats, the fear of being killed, beatings, abductions, shootings, harassment, confiscations, assassination attempts and repression. The CPJ also had evidence that Kurdish journalists have been arrested arbitrarily by security forces or have been harassed. In addition, insults like 'traitor' and 'spy' were sometimes used in reference to Kurdish journalists. Simon mentioned the case of Soran Mame Ḧeme, a reporter for *Lvîn* magazine, whose killing had been condemned by Barzanî's office, according to Kurdish news reports, and he urged the President to condemn all threats and attacks on journalists and immediately launch a thorough public investigation to prosecute those responsible. Finally Simon made the point that journalists working under the

threat of violence needed government assurance that all of the resources at its disposal would be used to ensure that they can carry out their work (Simon, 2008).[51]

Not all external comments were as negative of those of the CPJ. The *Turkish Weekly* (2008) was generally supportive of the Press Law, believing that the Kurdistan parliament had produced a piece of legislation which would not only help to protect Kurdish journalists' rights, but also help to establish better professional relationships between journalists and the Kurdish authorities and their organisations, and help restore the confidence levels of the Kurdish people in media in the Kurdistan Region.

5.4.2 Analysis of the New Press Law

The full text of both the draft version of the Law and the approved version are reproduced in the Appendices 4.1 and 4.2. Both versions of the Law are slightly amended versions of a translation from Kurdish into English which was originally produced by the President's Office of the Kurdistan Region.

The current Kurdish Press Law is comprised of 5 Chapters and 14 Articles (one article less than the draft version). The first Article defines the terms to be used in the context of the Press Law and delineates the areas which are covered by the terms of the legislation. The regulations are intended to cover the Kurdish print media but the text does not include the various kinds of Press such as books, magazines, periodicals, printed matter and similar publications. Throughout it often uses simply the word 'Newspaper', explaining that in the context of the Press Law,

[51]According to the Human Rights Data Bank (2009) no Kurdish journalists were killed in the Kurdistan Region in 2009. However some 29 journalists were arrested by the Kurdish government, 11 beaten, 20 faced threats, 14 faced charges of slander and libel, 3 had lost their jobs and 3 had been fined. During the election campaign in 2010, there were more than 45 recorded cases of journalists facing abuse in the Kurdistan Region.

this term covers any ‘publication issued and distributed periodically and regularly under a specific name in subsequent issues’. Although ‘Journalism’ is defined as ‘the practice of journalistic work through various media’ (Article 1) this is the only reference to other media channels since the Press Law neglects broadcasting (television and radio), industrial communications, telecommunications, and wireless communication services. There is still an urgent need for legislation to regulate these other areas in the Kurdistan Region.

It could be argued that Article 1 of the Press Law which contains definitions, and differentiates between ‘journalism’ and ‘journalist’ is not necessary. However, defining terms in this way is a convention used in legal documents of this kind.

Chapter 1, Article 2.1-5 outlines the principles of the Press Law including the right to freedom of expression and publication, and the prohibition of censorship. It also stresses the need to respect personal rights, liberties and the privacy of individuals when gathering information. Specific reference is also made to the so-called Bordeaux Declaration of Principles on the Conduct of Journalists. More is said about this aspect of the Press Law later in this chapter. In the final version of the Press Law, several expressions which appeared in Articles 2.1 and 2.2 of the first draft were omitted, as shown in Figure 5.1 (see page 170).

Article 2.2 makes reference to journalists being able to obtain information which is of ‘relevance to the public interest’. In the UK, for example, such areas would typically be thought of as including detection or exposure of criminal behaviour or serious impropriety; the protection of public health and safety or, more generally, preventing the public from being misled by the action or statements of individuals or organisations. However, no attempt is made in the Press Law to

specify the areas which might be covered by this term. This is important because journalists may sometimes invoke the public interest as being the cause for ignoring legal guidelines. This can be particularly difficult when there are judged to be other conflicting interests such as national security concerns and this merited some further explanation in the text.

Article 2.4 guarantees the right to newspaper ownership and publication for all and Article 2.5 specifically prohibits the closing down of or confiscation of publications which, as is mentioned later, was one of the key amendments to the new version of the Law.

Chapter 2 (Articles 3-5) of the Press Law, lays out the general conditions for obtaining and conceding the right to publish a journal in the Kurdistan Region. Article 3.1-6 outlines the conditions which must be followed if someone wishes to establish and print a publication, and details all the procedures to be followed in order to register a new publication, highlighting the relationship which exists in this process between the Ministry of Culture and the Kurdistan Journalists Syndicate.

Details are also given regarding how to lodge an objection about a new publication with the Court of Cessation, the Kurdistan Region equivalent of the UK's Supreme Court, which generally acts as a final court of appeal and also plays an important role in the development of principles of law. Article 4.1-2 focuses on the requirements which need to be met by Editors-in-Chief. Every publication in the Kurdistan Region is required to have a named individual in this role and the Editor-in-Chief must bear joint legal responsibility with his journalists for any material which is published. Article 5 makes provision for transferring ownership of a

publication from the original concessionaire or publication founder to another individual.

As Figure 5.1 shows, with regard to the conditions for obtaining the right to publish journals, changes have been made to the roles played by the Kurdistan Journalists Syndicate and the Ministry of Culture respectively in relation to the process of registering the establishment of a new publication. Also, the conditions which need to be fulfilled by an Editor-in-Chief of a publication contain two amendments regarding membership of the Kurdistan Journalists Syndicate and the need to be an inhabitant of Kurdistan, both of these clauses being omitted from the final versions of the Press Law.

It is worth saying something briefly here about the nature of the Kurdistan Journalists Syndicate. This organisation played a central role in the original formulation of the first draft of the Press Law, presenting it to Parliament where it was eventually approved and ratified. However the Syndicate is controlled by the two main Kurdish political parties, the PUK and the KDP. It was, therefore, not an independent or impartial contributor to the debates about the Press Law and it is far from clear in Article 3.3 as is the case elsewhere, exactly what the relationship is between the Kurdistan Journalists Syndicate and official government entities such as the Ministry of Culture. In this respect, the legislation does nothing to foster the formation of an independent media sector in the Kurdistan Region and draw a clear dividing line between political parties and the Press.

Chapter 3 consists of only one Article, Article 6, which details the rights and responsibilities of the Editor-in-Chief in relation to correcting published material which contained false information and/or responding to allegations made about

information in published material. Article 6 also specifies the very substantial financial sanctions which can be imposed in the case of non-compliance with the terms of the Press Law (Appendix 4.2).

FIGURE 5.1: AMENDMENTS TO CHAPTER TWO OF THE NEW PRESS LAW

THE PRESS LAW: FIRST DRAFT	THE PRESS LAW: AMENDED VERSION
Chapter One, Article 2.1	Chapter One, Article 2.1
Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and privacy, public morals and public order in accordance with the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the IFJs (International Federation of Journalists).	*Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and the privacy of individuals in accordance with the law, as well as being committed to the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the IFJ (International Federation of Journalists).*
Chapter One, Article 2.2	Chapter One, Article 2.2
A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest as long as it is not of importance to the security of the Region.	*A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest.*
Chapter Two, Article 3.3	Chapter Two, Article 3.3
The Concessionaire or Founder of the journal shall forward and register the announcement of foundation at the Ministry of Culture. The announcement must include the source financing the journal. The Ministry of Culture shall also inform the Kurdistan Journalists Syndicate.	*The Concessionaire or Founder of the journal shall forward and register the announcement of foundation at the Kurdistan Journalists Syndicate. The announcement must include the source* ***and party*** *financing the journal.* ***The Syndicate shall also inform the Ministry of Culture.***
Chapter Two, Article 4.1	Chapter Two, Article 4.1
'He must be a member of the Kurdistan	*He must be a journalist and a master of the*

Journalists Syndicate and a master of the spoken and written language of journalism.	*spoken and written language of the newspaper.*
Chapter Two, Article 4.2	
The Editor-in-Chief must be an inhabitant of Kurdistan or a permanent inhabitant.	Omitted

Chapter 4 also consists of only one Article but since this sets out a number of key principles relating to the rights and privileges of journalists in the Kurdistan Region, Article 7 (1-10) is of central importance in the Press Law. The first five clauses of Article 7 establish some of the general rights which are to be accorded to journalists by virtue of their profession including freedom of expression, a right to protect confidentiality of sources (unless a court order is issued) and a right of access to certain events. Article 7.5 specifically threatens anyone found guilty of insulting or injuring a journalist with prosecution. The remaining clauses 6-10 cover more specific contractual privileges to be enjoyed by journalists and these relate to salary, leave and other terms of employment in accordance with the conditions which have been agreed by the Kurdistan Journalists Syndicate (Appendix 4.2).

Five Articles, numbered 8-12, make up the contents of Chapter 5 of the Press Law which is entitled 'Immunity' and this is certainly the topic which is dealt in Article 8.1-5, which covers issues relating to a journalist's rights if legal action is taken against him whilst he is performing his professional duties. These include the right to involve the Kurdistan Journalists Syndicate (Articles 8.1 and 8.2), the right not to be investigated or to have his office or home searched without a Court Order (Article 8.2), the right to retain documentation not directly related to an issue under investigation (Article 8.3), the right to publish material about officials and State employees, as long as any allegations made are adequately documented (Article 8.4).

However, Article 9 resembles a shorter version of the Editors' Code of Practice formulated by the UK Press Complaints Commission since it essentially provides in Article 9.1-7 a set of guiding principles concerning what may not be published in printed matter in the Kurdistan Region. It also specifies that both the State, in the form of the General Prosecutor, and individuals have the right to file suit under the provisions of this Article of the Press Law.

In addition this Article provides details of the sanctions which are to be imposed on journalists and Editors-in-Chief found guilty of publishing anything which violates the terms of this Article with fines ranging from one million to five million Iraqi Dinars for a first offence (Article 9.1). The level of these fines had been the subject of much negative comment from many sources. Details of separate fines to be imposed on the publication which publishes material contravening any of the ideas identified are also specified and these are significantly higher, starting at a minimum fine of five million Iraqi Dinars and rising to a maximum of twenty million (Article 9.2). For a repeat offence, the fines can be raised within specified limits (Article 9.3). Figure 5.2 shows the amendments which have been to the fines imposed on journalists, Editors-in-Chief and publications. Significantly, following lobbying, the new Law specifically prohibits any closure and confiscation of publications.

Although the UK Editors' Code of Practice is not legally binding it makes a useful point of comparison here with Article 9.2 and this section examines the areas of similarities and difference in terms of what is and is not covered in the Kurdistan Region Press Law concerning the content of what may be published in the Kurdish print media.

The areas which are specifically mentioned are as follows:

1. Sowing malice and fostering hatred, discord and disagreement among the components of society.
2. Insulting religious beliefs or denigrating their rituals.
3. Insulting and offending the religious symbols and sanctuaries of any religion or sect.
4. Anything related to the secrets of the private lives of individuals, even if true, if it offends them.
5. Libel, slander or defamation.
6. Anything that prejudices an investigation or trial procedures unless publication is permitted by the court.
7. Violation of the principles of ethics stated in the Bordeaux Declaration of Principles on the Conduct of Journalists (1954; 1986).

FIGURE 5.2: AMENDMENTS TO CHAPTER FIVE OF THE NEW PRESS LAW

THE PRESS LAW: FIRST DRAFT	THE PRESS LAW: AMENDED VERSION
Chapter Five, Article 10.1	Chapter Five, Article 9.1
The journalist and the Editor-in-Chief shall be charged a fine of no less than three million Iraqi Dinars and no more than ten million Iraqi Dinars and the publication shall be closed down for no more than six months for publication of one of the following: *1. Anything which insults religious beliefs or denigrating rituals or symbols.* *2. Anything related to the secrets of the private lives of individuals.*	*A journalist and the editor in chief shall be fined an amount not less than 1.000.000 million Dinars and no more than 5,000,000 million Dinars when they published in the media one of the following:* *1. Sowing malice and fostering hatred, discord and disagreement among the components of society.* *2. Insulting religious beliefs or*

3. Anything that insults public morals. *4. Libel, slander or defamation.* *5. Anything that prejudices an investigation or trial procedures unless publication is permitted by the court.*	*denigrating their rituals.* *3. Insulting religious sanctities and symbols of any religion or sect or abuse them.* *4. Anything related to the secrets of the private lives of individuals, even if true, if it offends them.* *5. Libel, slander or defamation.* *6. Anything that prejudices an investigation or trial procedures unless publication is permitted by the court.* *7. Violation of the principles of ethics stated in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists.*
Chapter Five, Article 10.2	Chapter Five, Article 9.2
The journal shall be charged a fine of no less than three million Iraqi Dinars and no more than ten million Iraqi Dinars for publication of one of the following:	*The journal shall be charged a fine of no less than **five million**[52] Iraqi Dinars and no more than **twenty million** Iraqi Dinars for publishing one of the items mentioned in paragraph (first) above.*

With regard to item 7, this is a set of guidelines which was originally produced by the International Federation of Journalists in 1954 and it outlines standards of professional conduct for all journalists engaged in gathering, transmitting, disseminating and commenting on news and information. The Declaration was last amended in 1986. These guidelines were appended to the Press Law.

[52] About 4,200 US dollars.

The use of the Declaration of Principles on the Conduct of Journalists in this way perhaps raises some difficulties here since these ethical guidelines are, as might be expected, very general since they were developed as a set of principles which were intended to try and cover any and all societies without regard for any local differences in interpretation. Given that in the context of the Press Law they form part of national legislation, it might have been more useful it these had been used to form the basis of an ethical code which was more detailed and more specifically tailored to the current situation and circumstances of the Kurdistan Region print media.

Legislation from the UK was chosen as a point of comparison because it is one of the most respected countries in the media sphere and has a relatively long history of press freedom and a strong tradition of investigative journalism. This is not the case for many of Kurdistan's neighbouring states, such as Syria and Iran, for example, which it must not be forgotten are far from being democracies. In addition, during various periods of Kurdish history, the UK has played a key role in helping to establish different forms of media in the Kurdistan Region (for example, after the First World War, the British published or supported the publication of Kurdish periodicals). More recently, the UK has, with other countries, worked in alliance with the USA to ensure that the media are able to provide a key public service function by informing the population of Iraq and the Kurdistan Region about the practices of democracy and by explaining the way that popular opinion is shaped, and about the need for political change.

In addition, although the British media has progressed through many difficult stages and faced many challenges, it has succeeded in establishing a well developed

framework and set of procedures for dealing with the regulation of the media, including regulatory bodies, codes of practice and legislation. These are admired by many countries. Although the UK system naturally has its flaws, an emergent democracy like the Kurdistan Region has much to learn from the British experience which can help the Kurdish media to make solid progress towards improvement.

When the new Kurdistan Region Press Law is compared to the UK Editors' Code of Conduct, there are a number of what might be deemed significant omissions in what it covers, for example this piece of legislation makes no obvious mention of the kinds of behaviour which are unacceptable for journalists. Given that many untrained journalists in the Kurdistan Region are not sufficiently aware of journalistic ethics or professionalism, in the opinion of the researcher it would have been useful if the Press Law had specified some or all of the following points which do appear in the Editors' Code of Conduct. This would have provided some helpful practical points of reference for journalists:

1. Journalists must not engage in harassment, intimidation, or persistent pursuit when investigating stories.
2. Journalists need to avoid intrusion and to handle those who are suffering with grief or shock or who are in hospitals or similar institutions sensitively, with due sympathy and discretion.
3. Journalists ought to exercise particular care when dealing with vulnerable groups including children and not contacting children without appropriate consent from responsible adults or school authorities.

4. When reporting crimes, journalists should make every effort to protect the identities of innocent parties in sex offences and must avoid payment to witnesses or criminals for information.
5. In light of the above, journalists must accept that they do not have unlimited rights of access to some public places e.g. hospitals, schools and jails.
6. Journalists must not make discriminatory remarks about an individual's race, colour, religion, gender, sexual orientation or make prejudicial or pejorative references to any physical or mental illness or disability.
7. Journalists should not resort to the use of clandestine devices and subterfuge to gather material, unless this is justified in the public interest and then only when it cannot be obtained by other means.
8. When reporting financial matters, journalists must not use financial information for personal profit and must declare any personal financial interests they may have to avoid any clash of interests

Although the Press Law does make specific reference to prohibiting material which is libellous, slanderous and/or defamatory (Article 9.1.5) it does not provide any further detail about any of these areas or attempt to define these often problematic concepts which are the source of increasing numbers of complaints in the United Kingdom and elsewhere.

In general terms, the Press Law is often clear about sanctions to be imposed and prohibitions and frames these in uncompromising language. It also now outlines how newspapers and journalists should deal with some complex subjects and their right to make a complaint in the case of mistreatment. However, one general criticism of the Press Law is that it says little about journalistic ethics.

Journalists, Editors-in-Chief and owners of print media in the Kurdistan Region need further advice and recommendations, which explain how they can judge that any information which they publish is fair, reasonable, honest and accurate. They also need encouragement to help them understand why it is important to do this in order to facilitate the relations between media outlets, to improve their standing and image in Kurdistan Region society, to enhance the public's opinion of journalists and increase their faith in the media as one of the key democratic institutions.

Article 10 specifies that certain publications are exempted from the general terms and provisions of the Press Law, namely those which are published by 'governmental institutions, universities and centres for scientific research'. This exemption does mean that a number of journalists producing written material are not covered and shows that there are still gaps in the legislation.

However, Article 11 makes it clear that there is no exemption for printed material which is reproduced from sources outside the Kurdistan Region or any printed matter that appears in translation. Both of these are also covered by the terms and provisions of the legislation. If this is the case, it might be useful if the Press Law were to be made available not only in Kurdish but translated into several languages. An official English version of the Press Law already exists and can be accessed online.

The final Article of Chapter five, Article 12, once again highlights the importance of the role played by the Kurdistan Journalists Syndicate in the media landscape of the Kurdistan Region by linking the new Press Law to the conditions of a previous piece of legislation relating to this Syndicate.

The Final Provisions of the Press Law, Articles 13 and 14, outline which bodies will implement the provisions of the Law and when it will come into force. Although the wording of Article 13 is that typically used in the legislation of the Kurdistan Region, its vagueness here in relation to the implementation of the provisions of the Press Law is problematic, as it is unclear exactly who the 'Competent Authorities' are with regard to some of the processes and procedures which this piece of legislation introduces.

5.5 Perspectives on the new Press Law

5.5.1 Amendment

This section examines in more depth the range of opinions voiced by journalists, government representatives and academics when interviewed on the amended version of the Press Law.

From the perspective of the independent journalists the Law needs to be reviewed and amended sooner rather than later. As Kemal Reuf, the editor-in-chief of *Haûlatî* newspaper and independent journalist puts it:

> There is a need for amendment especially in the section which mentions defamation of character, but doesn't define what is meant by this and when something becomes libellous or defamatory. Another section refers to 'national security' which is not the same for the PUK and the KDP. I don't know which nation needs security. On 31 August 1997 the KDP supported the Iraqi army to occupy the Kurdistan Region again whilst the PUK supported Iran to come into the Kurdistan Region. So I don't know what this reference to national security can mean (Appendix 6.1).

Asos Herdî is another independent journalist and director of the Awêne Company which publishes the weekly *Awêne* newspaper, *Sport Awêne* and *Awênekan* magazine. He agrees with Reuf, he focuses on other sections which need amending:

> Firstly, there is the section which mentions 'the journalist's right to access to information' but it doesn't explain what a journalist should do when faced with a situation in which he cannot obtain information and information is blocked from journalists. Secondly, this law is like other former laws, it's full of loose terms such as 'regional security' which hasn't been defined and which courts and judges might interpret according to their own way of thinking. Thirdly, the amount of the fine which can be imposed on somebody who does not follow this Law is too high. According to this Law, if anyone publishes on a subject which is against the law, as a result the editor-in-chief and the newspaper face punishment (Appendix 6.2).

Whilst generally agreeing with the other interviewees, Nzar Zrar Eḧmed (who is also known as Gzaly) works as a member of the editorial staff at the *Awêne* newspaper and is head of the Awêne office in Hewlêr (Erbil), returns to the problems relating to the Press Law and the Kurdistan Journalists Syndicate, adding:

> The Press Law was put forward by the Kurdistan Journalists Syndicate but some journalists don't have any confidence in it, especially independent journalists. Some journalists say that they are ashamed to become members of this Syndicate and say that it's under the control of the political parties, with its highest staff positions being equally divided along party political lines. In addition, the Law states that an individual can be only called a journalist if he is member of the Syndicate, otherwise he isn't one. […] The section relating to sanctions needs to be changed because it mentions the payment of large fines and this is difficult for journalists without good salaries (Appendix 6.3).

Government representatives have a number of comments about the amendments and shortcomings of the Press Law. According to 'Adnan Muftî, President of the Kurdistan Parliament which is also one of the bodies responsible for regulating media and passing legislation, including laws affecting the Press:

> The Press Law needs to be evaluated by the Kurdistan Journalists Syndicate in order to determine its shortcomings, and also by judges who have dealt with complaints about journalists or worked on cases which relate to these issues. Both could pinpoint the Law's shortcomings even though it is now in force (Appendix 6. 4).

Ferhad ‘Aewnî is the General Secretary of the Kurdistan Journalists Syndicate which has 4,500 members, his comments:

> … there are two main issues: firstly, it can impose very large fines, sometimes about 20 million Iraqi Dinars for journalists and editors-in-chief. Previously we wrote ‘If a journalist writes a bad article, the editor-in-chief should be barred from publishing’. Secondly, this Law needs to refer to the source of finance for the newspaper. If journalists want the right to freedom, at the same time, journalists must be required by the authorities to declare the financial sources for their newspaper and media channel because perhaps this may be financed by a secret organisation which has an undisclosed purpose (Appendix 6.7).

Again, Tariq Cewher is the Senior Media Adviser for the Kurdistan Parliament and has more than eight years of experience in Parliament, he agrees:

> The Press Law mostly relates to journalistic professionalism and journalism. Like many other laws it needs formulating, discussion and development. Anybody who has any suggestions or ideas about the Law can send these to Parliament as a draft. The Press Law needs to add something which relates to television, radio and the internet which aren’t regulated under the Law (Appendix 6.6).

Two academics who have a background in the academic study of the media were interviewed as part of this research. Dr. Nîaz Lacanî is the General Manager of Zagros satellite and Ḧekîm ‘Osman Ḧemîd is the head of the Journalism Department at Suleîmanî Technical Institute and is also academic and professional journalist. They make a number of comments about the shortcomings of the Press Law which focuses on print publications. They have suggestions about possible amendments which are needed to make it fit for purpose. Lacanî is the General Manager of Zagros satellite, comments:

> Some sections may be good it is concerned generally with journalism and it was conceived by some inflexible thinkers and its supporters are like-minded. Parliament decided to ratify this law but unfortunately it has a limited understanding of journalism. So I think the Press law needs more

> amendments. This Law is not very good as it doesn't cover Internet websites, television and radio, or other media outlets and for this reason I disagree with the Law. I don't believe in it because it's flawed and it's a copy of the laws in other countries like Syria and Jordan. If it was possible this law should be discussed by some professional and academic journalists, perhaps even some foreign journalists, but not as it is (Appendix 6.8).

Ḧemîd, the Head of the Journalism Department, states: 'Some clauses also need to be removed as they are too loose and the authorities can make use of them as they wish' (Appendix 6.9). Muftî also comments: 'That is true, but in fact it does relate to television and radio channels because it refers to journalists, but I think we need another new law which covers all forms of media'. He goes on to explain:

> We formulated the Press Law mainly because we publish so many newspapers and magazines in the Kurdistan Region and a law was needed and the Syndicate demanded this law as soon as possible. Other demands have made by some people because most of the workers are still in print media but there needs to be one law covering and regulating all media domains that are not in the legislation that we talked about (Appendix 6.4).

In addition Cewher makes one comment on this topic: 'The Press Law mostly relates to journalists and it focuses on their rights instead of the rights of society and citizens' (Appendix 6.6). However in 'Aewnî's opinion: 'This Law relates to all journalists whether they work in television, newspapers, magazines or radio' (Appendix 6.7).

In addition, the six interviewees in this group four are all journalists who are affiliated to political parties and those who work in the politically affiliated media, made various comments about the shortcomings of the Press Law. They also highlighted the need for particular sections of the Law to be reviewed and amended, sooner rather than later.

Nejad ‘Azîz Surmê is the editor-in-chief of *Xebat*, a daily newspaper, is also classed as a party-affiliated journalist; makes a specific point: ‘The Law needs to be modified in order to include television and radio channels and websites. The article of the Law which needed modification and has now been modified is Article 10’ (Appendix 6.12). According to Lawend Newzad, a writer and journalist and Director of Gelî Kurdistan television in Erbil: ‘It was good at the time it was created as it generally supported journalists more than the authorities. The fine for defamation of character should have been set higher than it is’ (Appendix 6.11).

Salar ‘Osman is the General Director of the Kurdistan Voice Radio, also focuses on some of the shortcomings in current legislation: ‘This law affects journalists’ lives. Although it refers to newspapers, somehow it has to cover the media in general. This appears to be problematic. The radio stations and television channels require a law’ (Appendix 6.13). Pery ‘Omer, a correspondent for the *Xebat* (Struggle) daily newspaper, is also classed as a party-affiliated journalist raises the issue of access to information and refers to the fines which are imposed for defamation of character:

> It needs to be reviewed and amended as soon as possible, especially the section which refers to access to information. This section needs to be more supportive of journalists. However I would like Article 10 which relates to punishment to be stricter not easier because some journalists have committed offences which impact negatively on other journalists (Appendix 6.14).

As head of programming for Kurdistan Voice radio Nermîn Sndy is also classed as a party-affiliated journalist, she takes the opposite view on fines: ‘The fines that can be imposed are very high and journalists in the Kurdistan Region don’t get a good salary so this sanction needs to be reduced to a level which is in line with their

salary' (Appendix 6.15).

5.5.2 Implementation

This section examines in more depth the range of opinions voiced by journalists, government representatives and academics when interviewed on the implemented version of the Press Law.

Most of the independent journalists have comments about and arguments against the Press Law because it is difficult to implement. They also focus on the fact that the Law needs to be implemented by the judges and courts. Reuf is the editor-in-chief of *Haûlatî* (Citizen) focuses on this situation: 'The new Law came into force a year ago but even now some judges haven't seen this Law and continue to use the old Law' (Appendix 6.1). Reuf supports his point with an example: 'In one case concerning the Ministry of Human Rights the court remanded me and I was sentenced as guilty for an article which I hadn't written and did not represent my opinion' (Appendix 6.1).

Like Reuf, Herdî believes that the Press Law is still not being implemented correctly and returns to this point:

> Sometimes the Law isn't implemented because it imposes too large a fine and this helps journalists because if it was implemented strictly journalists might face prison. Moreover in the Kurdistan Region the judges are not 100% independent and some of them became judges as a result of a political letter of support after the uprising, so if you have a problem in a case involving one of the political parties, how unbiased can this judge be and how can he make a ruling against his own political party? But some judges are 100% independent and they reach decisions without any pressure. On the other hand, sometimes an individual in a position of authority will tell his bodyguards: 'Go and get that journalist and bring him to me or to take him to jail' (Appendix 6.2).

Gzaly, a member of the editorial staff at the *Awêne* newspaper, generally agrees with

Reuf and Herdî especially in relation to their points regarding the non-implementation of the Press Law but he believes there are different reasons for this and highlights the role of the Kurdistan Journalists Syndicate when he says that:

> The Syndicate should distribute this to journalists and media outlets because most of the journalists still don't understand this Law yet and don't know about it. If the Syndicate were to distribute this to me then I could pass this onto my correspondents. Initially the government said: 'We don't have copies of this Law' (Appendix 6.3).

On the other hand, regarding, the difficulties in implementing the Press Law, Muftî explains:

> This is not Parliament's fault because Parliament formulates the laws but they are implemented by the government. This law was published in the Official Gazette (known as the *Waqeh* of Kurdistan) which is produced by the Ministry of Justice and distributed to all courts. This was also one of the functions of the Judicial Authority, when they got this law. It was meant to be distributed to all offices. When the law was being drafted, it had defects but we consulted the Ministry of Justice not only about this law but about other laws. We told the Ministry of Justice that it should quickly circulate these laws not only to those people who have formal connections to the legal process but also to publish these in the media and newspapers' (Appendix 6.4).

But he also states: 'When this Law is formulated it will be useful, not only for journalists but also for citizens. We discussed this opportunity for journalists and I hope it will be implemented' (Appendix 6.4).

Faruq Cemîl is a judge and the current Minister for Justice whose Ministry is responsible for implementing laws and regulation; he disagrees with this point of view:

> If any judge says 'I haven't got the new Press Law', he is not a judge. A judge should be aware by himself and should know which laws have been formulated and should understand all the laws which relate to his job. Any judge that doesn't implement the Press Law is being negligent

> and then a journalist could request to be tried again because if anyone does not agree with a court decision, he can request another trial in an independent tribunal (Appendix 6.5).

‘Aewnî believes that:

> The main point has been misunderstood. Because we are a developing society and we have a history of tragedy in the Middle East, it is not easy to implement laws here. If this Law is fully implemented, after two to three years, that would be a real achievement (Appendix 6.7).

‘Aewnî’s comments on this situation are as follows:

> The last section of this Law states that government organisations must implement the Law, and, if journalists have affected the rights of other people we deal with them under this law. All of them should be returned to court but sometimes a journalist or an individual will bring their complaints to us (Appendix 6.7).

Also Muftî remarks:

> Every country has its own system. [...] it needs to be implemented and it takes time for it to be learned. We didn’t discuss that two years ago, as we did this year. But the Press Law has been implemented now for more than a year and a half, so we can discuss more issues than previously. Now we’re ready to receive ideas from anywhere (Appendix 6.4).

The academics have further comments on the current Law. According to Lacanî is the General Manager of Zagros satellite and is also academic and professional journalist: ‘Because the Press law is incomplete some of the sections contradict each other and they are inaccurately written. Anything which is written like that is difficult to implement’ (Appendix 6.8).

Ḧemîd focuses on the need to address implementation: ‘If the Law isn’t being implemented this is due to a major problem in the implementation system because many legal processes are not being implemented’ (Appendix 6.9).

The fourth group, representing media and journalists affiliated to political parties, also expressed concerns about the problems with the implementation of the Press Law within the judicial system in Kurdistan. As a Manager of Kurdsat, Awat Necmedîn Esma'îl has been responsible for running the Kurdsat satellite since it was established by the Patriotic Union of Kurdistan, is also classed as a party-affiliated journalist he believes that there are no further difficulties with implementation: 'Initially, some people claimed they were unaware of this Law but this situation was soon resolved' (Appendix 6.10). Newzad takes a different view:

> According to the existing Law, a journalist should not be arrested. If they are arrested, judges have to make it clear whether they are being arrested for charges relating to their media activities or for other offences. Common decency includes many things. You can't publish a naked photo on the front page of a newspaper and you can't say that a journalist has been arrested for his journalism when he has been arrested for breaking traffic rules. Further study in this respect is a task for those involved in the legal profession (Appendix 6.11).

Surmê, Editor-in-Chief of *Xebat* Newspaper thinks some of the difficulties in implementing the new Press Law relate to broader issues:

> We live in a society which still does not understand a Law of this kind. For example, the political parties in the Kurdistan Region have a duty to society to solve social problems and they often play the role of lawyers. Consideration must be given to ensuring even more damages will not follow. Otherwise the situation will go from bad to worse (Appendix 6.12).

The head of the Kurdistan Region's branch of the Committee to Protect Journalists, Zîrek Kemal stated: 'Even after the approval of the Press Law in the Kurdistan Region there have been a lot of abuses committed against journalists, when in accordance with the conditions of this legislation journalists should not be being arrested'. He also noted that: 'It is strange that the new Press Law has been

approved in Kurdistan and published, but the judge did not know about it' ('Abdulkerîm, 2008).

In September 2010, Secretary of Kurdistan Democratic Party has been raised sue by Miller Iraqi Dinners against Eḧmed Mîra who is Editor in chief of *Lvîn* magazine, because the magazine (issue 126) published two articles which were about Serdeşt 'Osman, who was a journalist and killed in Erbil (Kurdiu, 2010b).

5.5.3 Role of the Kurdish authorities in regulating the Kurdish media

This section examines in more depth the range of opinions voiced by journalists, government representatives and academics when interviewed on the regulation of the Kurdish media.

The group one who are independent journalists was asked about the role of the Kurdish authorities in regulating the Kurdish media, and they revealed a range of different opinions about whether the government should play a role in the regulation of the media outlets, Reuf is the editor-in-chief of *Haûlatî* newspaper and independent journalist thinks that: 'The Kurdish authorities' main reason for regulation is complex and it hasn't had any role to play in regulating media outlets' (Appendix 6.1). Gzaly shares this opinion regarding governmental involvement:

> They don't play any role. Up until now, the Kurdish authorities have failed to ensure journalists are suitably qualified and to find professional journalists, university lecturers and people who know about legislation to make good Press laws. Instead they gave this responsibility to the Kurdistan Journalists Syndicate which published some ridiculous things. The authorities need to be playing a bigger role than they have so far, by establishing a committee which has no connection with the political parties but perhaps this is too difficult because Parliament is under the control of these political parties (Appendix 6.3).

However Herdî thinks differently and believes it is not the government's job to

interfere with the media outlets: 'I think the government and the authorities should not interfere with media outlets and we have the Press Law which should be implemented by the government because without this, the government is not taking any responsibility regarding the media' (Appendix 6.2).

The members of the government representatives agree that there is a need to set up organisations with responsibility for regulating the Kurdish media although they have different views on the form this should take. 'Aewnî was the only interviewee to argue that the government doesn't have any responsibility for regulating Kurdish media. According to 'Adnan Muftî, President of the Kurdistan Parliament:

> The Kurdish media is regulated, firstly, by the new Press Law, and secondly, the Kurdistan Journalists Syndicate whose members represent most of the workers in the Kurdish media channels. Thirdly, the political parties have media departments, all of which are responsible for making recommendations and advising on self-regulation (Appendix 6.4).

Cemîl also mentions the Syndicate's role and, in addition, identifies another organisation which has the role of regulating the Kurdish media: 'I think we have two ways of regulating the media channels; the first is the government via the Ministry of Culture and, secondly, there is the Kurdistan Journalists Syndicate, which should co-operate in the regulating of media organisations' (Appendix 6.5). Cewher points out that:

> The Press Law in Kurdistan has only been formulated to cover written publications but all media, including newspapers and television channels are regulated by the law. Any political party or person can establish a radio station or television channel or publish a newspaper (Appendix 6.6).

‘Aewnî highlights the fact that the government doesn’t have responsibility for regulation of the media channels, explaining that:

> The Kurdish authorities don’t have any responsibility for the growth in Kurdish media channels. Previously if any person, group, political party or organisation wanted to publish or broadcast via any media channel permission needed to be sought from the Ministry of Culture whereas permission to publish newspapers and magazines came only from the Kurdistan Journalists Syndicate. Any journalist can publish a newspaper at 24 hours’ notice just by registering with the Syndicate. Journalists can publish newspapers without any payment. The Kurdish authorities no longer grant this permission because journalists are independent (Appendix 6.7).

Muftî says:

> We discussed establishing an independent team under the responsibility of someone which would be made up of people with experience of journalism and politics, and which would monitor journalists and at the same time defend their rights. I think this is an important point. I would like the next administration at the Kurdistan Parliament to think about creating this team because it would be useful for both journalists and the authorities. It would be useful for journalists because if anybody is abusing them, the staff can protect their rights and it would also be useful for the authorities as it could limit the powers of journalists by legal means (Appendix 6.4).

Cewher makes similar points and adds:

> I think in the Kurdistan Region we need another plan for regulating all media outlets and we need a law which will regulate radio, television and satellite frequencies. We also need another law to regulate the electronic media (websites). Furthermore we will work to establish a media organisation to regulate media outlets which will protect journalists and advise them about professional ethics (Appendix 6.6).

Given that, Cewher states that:

> The Kurdistan Region has a Judicial Authority and an Attorney General. The Judicial Authority is an independent authority which was constituted by law in 2007 and it is also separate from the Ministry of Justice. The Judicial Authority decides about the head of courts which the judges elect by themselves. The Judicial Authority’s duty is protect the rights of everybody including journalists and normal citizens. The Attorney General’s duty is also to protect the rights of citizens including anybody who is facing defamation of character or slander by media channels which goes against the ethics of their profession. The Attorney General’s

> duty is to intervene when an individual or a media channel has infringed general rights. In the Kurdistan Region there isn't any specific centre or body which defends the rights of individuals and journalists, there is only the Kurdistan Journalists Syndicate. Even the Syndicate hasn't been set up to defend journalists' rights and receive their complaints. Some non-governmental channels are not members of the Syndicate and moreover they don't believe the Syndicate is the organisation to protect them (Appendix 6.6).

However, the academics were asked for their opinions on the role that the Kurdish authorities should play in regulating the Kurdish media and made a number of negative comments about the government's failure in this domain, Lacanî observes:

> I can only say that the Kurdish authorities do not play any role in regulating the media. The situation is chaotic and unfortunately in the name of democracy and freedom of speech, the independent media and the free press are supported by the government without any questions asked except in a few cases where there have been complaints about slander (Appendix 6.8).

He supports his criticism with an example:

> You are allowed to mock or ridicule someone who is Black or someone from the Christian area or Native Americans and nobody will stop you and, in general, cases involving slander don't get taken to court. You can publish profanity and the government will not stop you. But in other countries this would be classed as racism and there would be repercussions for the respective media outlet and that news channel might be forced to close down. In my country the government cannot control this situation: the courts are busy with cases involving marriage, divorce or land disputes not media cases (Appendix 6.8).

Ḧemîd shares Lacanî's opinions: 'Without this Law which has been formulated there would not be any legislation to regulate Kurdish media outlets. You can establish and publish a newspaper without any need for assessment or standards' (Appendix 6.9). He is also critical of the government's role in media regulation:

> The Parliament doesn't have any organisation or any individual with responsibility for regulating the media in the Kurdistan Region. The only

> role that the government and political parties play in media regulation is by means of the Press Law which it formulated and the Kurdistan Journalists Syndicate. The Kurdistan Journalists' Syndicate is a politically affiliated, government organisation because some of those in positions of authority are members of the Syndicate. The civil media outlets have complained about this situation and will not be associated with this Syndicate. Moreover, most of the time the Syndicate has no contact with them (Appendix 6.9).

The media and journalists affiliated to political parties were interviewed about the role that the authorities should play in the regulation of the media in Kurdistan and they shared their opinions about the current problems and future developments they expected in this area.

Esma'îl comments: 'Except for the Press Law which was passed by the Parliament I haven't heard anything about the regulation of Kurdish media outlets, and this Law is good and flexible but still needs improvement' (Appendix 6.10). According to Surmê the Kurdish media has a particular technical problem which needs attention: 'It is not well arranged and there is a real lack of systematic regulation. I know that there is often interference on local television and radio channels because there is a problem with the frequencies getting mixed up' (Appendix 6.12).

In the United Kingdom on 29 December 2003, reflecting the growing convergence in the media, the Office of Communications (Ofcom) was given the responsibility for regulation and governance of all media channels operated by telecommunications and wireless communications services, in prticuluer control and regulation of available frequencies (Cassels, 2002: 261-62; Welsh, Greenwood and Banks, 2005: 382).

In 'Osman's opinion (General Director of the Kurdistan Voice Radio, is also classed

as a party-affiliated journalist), the authorities have not played any role in regulating the ever-increasing numbers of Kurdish media outlets:

> I think the Kurdistan Regional Government has been negligent and has not made any plans about regulating the Kurdish media. There are many different kinds of media outlets – civil media, independent media, free media, media affiliated to political parties or the government, etc. but the KRG hasn't made any plans to regulate them (Appendix 6.13).

'Omer, a correspondent of the daily newspaper *Xebat* agrees with 'Osman that the authorities haven't done anything about regulating the media outlets and provides an example of the problems this causes:

> The Kurdish authorities don't know anything about the quantity and quality of media outlets. In town I've seen two magazines with the same staff and same content but given different names (Appendix 6.14).

Sndy agrees with all the other interviewees in the group four of media and journalists affiliated to political parties:

> I see the role of the Kurdish authorities as being very weak in regulating the media. Sometimes I feel the Kurdish authorities haven't done anything to regulate the media because the authorities misunderstand what media freedom means. This issue should be changed by applying a new law which should apply to both authorities and media outlets (Appendix 6.15).

5.6 Conclusion

The Press Law which was finally approved by the Kurdistan Parliament on 22nd September 2008 still requires amendment if it is to be suitable to address the issues facing journalists and those who work in and with the media in the Kurdistan Region. It is only recently that the Kurdistan Region has had the three authorities necessary to adequately regulate its media, namely the legislative, the executive and the judiciary, and the continued development of laws and regulations will serve to support the

Kurdish media, as it will not only help to enhance the freedom of the Press and the safety of journalists and media workers but will also provide a framework for the development of professional standards of journalism and media ethics.

As this chapter has shown, like all laws, the new Press Law inevitably has a number of shortcomings, omissions and defects as a piece of legislation, but the amendments which were carried out have improved it significantly. Further legislation will be needed to address the concerns voiced by IREX (2006: 168) regarding the need for legal structures 'to protect and promote free speech, ensure access to public information, and enable effective journalism'. One specific area which urgently needs legal clarification in Kurdish legislation is that of defamation of character since lack of understanding of concepts such as slander and libel continues to create serious problems for all concerned. In addition, there is still no law which relates specifically to televisual or digital media and this needs urgent attention, as these areas are continuing to grow at an ever-increasing rate due to: the fast-paced technological developments within the the Kurdistan Region, and the increased access and demand for these new types of media.

It is encouraging that Kurdish officials appear to have responded to the challenges, debates and controversies provoked by what was initially perceived to be a harsh Press Law since this suggests that they are concerned to ensure that the Kurdistan Region is perceived as an emerging democracy which understands the importance of due democratic process and values the crucial role that the Press plays in the construction of an open society. It is the nature of the role played by journalists in an emerging democracy like the Kurdistan Region which is considered in the next chapter of the thesis.

CHAPTER SIX: THE ROLE OF JOURNALISM IN AN EMERGING DEMOCRACY

6.1 Introduction

This chapter focuses on the nature of the relationship between the media (and those practitioners working within this sector), and civil society in general, in an emerging democracy. More specifically this chapter will examine whether the Press as an institution and journalists as professionals have a special contribution to make within a post-conflict emerging democracy like the Kurdistan Region and the extent to which this may or should differ somewhat from the role played by their counterparts in more established democratic societies.

The chapter will begin by a general consideration of the role which media can play in the process of democratisation in order to compare the specific experience of the Kurdistan Region with that of other emerging nations. This is followed by an exploration of the nature of journalism itself and an attempt to define those qualities which are generally thought to constitute good journalism by both practitioners and theorists. It is hoped that this will provide a general framework within which to situate the experiences of the journalists working within the Kurdistan Region. The chapter goes on to examine the role which the journalist may be able to play in fostering democracy and the importance of two key concepts which are often viewed as novel ideas within emerging democracies: freedom of the press and access to information. There is a comparative dimension to this discussion which compares the understanding of these two concepts in a well-established democracy where both are respected with the current state of affairs in the Kurdistan Region where Press freedom and access to information are still new concerns. The chapter will also

review the difficulties faced by journalists operating within a nascent democracy, touching upon the need for journalism education, the form this should take and how it is best delivered. It will conclude with a brief examination of the necessity of media regulation within an emerging democracy.

Where useful and appropriate, reference will also be made to other examples drawn from the numerous studies which have focused on the various roles which the media can play in democracies, nascent or established. The chapter will also be illustrated throughout by quotations from the groups of interviewees representing the key media interest groups in the Kurdistan Region.

As this chapter will explore, the role of journalism is very important to the process of nation-building in the Kurdistan Region with both the authorities and journalists facing the challenge of attempting to consolidate the new democracy there, although journalists have also been in conflict with the Kurdish authorities, largely due to the fact that all arms of the authorities (the executive, the legislature, the judiciary) and the journalists are still lacking in systematic governance, principles and experience of democracy.

Before beginning this discussion, it is worth briefly considering the nature of journalism. McNair defines journalism as: ‘Any authored text, in written, audio or visual form, which claims to be (i.e. is presented to its audience as) a truthful statement about, or record of, some hitherto unknown (new) feature of the actual, social world’ (McNair, 1998: 4). Watson and Hill (2006: 145) broaden these categories to include ‘information, analysis, comment and entertainment’. Schudson (2008: 1) defines journalism as ‘the practice of periodically producing and publicly disseminating information and commentary about contemporary affairs of general

public interest and importance.' With regards to the purpose of journalism, it is useful to consider Jerry Seib's thought-provoking words. According to Seib, who is Washington bureau chief of the American *Wall Street Journal* 'The task of journalism is to convey information honestly, not to confirm pre-existing prejudices. [...] That's precisely why democracy has depended upon it. [...] journalism's important if unenviable task: 'telling citizens uncomfortable truths that they may not want to hear, but need to know'. In this context this might be expanded to read 'telling citizens and those in authority uncomfortable truths that they may not want to hear, but need to know' (cited in Mawlud, 2008: 12).

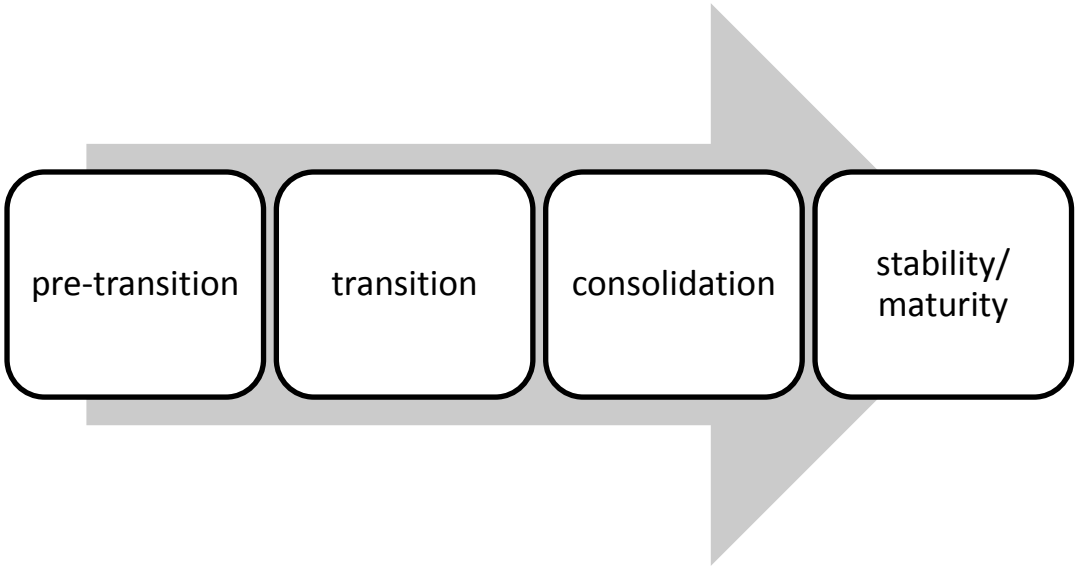
6.2 Media and the process of democratisation

As Caparini (2004: 81) notes when talking about the news media, it is important to distinguish between two types of democracy. The first of these is what Caparini refers to as 'the ordinary and stable Western democracy' where news media are numerous and independent from the government. There is also a system of so-called 'checks and balances' functions operating among the four branches of the state (including the executive, the legislature and the judiciary and media as the Fourth Estate). In addition, armed forces and police do not threaten the elected holders of power. In contrast, there is another type of democracy which has emerged in some countries which have long been enslaved by totalitarian or authoritarian regimes, where dictators have previously appealed to the feelings of the public using rhetoric and propaganda. This kind of democracy is often beset by great difficulties, amongst them as Caparini (2004: 82) comments, is the fact the population may be particularly susceptible to populist demagoguery. This means that the Press may have a particularly important role which can be misused by leaders who wish to use this for propaganda purposes, appealing to the nationalist or religious prejudices, fears and

emotions of the general public. In addition, the armed forces and the police have long been used to enjoying special privileges or even participating directly in government and may prove very resistant to the notions of Press freedom or requests from journalist for access to information.

Although democracy in the Kurdistan Region has been recognised since 1991 following the uprising of the Kurdish people against Saddam Hussein's regime and the Kurdish nation has come a long way since then, in many respects with regard to its socio-political development it must still be considered to be a developing or emerging democracy. The political scientists McConnell and Becker (2002: 8) have identified four stages of socio-political development which they believe usually occur within a State which is going through the process of democratisation. They refer to these four stages respectively as pre-transition, transition, consolidation, and finally stability or maturity. They stress that these stages are not necessarily mutually exclusive arguing instead that they are perhaps best thought of being points on a continuum which represents the movement toward the final goal of democratisation. They also make it clear that this process will not necessarily be one of uninterrupted linear progression due to the fact that: 'Interventions, ruptures and reversals are serious and constant threats to the democratisation process'. Price, Al-Marashi and Stremlau (2009: 1) note that the period following conflict can extend for many years, particularly if the fundamental issues which initially prompted the conflict remain to be resolved. The processes of building a state and nation are complex ones and the period of transition may continue for decades.

FIGURE 6:1 THE DEMOCRATISATION PROCESS



Hallin and Papathanassopoulos (2002: 184) echo this sentiment, explaining that the progress that a nation makes towards democracy can often turn out to be slow and uneven because of the complexities this entails. As they note, democratisation 'is not simply a matter of lifting censorship and holding competitive elections, but involves the transformation of many political institutions [...] and of the relationship among political, social and economic institutions'. The mass media including the Press occupies an important position amongst these institutions.

It is worth commenting here that a number of researchers including Cascio (2004) and Jacobson (2005) have noted that although the journey towards the final goal of democratisation is invariably a slow and not always steady one, technological progress in many transitional societies may often, in contrast, be amazingly quick. Noor Al-Deen (2005) notes for example that Iraq shifted 'quickly and dramatically from dictatorship to free-for-all media'. This phenomenon is often referred to as 'leapfrogging', a useful metaphor to describe the situation in which regions or States which previously had poorly developed technology experience a rapid leap in their

progress without going through the usual intermediary steps, as a result of adopting state-of the-art technology systems.

This technology is often paid for by external funding sources which tend to be donated either by foreign States or outside agencies with a vested interest in encouraging the political stability of an emerging democracy. This was the case for example with the satellite television station Al-hurra, a 24-hour news and information network broadcast entirely in Arabic which was launched in February 2004. Two months later, a second channel called Al-hurra Iraq was added specifically for Iraqi viewers. Some 20 million dollars of funding provided by the US government were used to buy broadcasting equipment, set up the studio and finance operating costs and salaries. Since Al-hurra does not air commercials, it does not generate any revenue and is dependent on the US government for its money (Al-Qazwini, 2004: 30-31).

In addition private corporations, eager to support the right conditions for a consumer society which will potentially create a new market for their goods and services, can also provide funding to develop infrastructure and help to kick-start economic growth.

This technological leapfrogging can have a particularly profound impact on media development within transitional States or regions undergoing the process of democratisation and this topic has attracted a great deal of interest and comment from academics, media analysts and practising professionals alike. Thus, for example, the mushrooming of satellite television in the Middle East and the phenomenal success of Al Jazeera, prompted the establishment of the Arab Media Project at the Centre for Middle Eastern and Islamic Studies at Cambridge

University. The project was set up specifically to address the issue of the role of transnational satellite broadcasting in inducing and influencing political change in the Arab world. The proceedings of the project's first conference, held in September 2004, were published in the online journal *Transitional Broadcasting Studies* later in the same year.

Many organisations and academic institutions were involved in enabling the environment for the free media within Iraq and Kurdistan and in drawing up the plans and frameworks to facilitate this. According to USAID (1999: 5) within the context of supporting democratic transitions, the goal of media development generally is to aim to transform a media that is directed or even overtly controlled by government or private interests into one that is more open and independent and also to serve the public interest. The Office of Democracy and Governance, the Bureau for Democracy, Conflict and Humanitarian Assistance and USAID held a series of discussions concerning the legal environment that would enable the media to advance democratic goals and they concluded in a report that 'a basic understanding of the most pertinent laws, enforcement and judicial practices, administrative processes, ownership structures, and other aspects of the enabling environment can help in design of more effective strategies for developing free media, and this in turn reinforces more broadly the effectiveness of democratic institutions' (USAID, 2002).

6.3 The role of the journalist in fostering democracy

Having briefly outlined some of the issues regarding democratisation and media, this section examines the nature of the multifaceted role which theorists, commentators and practitioners believe that journalists and the press should generally play within a democratic society. The existence of free and independent media is generally

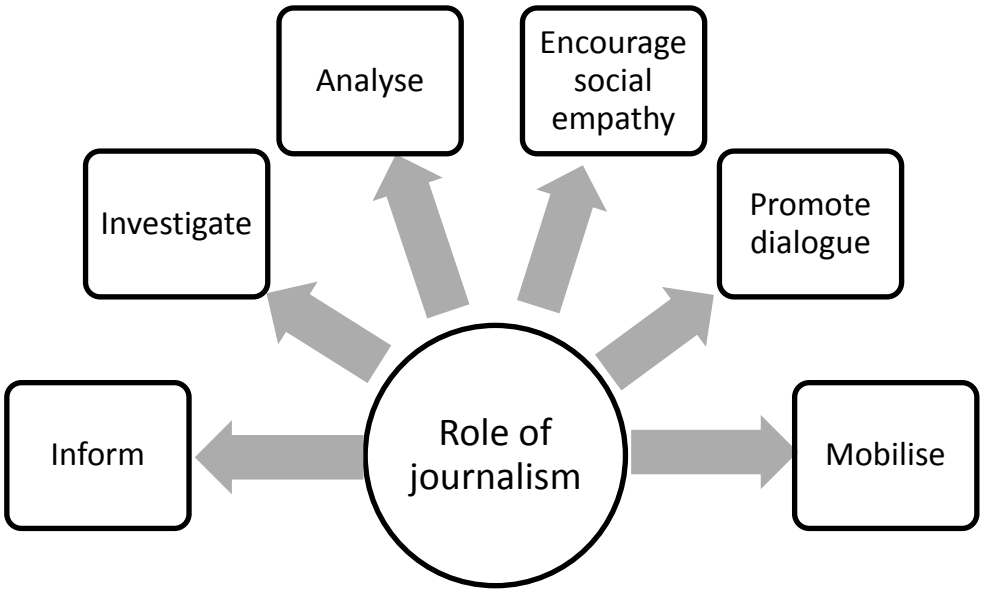
considered to be a key element in democracies, where they perform a vital role as the 'fourth estate' as a bridge between citizens and those who govern.

Pulitzer Prize-winning journalist Jacqui Banaszynski (2009) commented that all journalism must be 'done in the public's interest'. However Bêxalî (2006: 93) has noted that all media channels in the Kurdistan Region are directly or indirectly supported by Kurdish political parties and that their task is to publish and broadcast the viewpoints of the various political parties in order to influence different sectors of Kurdish society. He therefore concludes:

> *Public interest is no longer of prime importance in Kurdish journalism with the political parties utilising Kurdish journalists and media for their own propaganda ends. The media has become a deadly instrument to quell voices protesting against inequality and curbing reform activities within Kurdish society. Consequently, Kurdish journalists simply cannot publish any opinions, events, phenomena, expectations or observations which relate to the authorities.*

In contrast, in the independent sector, this is not always the case; however, these journalists often fear for reporting independently. These topics will be dealt with in greater depth later in this chapter.

FIGURE 6: 2 THE ROLE OF JOURNALISM IN DEMOCRACY



The sociologist and historian Michael Schudson maintains that 'journalism does not produce democracy where democracy does not exist, but it can do more to help democracies thrive' (2008: 26). He goes on to discuss several key ways in which he believes journalists working in the news media can help to foster democracy. Schudson argues firstly that the news has a vital role to play in providing full and fair information to the public with the aim of assisting citizens to make sound political choices. This claim is perhaps the one most commonly advanced in relation to the importance of news in a democracy.

Although there are many and varied opinions on the role of the journalist, there does appear to be a general consensus that one of the main functions of journalism is to provide accurate information for a variety of reasons. According to the American journalist Daniel Bachhuber, the provision of impartial and accurate information is necessary 'to empower a community to make decisions' (McAdams, 2009: n.p.) For Potter (2006: 3) citizens need reliable information in order 'to function in a free society'. The U.S. Agency for International Development gives both these functions equal weighting in its statement about the role of media in democracy which proclaims that 'Credible outlets enable citizens to have access to information that they need to make informed decisions and to participate in society' (USAID, 2009: 5).

Caparini (2004:15) suggests that the information which journalists provide needs not only to be reliable but also comprehensive 'giving voice to a diversity of views and opinion' with the aim of facilitating 'informed debate and critical appraisal of state action'. USAID agrees that in order for the media to play a meaningful role within a democratic state, a range of diverse credible mediums and

voices need to be encouraged, by creating and strengthening a sector that promotes the development of such outlets (2009: 5).

Keane (1991: 1179) highlights the importance of democratic processes being reinforced by what he refers to as 'a plurality of communications media'. This raises a number of issues. Firstly, it suggests that a diverse range of media technologies and platforms including the internet, the cell phone and wireless broadband should be freely available in order to allow individuals to make their voices heard. Citizen or participatory journalism via blogging, for example, has played an important role in holding the authorities to account in many emerging democracies. Secondly, as Civita has stressed, in order to ensure that debate remains free and open within a democratic society it is important for a range of media outlets to co-exist in order for there to be a 'multitude of often dissonant and cacophonous but essential voices' (2006: 7) which provide citizens with different opinions and viewpoints. In its 1999 report, the United States Agency for International Development (USAID) also highlights the importance of advertising revenue as a means of supporting this diversity, a point that was raised by a number of the Kurdish interviewees who highlighted the economic difficulties faced by independent publications. Controversially, this suggests that the media is often at the will of the advertisers, a theory that has been proposed by many, including Habermas in 1962. He detailed the social history of the development of the bourgeois public sphere from its origins in 18th century salons to its transformation which was influenced by the capital-driven mass media.

In ensuring that media technologies and platforms are accessible to citizens and that a broad range of media outlets flourishe, due to the 'healthy competition', it is more likely that the free flow of information will continue and that the threat posed

by the concentration of control of information in too few hands will be avoided. As Keane (1991: 155) notes: 'the maximisation of 'liberty of the press' requires efforts to 'de-concentrate' and publicly regulate privately owned media and to restrict the scope and intensity of corporate speech.'

The need to provide information also raises a number of connected issues, including the freedom of the press to inform citizens about matters which are deemed to be of public interest, access to information and perhaps, more contentiously, the problematic area of regulation and governance of the rights and responsibilities of access to information by those working in the media. USAID argues that: 'Access to information is essential to the health of democracy' (USAID, 1999: 1) for two key reasons. Firstly, as outlined above, this ensures that citizens are able to 'make responsible, informed choices rather than acting out of ignorance or misinformation' (USAID, 1999: 1). Secondly, information serves what USAID refers to as a 'checking function'. This means that citizens can ensure that 'elected representatives uphold their oaths of office and carry out the wishes of those who elected them' (USAID, 1999: 1). In this way, the press and other media are able to facilitate the flow of information to mediate between the state and all the various sectors of civil society.

At this stage for the purposes of comparison it is worth considering how these two issues, namely freedom of the Press and access to information are dealt with in the UK, beginning with an overview of the concept of the freedom of the press.

6.3.1 Freedom of the press

An important aspect of responsible journalism, in a democratic society, like the UK, is the duty to inform the public about matters pertaining to them that they may be

discussed openly and that they are of public interest. Despite the long tradition of press freedom, the press still have obligations under the Common Law and Defamation Act (1996); this law exists to protect both the ethical and the professional reputation of individuals. In Britain it is the right of every person, organisation or company to have their reputation unaffected by false statements. A balance needs to be struck between the right of the individual to protect their reputation and the freedom of speech covered by the Human Rights Act (1998). Achieving a balance can pose particular problems for journalists seeking to expose wrong doings in what they believe to be public interest (Welsh, Greenwood and Banks, 2005).

Procedures and codes of practice have significantly affected both the printed press and the broadcast media in the UK. However, in addition to these supervisory bodies and regulations, a number of key concepts have also helped to shape the development of the broadcasting media and the press in Britain, including the 'freedom of the press' and 'free speech' within the democratic system. However as Keane (1991: 190) notes this concept of freedom of communication 'is not something which can be realised in a definitive or perfect sense. It is an ongoing project without an ultimate solution [...] a project which constantly generates new constellations of dilemmas and contradictions'.

In England, in the seventeenth century, any publication of any kind (books or newspapers) was not permitted without a licence; there were harsh penalties for failure to conform to these legal requirements. However, 1694 was a key year in the history of press freedom, since it marked the introduction of a number of significant changes in printing as the licensing law was repealed; as a result, many new

publications appeared. There was further reform of the press in 1792 when press taxation was abolished. The modern free press emerged in the nineteenth century, continued attempts to ensure the freedom of the press were observed from 1853 to 1861 as onerous press laws were gradually weakened or eliminated. The press in the UK thus moved increasingly from a position of subservience to freedom. The removal of censorship and the use of advertising also affected the progression of the capitalist press; whilst, at the same time radical journalism faced an ongoing struggle to ensure the free circulation of ideas and the maximum freedom of the press. It is widely agreed that the liberal and radical press played a significant role in influencing public opinion in the nineteenth century (Gurran and Seaton, 2003).

Before the outbreak of World War I, the increasing industrialisation of the press led to a number of developments, including more commercialisation and greater press freedom (for the 'press barons'), after the repeal of censorship and the removal of taxes on the press. The freedom of the press became increasingly important in the era of the so-called 'press barons', a group of newspaper proprietors who controlled the British press for most of the twentieth century. In addition, between the First and Second World War, the freedom of press played an increasingly important role in regional newspaper chains (Gurran and Seaton, 2003).

Freedom of speech, in relation to issues involving public interest, is also known as fair comment. Originating in the eighteenth century, the defence of fair comment has often been used by the press as a means of protecting statements of opinion on matters concerning public interest. Anyone deemed to be in the public eye, whether an actor, a politician, a piece of art, music or literature, or any broadcast

programme, is considered to be of interest to the public and are therefore considered to be subject to this defence (Welsh, Greenwood and Banks, 2005: 234).

Journalists and publishers can face legal proceedings which relate to the freedom of speech; as such, under UK law they have a number of complex defences from which to choose. Under the 'defence of accord and satisfaction', a claimant can agree to give up their claim in return for an apology and/or monetary compensation (Welsh, Greenwood and Banks, 2005). More recently, the defence of 'offer of amends' has been introduced, which entails making an apology to the claimant, publishing a correction and an apology; in this case, compensation and payment of costs is decided by the court.

There are circumstances when the law recognises that freedom of speech is essential and that the information is deemed to be of public interest. The first of these is the defence of 'absolute privilege' which applies to certain situations, including the reporting of statements taken during judicial proceedings, and all official communications which have occurred between senior officials and government ministers; all parliamentary proceedings are covered by this category. The second defence is 'qualified privilege' which is used when a statement has been made without malice and in the belief that it was true (Welsh, Greenwood and Banks, 2005; Rogers, 2002). The main approach to qualified privilege, in relation to journalists, has been influenced by a case known as Reynolds versus *The Times* Newspaper which led to a House of Lords' ruling in 1999 that formally recognised that a journalist has a duty to publish an allegation even if it turns out be wrong, as long as it is seen to be in the public's interest. Lord Nicholls listed the circumstances which should be considered when determining whether the defendant was

performing their journalistic duty; ten issues were listed which need to be explored in relation to qualified privilege:

1. The seriousness of the allegation

2. The nature of the information

3. The source of the information

4. The steps taken to verify the information

5. The status of the information

6. The urgency of the need to publish

7. Whether comment on the article was sought from the claimant

8. Whether the article contained the gist of the claimant's side of the story

9. The overall tone of the article

10. The circumstances surrounding publication

These ten criteria require the defendant to demonstrate not only that it was in the public interest to publish, but also that the press had acted responsibly (Welsh, Greenwood and Banks, 2005; Harpwood, 2005).

In the Kurdistan Region freedom of expression is a new concept which has only recently been recognised and it is not currently supported by the Kurdish Press Law. There are a range of factors likely to influence the level of freedom of expression in the Kurdistan Region including political, social, economic, ethical and legal factors. Resul (2009) believes that if improvements are seen in these areas,

there will also be an increase in the general level of acceptance of the concept of freedom of expression. However ‘Abdulkerîm (2009) is less optimistic that freedom of expression and press freedom will eventually flourish in the Kurdistan Region on the grounds that other factors are likely to counteract these potentially positive forces, including conservative Islamic beliefs, the viewpoints of various prominent individuals and groups, traditional Kurdish culture and the general lack of dialogue among opposing ethno-sectarian groups in the Kurdistan Region. Price, Al-Marashi and Stremlau (2009) explore the positive and negative role which Press can play in an emerging democracy, drawing also on materials from other case studies in this area. The issues which they raise are explored later in this chapter.

6.3.2 Access to information

In the UK, information is regulated by a number of parliamentary Acts which give greater freedom for people to access information. It also serves to support open government and the democratic process. In order for people to be able to gain information from the central government and public authorities, the Freedom of Information Act was formulated by the government for the first time in 2000 and established as a general right (Welsh, Greenwood and Banks, 2005: 324). This was the result of two previous attempts. Firstly, a White Paper on open government was published by the Conservative government in 1993 and stated that: ‘Open government is part of an effective democracy. Citizens must have adequate access to the information and analysis on which government business is based’ (Welsh, Greenwood and Banks, 2005: 325). Following this, a Code of Practice was established in 1994 which gave access to information from the government. Secondly, when the Labour government came to power in 1997, it published a radical White Paper based on the concept of ‘your right to know’. Initially this was

very well-received by campaigners, the media and journalists; however, it later faced criticism because it was still possible for the public authorities to refuse requests for information from members of the public and the media. The Act was delayed in coming into force because some groups and organisations sought a more suitable scheme. However this legislation which became known as the Freedom of Information Act, eventually, came into force in January 2005 (Welsh, Greenwood and Banks, 2005).

The Freedom of Information Act (FOIA) which confers the right to access information covers everybody and does not make a distinction between the status of applicants or citizens wishing to obtain information. This means that the media and journalists are not given particular or preferential privileges in this area, irrespective of their particular duties or obligations (Frost, 2000). Everyone is entitled to ask for information from a total of 100,000 organisations and public authorities in the UK (Welsh, Greenwood and Banks, 2005).[53]

To reiterate, the Freedom of Information Act does not provide particular privileges to the media and journalists; the public, media workers, journalists, newspapers and broadcasters enjoy the same rights as ordinary citizens to the access of information from the Freedom of Information Act (Carey and Turle, 2006). However as these authors state:

> There are at least two good reasons for considering the application of the Freedom of Information Act to the media: first, the media collectively will be one of the most frequent, perhaps the most frequent, users of the Freedom of Information Act. Secondly, the law recognises that the media

[53] Frost (2000: 49) notes: 'This is not the case throughout the world and in some European countries journalists have special rights and special rights of access to information unavailable to the general public'.

> occupy a unique position in society and enjoy certain special privileges (Carey and Turle, 2006: 177).

Prior to the passing of the Freedom of Information Act, it was difficult for journalists and the media to investigate the internal workings of the government. It was also difficult for judges to know about the results of government policies. Previously, when the media and journalists requested any kind of information from the public authorities they needed to contact the public authority bodies that would hold the information they needed. If they had the necessary information from an organisation's publication scheme then they didn't need to take further steps for seeking and making applications for information from the public authorities. The public authorities must answer any request for access to information within 20 days. Each request requires an administration fee payment, which includes postage and the cost of photocopying the information (Welsh, Greenwood and Banks, 2005: 326-329).

The Freedom of Information Act creates a responsibility to provide information in response to requests made by members of the public, the media and journalists. However, the Act is not responsible for the content of the material, nor does it provide a licence for the broadcasting or publishing, by the media or journalists, of this data. On occasion, the information will be liable to diverse types of legal responsibility, including: defamation, libel, slander, malicious, misuse of information, breach of the Data Protection Act and possible untruths (Carey and Turle, 2006, 193-194).

Welsh, Greenwood and Banks (2005: 324) state that: 'For democracy to work, citizens must have access to information so that they can reach valid decisions.

Journalists have a crucial role to play in enabling the public to take such informed decisions, by seeking out and communicating information that those in power might sometimes prefer the public not to have; but journalists have no greater legal rights to obtain that information than members of the public have'.

Returning to Schudson's model, the second function he identifies for journalism is to investigate the sources of power, particularly governmental power, with the ultimate aim of ensuring that government officials are held accountable for their actions. 'An independent and accurate media facilitates democratic governance, and at its best functions to uphold accountability, transparency and good governance in the public sector' (Caparini, 2004: 27). This could be deemed as an attack on the 'public' sector by the 'private' sector which is not held accountable in the same way. Keane (1991) talks of the need to 'bring to heel those responsible' (Keane, 1991: 1179) and along with Potter (2006) both agree that one of journalism's principal roles is to act as an independent and conscientious monitor of the full range of state activity. Caparini (2004) and Curran (2002) point out that monitoring of this kind can help to expose wrong-doing or abuses of power by those holding office or in positions of authority with the media acting 'as a check on the state' (Curran, 2002: 217). Reflecting on the positive role played by the media in holding the political leaders accountable in Nigeria, Omoera (2010: 36) notes that the media in this emerging democracy 'have unearthed high profile cases in an effort to expose brazen corruption which many public/political office holders have been enmeshed in'. Omoera also stresses that watchful and critical role of journalists applies not only to the bad practices of the government but in addition covers private individuals (Omoera, 2010: 35).

Isakhan (2008) highlights the difficulties facing those in the news media who attempt to investigate sources of power in the Middle East where traditionally they have ‘served as the faithful propaganda machine of the elite’. He adds ‘Most governments across the region operate their own print and broadcast services, recognizing the power the media holds in legitimizing and stabilizing their authority’. Any non-governmental news outlets attempting to maintain editorial independence are ‘in most instances, expected to toe the line for fear of harassment, fines, imprisonment, torture, and even death’. Al-Jarallah, (2006: 589) also confirms that some Arab governments have negatively affected and interfered with the media in their countries, but he points to the fact that this can also be achieved by ‘enticement, bribery and other kinds of corruption’. Referring to the Arab media in general Al-Jarallah (2006: 587) commented that too many governments in the Middle East unlike their Western counterparts viewed the media ‘as a propaganda agency working under their administration’ rather than ‘as part of a civil society structure’. Since the media in many Western states is financed by the taxes paid by citizens they therefore have the right to freely express their demands and opinion through print, audio and visual media outlets.

In Schudson’s model, the third key role of the news media journalist is to provide analysis of major events breaking these down into understandable elements in order to help citizens comprehend the complexities of the contemporary world, and situating these within coherent frameworks of interpretation so that the importance of these occurrences can be more easily understood. Schudson believes that this particular role is gradually losing its importance but thinks that there is still a need to provide this kind of guidance to the public who may know relatively little about a subject and stand to gain much from the provision of such knowledge.

Schudson refers to the fourth role as being that of encouraging what he calls 'social empathy,' and he himself acknowledges that this quality does not generally feature amongst lists of the kind he has compiled. The so-called human interest story is a classic example of a type of journalism which is intended to encourage social empathy. The aim of articles of this kind is to tell people about their fellow human beings within their society and in the world beyond so they can learn to appreciate the viewpoints and lives of these other people, especially those less advantaged than themselves, or they may detail the lives of celebrities – this may include charity work. In addition, encouraging social empathy may also entail using the life stories of individuals to help create collective yearning for change among decision-makers in the case, specifically potential voters. Practising journalist Thorne (2007), succinctly captured the essence of what social empathy is, when he declared that 'news consists of: worthy news, official news and people news; the best stories concern people'.

Much has been written about the fifth function that Thorne (2007) mentions for journalism, namely that it should act as a public forum, providing a medium for dialogue amongst citizens and serving as a conduit for the perspectives of varied groups in society. Like many other media commentators, Schudson emphasises the interactive potential of the Internet and predicts that this platform will become increasingly important in fulfilling this role as a much needed public and open information forum.

Ritzenthaler (2009) asserts that 'Journalists tell stories to engage the public in conversation. The hope of journalism is that through the conversation, problems or issues facing the public should be brought to light, explanations offered, and solutions found'. The advent of interactive media platforms have facilitated the

growth of blogging and participatory journalism, and readers can potentially participate to become writers too (Meikle, 2009: 183), taking an active part in the conversation which Ritzenhaler refers to. Citizens who would previously have been subjected to constant scrutiny in authoritarian regimes can now take an active role in the process of collecting, reporting, analysing and disseminating news and information, transforming themselves in the process from passive readers and listeners into potential speakers and participants in a conversation.[54]

This area has also prompted interest from researchers though not all of them see this development as being wholly positive. Hartley, for example, believes that this development poses 'fundamental challenges to the nature of news and journalism: this is where journalists have had the upper hand for so long: they can 'write' in public. But now, worrying for them, anyone can join them' (Hartley, 2000: 43).

The final function which Schudson attributes to journalism is a more controversial one given that it seems to run counter to the commonly held view that there is a need for objectivity in reporting. A great many practitioners and theorists take the opposite position to Schudson in regard to this point. In an online discussion on the topic of defining journalism held in September 2009 and facilitated by Mindy McAdams (2009) most of the participants argued forcefully that this was essential although McAdams herself rather provocatively wrote that she believed 'objectivity [...] was always a myth'. The media sociologist McNair, writing a decade earlier, characterised the role of a journalist as being that of an 'authorised truth teller', or a

[54] This draws on one the best-known definitions of participatory journalism taken from Bowman, S. and Willis, C. (2003: 9) 'We Media: How audiences are shaping the future of news and information'. [online], last accessed 07/10/2010 at: http://www.hypergene.net/wemedia/

‘licensed relayer of facts’ (McNair, 1998: 65) with Potter (2006: 9) commenting ‘The audience should not be able to tell from the story what the journalist’s opinion is.’

However McNair (1998) draws a distinction between journalistic objectivity and impartiality stating that ‘The rule of objectivity applies to both print and broadcast journalism, but the latter, since its emergence after the Second World War, has refined the objectivity principle into that of impartiality’ (McNair, 1998: 70). Expanding McNair’s point, Harrison wrote ‘Journalistic impartiality is characterised when journalists remove their individual views and personal opinions. [...] they should present a fair, accurate, and truthful story’ (Harrison, 2006: 144). This kind of impartiality can be assured, according to Meikle (2009: 95), if news journalism draws on the accounts of individuals and organisations with a proven track record of legitimacy, reliability, credibility and official status. Thus, within the Kurdistan Region this proven track record can be difficult to obtain when the majority of media channels are not independent.

Schudson believes that journalists may act as advocates for particular political programmes and perspectives, taking on the role of journalist-campaigner and as a consequence may inspire citizens to mobilise and act in support of these. Chizzo, one of the contributors to McAdams’ online discussion (2009), agrees with Schudson’s opinion, commenting that: ‘A journalist will (at times) be partial and advocate for certain interests. The constant is that the journalist must report, they must inform’. McQuail (2000: 340) also supports the idea that advocacy journalism is one of a number of types and styles situated along a spectrum of journalism including tabloid, local civic, investigative and journalism of record.

One of the interviewees, Kemal Reuf is the editor-in-chief of *Haûlatî* (Citizen) and independent journalist, argues that in the context of the current situation in the Kurdistan Region, the independent media does not have to be impartial: 'Our job is only to criticise because the government has its party-affiliated media. Those media can publish and broadcast all the good things. He adds:

> We cannot be balanced because there are a lot of shortcomings in the running of the government, for example one of the key things that the government runs is oil production but nobody has any information about this. Who are these projects contracted to? Whose pocket do the profits go into? The Ministry of Finance and Economy doesn't know about how such projects are financed so I cannot support such projects or any projects like them (Appendix 6.1).

Schudson identifies a further function of what news should do for democracy namely to publicise representative democracy. Schudson is firmly committed to the idea of protecting minority rights as opposed to ardent populism, and he challenges journalism to advance liberal democracy. His proposal is not that journalists should become 'evangelists' for this perspective, but that they should cover, politically, institutions that have been taken for granted (though he does not specify which). Further, he suggests an examination of 'horizontal accountability,' an effort whereby the press explores not just elections, but how different government institutions keep each other in check (Schudson, 2008).

For Caparini (2004) the key task of the media in emerging democracies is to provide the population with good public service. He believes that this can only be achieved by hiring journalists who are 'competent, specialised, honest, and aware of all the functions of the news media in a democracy, keen to listen both to sources (including security forces) and to readers/listeners/viewers' (2004: 87). Moreover,

these journalists must be determined 'to serve the public first, not the leader, party, ruling clique, 'sponsors', advertisers or shareholders' (2004: 87).

6.4 Problems for journalists operating in emerging democracies

This section now moves on to discuss some of the particular problems which fulfilling these functions may pose to journalists operating within the context of an emerging democracy, including, where appropriate, specific examples drawn from the Kurdistan Region. Firstly, even basic information gathering may present particular problems for journalists operating in new democracies. They may be given inaccurate information by official sources, or as a result of inadequate training may look for information from inappropriate sources using the wrong tools and methods to search for and gain information (Faieq, 2009: 9). Often they are unable to gain any information at all. Although it could be argued that these problems are not peculiar to journalists in emerging democracies, they are often more acute there due to the particular problems resulting from years of totalitarian regime. As Sepan (2006: 100) has observed:

> *In the Kurdistan Region the media channels are governed by the thinking of the Kurdish gun-toting Pêşmerge, rather than the pen-wielding professional journalists. It is easier for a foreign journalist to contact a Kurdish leader than for a Kurdish journalist. Kurdish journalists lack the opportunities to gain information from the Kurdish leaders and governmental establishments because those in authority in the Kurdistan Region do not really understand the role of the media.*

On a different point, one of the interviewees, Lawend Newzad is a writer and journalist and Director of Gelî Kurdistan television in Erbil, is also classed as a party-affiliated journalist noted that language skills are of crucial importance for professional journalists working in the Kurdistan Region: 'The biggest problem for

Kurdish journalists is that they cannot speak Arabic and English so they are deprived of information from other countries'. This can mean that journalists are often able to draw on a limited amount of poor quality sources for their background reading and also cannot easily access quality reporting in the international press (Appendix 6.11).

In addition, the need to convey large quantities of information and sometimes complex ideas and concepts which may be new to citizens of nascent democracies requires journalists who have very good communication skills. Some of Pithers' (2007) comments regarding journalistic style are particularly apt in this context. He refers to the need for reporting which is informative, simple and entertaining. It should be clear and to the point, using crisp, fresh language. Wherever possible, it should avoid the use of jargon and explain it when it must be used. Above all, it should be easily understood so that it can be absorbed at the first reading. Thorne's (2007) stylistic advice to aspiring journalists echoes many of Pithers' recommendations, stressing the need to steer clear of jargon or journalese shorthand in order to ensure that the audience is able to quickly grasp the key facts. These stylistic issues are not necessarily related directly to media regulation; however, they do account for what should be deemed to be 'best practice'.

Rahim (2008) has criticised Kurdish journalists for their lack of communicative skills when writing and broadcasting. He acknowledges that at least in part this problem has been created by the fact that the government is trying to introduce a standard form of Kurdish amongst the population which reflects their customs and habits rather than the Arab culture of Iraq. At the same time, the fall of Saddam's regime has created the need for a new discourse relating to the arrival of democracy in the Kurdistan Region. It is therefore making use of its own controlled

media channels to introduce the preferred vocabulary and terminology in an attempt to reinforce new linguistic forms and reflect novel concepts within Kurdish society. However, the fact that Kurdish journalists are expected to use particular language to disseminate information poses significant problems for the media which has to a certain extent been harmed by this attempt to standardise Kurdish (See Chapter Three). As a result, in recent times, some of the listeners, viewers, and readers have failed to understand the information presented by the Kurdish journalists; it is unclear as to whether this is because the language has been too complex and filled with jargon or whether this is concerned with the education and literacy levels of the audiences. These issues will be examined in further detail in Chapter Three.

According to Potter (2006: 11) one of the principles that journalists in a democratic society should agree on and that citizens have a right to expect, is that journalism 'must strive to make the significant interesting and relevant'. Bêxalî notes however that Kurdish journalists tend to focus on non-events, for example informal meetings between politicians or State visits by leaders; self-congratulatory talks between the two Kurdish political parties, social events of UK celebrities and births, deaths and marriages, etc. Kurdish journalists usually wait for the news to come to them, rather than going looking for stories; this is very similar to the way that UK tabloid journalists work. They do not seek original news stories and in-depth information (Bêxalî, 2006: 94-95).

6.5 Regulating the role of the journalist in a democratic society

Journalists are expected to work in accordance with their professional ethics which are regulated by laws and rules from their respective countries. Journalists have an important role to play in society since both economically and politically they can

influence public opinion. Journalists, therefore, have duties and rights and need to understand the different international laws which relate to their works. In the Kurdistan Region, the Kurdistan Journalists Syndicate identified a series of duties and rights for Kurdish journalists in accordance with Law Number 4 (1998) (Se'di, 2006: 221-223).

At this stage for the purposes of comparison it is useful to consider a brief overview of the development of the regulatory framework in the UK context and to outline the areas which are covered in the Editors' Code of Practice. As Robertson and Nicol (2008: 760-761) point out, press regulatory bodies in the UK were initially formed after it came to light that some newspapers had published inaccurate information during the course of World War II, even though Kaplan (2002: 12) makes the valid point that: 'The manipulation of information to suit national interests, or military and strategic objectives, particularly in time of war, is the banal reality of a journalist's working life'.

Thus in 1949 a Royal Commission was set up which decided that a General Council of the Press needed to be established in order to develop a code of conduct which was intended to maintain high standards of professionalism amongst journalists (Robertson and Nicol, 2008: 760-761).

The first Council commenced in 1953, but it was heavily criticised for being over-sensitive in relation to issues concerning royalty and the government. This led to the creation of a second Royal Commission, in 1962, and, on the basis of its recommendations, the General Council of the Press was established. At this point, for the first time, newspapers started to face reprimands for any misconduct. However, the work of this institution was once again heavily criticised, leading to the setting up

of a third Royal Commission which identified the need to enhance perception of the Council amongst the general public. It further recommended that the findings of the Council should be published in any newspaper facing a reprimand. The Commission also strongly advised that a written Code of Conduct for journalists should be produced.

However despite, the fact that the Council's role and function had been yet again thoroughly reviewed by the Royal Commission, many newspapers continued to ignore the Council's recommendations because there were no effective sanctions in place which could be utilised to support the work of the Council (Robertson and Nicol, 2008: 760-761).

At the beginning of 1989, the then Secretary of State for National Heritage set up a committee under the chairmanship of Sir David Calcutt which was charged with enquiring into privacy and related matters. As Cassels (2008: 249) notes:

> *A few months later, in 1990 Calcutt suggested that the Press Council should be disbanded and instead establish the Press Complaints Commission which consisted of press editors of newspapers, magazines, the executive vice-chairman of the Times Newspapers, a former editor-in-chief of the Press Association, and a former Northern Ireland Secretary.*

All print media must conform to the terms of an Editors' Code of Practice which is regulated by the PCC (2009). The current code has provisions in sixteen key areas as follows:

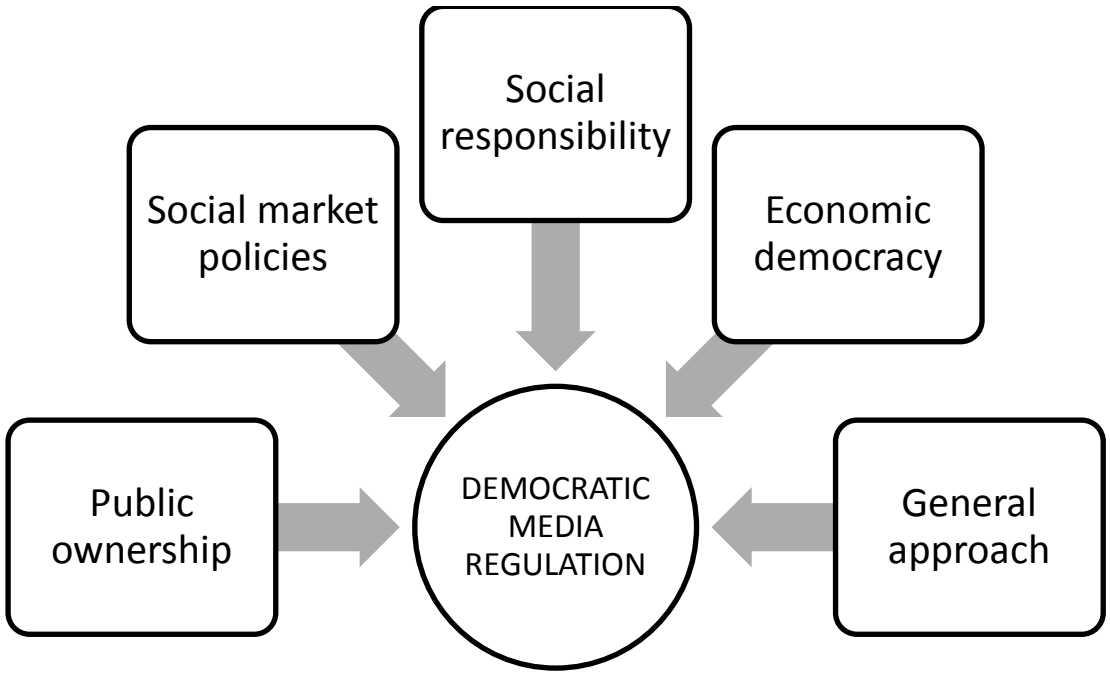
1. Accuracy
2. Opportunity to reply
3. Privacy

4. Harassment
5. Intrusion into grief or shock
6. Children
7. Children in sex cases
8. Hospitals
9. Reporting of crime
10. Misrepresentation
11. Victims of sexual assault
12. Discrimination
13. Financial journalism
14. Confidential sources
15. Witness payments in criminal trials
16. Payment to criminals (*Guardian* online: 13 October 2009)

In addition, individual journalist professional associations have developed their own supervisory bodies and ethical codes, including the Code of Conduct of the National Union of Journalists.

Curran (2002:152) identifies five main approaches which can be taken towards democratic media regulation.

FIGURE 6: 3 THE APPROCHES OF DEMOCRATIC MEDIA REGULATION



The first is public service broadcasting which is effectively the public ownership or regulation of radio and television channels. This approach to regulation seeks to ensure that the public is adequately informed, reporting is fair, plural perspectives are represented, and programme quality and diversity are sustained. The second form is social market policies which include legal limits on media concentration and provision of selective funding for minority media. In this case the aim is to promote media pluralism. Thirdly, the social responsibility approach seeks to restrain market excess through self-regulation and the professional education of journalists in public institutions. Fourth (and, relatively underdeveloped), the economic democracy approach aims to improve the media by enabling media staff to participate in decision-making. Fifth, there is a more general approach which seeks to secure an equitable balance between the media's freedom of expression and protection of human rights (such as that to a fair trial). All five of these approaches attempt to

ensure that the media serve the needs of society rather than simply the private interests of shareholders' (Curran, 2002:152).

6.6 The role of media in nation building

According to Postill (2008:199) 'The relationship between media and nation building is in urgent need of further comparative research. Recent events in Iraq, Afghanistan, East Timor and the former Yugoslavia, to mention but a few countries, testify to this urgency.' This section explores the role which the media can play in helping to create a new nation and includes a discussion of the possible negative impact which the media can have within a newly emerging democracy, referring to the case of post-Saddam Iraq.

Reflecting on the experience in her own country, the Peruvian communication theorist Rosa María Alfaro (2006: 303) has identified a number of ways in which the media can play a key role in helping to form citizens and shape and consolidate a nascent democratic society. She notes firstly that by interacting with the Press, radio and television and gaining coverage, those in power are able to legitimise themselves or alternatively the authorities can choose to support dissident voices when politically convenient. In addition she argues that on a day-to-day basis, mass media programmes and in particular the broadcast news, serve to consolidate ideas about political authority and political values, and also to shape the general understanding of a nation's political institutions. Furthermore, she asserts that in the everyday processes of making and consuming mass media, ordinary citizens find themselves positioned in relation to a particular set of national and international concerns. This positioning to a greater or lesser extent not only conditions understanding of their

own nation and its place in the world but can also play a crucial role in determining their feelings towards their homeland and to other nation states.

However not all writers see the role of the media as necessarily being positive in emerging democracies due to the very fact of their potential to help with nation-building. As Price, Al-Marashi and Stremlau (2009: 1) note 'The optimist views the democratic role of the news media [...] as that of a watch-dog, agenda-setter and gate-keeper'. While it can be useful to suggest that journalists should be 'watchdogs' of the government, they often have nuanced roles in the nation and state-building exercise which cannot be easily divorced from the political realities' (Price, Al-Marashi and Stremlau, 2009: 20). In an article about the impact of central and eastern European media on ethnopolitical conflicts, Reljic (2002 cited in Price, Al-Marashi and Stremlau, 2009: 1) concluded that 'In ethnically diverse communities, the media often serves to reinforce existing differences and thus accelerate a disintegrating effect on the homogeneity of the population.' George Krimsky (1996), the cofounder of the International Centre for Journalists, agreed that 'irresponsible and inaccurate journalism (or its nefarious cousin, the hate-mongering media, like the Sun for example in the UK) can fan the flames of violence in ethnic or communal confrontations'. Price, Al-Marashi and Stremlau (2009: 3) also note that studies conducted by the United States Institute of Peace on media in conflict states warn that when media planning is rushed or hastily-conceived the media can become 'tools of warlords'.

Elsewhere Al-Marashi has explored the more pessimistic scenario in which the media can actually help to create ethno-sectarian tensions in the case of post-conflict societies like Iraq. Al-Marashi notes that since the media are able to influence vast audiences, during times of conflict, they play a particularly powerful

role. Their influence can be positive or negative in deeply divided societies. The media can play a role in transmitting hostility, whether it is between states, or ethnic and sectarian groups and can exacerbate tensions by spreading misperceptions or exaggerations. Alternatively the media can play a role in transforming a divided society by building confidence between the different groups and by challenging the misperceptions which they have about each other, thus helping to facilitate positive attitudes and bridge differences between its communities.

According to Al-Marashi, enlightened democratic traditions will take years to form in post-Saddam Iraq, as the norm in the past was 'authoritarian value systems,' and they continue to exist on sectarian, ethnic and tribal levels. Prior to the fall of Saddam's Ba'ath government in 2003 the differences between Iraq's Arab Shia, Sunni and Kurds were never discussed openly in the Iraqi media. As Price, Al-Marashi and Stremlau (2009: 14) explain post-2003 these groups began to form Kurdish, Shi'a and Sunni Islamist parties, each maintaining their own militias, and when elections were held in January and December 2005 these ethno-sectarian factions did well, mainly by rallying support among the populace on a platform of promising to protect each community's identity-based interests. Each party's security forces were also used to provide safety for their own media, which in turn was used to highlight the successes of the party and to represent the party line. In this process, non-sectarian political parties and movements did not have time to develop before the elections were held and voters thus had little option other than to choose from parties along the ethno-sectarian divide.

Although critical and analytic journalism is finally developing, the ethno-political groups in Iraq have powerful print, radio and TV media at their disposal.

This sectarian Iraqi media pose a challenge for those other media which seek to operate according to international journalistic standards.

Al-Marashi notes that bodies have formed in Iraq to create legislation to regulate the media, such as the National Commission on Media and Communication and the Iraqi Higher Media Committee. However, media regulation does not solve the problem of educating journalists on how to report during times of conflict. Education for media practitioners is crucial, given that professional standards and practical training for journalists, on social responsibility and reporting during times of conflict, is relatively new in a society that repressed its media in the past.

Based on past precedents of media in deeply divided societies, Al-Marashi argues that there are some key lessons for Iraq. Firstly, he suggests that international media watch organisations need to take an interest in monitoring the Iraqi media. Secondly, he notes that there are a multitude of international media organisations that would be able to offer training to Iraqi media owners and journalists. Finally, policy recommendations can be directed to international organisations that seek to address weaknesses in the Iraqi media by offering training and financial assistance.

Thus far this chapter has examined a number of issues relating to the role of the media and their practitioners in emerging democracies which have been identified by theorists and researchers. The final sections of the chapter considers in more depth the range of opinions voiced by journalists, government representatives and academics on a range of issues relating to the specific problems which they face in the context of the Kurdistan Region. A number of these problems are similar to the difficulties which have been highlighted in the theoretical literature on this topic and exemplified in other case study situations.

It is worth noting that the level of press freedom in the Arab media arena varies throughout the Middle East; for example, Egypt and Lebanon have better press freedom than some other Arab countries, namely Iraq, Syria, Libya and Algeria, where the political regimes and governments have more control over the media (Saeed, 2006). Saeed (2006: 30) states that: 'the current form of Arab journalism was shaped under this 'mobilisation' model, and it still retains those features rather than those of the 'democratic' model'.

With regards to the Arab world, Saab (2006) identified 20 types of limitation affecting the freedom of Arab media which include: the difficulties in setting up of newspapers; the cost of financial insurance; patterns of ownership; prior censorship by the authorities; unnecessarily complex bureaucracy; procedures such as confiscation, prohibition, control, suspension and closure of media in so-called exceptional or emergency cases by the administration; limitations imposed on the practice of journalism; confidentiality in journalism; the right to have access to information from original sources; the right to protection and personal security for journalists; pre-trial detention for those who commit crimes relating to publication; supervision imposed by government on journalism and journalists; overly harsh punishment; violation of the principle of 'innocent until proven guilty'; expansion of the indictment policy stipulated in Arab regulations, and increasing restrictions on reporting which is viewed as critical (Saab, 2006: 512-513).

However some problems are unique to the particular situation in which the media operates within the Kurdistan Region. It is perhaps only right to begin with the most serious problem which continues to face journalists in the Kurdistan Region as an emerging democracy within Iraq, the harassment and intimidation from

government forces and the abuse of their rights by those in positions of authority. When interviewed ‘Adnan Muftî, President of the Kurdistan Parliament, acknowledged that some people in positions of power have behaved unsuitably towards the media and journalists. In his opinion this is due to that fact that: ‘Some of the people in positions of power cannot cope with democracy, so sometimes there have been abuses’ (Appendix 6.4). The President’s comment is a very telling one, hinting at some of the cases which are examined in-depth in a later section of this chapter.

For many years working as a journalist in Iraq was considered to be one of the most dangerous professions. Thankfully, the security situation has dramatically improved since 2003 and as Amos (2010: 34) notes, the lowest number of reported fatalities amongst journalists was recorded in 2010. However recent events indicate that the Kurdish regional authority has continued to seek to limit aspects of media freedom and make attempts to silence the kind of reporting that one would generally expect to find in a free and democratic state. It does this by employing various practices that effectively limit the functioning of the media and hinder journalists in their work. Media practitioners who publish information or voice opinions that do not portray officials in a positive or neutral light may face threats, raids, attacks, and harassment from governments and the militias. Harassment and attacks are used as tools of retribution even though there are legal provisions for dealing with cases of unsubstantiated or libellous reporting. In addition, overly harsh fines are imposed under the terms of the Press Law whilst other elements of this legislation are not implemented; false accusations are made; harsh penalties are enforced, including the imprisonment of, and State-sanctioned violence against, journalists; financial support

can also be blocked and/or controlled (Further discussions on these topics will be presented in the Press Law chapter).

Many professional organisations have expressed concern about the situation facing media practitioners and particularly journalists in the Kurdistan Region. The World Association of News Publishers and the World Editors Forum which represents over 3000 companies, 15000 online sites and 18000 publications in over 120 countries, wrote to Masoud Barzanî, the President of the Kurdistan Region about the continuing problems facing Kurdish journalists, prompted by the case of 'Osman Serdeşt. According to reports, the body of Serdeşt (who wrote under the pseudonym Deştî 'Osman for the newspaper *Aştîname* and for several websites, including Sbeiy.com, Awene.com, Hawlaty.info and Lvinpress.com) was found in Mosul on the morning of 6 May, two days after he was kidnapped by armed men outside Salahadin University in the nearby city of Erbil, where he studied English. The letter respectfully reminded Barzanî that: 'It is the duty of the state to provide an environment in which journalists are able to carry out their professional duties without fear of violence'. It also called on him: 'to ensure that the murder of Mr 'Osman is thoroughly investigated and that those responsible are quickly brought to justice', urging the president to do everything possible to ensure the safety of journalists in Iraqi Kurdistan (Press Freedom & Media Development, 2010).

On 30 September 2010, Gavin K. O'Reilly, president of World Association of News Publishers, also sent a letter to President Barzanî regarding the ill treatment of journalists by the authorities with reports of deaths, threats, intimidation and various punishments. His letter mentioned several defamation cases brought by the Kurdistan Democratic Party against the newspapers *Awêne*, *Rojname*, *Haûlatî* and *Lvîn*

magazine, with the KDP demanding one million dollars as compensation. In the letter O'Reilly acknowledged that although some individual journalists in the Kurdistan Region may still be somewhat lacking in professional skills and not wholly able to distinguish between truth and rumour overall it was better to foster the progress of journalism better than limit this by means of threats, accusation and fear (*Awêne*: 2010 a).

The Human Rights Watch organisation also produced a special report in September 2010 which focused on the issues facing Kurdish journalists, highlighting the fact that some were forced to leave their homeland and go into exile in order to protect their lives. The report urged the Kurdish authorities to amend the Press Law and remove obstacles to freedom of speech (*Awêne:* 2010b). One of the interviewees, Reuf, who is the editor-in-chief of *Haûlatî* newspaper, commented that: 'The government has realised something. If they want to control the independent and non-governmental media outlets and journalists the government has the Parliament which can create laws which work in their own interests and benefit' (Appendix 6.1).

He gave a good example of the shortcomings of the Press Law:

> Now the Kurdistan Region has a Press Law and some aspects of this Law are good but others are not, so if you are charged with libel the fine which is imposed is an amount of 20 million Iraqi Dinars, or nearly 20,000 dollars, so if the authorities made several complaints of this kind against an independent newspaper the newspaper would face bankruptcy as a result (Appendix 6.1).

It is perhaps not surprising that when questioned all those interviewees holding official positions of authority within the Kurdistan Regional Government or its Parliament rejected the suggestion that journalists have faced harassment and their

rights have been abused by the authorities although as stated earlier, President Muftî did hint at some of these issues when interviewed.

As manager of Kurdsat, Esma'îl has been responsible for running the Kurdish satellite television channel since it was established by the PUK, is also classed as a party-affiliated journalist and states:

> Our channel hasn't been subjected to any pressure. We don't work under direction from the government or the authorities and we don't avoid criticizing them. In fact we are very critical but using proof and logic. The programming on our channels is more independent than on some others (Appendix 6.10).

Newzad rejects the idea that journalists are under pressure from the authorities to refrain from criticism against them and adds: 'People do not face punishment because of their criticism. They often slander and ridicule people without facing criticism. If they are criticised, they think of it as an act of repression against them' (Appendix 6.11).

Pery 'Omer, a correspondent for the *Xebat* (Struggle) daily newspaper, is also classed as a party-affiliated journalist; she also confirms this opinion: 'Some so-called independent media outlets have occasionally been abused by the authorities but some of these independent media outlets publish and broadcast information which is libellous so the authorities get angry' (Appendix 6.14). All three of these interviewees seem to suggest that they believe that to a certain extent journalists who libel individuals should expect to face some form of punishment since their behaviour is inappropriate. There is also an underlying negative opinion which links independent journalism with a lack of professionalism.

Salar ‘Osman is the General Director of the Kurdistan Voice Radio, who is affiliated, is more negative and sceptical about reports of problems for Kurdish journalists:

> I don’t believe that the media has been pressurised by the authorities. This wouldn’t work in Kurdistan and is a great exaggeration. The existence of numerous newspapers and magazines, the increase in local and satellite television channels, radio stations and websites shows the reality of the current state of the media in Kurdistan and reveals this exaggeration. The authorities have provided good opportunities for the media in the Kurdistan Region (Appendix 6.13).

Ḧekîm ‘Osman Ḧemîd is the head of the Journalism Department at Suleîmanî Technical Institute, is also academic and professional journalist and considers the issues from both sides, explaining that the government’s treatment of journalists who are working with the non-governmental channels is sometimes justified but not always even-handed:

> Some of the journalists exaggerate when they say: ‘The government or the authorities are putting pressure on us’. ... If we compare the level of abuse by journalists with the punishment they have received, we can see that those punishments are very slight. If you read certain independent newspapers and magazines, you can see many articles which could be a source of complaint ...., because there does not seem to be any sense of responsibility present. However at the same time I don’t claim that the government is 100% supportive of journalists, because it is true that in the case of some journalists the authorities have overreacted and sometimes the Government and the authorities do not apply equal treatment to media organisations when applying the law (Appendix 6.9).

In his role as President of the Kurdistan Parliament, Muftî has much to say on this topic and comments:

> Most of the time journalists write slander. They provide information which is not wholly truthful. Also they sometimes use exciting headlines and titles to grab their readers’ interest. [....] The journalists should research their articles or subjects if they have documentation, and they

> need to represent opposing opinions. Journalists neglect this point as they haven't got enough experience (Appendix 6.4).

Populist press in the UK also follow some of these sensationalist practices, especially mediums like the Sun newspaper. Judging by Muftî's comments, he has a clear preference for serious broadsheet-type reporting and seems to classify any attempts by journalists to use stylistic features for grabbing the attention of readers as further evidence of their lack of expertise although this element is a regular feature of the so-called free press. Many of the interviewees comment on the fact that the authorities view the activities of journalists, mainly those of the independent media, as suspicious, seeing them almost as the 'enemy within'. Reuf is the editor-in-chief of *Haûlatî* (Citizen) provides a good example of this:

> The President of Iraq, Mam Jalal Talabany called us 'Barking dogs' [a gross insult in Islamic culture]. Mr. Masoud Barzanî (President of Kurdistan Region) claimed we were being supported by outside sources. Nêcîrvan Barzanî (who was the former President of the Kurdistan Regional Government) labelled us 'spies'. Dr. Berhem Salḧ (the new Prime Minister of the KRG called us 'the opposition' (Appendix 6.1).

Herdî is independent journalist and director of the Awêne (Mirror) Company which publishes the weekly *Awêne* newspaper, *Sport Awêne* and *Awênekan* magazine. reinforces this point:

> Some people in authority say that the independent media are supported by someone from outside [the Kurdistan Region] or that they are spying for some group or country. So, if we are spies why don't you come and arrest us, otherwise you're ignoring spies in this country. If we're not spies but somebody in the government is saying that, then this is an unjust accusation; if we are spies and we're being ignored by someone, then that would mean these people are not to be trusted (Appendix 6.2).

Nzar Zrar Eẖmed (who is also known as Gzaly) works as a member of the editorial staff at the *Awêne* newspaper and is head of the Awêne office in Hewlêr (Erbil), he agrees that the government says that the independent media are 'foreign spies' and it constantly complains about the 'independent' media but does not believe this is a serious abuse of journalists' rights by the authorities (Appendix 6.3).

It is worth considering the possible reasons for these accusations. Firstly, the authorities want journalists to cooperate, requiring them to be supportive of Government policy rather than critical. In addition, they would prefer journalists to avoid some specific subjects which relate to the authorities including issues such as corruption, relatives of those in positions of authority, actions by the authorities which could be considered as non-democratic behaviour and ways of behaving which are contrary to human rights, and could be seen as promoting inequality and unfairness. Those in positions of power also wish to actively dissuade journalists from tackling any of the subjects relating to them that are considered taboo, known in Kurdish as 'red line subjects', a reference to the marks made by the censor's red pen. Furthermore, they do not want journalists to inform the ordinary people about abuses by the authorities, thus encouraging them to turn against those in power. Finally they are anxious to avoid journalists reminding their readers about issues which affect them directly such the lack of job opportunities, low salaries and the authorities' poor handling of the budget and their financial mismanagement. It is worth noting a specific example of how the Kurdistan Regional Government is capable of intervening to control information, reported by Se'îd (2010). The Ministry of Culture decided that it did not want employees in any of its directorates, regardless of their level, to provide information to journalists or media outlets. An official memorandum signed by Dr. Kawe Meẖmud Şekr, the Minister of Culture, was sent

to all general directorates within the Ministry of Culture and stated that no employee of the Ministry of Culture was permitted to criticise the regime and that anyone failing to comply with this order might face trial and prosecution

As mentioned, another major problem facing many emerging democracies is both the lack of training for prospective journalist and continuing professional development for those who are already working in the profession. Reuf is critical of the role played by educational institutions in providing basic training for prospective journalists: 'Academic departments don't have the right experience. They have the staff but these tutors don't know how to use a computer' (Appendix 6.1). Asos Herdî is another independent journalist and director of the Awêne Company which publishes the weekly *Awêne* newspaper, *Sport Awêne* and *Awênekan* magazine, he agrees to a certain extent:

> I think a small number of students from these media studies departments have been successful. For example, Ṣuan Eḧmed, the editor-in-chief of *Awêne* newspaper. After graduating from one of the departments, he became a correspondent and now he's made it to editor-in-chief. If the government wants to improve journalism as an academic discipline, they should support all media studies and journalism departments (Appendix 6.2).

Esma'îl also thinks that academic study can be of benefit occasionally:

> In this world it's not realistic to imagine that everyone who finishes a media studies degree would become a professional but these courses in Kurdistan do benefit some people every year, for example the best journalist working for our channel is Ranj Sangawe who studied in the media department in the University of Suleîmanî (Appendix 6.10).

Gzaly disagrees with Herdî but shares some of Reuf's opinions:

> Our University and Institutes have media studies' and journalism departments but they cannot train students to become journalists. There should be goals for academic departments. Firstly, some responsible individuals in the media outlets should ensure that any new academic departments are quality assured. Secondly, students should be interested in studying for a degree so that the education system brings about real progress in the Kurdistan Region (Appendix 6.3).

With regard to the role of academic departments in supporting the development of professional journalists, Dr. Nîaz Lacanî is the General Manager of Zagros satellite, is also academic and professional journalist; he makes the following comments:

> The academic departments were built quickly and really it was too early for our country as we have insufficient tutors so who is teaching there? I don't know. It's not enough just to teach about the history of journalism. There aren't enough books about journalism and nobody there has worked in television. Not all the tutors have good journalistic experience and they don't know other languages (Appendix 6.8).

Ħemîd agrees and observes that although academic departments ought to produce professional journalists: 'Others do want to follow this career but don't have the necessary ability' (Appendix 6.9). On the subject of media studies Ħemîd notes:

> When a student has completed secondary school they can join a media studies or journalism department to do a degree. Some of those who join our department don't like the idea of journalism as career; others do want to follow this career but don't have the necessary ability. Consequently when they have completed their studies, they don't work with media outlets but some of them work in media-related organisations (Appendix 6.9).

'Omer thinks journalists benefit from study: 'The university and institutes of further education have media and journalism departments but we need a lot of courses for journalists' (Appendix 6.14). Nermîn Sndy is manager of programs in the Radio Voice of Kurdistan, is also classed as a party-affiliated journalist she is less convinced:

> During the last few years, some academic departments in the university and in institutes of further education have been opened for journalists but I don't think it's been very successful because they take students to do a degree. It's not out of personal interest, as most students don't like these departments.

Surmê also stresses that, in his opinion, experience is better for journalists than academic study: 'I don't think whether you have completed academic studies or not necessarily makes you a good journalist. A professional journalist learns from his and other people's experience' (Appendix 6.12). He adds: 'Kurdish journalism was created by politicians and writers. [...]. Kurdish journalism did not really emerge until the late 1980s' (Appendix 6.12).

Newzad who is classed as a party-affiliated journalist, takes a somewhat cynical view, commenting: 'If you carried out a survey to find out how many people go to these places because they wanted to, you would discover that few people want to be journalists but quite a few want to be officials' (Appendix 6.11). Surmê is also unimpressed by media studies courses: 'I don't believe that those students have really gained much' (Appendix 6.12). Interestingly these comments echo similar concerns which have been voiced in the United Kingdom by critics of so-called 'Mickey Mouse'[55] degree subjects who have denigrated Media Studies as a discipline which is lacking in academic rigour and relevance to the world of work; these commentators need to be challenged further, as this thesis indictates the study of the media focuses on many interrelated and valid areas of study including: political, economic, social and legal elements.

In many emerging democracies, journalists' associations provide an

[55] Although the term had existed previously it was famously used by the Labour minister for Education Margaret Hodge, during a discussion on higher education expansion in January 2003.

important means of addressing serious dysfunction in the media by helping to promulgate standards and provide training, but the interviewees had little positive to say about the role played by the Kurdistan Journalists Syndicate. When asked about the contribution of this organisation to supporting the development of professional journalists in the Kurdistan Region, Lacanî, the General Manager of Zagros satellite, was critical:

> The Kurdistan Journalists Syndicate is made up of non-professional journalists and members from the political parties who are representatives agreed between the political parties. The Syndicate needs to change completely because journalists need the Syndicate to offer advice and make recommendations. I haven't seen the Kurdistan Journalists' Syndicate do anything for journalists; the Syndicate staff just visit foreign countries, they write reports and publish these, they take nice photos and publish these. I suggest that they visit more countries to broaden their perspectives (Appendix 6.8).

Ḧemîd agrees with Lacanî's views about the Syndicate's lack of usefulness and like Herdî points to the fact that is it essentially a government-controlled organisation: 'In general the Syndicate is controlled by a small number of people and their staff is appointed by political parties' (Appendix 6.9). 'Omer and Sndy both a see a potentially useful role for the Syndicates in delivering professional development courses for journalists.

Professional development is also a key concern for the independent journalists and Reuf argues that this is not likely to be forthcoming from the Kurdistan Regional Government (Appendix 6.1). Herdî highlights the role which European groups and individuals have played in training journalists and helping them to develop professionally:

> In the Kurdistan Region we have a media centre, established by a Dutch organisation which provides training for people who want to become journalists and this centre has just received some money. Also they bring

> tutors in from European countries, because I think these European tutors could help our journalists to become more professional (Appendix 6.2).

Sndy however is critical of such courses:

> I participated in some of the courses but in reality they weren't very good or useful. All the journalists shared the same opinion. I think media outlets should make an attempt to train the journalists they employ to develop their professional skills by putting on courses or hosting tutors from outside the Kurdistan Region to teach journalists (Appendix 6.15).

Many of the skills required by media practitioners cannot really be accomplished in short-term training. These are skills such as management, writing, research and analysis. Perhaps for this reason a number of the interviewees were sceptical about the ability to provide quick-fix training, believing that ultimately experience was the crucial factor in a journalist's preparation. 'Osman comments: '[...]. Most of the journalists in the Kurdistan Region are not trained journalists. Although some of them have been able to develop their skills and experience, others have not advanced at all (Appendix 6.13). 'Osman believes that academic departments do have a role to play in supporting students to become professional journalists but he still thinks practice is the crucial factor:

> We have been able to play a role to a certain extent. Certainly there are ongoing attempts in Suleîmanî, Erbil and Duhok for students to finish their academic study in media. Studying in the area of media can be difficult but it is not enough if the students don't try and do practical assignments as well. Practical experience, personal study and self preparation in this field can be very fruitful for the students (Appendix 6.13).

'Omer, a correspondent of the daily newspaper *Xebat* is not convinced about the value of academic study in this area: 'It has a role but it is not very successful'

(Appendix 6.14). Sndy echoes the views of several other interviewees: 'It [academic study] doesn't have much of an influence because the development of professional journalists is related to the individuals themselves' (Appendix 6.15).

A number of other themes emerge from the comments of the interviewees demonstrating the difficulties of working in the Kurdistan Region. Bad habits of the past tend to be sustained in ongoing practice both because professional qualifications of journalists are on the whole deficient but perhaps more significantly, because the Government does not really grasp the new role of the media in an emerging democracy. As 'Omer notes: 'In my country journalists don't understand politics and power and the authorities don't understand journalists' (Appendix 6.14). She provides a simple example of this:

> As a journalist, when I want to do an interview with a government official to talk about a project, I try to make an appointment to discuss this issue, but I expect that this individual will be late for the appointment and will be afraid to answer questions (Appendix 6.14).

The lack of adequate regulation and/or self-regulation has created some particular problems with libellous reporting. Some journalists seem to think that the notion of the freedom of the press gives them a licence to write whatever they wish and consequently they are seen to overstep the usual ethical limits of the profession. Government representatives believe that the authorities have reacted appropriately to unprofessional behaviour by journalists. Faruq Cemîl, a judge and the Minister for Justice whose Ministry is responsible for implementing laws and regulation, rejects the idea that the government harasses journalists:

> I don't think the government puts any pressure on journalists because if we read the newspapers which are published in the Kurdistan Region now, we can see examples of defamation of character or slander but the authorities ignore them and no action has been taken against them. Maybe occasionally people facing defamation of character attempt to

> complain and have recourse to the courts but otherwise they don't do anything (Appendix 6.5).

Tariq Cewher is the Senior Media Adviser for the Kurdistan Parliament and has more than eight years of experience in Parliament. He takes a similar line to Muftî but approaches the topic from a different angle:

> Some local media channels and journalists have criticised the authorities, but I don't think that relates to the public political system; rather it is just personal behaviour by people in positions of power as they have different ideas, opinions, education or ways of dealing with journalists (Appendix 6.6).

Other interviewees are disappointed at the lack of professional ethics shown by their fellow journalists. Sndy acknowledges that some journalists publish data and information without any documentary evidence and consequently:

> The Kurdish authorities become angry. [They] want journalists to work professionally, in a way which is keeping with the role of the media and does not entail defamation of character and intruding in the private lives of individuals' (Appendix 6.15).

It is interesting to note that point this links to current concerns in the UK regarding defamation law problems. Cemîl agrees that:

> If journalists support their criticism with documentation and their criticism is accurate, this is very important because they want to highlight the faults, failings and shortcomings of some of those who are in positions of authority so that those who are implicated in this criticism will change their bad behaviour (Appendix 6.5).

Ferhad 'Aewnî, General Secretary of the Kurdistan Journalists Syndicate, explains: 'some criticism is acceptable but not if it involves defamation of character

or insulting other people' (Appendix 6.7). This raises an interesting issue about the need for journalists to be able to differentiate between unethical personalised attacks on government ministers and justified criticism aimed at the policies which they support.

Cemîl is in agreement with Muftî regarding governmental criticisms of journalists and feels strongly about this topic:

> I think journalists in the Kurdistan Region are unprofessional and avoid doing research and looking for worthy subjects. Some journalists publish articles in their newspapers which change nothing and are pointless. I would like journalists to criticise the Kurdish authorities by publishing and broadcasting about government corruption but using facts without exaggeration (Appendix 6.5).

Cewher, unsurprisingly, believes it is only the independent sector which has a problem with the government: 'The main criticism that the authorities and the Government have of the civil media is that they write defamatory reports against the authorities and Government bodies without any evidence or documentation'. 'Aewnî agrees with his fellow interviewees and adds:

> The Kurdish authorities sometimes get angry because some journalists publish news without any evidence. We in the Syndicate experience this situation and some journalists forget and ignore the Law by publishing information without any evidence and as a result individuals can make complaints against such journalists (Appendix 6.7).

Dr. Nîaz Lacanî is the General Manager of Zagros satellite, comments:

> Sometimes journalists forget their responsibility to journalism and so perhaps commit defamation of character or some similar offence. When they do so they face investigation by the authorities. All governments and authorities have the right to investigate their media outlets and these outlets should subject themselves to some self-discipline or self-

> regulation. I think there is a misunderstanding between the government and the media on this point (Appendix 6.8).

Other journalists deliberately publish stories which are exaggerated or untrue in order to gain notoriety for themselves and advance their career. Surmê, Editor-in-Chief of *Xebat* Newspaper notes: 'The problem of defamation of character has become something of a phenomenon in the Kurdish press and some people have used it as a means of becoming famous' (Appendix 6.12). Newzad supports journalists who reveal corruption or don't always talk positively about the authorities but not those who are merely seeking to become well-known:

> Some journalists are objective in their criticism; they speak out about the existence of corruption or shortcomings. But there are others who are critical in order to create their own reputation. They attack individuals at the highest level who are not guilty of anything (Appendix 6.11).

'Osman is classed as a party-affiliated journalist focuses on a different issue, namely journalists who report without doing the necessary background research and: 'make comments without supporting evidence' (Appendix 6.13).

Some of the interviewees also expressed a feeling that their role is to be supportive of the government and maintain positivity about the progress made, rather than reporting things in an impartial or objective fashion. Newzad states: 'The authorities would like journalists to focus on the positive aspects but personally as a journalist I don't believe necessarily have to do that' (Appendix 6.11). Ḧemîd is the head of the Journalists Department at Suleîmanî Technical Institute explains:

> Sometimes the government says: 'We have done many things for journalists but they don't mention them and ignore them'. Individuals in positions of power say: 'If 10 projects are completed well, the journalists don't write anything but if one pipe gets broken, the journalists have a great deal to say' (Appendix 6.9).

Esma'îl, Manager of Kurdsat satellite, is also classed as a party-affiliated journalist makes a similar point:

> The Kurdish authorities say to journalists 'You are free to talk about anything that happens in Kurdistan but without slander and without offending other people and organisations. You should work for a successful government and state. We are happy to be criticised but you should not do anything against the Kurdish government because it is the result of many years of challenge and struggle (Appendix 6.10).

Since the Kurdish government itself faces numerous sometimes conflicting demands from different groups within society, they want the media to show their support for the authorities by effectively self-censoring and self-editing what they choose to publish and broadcast.

Kaplan (2002: 8) writing about the role of the journalist acknowledges the difficulties that journalists can face when they are expected to perform a particular role: 'The problem facing journalists is how to protect their independence when the world around them calls for their unquestioning allegiance to the cause' but as Kaplan points out: 'While journalists can do good, it is not their purpose'.

6.7 Conclusion

According to Mawlud (2008: 15):

> The new democracy of Iraq is based on the American form of the Liberal Pluralist model and is a new experience for the majority of the Iraqi people. There is no doubt that to support this, the people need to accept their responsibilities of citizenship which is a new concept and one which should be supported by education. The media could play an important role here.

As this chapter has shown, the media can indeed play a crucial role in helping to establish and consolidate the emerging democracy of the Kurdistan Region. However the role of journalists working in such a situation can be a particularly difficult and even dangerous task. Without a clear understanding of the aims of their profession and a dedication to uphold the highest ethical and professional standards, they may find themselves being used simply as the uncritical mouthpiece of the authorities, or even worse, their words may be used to incite ethno-sectarian differences which may ultimately force deep divisions within a nascent democracy. This highlights the urgent need within the Kurdistan Region for quality training programmes for new journalists and continuing professional development for those already reporting and also indicates the necessity for creating regulatory frameworks, legislation and Codes of Practice which are fit for purpose.

This chapter has raised a number of important issues regarding the role which media can and should play in an emerging democracy. These elements will be further commented on in the concluding chapter of the thesis, in order to provide recommendations for improving the quality of journalism in the Kurdistan Region.

Chapter 7: Conclusion and recommendations

As this thesis has shown, from its earliest historical origins and until 1991, the media in the Kurdistan Region has been strongly connected to the Kurdish Liberation Movement. This movement focuses on nationalist feelings among the Kurdish people and encourages and supports the Kurds towards freedom for their homeland. When Saddam Hussein's regime was in power, between 1979 and 2003, the media, journalism and journalists were all completely under the control of the Iraqi regime; but, in the Kurdistan Region, the media remained under regime control until 1991. Since 1991, the Kurdish media has become more independent throughout the region's cities, towns and villages.

The transition from this dictatorship to democracy for Kurdish journalism has been increasingly complex because throughout this period there has been a rapid and unregulated growth in all forms of media in Kurdistan. To illustrate, there have been constant changes within Kurdistan's political system, and with this, constantly changing relationships between the Kurdistan Regional Government and the Iraqi Government.

The uprising in 1991 initiated a new stage for the Kurdish media; however, since 2003 the Kurdistan Region has developed significantly and made safe progress in the political climate, social structures, economic affairs and the media as well. Following the political and military action of Operation Iraqi Freedom, which began on the 20 March 2003, the coalition forces instigated the Kurdish media to initiate a new and booming era of media progression. The Kurdish media managed to overcome a number of challenges which faced them; furthermore they encountered numerous opportunities for media advancement.

The media in the Kurdistan Region therefore had greater independence and more freedom of speech; however, the media faced ongoing problems with violence which was directed towards the media workers and journalists. Some of this violence was from terrorist groups, but, some was as a result of actions carried out by the authorities, namely the Kurdistan Government and other Kurdish political parties.

These political changes have created an environment which has enabled the internationalisation of journalism and the media. In addition, together with growing interest from media companies, the growth of an independent media sector and related non-governmental organisations has emerged, as have academic journalists, and the need for the introduction of the Press Law. However, the Kurdish media still face a number of substantial difficulties, not least of which concerns the issue of the difficult circumstances in which the local journalists operate, they are often faced with severe threats of violence (*Haûlatî* 2010).

The political changes have increased competition and occasionally there has been open conflict between the party affiliated and independent/opposition media groups. The media in Kurdistan is currently run by: the government, the various political parties, private individuals and companies; but, in reality the political parties still exert the greatest influence in this area. The governmental authorities are effectively attempting to gain sole charge over the media, by using a strategy which offers journalists, who agree to work for them, very tempting reward packages, including: higher rates of pay, low-cost financial loans, gifts of land and the facilitation of travel to other countries.

In addition, the authorities have made concerted attempts to widen their range of media outlets by taking control of media channels which are generally believed to

be non-affiliated. The independent and opposition media have countered these challenges by attempting to provide their audiences with news that is more transparent and informative than the government-affiliated media channels.

However, as part of this drive to halt the growth in the government's attempts to dominate the media market, the independent media channels have, on occasion, been accused of opting to build their popularity with the Kurdish people strategically, by: dumbing down their coverage of news and information and by producing libellous or slanderous stories which defame individuals and/or interfere in their private lives. In addition, the independent media can choose to publish their information under other names, or via electronic journalism platforms which have been created and are supported by individuals from outside the Kurdistan Region. These independent media groups often claim that their goal is to maintain media standards and fight for freedom of expression; but, in so doing, they sometimes ignore other significant aspects of their profession, including the need to respect media ethics, including the disclosure of information (Appendix 6.8).

Independent media channels are also guilty of omitting certain key points when revealing news or divulging confidential information; whereas, the journalists who work for party-political media channels directly support the authorities. The independent journalists claim to publish news, information and diverse opinions from both sides, independent and media affiliated; but, they are still not fully acting as a voice for Kurdish society (Sepan, 2009: 37-54). Thus, in reality most of the so-called independent media in Kurdistan are not actually financially independent. To illustrate, Nermîn Sndy, a Programme Manager from the Radio Voice of Kurdistan, is also classed as a party-affiliated journalist said:

> The main point about independent media is that they should be financially independent but some of the media outlets which call themselves independent receive financial support from organisations, political parties or other countries (Appendix 6.15).

Many of the concepts relating to the media, which are taken for granted in Western countries, are still not working properly or appropriately in the emerging democracy of Kurdistan, including: freedom of expression and freedom of the press, and access to information and human rights, none of which are, as yet, embedded within Kurdish journalism. Ideas about regulation, self-regulation and supervisory bodies are also not recognised by the media practitioners, the exception to this is the Press Law. In the Kurdistan Region, the executive, the legislature and the judiciary continue to face problems because democracy is still in a fledgling stage.

It can be argued that the Kurdistan Region is still an emerging or nascent democracy being at the early stages of its development towards being a fully democratic nation in respect to how this term is normally understood in contemporary terminology. As has been already mentioned, with regard to the Press and media culture in this society, there are still a number of significant difficulties and problems. There is still inadequate access to information which should be freely available in this domain. Journalists are not yet free to express their opinions about matters of public interest. The concept of the freedom of the press is still in its infancy and, finally, the media sector as a whole lacks appropriate regulation and legislation.

The Kurdistan Region is also generally at the initial stages of its development in terms of its political system, its economy, its societal norms, its technological advancement, and its relationship to globalization. Using all these aspects as markers

of a developed society, it can be said that the Kurdistan Region is still an emerging nation. There have been many positive signs and hopeful developments in recent years with regards to its new political system, such as the holding of free elections. Its economy has also seen significant growth in many sectors and new technological developments in mass communication have changed the mediascape of the nation.

However on the negative side there are still a number of social issues which require urgent attention, the most obvious of these being the lack of equality between the sexes. In terms of political, economic and educational participation, although women are still underrepresented, there have been some significant advances. However there are still some aspects of Kurdish society in which the treatment of women is markedly different to that of men. These include the strict regulation and imposition of a particular set of sexual morals (reflected at its most extreme in the continuing phenomenon of honour killings) and in unequal treatment within the legal system.

Conflict and competition amongst the Kurdish media channels has been highly detrimental to Kurdish journalism, the journalists, the audiences and the process of attempting to move from an emerging democracy to one which is stable. The relationship between the government and the non-governmental/independent media and journalists is not healthy; this is often due to mutual misunderstandings. The two sides often have major disagreements and they openly mistrust each other. The treatment of journalists continues to be unacceptable with penalties including: overly harsh fines for sometimes trivial offences, arrests and imprisonment and even killings. One recent case which was reported in the Kurdistan Region serves to illustrate some of the difficulties with the implementation of the new Press Law. Shortly after the new legislation came into effect, on 24 November 2008, Dr. Adel

Hussein was arrested in Erbil for having published an article about sex one year previously in the weekly newspaper, *Haûlatî*. He was arrested and later sentenced to six months in prison, in addition to being fined a sum of 125,000 Iraqi Dinars (‘Abdulkerîm, 2008). Also to illustrate, Nzar Zrar Eḧmed (Gzaly), member of the editorial staff at the *Awêne* newspaper and he is indepednet journalist said ‘Two journalists were killed in Kurdistan during last year but nobody knows who was responsible and some claim that it was clearly the work of the Kurdish authorities’ (Appendix 6.3).

Two key phrases appeared in the text of the draft Press Law which did not appear in the text of the final legislation, namely ‘national security’ and ‘public morals’. These phrases merit a little further discussion since they frequently featured in the interviews with journalists who commented on these. In relation to the former term, journalists’ comments showed that the tension which exists between the preservation of the nascent democracy in the Kurdistan Region and Press freedom is a live issue. The measures which the government has adopted to maintain national security in the face of perceived threats to Kurdish society has led to an ongoing debate about the extent to which it is acceptable to restrict the freedom of the Press and the rights of journalists for the sake of preserving national security. Many journalists are aware that when the exercise of laws and powers intended to preserve national security is not subject to good governance, the rule of law, and an adequate number of checks and balances, there is a risk that ‘national security’ may be used by the government as merely a pretext for suppressing the expression of unfavorable political viewpoints (for example stories about corrupt officials). Similarly this may also be used as a reason to censor articles which challenge traditional views or offer controversial social commentary on what the draft Press Law referred to as ‘public

morals', a vague term which is more likely to be used as a veiled reference to the sphere of private morals, covering such topics as honour killings, reproductive rights and sexual mores. However as commented previously there have been a small but significant number of cases which show that Kurdish journalists still believe that the right to Press freedom outweighs any other considerations.

Some journalists have left Kurdistan and gone into self-imposed exile and some newspapers and magazines have been shut down or become bankrupt. To illustrate, Merîwan Helebceyî, a Kurdish journalist and writer who has been called the Salman Rushdie of Kurdistan. In the beggining of 2006 after he had written the book, *Sex, Sharia and Women in The History of Islami*, the Islamic political parties and The Islamic's League of Kurdistan considered Merîwan Helebceyî's writings blasphemous and issued a fatwa sentencing Helebceyî' to punishment by death, because Helebceyî' criticises Islam for being irredeemably and profoundly oppressive of women. He left Kurdistan to go into exile and currently he is living in Norway (Ḧesen 2008).

Kurdistan does not currently have any regulatory or self-regulatory bodies for any of their forms of media. Moreover, the only existing legislation is the Press Law, approved on 22 September 2008, which only covers the Kurdish press. This Press Law has a number of shortcomings which were acknowledged in detail in Chapter Five. Furthermore, the Press Law has some significant omissions, despite its overall quality having been improved. The most significant omission is the fact that the law refers to journalists, but does not specifically include different media forms, such as: radio and television channels. To illustrate, Nîaz Lacanî, general manager of Zagros satellite and is also academic and professional journalist; said: 'I think the Press law needs more amendments. This Law is not very good as it doesn't cover Internet

websites, television and radio, or other media outlets and for this reason I disagree with the Law'.

To further expand, a number of significant omissions from the Kurdistan Press Law will now be presented in order to provide recommendations for further work/changes. This piece of legislation makes no reference to the kinds of behaviour which are unacceptable for journalists, this is needed as many of the journalists in the Kurdistan Region are untrained and are not sufficiently aware of journalistic ethics or professionalism.

As mentioned previously, the Press Law makes no reference to how journalists should behave when investigating a story; as such, it fails to protect the subject of the story who may be suffering, as the journalists are not required to work in a sensitive manner with the appropriate use of sympathy and discretion. The current Press Law therefore fails to note that journalists need to exercise particular care when dealing with vulnerable people and minority groups, including the identities of innocent children, victims of sex offences and other groups which may be discriminated against. Journalists currently have unlimted access to public places and sometimes the journalists pay witnesses and even criminals for information for their stories; these elements need changing to ensure that journalists are not exploiting vulnerable victims.

Thus, the Press Law is failing to protect the public's interest because the media is not being regulated appropriately and payments to and from the media and journalists are not transparent as they are not declared, meaning that there could be a misrepresentation of information in the public domain.

The Press Law does not specify the prohibition of material which is libellous, slanderous and/or defamatory (Article 9.1.5), nor does it provide any further detail about any of these areas or attempt to define these often problematic concepts which are the source of increasing numbers of complaints in the United Kingdom and elsewhere. Thus, this needs including in any future Press Laws.

The Press Law has some terms, including: 'libel', 'defamation', 'slander' and 'right to access information'; however, these terms have unfortunately not been defined or explained well, leaving them all slightly ambiguous. In addition, the Law fails to identify specific information which journalists have a right to access. Thus, for some of these terms, the authorities and judges can deal with journalists using different types of laws, such as the Iraqi Penal Code NO.111, 1969 (see Chapter Five and Appendix 4.2). To illustrate further, Asos Herdî, is independent journalist and director of the Awêne company which publishes the weekly *Awêne* Newspaper said: 'this law is like other former laws, it's full of loose terms such as 'regional security' which hasn't been defined and which courts and judges might interpret according to their own way of thinking'. Herdî also states:

> There is the section which mentions 'the journalist's right to access information' but it doesn't explain what a journalist should do when faced with a situation in which he cannot obtain information and information is blocked from journalists (Appendix 6.2).

Fines and punishments in the Press Law are very high for journalists and the press organisations too; for journalists the fines range from one million to five million Iraqi Dinar and for the press they range from five million to 20 million ID. The punishments identified in the Press Law are also not related directly to the specific mistakes that journalists and newspapers make. Herdî agrees by saying that:

> The amount of the fine which can be imposed on somebody who does not follow this Law is too high. According to this Law if anyone publishes on a subject which is against the law, as a result, the editor-in-chief and the newspaper face punishment. For example, *Haûlatî* newspaper received a fine of 13 million Iraqi Dinars. If a newspaper like *Haûlatî* or *Awêne* were to face this punishment twice then it would become bankrupt. That kind of sanction is effectively closing down a newspaper by different means (Appendix 6.2).

The globalisation process has introduced many foreign terms into the Kurdistan Region, but the Press Law faces obstacles in how to integrate and use all these terms and in relating them to every subject (Wesman, 2009). In this case, journalists in the Kurdistan Region sometimes, unknowingly, publish materials and are then faced with violence (see some examples in the Chapter Three). As Herdî said: 'there are cultural obstacles. Our society is conservative. We cannot talk about everything for example, women's issues, religion, etc.' Thus, cultural obstacles often face the media as our society is so conservative.

It is therefore apparent that the journalists, Editors-in-Chief and owners of the print media, in Kurdistan, need further advice and recommendations to help them to judge that the information that they publish is fair, reasonable, honest and accurate. They also need encouraging to understand why it is important to do this. Ultimately this would help to: facilitate the relations between the media outlets; improve their standing and image within Kurdistan society; enhance public opinion of journalists and also increase their faith in the media as one of the key democratic institutions.

Article 11 clearly identifies that there is no exemption for printed material which is reproduced from sources outside Kurdistan, or any printed matter that appears in translation. Both of these sources of print media are covered by the terms and provisions of the Press Law legislation. Thus, the Press Law should be made

available not only in Kurdish but translated and distributed in several languages (Appendix 4.2).

The final provisions of the Press Law, presented in Articles 13 and 14, outline the bodies which will implement the provisions of the law and identify when they come into force. Although the wording of Article 13 is that typically used in the legislation of the Kurdistan Region, its vagueness here, in relation to the implementation of the provisions of the Press Law, is problematic. It is unclear exactly who the 'competent authorities' are with regards to some of the processes and procedures which this piece of legislation introduces. Moreover, the biggest issue faced by the Press Law isn't in its implementation, but in the many gaps and shortcomings of it, which have been previously mentioned. In addition, the Press Law isn't implemented by the Kurdistan Regional Government in courts because the judges and the government still continue to deal with journalist cases using the old Iraqi legislation, previously known as the Iraqi Penal Code No.111, 1969 (see Chapter Five for more information).

The Kurdish authorities are not experienced in dealing with the media under the terms of the Press Law. This not only has a negative effect on the media, but also reflects badly on the governments' intention to support democracy and develop a relationship based on trust rather than suspicion between the government and the media. Kurdish journalism has a vital role to play, not only in influencing government policies and issues relating to the governance of the Kurdistan Region, but also in providing citizens with accurate information, which they can then use to make up their own minds on different issues.

Journalism has an important role in an emerging democracy, in terms of nation building. Its role therefore needs to be developed and supported by enhancing the freedom of the press, access to information and extending media regulation. However in the Kurdistan Region, both the authorities and journalists want to respond to the challenge of consolidating the new democracy, but the various parts of the authorities (the executive, the legislature and the judiciary) and the journalists are currently lacking in systematic governance and principles, due to their lack of knowledge of the practical workings of democracy. Both journalism and democracy have faced a number of challenges, difficulties and struggles in Kurdistan; they have succeeded in overcoming some of these obstacles to enjoy a significant degree of freedom, but there is still much to be done. To illustrate, Tariq Cewher, is the Senior Media Adviser for the Kurdistan Parliament said:

> I think the main criticism that journalists have of the Kurdish authorities is the difficulties they face in obtaining information. Journalists request information from the government to which they have a legal entitlement. Also they want the Government to take their position as journalists more seriously because sometimes it is not easy to obtain information from those in positions of authority. Also it is sometimes difficult for journalists when they want to research and find out information on Government-related subjects (Appendix 6.6).

These issues and parallels show that a significant amount could be learnt from the experiences of other emergent democracies, both positively and negatively, and which might be usefully adapted by the authorities to assist with the current challenges facing the media in the Kurdistan Region. This is particularly the case when concerning the areas of legislation which might assist with establishing the right to press freedom and the responsibilities required of journalists under the banner of ‘professional ethics’ (Resul, 2009: 117).

In the Kurdistan Region it is difficult for journalists to obtain and access information, especially from government sources because the government has a closed-door policy with regards to the independent media. According to Gzaly's comments: 'We have been criticised by them [the authorities] for obtaining information because most of the people in positions of power have some shortcomings when it comes to providing data to journalists' (Appendix 6.3). This point was echoed by Reuf, who explains:

> The government has a closed-door policy with regards to non-governmental media. Each political party has a spokesman and if journalists want they can contact him but there is no opportunity for us to contact them as usually their security staff say 'The spokesman is asleep' or 'He's in a meeting' or 'He doesn't have the time' (Appendix 6.1).

In the Kurdistan Region, the freedom of speech is not supported by legislation or the suitability of contemporary or democratic life. Resul (2009: 117-118) states that:

> Kurdistan has two perspectives to freedom of speech: firstly; the media, civil and independent, believe that freedom of speech is anything that can be said and published. Secondly media affiliated political parties and Kurdish political beliefs place obstacles in front of freedom of speech.

It should be noted that the journalists have a key role to play in helping to promote an understanding of democratic principles amongst citizens and to bring about the consolidation of the Kurdistan Region's still young democracy; however, it is difficult for them to do this whilst they are still subjected to poorly considered legislation which is not consistently applied, and in extreme cases faced with threats and violence in order to carry out their duties as journalists.

Whilst the problems outlined in this thesis continue within the Kurdistan Region, the development of journalism will in turn continue to be affected.

The Press Law is evidence of the growing importance and self-confidence of the region's media outlets. It is to be hoped that it also marks a significant milestone in Kurdistan's journey towards true democracy; the government officials therefore need to take serious steps towards putting an end to violence and attacks against journalists.

To tackle most of the issues which are facing the Kurdish media, journalists themselves need more academic training to improve their understanding and research skills. Further investment in the training of academic journalists is not only needed to fill the current need but to address future shortages. The Institute for War and Peace Reporting, in Iraq, originally recommended that training and professional development programmes for all journalists would be necessary in order to ensure that they were aware of and understood the implications of the new Press Law in the Kurdistan Region (Ḧeme Tahir, 2008b). Thus, illustrating the fact that effort must also be put into training and professional development for all those involved in implementing the legislation to ensure it achieves its aims.

The Kurdistan Region is a rapidly evolving democracy and provisions need to be made to ensure that the Press Law is regularly reviewed and updated, as necessary, in light of new political, social and technological developments to ensure that it remains fit for purpose. The Press Law needs revising to address the areas and issues, highlighted in this paper, which it ignores, and further amendments are needed in order for it to become fit for purpose in the media environment of contemporary Kurdistan.

Furthermore, journalists need to fully understand the significance of the role in which they play in the emergent democracy. They need to understand not only

their rights but their responsibilities with regards to performing in a professional manner which respects the rights of others, politicians and fellow citizens, alike. The Kurdish journalists need to take the lead to teach the citizens to regard and support whilst protecting the statute of law. The continued improvement of laws and regulations will support the media, not only in the freedom of the press but it will also provide a framework for the development of professional standards of journalism and media ethics.

This thesis has investigated and identified many areas affecting the media in Kurdistan, the main shortcomings have been identified and through their analysis, recommendations and suggestions for improvement have been made. The primary aim – to identify those areas in which the Kurdish media need to make progress so as to overcome the challenges they face and make the most of the many opportunities which the current situation offers them – has been achieved and it has thus been possible to make recommendations regarding the specific needs for the legislation of the Kurdish media within the Kurdistan Region.

However, the research was not without its limitations. Many of the works sourced were available only in Kurdish and needed to be sourced from the Kurdistan Region. Quotations had to be translated into English and interviews had to be carefully transcribed. In addition, sensitivity to the issues raised had to be shown when writing up the thesis. It is possible that, despite undertaking great care, some misinterpretations could have been made and biases could have been introduced. However, time was taken throughout this project to ensure the researcher remained objective whilst conducting the interviews and whilst writing up the thesis.

Finally, to surmise, the principal shortcoming for the Kurdish media, which is threatening to hinder the future development of this sector in the Kurdistan Region, involves the lack of regulation in all areas of the media, including: the traditional channels of press and broadcasting, and more particularly, the new digital media which poses more specific difficulties. Thus, in order for the Kurdish media to survive and thrive, urgent attention needs to be given to the issue of developing a robust regulatory framework for the media which is fit for purpose in the context of the Kurdistan Region.

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APPENDIX 1

TIMELINE OF EVENTS IN THE KURDISTAN REGION

Date	*Event*
1918	Following defeat of the Ottoman Empire in World War I, the Kurdistan Region comes under British rule.
1919	With Iraq under British mandate, Mosul was included as part of the new Iraq.
May 22 1919	First revolt against British mandate by Şêx Meḧmud Barzincî, an influential Kurdish leader.
1920	Under a League of Nations' agreement, Article 64 in the Treaty of Sèvres makes provision for Kurdish rights.
1920	62 Kurdish tribal leader demand independence for Kurdistan under British mandate.
1921-1933	Emir Faysal I becomes King of Iraq and also demonstrates Mosul and Kurdish area.
1922	Declaration by Şêx Meḧmud Barzincî of a 'Kurdish Kingdom' in the Kurdistan Region.
1923	Kemal Ataturk founds the Turkish Republic. After the Turkish Parliament refuses to ratify the Treaty of Sèvres, the new Treaty of Lausanne is signed and is unfavourable to the Kurdish cause.
1924	The city of Suleîmanî falls to British forces.
1929	The Barzanî (main tribe in the Kurdistan Region) demand a Kurdish province in the north of Iraq
1930	Şêx Meḧmud Barzincî starts another uprising against British mandate which is suppressed by British forces and he is killed.
1930	Iraq gains entry to League of Nations leading to further Kurdish demands for autonomy. The end of the British mandate in Iraq.
1931	A group of distinguished Kurds appeal to the League of Nations for the establishment of an independent Kurdish government.

1933-1939	Emir Xazi (Iraq).
1939	Hîwa Origination is established in the Kurdistan Region (Iraq).
1939-1958	Emir Faysal II (Iraq).
1942	Committee for the Resurrection of Kurdistan is established in East Kurdistan (Iran).
1943	Another uprising in the Kurdistan Region led by Mullah Mustefa Barzanî.
1945	The Iraqis and British attack the Kurdish area in the Kurdistan Region.
1945	Kurdistan Democratic Party-Iran is established.
1946	The Mehabad Republic based in the city of Mehabad in Iranian Kurdistan is brought to an end by Iran.
16 August 1946	Kurdistan Democratic Party-Iraq is established.
1947	Qazi Muhammad, President of the Mehabad Republic, is executed by Iran.
1951	Although in exile, Mullah Mustefa Barzanî is elected President of the Kurdistan Democratic Party (KDP). Ebraẖîm Eẖmed is acting leader of the KDP.
14 July 1958	The Iraqi monarchy falls and the Iraqi constitution approves the rights of the Kurds to be recognised as a nation.
1958-1963	Presidency of Abdul Karim Qasim (Iraq).
1960	Increasing conflict between Kurds and the Iraqi regime.
1961	Kurds start uprising against President Abdul Karim Qasim the government in Iraqi and he proves unable to quell the revolt.
1962	The Iraqi regime imposes an embargo on the Kurdistan Region.
1963	Several clashes and conflict between the Iraqi regime and the Kurds in the Kurdistan Region.
1963-1966	Presidency of Abdul Salam Arif (Iraq).
1964	Abdul Salam Arif declares a ceasefire with the Kurds.

1965	Conflict begins between the Iraqi regime and the Kurds and over 2000 Iraqi soldiers are killed in the fighting.
1966-1968	Presidency of Abdurrahman Arif (Iraq).
1968-1979	Presidency of Ahmad Hassan Bakr (Iraq).
11 March 1970	Peace agreement is signed between Iraqi regime and the Kurdish regarding autonomy for the Kurdistan Region.
1971	Worsening relations between the Kurds and Iraqi regime, leading to Kurdish requests for help from the US.
1974	Under the terms of the peace agreement, the oilfields in Kirkuk come under the control of the Iraqi regime. When the Kurds refuse this condition, the peace agreement is ended.
6 March 1975	The Algiers Accord (brokered by the President of Algeria) is signed between Iraq and Iran and causes problems for the Kurds as Iran is told to stop backing Kurdish uprisings.
1 June 1975	In Damascus Jalal Talabany, one of the most well-known founder members of the KDP announces the establishment of a new political party the Patriotic Union of Kurdistan.
1979	On Mullah Mustefa's death, his son, Idress Mullah Mustefa Barzanî, takes over the leadership of the KDP.
1979-2003	Presidency of Saddam Hussein (Iraq)
4 September 1980	War breaks out between Iraq and Iran.
1983	Iran helps KDP to control the town of Hajj Umran in northern Iraq. In revenge, the Iraqi regime exile or kill c.8, 000 Kurds from the Barzanî tribe.
1983	Fighting between PUK and the Iraqi regime ceases following negotiations
1985	Iraqi Government increases repression of Kurds, especially PUK supporters. Iraqi regime kills Jalal Talabany brother.
1986	Iran backs KDP and PUK against Iraq.
29 March 1987	Ceasefire between Iran and Iraq. The Iraqi regime begins *Enfal* Campaign against the Kurds, attempting to destroy the Kurdish liberation movement. 182,000

	Kurdish civilians are killed or driven into exile
1987	KDP and PUK establish a joint ‘Kurdistan Front’.
16 March 1988	Iraqi regime kills 5000 Kurdish civilians in a poison-gas attack on the town of Halabja.
8 August 1988	War between Iraq and Iran ends.
March 1991	With the expulsion of the Iraqi regime from Kuwait by Coalition forces, the Kurdish liberation movement and Kurds of the Kurdistan Region revolt against the Iraqi Government. US refuse to become involved and fails to support Kurdish rebels and uprising. Consequently millions of Kurds migrate and seek refuge at the Iranian and Turkey borders.
April 1991	Coalition forces declare a ‘safe haven’ for the Kurdistan Region and international aid begins tor Kurds. Jalal Talabany and Masoud Barzanî in negotiations with Iraqi regime regarding autonomy for Kurdistan Region.
July 1991	Kurdish *Pêşmerge* forces take control of the cities of Erbil and Suleîmanî in the Kurdistan Region.
October 1991	Fighting between Kurdish and Iraqi forces after the Iraqi Government decides to impose an embargo on the Kurdistan Region.
19 May 1992	Elections in the Kurdistan Region establish a Kurdistan parliament and government. KDP and PUK are equally balanced in the government.
September 1992	Elections held in the Kurdistan Region for Iraqi National Congress (INC) by Iraqi opposition groups.
1994	Civil war between KDP and PUK forces begins and lasts until 1997.
1994	UN agrees ‘oil for food’ programme with Iraqi regime, helping Kurds.
August 1996	Masoud Barzanî demands help from Saddam Hussein against the PUK. With the help of Iraqi forces, KDP takes Erbil and PUK gain support in Suleîmanî. Meanwhile in the Kurdistan Region these two main political parties lead two rival administrations.
January 1997	PUK declares a new government in Suleîmanî.
September 1998	Masoud Barzanî and Jalal Talabany sign Washington Agreement. Kurds continue with two separate

	governments, led by PUK and KDP respectively.
November 2000	PUK inform United Nations about situation in Kirkuk where Kurds are under pressure from Saddam Hussein's regime.
September 2001	Conflict starts between PUK and the *Jund al-Islam* (or *Ansar al-Islam*), an Iranian-backed Islamist group.
June 2002	PUK and KDP join other Iraqi opposition groups in readiness for the outbreak of conflict as a result of the Coalition campaign against Iraq.
October 2002	PUK and KDP share session of the Kurdistan Parliament, working jointly until next election.
February 2003	Colin Powell, former US Secretary of State, accuses an Iraqi Kurdish Islamist group (*Ansar al-Islam*) of playing a pivotal role in supporting Osama Bin Ladin and Al-Qaeda.
3 March 2003	KDP and PUK create a 'joint higher leadership' in the Kurdistan Region to maintain the position of the two political parties.
22 March 2003	United Nations leads coalition forces against Sadam Hussein's regime in Iraq following attacks against *Ansar al-Islam* based in Khormal, a town in the Kurdistan Region.
April 2003	Coalition forces advance into Baghdad. In the following days Kurdish forces and Coalition take control of Kirkuk and Mosul.
2003-ongoing	Presidency of Jalal Talabany (Iraq).
February 2004	Some 60 people killed and at least 200 injured by two suicide bombings against both main political parties in the Kurdistan Region.
January 2005	Two main Kurdish political parties form an alliance for Iraqi parliament. Jalal Talabany is subsequently elected as Iraqi president.
June 2005	First session of Kurdistan parliament is held and Masoud Barzanî becomes President of the Kurdistan Region.
15 December 2005	Elections are held in Iraq whilst the Kurds also hold elections for Kurdistan Parliament and Council of Cities.
December 2005	Kurds start drilling for oil in the Kurdish region.

September 2006	Masoud Barzanî, President of the Kurdistan Region, replaces the Iraqi flag on government buildings with the Kurdish flag.
May 2007	The Kurdistan Regional Government assumes responsibility from US forces in Iraq for security in the three Kurdish provinces.

APPENDIX 2

KURDISH MEDIA TIMELINE

Date	***Event***
8 February 1914	First Kurdish magazine, *Bangî Kurd*, launched in Baghdad.
1 January1918	First Kurdish newspaper, *Têgeîştnî Rastî*, launched in Baghdad.
29 April 1919	First Kurdish newspaper, *Pêşkewtn*, launched in Suleîmanî
1922-1923	Four newspapers, *Bangî Kurdistan, Rojî Kurdistan, Bangî Heq* and *Eumêdî Estqlal*, published by Şêx Meḧmud in Suleîmanî.
18 August 1924	*Jîanewa* newspaper launched in Suleîmanî.
11 March 1925	*Dîarî Kurdistan* magazine launched in Baghdad.
21 January 1926	*Jîan* newspaper launched in Suleîmanî.
25 May 1926	*Zarî Krmancî* magazine published by Ḧusên Ḧuznî Mukryanî in Ruandz.
12 October 1926	First newspaper launched in Kirkuk: *Kirkuk*
1927	*Peîje* magazine published in Baghdad by Kurds
1933	*Yadgarî Lawan* magazine published in Bagdad by Kurds
24 October 1935	*Rûnakî* magazine launched in Hewlêr.
11 September 1937	*Zban* newspaper launched in Suleîmanî.
25 February 1938	*Zansti* magazine launched in Suleîmanî.
1939	First radio broadcast in Kurdish in Iraq.
10 December 1939	*Gelawêj* magazine launched
26 December 1939	*Jîn* newspaper launched
1 December 1940	*Şerare* booklet published clandestinely
1944	*Yekêtî Têkoşîn* magazine published clandestinely

April 1945	*Azadî* newspaper published clandestinely
October 1945	*Dengî Gêtî* magazine published
October 1946	*Rzgarî* newspaper published clandestine booklet
30 May 1948	*Nzar* magazine launched in Baghdad
16 December 1950	*Hewlêr* newspaper launched in Hewlêr
1954	*Yekêtî Felaḧ* published clandestinely
1954	*Hetaw* magazine published in Hewlêr
22 July 1956	*Itihad Al-Shahb* published clandestinely
14 June 1957	*Azadî Kurdistan* published clandestinely
15 January 1958	*Şefeq* magazine launched in Kirkuk
February 1958	*Pêşkewtn* magazine launched in Baghdad
10 February 1959	*Rzgarî* magazine published openly in Baghdad
7 April 1959	*Xebat* newspaper launched
1958-1970	Magazines launched during this period: *Dengî Qutabi, Blêsa, Hîway Kurdistan, Beyan, Huner, Gzeng, Rojî Nö, Brwa, Çareserkrdnî Kştukal, Runahi, Eraqî Nö, Tutn, Raber, Suleîmanî* and *Karî Mîlî.* Newspapers launched during this period: *Newroz, Raî Gel, Dengî Kurd, Reperîn* and *Deng u Bas.*
1970	Weekly newspaper *Hawkarî* used for Iraqi Propaganda.
1 January 1974	*Brayetî* newspaper launched
1974-1991	Magazines and newspapers published in the mountains of the Kurdistan Region during this period included *Xebat*, *Sede Kurdistan*, *Sefîn* and *Şerare*
October 1988	*Bereî Kurdistanî* newspaper published in mountains of the Kurdistan Region
12 January 1992	First post-1991 newspaper launched: *Kurdistanî Nö*
26 November 1992	*Herêm* newspaper, the first newspaper which published from the Kurdistan Regional Government
5 November 2000	First independent newspaper launched: *Haûlatî*

2005	Both journalists' unions amalgamated.
2007	Over 500 newspapers and magazine and 250 radio stations.
2009	281 daily, weekly, fortnightly, monthly, quarterly and annual newspapers. 506 weekly, monthly, and quarterly magazines. 4 news agencies. 37 television channels, 45 radio stations and 16 satellite channels.

APPENDIX 3

TRANSCRIPT OF INTERVIEW WITH HEWAR REUF, HEAD OF INFORMATION SERVICES, GENERAL DIRECTORATE OF MEDIA WHICH INCORPORATES THE MINISTRY OF CULTURE.

Question 1: How many magazines, newspapers, news agencies, and radio, television, and satellite channels have the Ministry of Culture permitted in the Kurdistan Region?

Response 1: *There are 281 daily, weekly, fortnightly, monthly, quarterly and yearly periodicals. There are also 506 weekly, monthly and quarterly magazines. Currently there are 4 news agencies which have got formal permission. In addition there are 37 television channels and 45 radio stations in the Kurdistan Region. There are also 16 satellite channels.*

Question 2: Do you know if all of these newspapers, magazines, television, radio and satellite channels are still in existence?

Response 1: *Some of them have failed; a few of them published and broadcast for a while and then stopped and the rest are still in existence, especially radio and*

television channels. Occasionally some of the media channels change their names especially independent media channels because when these media channels are sold to other owners they change their names. All the satellite channels are still working. We cannot guarantee that all these magazines and newspapers are still publishing currently in the Kurdistan Region.

APPENDIX 4: PRESS LAW

APPENDIX 4.1: FIRST DRAFT OF THE KURDISTAN REGION PRESS LAW

NOTE: The sections of the draft Kurdistan Region Press Law which prompted amendments in the later version of the Law are indicted here are highlighted and in bold typeface.

FIRST DRAFT OF THE KURDISTAN REGION PRESS LAW

In accordance with the provisions of section (1) of Article (56) of Law No. (1) of 1992 and pursuant to the legislation enacted by the Kurdistan National Assembly - Iraq in its thirty third session held on the 11th of December 2007, we hereby issue:

Law No. 35 of 2007
Press Law in the Kurdistan Region
Chapter One
Definitions and Principles

Article (1): The following terms shall have the meanings hereunder for the purpose of this Law:

1. Region: Kurdistan Region - Iraq
2. Syndicate: Kurdistan Journalists Syndicate
3. Chairman of the Syndicate: Chairman of the Kurdistan Journalists Syndicate
4. Journalism: the practice of journalistic work through various media
5. Journalist: someone practicing the journalism profession in various media
6. Newspaper: a publication issued and distributed periodically and regularly under a specific name in subsequent issues.

Article (2):

First: The press is free and no censorship shall be imposed on it. Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and privacy, **public morals and public order** in accordance with the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists.

Second: A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest **as long as it is not of importance to the security of the Region.**

Third: In case of a legal suit, a journalist may keep secret the sources of information and news relevant to the suits brought before the courts unless the court decides otherwise.

Fourth: Every natural or legal person shall have the right to possess and issue newspapers in accordance with the provisions of this Law.

Fifth: No newspaper shall be closed down or confiscated.

Chapter Two

Conditions for Obtaining and Conceding the Right to Publish newspapers

Article (3): The following conditions shall be fulfilled to publish a newspaper:

First: the Concessionaire or Founder of the newspaper shall place an advertisement in two daily newspapers published in the Region, in which the name, title, nationality and place of residence of the Concessionaire or Founder of the newspaper is stated as well as the name of the newspaper and its language of publication and the name of its editor and the periods of its issuance. This advertisement shall be equivalent to an announcement for the publication of the newspaper.

Second: Any party concerned may oppose publication of the newspaper, within a 30-day period from the date of the published advertisement, at the governorate's Court of Cassation. Otherwise the newspaper shall be considered to be established.

Third: The Concessionaire or Founder of the newspaper shall forward and register the announcement of foundation at the Ministry of Culture. The announcement must include the source financing the newspaper. The Ministry of Culture shall also inform the Kurdistan Journalists Syndicate.

Fourth: A person who intends to publish a newspaper must be fully qualified and of good character in accordance with the law.

Fifth: It is not permitted to publish more than one newspaper with the same name.

Sixth: A Concessionaire or Founder of the newspaper shall clearly print in the newspaper, in a prominent place, his name and the name of the editor of the newspaper and the location and date of its issuance as well as the name of the printing house at which the newspaper is printed. For any change or amendment to the content of the foundation statement, he shall also publish an advertisement about the change or amendment within 30 days from the date of the change or amendment.

Article (4): Every newspaper shall have an Editor-in-Chief supervising information published. He must fulfill the following conditions:

First: He must be a member of the Kurdistan Journalists Syndicate and a master of the spoken and written language of journalism.

Second: The Editor-in-Chief must be an inhabitant of Kurdistan or a permanent inhabitant.

Third: the Editor-in-Chief and writer shall bear the civil and penal responsibility for what is published, while the Concessionaire bears the civil responsibility; and he bears the same responsibility as the Editor-in-Chief if he participates in editing the publication.

Article (5): A publication shall be closed down in the following circumstances:

First: If it has not been publishing during the six (6) months from the date of approval.

Second: If it is closed down by the issue of a judicial decision.

Third: If it fails to publish for the following periods of time:

1. **Daily publication: three days consecutively.**
2. **Weekly publication: for eight issues consecutively.**
3. **Monthly or fortnightly publication: for four issues consecutively.**
4. **Quarterly publication: for three issues consecutively.**

Article (6): Observing the procedures stipulated in this Law, the Concessionaire shall have the right to make a partial or whole concession to others, provided that he publishes in a daily newspaper the notification of his intention to grant a concession before 30 days have passed after the specified date of the concession.

Chapter Three
Response and Correction

Article (7):

First: In the case of the publication of false information, the concerned person or one acting on his behalf shall have a legal right to demand a correction or response to the news story or article. The Editor-in-General shall publish free of charge the correction or response in one of the two issues following the date of the arrival of the correction or response. It shall be published in the same location with the same font and size in which the article was published.

Second: Failure of the newspaper to publish the correction or response shall result in a fine of no less than one million Iraqi Dinars and no more than two million Iraqi Dinars.

Third: The Editor-in-Chief may refuse to publish the response or correction in the following circumstances:

1. If the newspaper had corrected the story or article before the arrival of the response or correction.
2. If the response or correction was signed under a pseudonym or written in a language other than the one in which the story or article was written.
3. **If the content of the response or article is in contradiction with the law or public morals.**
4. If the response or correction arrived ninety (90) days after the publication of the original story or article.

Chapter Four
Rights and Privileges for journalists

Article (8):

First: A journalist is free and there is no power over him in the performance of his work except the law.

Second: The opinion given or information disseminated by a journalist may not be used as a reason to cause injury to his person or violate his rights.

Third: A journalist has the right not to divulge the sources of his information unless a judicial decision is issued.

Fourth: A journalist has the right not to attend conferences and other general activities.

Fifth: Anyone who insults a journalist shall be punished.

Sixth: A journalist shall have the right to terminate his contract with the newspaper if there is any radical change to the policy of the newspaper for which the journalist is working, or if there is a change in the circumstances under which the journalist had contracted, provided that he gives the newspaper 30 days notice before stopping work.

Seventh: Press institutions shall undertake to provide a journalist with all the rights stipulated in the applicable laws and the contract ratified by the Syndicate.

Eighth: A journalist shall be paid additional compensation, not to exceed one-month payment of salary or wages, at the end of the fiscal year, if he had not received the whole or part of his regular vacation.

Ninth: The newspaper shall bear the cost of treatment expenses if a journalist were injured or became sick during the performance of his work or as a result of his work.

Tenth: The newspaper for which the journalist works shall compensate the journalist for working legal holidays.

Chapter Five
Immunity

Article (9):

First: The journalist shall inform the Syndicate of any legal actions against him if it were related to the practice of his profession.

Second: A journalist shall not be investigated or his house be searched, except in accordance with a judicial decision. The Chief of the Syndicate shall have the right to attend the investigation.

Third: No documents, information, data, or papers in the possession of the journalist may be taken as a means of proof against him, in any penal investigation, if they were not related to the penal complaint filed against the journalist.

Fourth: No crime has been committed if the journalist has published or written about the work of an official or a person entrusted with a public service or a public representative if what he has published does not go beyond the affairs of the profession or of the public or representative service on the condition that he has provided proof supporting what he has ascribed to them.

Fifth: No legal procedures shall be taken against the journalist after ninety (90) days from the date of publication.

Article (10):

First: The journalist and the Editor-in-Chief shall be charged a fine of no less than three million Iraqi Dinars and no more than ten million Iraqi Dinars and the publication shall be closed down for no more than six months for publication of one of the following:

1. Any subject lead to instability situation security also making fear to people or to encourage in executing crime or against executing the laws.
2. Any subject lead to encourage terror or fostering hatred, discord and disagreement among the components of Kurdish society.

Second: The newspaper shall be charged a fine of no less than three million Iraqi Dinars and no more than ten million Iraqi Dinars for publication of one of the following:

1. Anything which insults religious beliefs or denigrating rituals or symbols.
2. Anything related to the secrets of the private lives of individuals.
3. **Anything that insults public morals.**

4. Libel, slander or defamation.
5. Anything that prejudices an investigation or trial procedures unless publication is permitted by the court.

Third: A newspaper shall be charged a fine of no less than three million Iraqi Dinars and no more than ten million Iraqi Dinars for publishing one of the items mentioned in the paragraph (second) above.

Fourth: If the violation were repeated, the Court may raise the fine, provided that it does not exceed double the sum of the fine described in paragraphs (second and third) above.

Fifth: The General Prosecutor and the affected person shall have the right to file suit, in accordance with law.

Article (11): The provisions of article (10) shall have no effect upon publications imported by governmental institutions, universities and scientific research centers for purely scientific purposes.

Article (12): Materials copied or translated from sources outside the Kurdistan Region shall not be exempt from this Law.

Article (13): Any text contradicting the provisions of this Law shall not be valid. **The validity of the Kurdistan Journalists Syndicate Law No. 4 of 1998 shall be observed.**

Final Provisions

Article (14): The Council of Ministers and the Competent Authorities shall implement the provisions of this Law.

Article (15): This Law shall take effect as of the date of its publication in the official bulletin.

‘Adnan Muftî
President of the Kurdistan Parliament

APPENDIX 4.2: THE NEW PRESS LAW

THE KURDISTAN REGION PRESS LAW

In the Name of God, Most Gracious, Most Merciful

In the Name of the People

President's Office - Kurdistan Region - Iraq

Decree No. 24 of 2008

Press Law in the Kurdistan Region

Pursuant to the authorities granted to the Presidency of the Kurdistan Region in accordance with the provisions of Article 10 (1) of Law No. (1) – 2005) and pursuant to the legislation enacted by the Kurdistan National Assembly - Iraq in its fourth session held during its second season on the 22nd of September 2008, we hereby issue:

Law No. 35 of 2007

Press Law in the Kurdistan Region

Chapter One

Definitions and Principles

Article (1): The following terms shall have the meanings hereunder for the purpose of this Law:

1. Region: The Kurdistan Region – Iraq.
2. Syndicate: The Kurdistan Journalists Syndicate.
3. The General Secretary: The General Secretary of the Kurdistan Journalists Syndicate.
4. Journalism: The practice of journalistic work through various media.
5. Journalist: Someone practicing the journalism profession.
6. Newspaper: A publication issued and distributed periodically and regularly under a specific name in subsequent issues.

Article (2):

First: The Press is free and no censorship shall be imposed on it. Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and the privacy of individuals in accordance with the law, as well as being committed to the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists.

Second: A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest.

Third: In case of a legal suit, a journalist may keep secret the sources of information and news relevant to the suits brought before the courts unless the court decides otherwise.

Fourth: Every natural or legal person shall have the right to possess and issue newspapers in accordance with the provisions of this Law.

Fifth: No newspaper shall be closed down or confiscated.

Chapter Two

Conditions for Obtaining and Conceding the Right to Publish Newspaper

Article (3): The following conditions shall be fulfilled to publish a newspaper:

First: the Concessionaire or Founder of the newspaper shall place an advertisement in two daily newspapers published in the region, in which the name, title, nationality and place of residence of the Concessionaire or Founder of the newspaper is stated as well as the name of the newspaper and its language of publication and the name of its editor and the periods of its issuance. This advertisement shall be equivalent to an announcement for the publication of the newspaper.

Second: Any party concerned may oppose publication of the newspaper, within a 30-day period from the date of the published declaration, to the Court of Appeal if the region, as its cassation otherwise the newspaper shall be considered to be established.

Third: The Concessionaire or Founder of the newspaper shall forward and register the announcement of foundation at the Kurdistan Journalists Syndicate. The announcement must include the source of funding and the syndicate to shall also inform the Ministry of Culture.

Fourth: A person who intends to publish a newspaper must be fully qualified in accordance with the law.

Fifth: It is not permitted to publish two newspapers under the same name in the region.

Sixth: A Concessionaire or Founder of the newspaper shall clearly print in the newspaper, in a prominent place, his name and the name of the editor of the newspaper and the location and date of its issuance as well as the name of the printing house at which the newspaper is printed. For any change or amendment to the content of the foundation statement, he shall also publish declaration about the change or amendment within 30 days from the date of the change or amendment.

Article (4): Every newspaper shall have an Editor-in-Chief supervising information published. He must fulfill the following conditions:

First: He must be a journalist and a master of the spoken and written language of the newspaper.

Second: The Editor-in-Chief and writer shall bear the civil and penal responsibility for what is published, while the Concessionaire bears the civil responsibility; and he bears the same responsibility as the Editor-in-Chief if he participates in editing the publication.

Article (5): Observing the procedures stipulated in this Law, the Concessionaire shall have the right to make a partial or whole concession to others, provided that he publishes in a daily newspaper the notification of his intention to grant a concession before 30 days have passed after the specified date of the concession.

Chapter Three

Response and Correction

Article (6):

First: In the case of the publication of false information, the concerned person or one of his heirs, or one acting on his behalf shall have a legal right to demand a correction or response to the news story or article. The Editor-in-Chief shall publish free of charge the correction or response in one of the two issues following the date of the arrival of the correction or response. It shall be published in the same location with the same font and size in which the article was published.

Second: Failure of the newspaper to publish the factual response shall result in a fine of no less than one million Iraqi Dinars and no more than two million Iraqi Dinars.

Third: The Editor-in-Chief may refuse to publish the response or correction in the following circumstances:

1. If the newspaper had corrected the story or article before the arrival of the response or correction.
2. If the response or correction was signed under a pseudonym or written in a language other than the one in which the story or article was written.
3. If the content of the response or article is in contradiction with the law
4. If the response or correction arrived ninety (90) days after the publication of the original story or article.

Chapter Four

Rights and Privileges of the Jurnalist

Article (7):

First: A journalist is free and there is no power over him in the performance of his work except the law.

Second: The opinion given or information disseminated by a journalist may not be used as a reason to cause injury to his person or violate his rights.

Third: A journalist has the right not to divulge the sources of his information unless a judicial decision is issued.

Fourth: A journalist has the right to attend conferences and other general activities.

Fifth: Anyone who insults or injures a journalist as a result of the performance of his work shall be punished with the punishments decided for those who injure government employees during regular working hours or as a result of the performance of his work.

Sixth: A journalist shall have the right to terminate, of his own will, his contract with the newspaper if there is any radical change to the policy of the newspaper for which the journalist is working, or if there is a change in the circumstances under which the journalist had contracted, provided that he gives the newspaper 30 days notice before stopping work, without any infringement of the journalist's right to compensation.

Seventh: Press institutions and their administration shall undertake to provide a journalist with all the rights stipulated in the applicable laws and the contract ratified by the Syndicate.

Eighth: A journalist shall be paid additional compensation, not to exceed one-month payment of salary or wages, at the end of the fiscal year, if he had not received the whole or part of his regular vacation.

Ninth: The newspaper shall bear the cost of treatment expenses if a journalist were injured or became sick during the performance of his work or as a result of his work.

Tenth: The newspaper for which the journalist works shall compensate the journalist for working legal holidays by paying him the equivalent of two days of wage for each legal holiday worked.

Chapter Five

Immunity

Article (8):

First: The Syndicate shall be informed of any legal actions against a journalist if it were related to the practice of his profession.

Second: A journalist shall not be investigated or his office and house be searched for the reason stipulated in paragraph (first) of this article, except in accordance with a judicial decision. The General Secretery of the Syndicate, or someone acting on his behalf, shall have the right to attend the investigation.

Third: No documents, information, data, or papers in the possession of the journalist may be taken as a means of proof against him, in any penal investigation, if they were not related to the penal complaint filed against the journalist.

Fourth: No crime has been committed if the journalist has published or written about the work of an official or a person entrusted with a public service or a public representative if what he has published does not go beyond the affairs of the profession or of the public or representative service on the condition that he has provided proof supporting what he has ascribed to them.

Fifth: No legal procedures shall be taken against the journalist after ninety (90) days from the date of publication.

Article (9):

First:

A journalist and the editor in chief shall be fined an amount not less than 1.000.000 million dinars and no more than 5,000,000 million dinars when they published in the media one of the following:

1. Sowing malice and fostering hatred, discord and disagreement among the components of society.
2. Insulting religious beliefs or denigrating their rituals.
3. Insulting religious sanctities and symbols of any religion or sect or abuse them.
4. Anything related to the secrets of the private lives of individuals, even if true, if it offends them.
5. Libel, slander or defamation.
6. Anything that prejudices an investigation or trial procedures unless publication is permitted by the court.
7. Violation of the principles of ethics stated in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists.

Second: A newspaper shall be charged a fine of no less than five million Iraqi Dinars and no more than twenty million Iraqi Dinars for publishing one of the items mentioned in paragraph (first) above.

Third: If the violation were repeated, the Court may raise the fine, provided that it does not exceed double the sum of the fine described in paragraphs (first and second) above.

Fourth: The General Prosecutor and the affected person shall have the right to file suit, in accordance with law.

Article (10): The provisions of article (9) shall have no effect upon newspaper and publications imported by governmental institutions, universities and scientific research centers for purely scientific purposes.

Article (11): Materials copied or translated from sources outside the Kurdistan Region shall not be exempt from this Law.

Article (12): Any text contradicting the provisions of this Law shall not be valid.

Final Provisions

Article (13): The Council of Ministers and the Competent Authorities shall implement the provisions of this Law.

Article (14): This Law shall take effect as of the date of its publication in the official gazette *Kurdistan Gazette*.

Masoud Barzanî

President of the Kurdistan Region - Iraq

This Law has been issued in Erbil on the 17th of Razbari 2708 (Kurdish Calendar), corresponding to the 9th of October 2008 (AD) and 10th of Shuwal 1429 (Hegira Calendar).

Necessitating Reasons

The Press is of great value to both Kurdish and international society. It enjoys a broad scope of freedom, which requires specific legislation that organizes the Press profession in a manner that keeps in tune with the spirit of this age and its developments and enables citizens to be informed of the truth. And in order to fulfill the requirements needed for practicing freedom of the Press in a transparent and professional manner and to express the opinions and thoughts which contribute to the building of a civil society and bolstering the principles of democracy and human rights, this Law was enacted.

APPENDIX 5

BIOGRAPHICAL DETAILS OF INTERVIEWEES

Kemal Reuf[56]

Born in 1965, he was supervision of *Dengî Krêkar* (Labour Voice) magazine in 1995. He became concession of *Ruange u Rexne* (Observe and Criticism) magazine in 1997-98. He with numbers of journalists published the *Haûlatî* newspaper in 2000 which was the first independent Kurdish newspaper. In Canada he published *Citizen* Newspaper in English in 2004. He is currently Editor-in-Chief of the *Haûlatî* newspaper. Over the course of his career he has written hundreds of articles in various newspapers and magazines.

[56] Photograph from his newspaper website; http://83.169.12.202/K_Direje.aspx?Jimare=480&Besh=Aburi&Cor=8, last accessed 4th of October 2010

Asos Eẖmed Ḧesen (Herdî)

Born on 20 September 1963 (Suleîmanî), Hasan who writes under the pseudonym of Herdî was appointed as the first editor-in-chief of the Kurdistan Region's first independent newspaper *Haûlatî* on 5 November 2000 and remained in this post until 5 November 2005. On 3 January 2006 he started work as the editor-in-chief for the weekly newspaper *Awêne* (Mirror) staying in this post until 15 March 2008. He then took over as the General Director of the Awêne Press and Publishing Company which publishes *Awêne*, *Sport Awêne* and the magazine *Awênekan* (Mirrors). Over the course of his career he has written hundreds of articles in various newspapers and magazines. On 12 December 2009 he was awarded the Gebran Tueni Award for Freedom of Speech and Free Press by WAN-IFRA (World Association of Newspapers and News Publishers) in recognition of his services to journalism.

Hasan gained a B.Sc. in Engineering from the College of Mechanical Engineering in 1994 at Salahaddin University. In addition to his mother tongue of Kurdish, he is proficient in four other languages: Arabic, Persian, Turkish and English and has translated and published four works. Two of these are Kurdish translation of works by the Turkish author Esma'îl Besikci, *Thirty Three Bullets* (1998) and *Turkish History Thesis: Sun Language Theory and the Kurdish Question* published one year later in 1999. In 2002 Hasan's translation of an ancient Persian manuscript into Kurdish, *The history of 641 years of Ardalani rule in the Kurdish region of Iran* originally published in Persian by Ali Naqi Al-Husseini. Most recently in 2010 he has produced a Kurdish version of Eẖmed Herdi's *Rhythm in Kurdish poems* originally published in Arabic.

Nzar Zrar Gzaly

Born in 1985 (Erbil-Shaqlawa), Gzaly has published numerous articles in Kurdish newspapers and magazines, written in both Kurdish and Arabic and read both within and outside the Kurdistan Region. He started work as a journalist with the magazine *Herêmî Kurdistan* (Kurdistan Region) and is still a member of this publication's staff writers. He worked with the newspaper *Zarî Krmancî* (Dialectic of Kurdish Kurmanji) as a freelance journalist for 18 months during 2005-2006, later taking over as editor of *Xatuzîn* magazine until 2007. From 2005 until 2007 he was also editor-in-chief of *Soma* (Light brightness) newspaper. From 2006 until 2008 he worked as a reporter for the *Awêne* newspaper and since then, he has been a member of the editorial board and director at Awêne's office in Erbil. He has also worked on a freelance basis with the *Aswat Iraq* News Agency and is Editorial Director of *Suparto* magazine. He is also a member of the Kurdistan Journalists Syndicate and of the International Federation of Journalists. Gzaly gained his BA in Psychology in 2007 from the Department of Psychology in the College of Humanities. He lectures at the College of Qelay Behredaran and has participated in many workshops and conferences concerning the media and journalism.

‘Adnan Muftî [57]

Born in 1949 (Erbil), Muftî joined the Kurdistan Democratic Party in 1963, and later, in 1975, he joined the Patriotic Union of Kurdistan becoming a member of the PUK presidency in 1995. During the period 1973-1992 he played an important role in political relations for the PUK, dealing with Arab and international political forces in Paris, London, Washington, Damascus, Cairo and Sweden. In 1999, he took up the post of Minister of Finance and Economics. To date he has narrowly escaped three assassination attempts, surviving despite having suffered serious injuries. The first attempt took place in 1974, when the Kurdish town of Choman was bombed by Iraqi jet fighters. The second incident occurred in Marga on 24 November 1987 when he and a number of his party colleagues were poisoned by the hostile Ba’thist Regime. This crime which was committed by the Iraqi Intelligence Department caused the deaths of three of his colleagues but he was taken abroad to London for medical treatment which saved his life. Most recently, he was badly wounded in a terrorist suicide bomb explosion which took place at the PUK Headquarters in Erbil on 1 February 2004. On 4 June 2005, he was elected as the President of the Kurdistan National Assembly. He is a member of the PUK’s higher committee or Politburo. Muftî has a BA in Accountancy and has written dozens of articles in both Kurdish and Arabic. In addition to Kurdish, he speaks Arabic, English, Persian and French and is the author of two books which were published in Arabic entitled *Kurd-Arab Relations* and *Arab-Kurd Dialogue*.

[57] Photograph courtesy of Iead Ebduía, official photographer of the Kurdistan Parliament.

Faruq Cemîl Sadq

Born in 1945 (Erbil), Judge Sadq started his legal career as a lawyer in 1967 after obtaining his BA degree in Law. In late 1972 he joined the Kurdish Revolutionary Movement and remained an active member until 1975 when he returned to Erbil and resumed his career as a lawyer. Two years later in 1977 he joined the Patriotic Union of Kurdistan and was arrested by the former Iraqi Ba'ath regime as a result. The former Iraqi regime sentenced him to life imprisonment but he was rescued as the result of a campaign by the human rights' organisation Amnesty International. Following his release he once again resumed his activities with the PUK. In 2002 he became Vice Minister for Justice and in the fifth term of the Kurdistan Regional Government, he joined the cabinet as Minister for Justice.

Tariq Cewher

Born on 1 March 1970 (Erbil), Cewher has been in the media since 1991 having worked as a journalist on various newspapers and magazines and a radio and television reporter. In the period 1993-1996 he was a radio and television broadcaster supporting the Iraqi Opposition. From 1996 until 2000 he acted as Media Adviser for the former President of the Kurdistan Regional Government, Kosret Resul, and then worked in the same role until 2002 for his successor Dr. Berhem Eẖmed Salḧ. Since 2002, he has been Senior Media Adviser for the Kurdistan Parliament.

He has written and published three influential reports on media and his analyses of the Kurdish situation have been published and broadcast in Kurdish, Arabic and English via numerous Kurdish radio and television channels. He has also acted as media representative for the Kurdistan Parliament providing briefings on Kurdish political affairs to Al-Jazeera, the BBC, Telefrance and Channel 24. He has written and published number of articles of the Kurdish publications. He broadcast dozens of political programmes for the Gelî Kurdistan television station in the period 1992-2005. Cewher has a professional diploma in Journalism and finished his BA in Media Studies in 2005. Since then, he has also completed an MA in Media Studies, with his dissertation focusing on the role of the media spokesman.

Farhad ‘Aewnî

Born on 28 November 1946 (Erbil-Koye), in 1960 ‘Aewnî became a member of the Iraqi Communist Party, joining the Kurdish Revolution in 1963 as a *Pêşmerge* (Kurdish freedom-fighter). In 1964 he joined the Kurdistan Student Union, becoming the leader of this political organisation six years later in 1970 and gained his BA from the College of Economic and Political Sciences in 1970. In the period 1970-1972 he published four issues of the magazine *Nzal Al-Talab* (Student Struggle), becoming managing director of *Taakhi* (Brotherhood) newspaper in Bagdad in 1972. In 1974 he published two issues of *Dîarî Lawan* magazine. From 26 October 1993 until 20 February 2000 he became Editor-in-Chief of *Brayetî* (Brotherhood).

From 1993 to 2000 he was Editor-in-Chief of *Senterî Brayetî* magazine, weekly *Brayetî* Literature and Art, *Brayetî Werzş* (Sport Brotherhood) newspaper. He has been General Secretary of the Kurdistan Journalists Syndicate since it was established and has been a member of the International Federation Journalists (IFJ) since 2003. Along with his cousin Şêrko, ‘Aewnî published *Kurdistan Al-Yawm* (Today Kurdistan) and now they also jointly publish *Jino* (Kurdish name, mean’s life) in London. He has published hundreds of articles on political issues in both Kurdish and Arabic, having contributed to most Kurdish newspapers and magazines. He owns *Rojnamenus* (Journalist) magazine and is Editor-in-Chief of *Al-Suhfi* (The Journalist) newspaper which publishes in Arabic.

Dr. Nîaz Lacanî (Nîaz Muhemmed Abdul Qadir)

Born 1965 (Erbil). After four years of primary school in Erbil, he went to Iran with his family where he finished all his secondary schooling. He worked in student magazines for two years (1980-1981) and then in 1982 he joined the Kurdish Revolution, becoming a *Pêşmerge* in the mountains for three years. In 1985 he went to the Soviet Union to study, publishing articles in Russian newspapers and magazines. From 1994 until 1996 he worked in Radio Hengaw in Sweden and is still a member of the editorial staff of the Swedish magazine *Berbang*. In the period 2000-2004, he produced three documentary films and then gained a position as a member of the Central Media Office of the Kurdistan Democratic Party. He has published hundreds of article in the Kurdish newspapers and magazines. He has written scripts for Bzr (Missing) Television Drama and provided several programme idea for several television channels.

He finished his MA in 1991, writing a dissertation about the role of the Kurdish Media during the period 1914-1925, and went onto to gain his PhD in 1999 focusing on the Foreign Policy of the Soviet Union in Kurdistan 1939-1975. He is proficient in Kurdish, Russian, Persian and Swedish and since 2006, he has been General Manager of Zagros satellite.

Ḧekîm ‘Osman Ḧemîd

Born on 1 January 1975 (Erbil), he gained a BA in Media and Television Studies from Baghdad University in 1997 and later gained his MA media and television from the University of Suleîmanî in 2006, visiting a number of countries including Qatar and Syria as part of his studies. He took up a teaching post at the Institute of Journalism in Suleîmanî in 2001 and went onto to lecture in Television Studies at the University of Suleîmanî in the Media Department from 2003, delivering workshop on television issues. Fluent in Kurdish, Arabic and English, he has published articles in both Kurdish and Arabic newspapers and has also translated a book about working in television. His professional experience includes working as a journalist in Radio Newa for 11 months in 2005 and a stint at PUK TV. He has also worked on television channels Fayha, Khak, Airaqya and Kurdsat). For six months in late 2003 and early 2004 he was Editor-in-Chief of *Geranewe* (Return) newspaper for six months. He is a member of the Kurdistan Journalists Syndicate and currently Head of the Journalism Department at Suleîmanî Technical Institute.

Awat Necmedîn Esma‘îl

Born in 1970 (Suleîmanî), he studied in the Electronics Department in the Engineering College at the University of Mostansria in Bagdad, gaining his qualifications in 1991 and began his media career six years later in 1997 when he began working in the local television channel Xak as programme preparer and stayed in this post until December 1999. He then went on to work for the satellite channel Kurdsat from 1 January 2000 in a managerial capacity. He has attended courses on aspects of media including marketing and advertising in many countries including the USA (2003), Lebanon (2006) and South Korea (2008). He has been Administrative Director of the satellite channel Kurdsat since 2006.

Lawend Newzad

Born in 1978 (Erbil), during the period 1997 to 2003 he worked at the daily newspaper *Kurdistanî Nö* (New Kurdistan) as a journalist and reporter, moving to another daily newspaper *Aso* until 2004 when he rejoined the staff of *Kurdistanî Nö* until 2006. He has published numerous articles in many Kurdish newspapers and magazines. Since 2007 he has been working as Director of the television channel Gelî Kurdistan which is based in Erbil. He is currently studying at the Law College and is proficient in Kurdish, Arabic, English and Turkish.

Nejad ‘Azîz Surmê

Born in 1953 (Gelale, Erbil), although he has a BA in Archaeology which he studied at Baghdad University during the period 1983-1984, Surmê has worked as a journalist and writer for some 40 years during which time he has authored 22 books and written hundreds of articles published in different newspapers and magazines. He wrote the first book about techniques of Kurdish journalism and owns the first Press agency to be established as part of the Kurdistan project. He has published dozens of articles in many Kurdish publications and is currently Editor-in-Chief of *Xebat* (Struggle) newspaper, with some responsibility also for Xebat’s website and the print publications *Hêlaney Mndalan* (Children Nest) and *Xebatî Werzş*, a publication which focuses on sport.

Salar ‘Osman Ḧusên

Born in 1968 (Erbil), he currently works in the Media Office of the Kurdistan Democratic Party and is a member of the Kurdistan Writers’ Union, the Kurdistan Journalists Syndicate and the Kurdish Literature and Art Association. He is author of three books and has published hundreds of article in many of Kurdish publications. He has participated in numerous workshops and conferences related to media and journalism both inside and outside Kurdistan. He has a degree in Language and Kurdish Literature and an MA in Kurdish Literature taking a course which examined both literature and media. He also has a diploma in management. He is the General Director of the Radio Dengî Kurdistan (Kurdistan Voice) and lectures at Salahadin University.

Pery ‘Omer Asaad

Born in 1987 (Erbil), she is currently concluding her pre-University studies and has been working in media and journalism since 2006 as correspondent for the daily newspaper *Xebat* (Struggle) which is published by the Kurdistan Democratic Party. She is also working on a book. She also works as a journalist for *Qela* (Castle) website and writes articles for the magazines *Xatuzîn* magazine and *Dengî Pêşmerge* (Voice of Kurdish freedom-fighter).

Nermîn Sndy

Born in 1981, she worked for 11 years as a broadcaster for the radio station Kurdistan Voice where is now programme manager although she finished her degree at Science College. In addition to this post, she is also Editor-in-Chief of *Hel* (Chance) magazine and has a weekly column in the newspaper *Amro* (Today). She writes in Badînу, one of the Kurdish dialects as well as Kurdish, Arabic and English. As well as publishing numbers of articles in many Kurdish publications, she has also written a book entitled *Deference* which appeared in 2009. She is a regular participant in workshops and conferences about media and journalism and a member of the Kurdistan Journalists Syndicate.

Hewar Reuf Khafaf

Born on 23 September 1963 (Suleîmanî), she is currently Head of Information Services within the General Directorate of Media which also incorporates the Ministry of Culture and has a Diploma in Media and Journalism. She worked at the television station *Azadî* (Freedom) as a correspondent during 2000-2004 and has also worked at Gulan television. She has published numerous articles in many Kurdish publications and worked for both *Nîştman* (Homeland) newspaper and the daily *Xebat* (Sruggle).

APPENDIX 6

INTERVIEW QUESTIONS

I am currently studying at a British University and for my PhD Thesis I intend to explore the Challenges and Opportunities for the Kurdish media since 2003 in the Kurdistan Region. Particularly aspects such as: the current Kurdish media situation, conflict amongst the Kurdish media channels, the codes (media constitution-media draft law) of the Kurdistan Parliament, professional journalism in the Kurdistan Region and Kurdish media regulation. Also I would like to assess the perceived Kurdish media challenges and level of development in comparison to contemporary media. To facilitate my research I intend to interview prominent individuals within the relevant discipline. Thus, you are the ones singled out to be interviewed.

Interviewees

1- ‘Adnan Muftî: President of the Kurdistan Parliament.

2- Falakaden Kakae: Minister of Culture.

3- Faruq Cemîl is the Minister for Justice of the Kurdistan Regional Government.

4- Ferhad ‘Aewnî, General Secretary of the Kurdistan Journalists Syndicate.

5- Tariq Cewher is the Senior Media Adviser for the Kurdistan Parliament.

6- Heads of the media departments of the Institutes and Universities for the Kurdistan Region.

7- Editorial in Chiefs of the daily newspapers (under the control of the political parties and the independent media sector).

8- Executive directors of the local televisions, satellites and radio channels.

9- Academic and non-academic journalist’s also independent and Party-affiliated journalists.

10- Zîrek Kemal, the Head of the Committee Protect Journalists.

SECTION I: General Questions about the Media in the Kurdistan Region

Question 1

Some local media channels and journalists have criticised the authorities believing that the journalists have faced harassment and their rights have been abused by the authorities. Do you agree with this statement and if so, why?

Question 2

What do you consider to be the main differences between the politically controlled media sector and the independent media sector? How does this affect their working relationship?

Question 3

What do you consider to be the main criticisms that journalists have of the Kurdish authorities? What do you think journalists want from the Kurdish authorities?

Question 4

What do you consider to be the main criticisms that the Kurdish authorities have of journalists? What do you think the Kurdish authorities want from journalists?

Question 5

Do you know of any examples of co-operation between the various media groups in order to help form public opinion?

Question 6

In your opinion, what are the most important difficulties currently facing the Kurdish media?

Question 7

What do you consider to be the main challenges facing the media in the Kurdistan Region? And how would you like to see the media develop in the future?

Question 8

What do you consider to be the main opportunities presented by the media in the Kurdistan Region?

Question 9

How do the Kurdish authorities currently regulate the media?

Question 10

With specific reference to your area of work, what do you think are the most important issues and challenges facing the media?

Question 11

Describe the role which you play in your organisation, and how your job responsibilities contribute to fulfilling the aims of the organisation?

SECTION II: Questions about Kurdish Media Regulation

Question 12

A number of international organisations for the protection of journalists in the world, for example the Committee to Protect Journalist (CPJ), have mentioned problems of violence against journalists in the Kurdistan Region. How would you describe this situation?

Question 13

To what extent do you think the Press Law in Kurdistan been written largely as a set of directives rather than recommendations and guidance?

Question 14

Some aspects of the Press Law appear to have been neglected including guidance on dealing with children generally, children in sex cases and adult victims of sexual assault, preventing intrusion into cases involving shock or grief, the concept of harassment, gaining permission to enter private or public areas and a number of others. Could you explain why these have been omitted?

Question 15

Do you think the Press Law needs to be reviewed and amended where necessary, sooner rather than later?

Question 16

Which sections of the Press Law would you like to see amended and how?

Question 17

To what extent do you think the Press Law is comparable with the current media legislation in developed countries?

Question 18

Does the Kurdistan Region have an organisation or centre which deals with complaints made by journalists and/or complaints made against media channels or journalists by members of the public?

Question 19

When the Kurdistan Parliament recently discussed the Press Law it omitted legislation relating to broadcasters (television and radio), industrial communication, telecommunications, and wireless communication services. Are there any plans for regulating these?

Question 20

What steps were taken to ensure that the Press Law reflected the ideas and values of the various political parties in the Kurdistan Region?

Question 21

Have there been any difficulties in implementing the Press Law?

Question 22

Which aspects, if any, of Kurdish culture are reflected in the Press Law?

Question 23

How has the Press Law been received by the media channels, government, political parties, national and international organisations for the protection of journalists?

Question 24

The Committee to Protect Journalists has referred to violence against Kurdish journalists and Reporters without Borders has also mentioned violence against journalists in Iraq (including the Kurdistan Region) in its annual report. Do you think that the Press Law will resolve this situation?

Question 25

Whilst the new Press Law was being drafted a number of media academics also compiled a version which included all media forms not just the Press. Although this was initially supported by the Ministry of Culture it was subsequently ignored. How do you account for this change of attitude?

SECTION III: Questions about Professionalism and the Journalist's Role

Question 26

In your opinion, what makes a professional journalist?

Question 27

In your opinion,what distinguishes a professional journalist from a non-professional one?

Question 28

What support is available for the training of professional journalists?

Question 29

Does the Kurdistan Journalists Syndicate support the professional development of journalists? If so, how?

Question 30 Do academic departments play a role in supporting the development of professional journalists? If so, how?

APPENDIX 6.1

KEMAL REUF, EDITOR-IN-CHIEF OF THE HAÛLATÎ NEWSPAPER

General questions about the media:

Response: Question 1

I think this relationship has varied according to the circumstances at different times, namely before 1991, after 1991 and after the collapse of the Iraqi Government. For example when the *Haûlatî* newspaper was established, people were afraid to write anti government articles using their own names because until then the government hadn't faced any criticism. In the Kurdistan Region there was some opposition but this was threatened with armed violence. At that time if you didn't have an army behind you, it was very difficult to criticise a leader or a political party which had a stronger armed force. Gradually we persuaded the authorities to learn to agree to public criticism. Also, we talked to people to encourage them to prevent the authorities from allowing people to defend their rights. This stage wasn't easy especially during the civil war. There was no distribution, and newspapers were published by the other side or in other areas but with the *Haûlatî* newspaper, we tried to join together the two parties and areas in the Kurdistan Region. We had to ensure that there was balanced criticism of both political parties because if we criticised one of them more than the other, then that political party would say that the newspaper had supported the other party rather than them. At that time we had a different set of criticisms than now. We still face some of the former problems but we also have other problems. The government has realised something. If they want to control the independent and non-governmental media outlets and journalists by means of law

and if they want to control freedom of speech, then the government has the Parliament which can create laws which work in their own interests and benefit. For example now the Kurdistan Region has a Press Law and some aspects of this Law are good but others are not, so if you are charged with libel the fine which is imposed is an amount of 20 million ID, or nearly 20,000 dollars, so if the authorities made several complaints of this kind against an independent newspaper the newspaper would face bankruptcy as a result but at the same time the party-affiliated media gets huge financial support and all its workers can get a salary from the government but this is not the case for non-governmental workers. Moreover, media outlets generally fund themselves by using advertisements but we cannot get any because all the companies wanting to advertise use party-affiliated media. Now we can say that the authorities enjoy controlling the independent or civil media. Regarding threats, yesterday a person in a position of power made a threat against one of our correspondents and we persuaded him to promise in writing that he would avoid putting any pressure on our correspondent. Here's another example: Some time ago, the Ministry of Human Rights complained about our newspaper because someone had published an article in which he wrote that the Ministry of Human Rights was not sufficiently concerned when the journalist Soran Mame Ḧeme was killed. They demanded that I, as editor-in-chief, went to court to face trial so I went to another city (Hewlêr) where I talked with the Minister of Human Rights explaining that the article simply reflected an opinion and that the Ministry of Human Rights should be aware of this opinion.

Response: Question 2

We can say that we have three types of media outlets, the first one is the 'non-governmental', the second is the 'shadow media' which are indirectly supported by

the authorities or political party organisations and the third are the media which are affiliated to particular political parties. Shadow media include the *Çawdêr* (Observe) newspaper which is supported by Mela Bextîar, a member of the central committee of the PUK. *Aso*, another newspaper, is supported by Dr. Berhem Salḧ, who is also a member of PUK central committee, together with *Rudaw* and *Kurdistan Report* newspapers which are commonly said to be supported by former Prime Minister Nêcîrvan Barzanî, who is now a member of the central committee of the Kurdistan Democratic Party. Another example is *Hewlêr* newspaper which is supported by the Mayor of Erbil. In addition, the other kind of media are known as party-affiliated media. The political parties have many supporters and most of them have the ability to control certain media outlets. We have to deal with the media outlets which are supported directly by the political parties because they are still able to control them. Party-affiliated media outlets in this region are the richest and independent media are the poorest but in terms of ability, the independent media are stronger than the Party-affiliated media.

Response: Question 3

We cannot be balanced because there are a lot of shortcomings in the running of the government, for example one of the key things that the government runs is oil production but nobody has any information about this. Who are these projects contracted to? Whose pocket do the profits go into? The Ministry of Finance and Economy doesn't know about how such projects are financed so I cannot support such projects or any projects like them. I cannot support the resurfacing of roads when the materials used are poor quality and underneath this resurfaced layer the roads are uneven and full of holes. We talk about things that aren't good not things that are true or good. As a French journalist commented: 'We focus on the trains that

run late but we forget all the other trains that arrive on time'. You live in the UK, and journalists and newspapers there don't comment on the fact that the UK has electricity 24 hours but if the electricity stops for just 6 hours then journalists and newspapers ask questions about this situation and look for the source of the problem. Our job is only to criticise because the government has its party-affiliated media. Those media can publish and broadcast all the good things. Party-affiliated media should not comment on our work and should not become aligned with the authorities. A professional journalist is successful when he adopts an ethical and honest stance.

The government has a closed-door policy with regards to non-governmental media. Each political party has a spokesman and if journalists want they can contact him but there is no opportunity for us to contact them as usually their security staff say 'The spokesman is asleep' or 'He's in a meeting' or 'He doesn't have the time'. Our government doesn't have a spokesman so how can you correct news which is not true? Sometimes certain ministers say 'We have no idea' in relation to problems which are related to their own ministry. Most of the members of the top-level committees of the political parties don't know anything. Just a few have the key information about everything. If we do get things wrong it's not deliberate but simply the result of the kind of problems which I have already mentioned.

Response: Question 4

The government wants the non-governmental media to talk about all the good things which government has done in an uncritical way. When we don't do what they want us to do, we become 'the opposition'. Just hours before we met Dr. Berhem Salḧ (who was the former deputy Prime Minister of Iraq and the new Prime Minister of the Kurdistan Region), he was calling us 'the opposition' but I replied: 'If we are the opposition then we would have a political organisation, armed forces and power, a

political agenda and program. Amongst our newspaper staff we have members of the Islamic Party, left-wingers and right-wingers; some are communists and some are liberals. We could not establish an opposition with a mixture like this; it's not true. However the authorities still punish us and we defend ourselves and are considered to be the opposition. The Kurdish authorities want journalists to publish good and bad things in equal measures and the government wants the non-governmental media to talk about all the good things which government has done but that is not the journalists' role. That's up to the government.

Response: Question 5

Turning to this question, I ask myself, do our country and our readers need so many media outlets? You know we have hundreds of media outlets and we are only a few million people in the Kurdistan Region and yet, we have 8,000 journalists which is impossible. We have the KJS which does some good things but was actually established by the political parties. To become a member of the Syndicate you just need a letter of support from a political party and after that you can get a piece of land for life. In this region there are a lot of magazines, do all of them sell? All of them run on credits cards like ours. So I wonder who provides the financial support for all of these magazines and newspapers. Every six months if we receive any money, whatever the amount, we publish this. The authorities wanted to limit the power of the independent media so they established several so-called independent media outlets which have given the media a bad name. The authorities are responsible for this situation because they created it on purpose. The KJS should avoid being controlled by political parties, and its head and deputy head should not be decided by agreement of the authorities. There should be proper procedures put in place for journalists to become members of the Syndicate. It must stop the flood of

media outlets which are supported indirectly by political parties or those in power. This situation requires those who are professionals and journalists to draft a new law to regulate the media, not to follow the same way the Press Law was devised.

Response: Question 6

Firstly, there is a lack of data and essential information. Secondly, obstacles for and personal pressure on journalists. Thirdly, unequal distribution of financial support for media outlets, one media outlet published 6000 newspapers which were distributed free but nobody knows where the financial backing came from. These are in competition with the non-governmental channels. I think every political party should have one media spokesman and just one or two media outlets. That is enough, not like it is now.

Response: Question 7

After the uprising in 1991, the Kurdish media has had partial freedom of speech but this freedom wasn't a result of the law but was a consequence of the uprising. Gradually that freedom influenced the representatives in the Parliament and the political parties to support and encourage independent media. In addition, society made increasing demands, for example if you wanted to make a statement against the two main political parties (the PUK and the KDP) you couldn't publish it on their media outlets. Moreover other political parties such as the PKK wouldn't publish your statement either because all political parties receive their members' salaries and financial support from the government which is composed of the two main political parties. For example, when some Communists were killed in the Kurdistan Region, 40 of us put together a statement denouncing this situation and we wanted to publish this in a newspaper but nobody gave us opportunity to publish it until Mr. Bahaadin Nury, who was the head of a political party in the Kurdistan Region, helped us by

publishing this statement. As a result, the authorities stopped his salary and withheld their financial support for six months. Although the independent media has made advances it is still under pressure. If we want to protect this experience, we need democracy. To protect this experience we not only need the two main political parties, that is PUK and KDP, but we need strong allies. We are one nation. We can live our lives without chaos and we can live in peace. Also although we are one nation, we can have different voices. As non-governmental media we can monitor the government. Step by step people will start to share these opinions because all of them will protect people and their needs. For example when Talabany filed a complaint against us and the court imposed a fine on us of 14 million Iraqi Dinars, some people established a committee to raise money for us. They wanted to support non-governmental media to develop. If we had an active Parliament it would be able to make contact with the independent media because currently in the Kurdistan Region, the independent media role is to protect the Kurdistan Region, not to protect the authorities. The authorities think that they are Kurdistan but that is not true because our experience of Kurdistan one thing and the authorities are something different. We want to share in the experience of Kurdistan but we keep a watchful eye on the authorities. In the future we hope the non-governmental media in the Kurdistan Region will become like the non-governmental sector in the European countries, not as it is currently when we sometimes feel guilty. For example the President of Iraq, Mam Jalal Talabany called us 'barking dogs' [a gross insult in Islamic culture]. Mr. Masoud Barzanî claimed we were being supported by outside sources. Nêcîrvan Barzanî (Prime minister of the KRG) labeled us 'spies'. Dr. Salḧ Berhem (Vice President of Iraq) called us 'the opposition'.

Response: Question 8

I think the Kurdish media needs to be supported by other countries, it needs professional people and help from humanitarian organisations. We want them to help us because if we receive help from political parties in the Kurdistan Region we will be beholden to them. Generally the independent media needs to be supported, our country has political parties, and our society is not active. People have wages. If we have a person or individual then civil/independent media can deal with him. There are about 5 million people in the Kurdistan Region and *Haûlatî* is the best civil newspaper is with a circulation of 10,000-12,000 issues. That is bad if we compare our newspaper which is the best one and we should not be contented with these result because when I was living in Canada, in a city with 147,000 people inhabitants, we sold 22,000 newspapers. I think that without international organisations and these organisations which protect journalists the civil/independent media in the Kurdistan Region cannot be successful whether we are facing civil war or the powers that be. Another step towards improvement would be if there was a change of government and parliament would formulate new laws for a country in which the non-governmental media has freedom, a country which is modern and independent.

Response: Question 9

I think the Kurdish authorities' main reason for this is complex and it hasn't had any role to play in regulating media outlets. The Kurdish authorities don't have a common political message which is a big problem for the two main political parties (PUK and PDK). The Kurdish media outlets don't put out a common message when we are under pressure. Currently, we are trying to get the civil/independent media, government media and Party-affiliated media to work together, because we want to protect our journalists during the election which will take place. We had three meetings and after that the Party-affiliated journalists would not attend because they

said ‘We can do something if we can make a record of it, but we cannot do something when it does not relate to our professional ethics’.

Response: Question 10

We have economic problems, our situation is impossible, we have travel problems: only two of our whole staff have cars. We have problems in obtaining data and information. In some offices, especially in the city of Duhok, we have problems because they won’t give us permission to sell our newspapers. Our printer is too old and we cannot do good work. We don’t have any insurance to cover us for large or small problems. But I do worry as I have 40 correspondents and I am always afraid for their lives, that they will be arrested, bribed or face libel.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

This is true and we have contacts and links with these organisations. One of our journalists faced a threat yesterday, namely mistreatment. We can talk of mistreatment because this doesn’t just mean being arrested because if you cannot obtain data or information that is another form of abuse.

Questions 13 and 14 not applicable

Response: Question 15

There is a need for amendment especially in the section which mentions defamation of character but it doesn’t define what is meant by this and when something becomes libelous or defamatory. Another section refers to ‘national security’ which is not the same for the PUK and the KDP. I don’t know which nation needs security. On 31 August 1997 the KDP supported the Iraqi army to occupy the Kurdistan Region again whilst the PUK supported Iran to come into the Kurdistan Region. So I don’t

know what this reference to national security can mean.

Questions 16-20 not applicable

Response: Question 21

The new Law came into force a year ago but even now some judges haven't seen this Law and continue to use the old Law. In one case concerning the Ministry of Human Rights the court remanded me and I was sentenced as guilty for an article which I hadn't written and was not defamatory and did not represent my opinion. If I were Kurdish they would have charged me with defamation of character but I'm a Canadian citizen.

Questions 22-25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26 and 27 not applicable

Response: Question 28

For thirty years in the Kurdistan Region there haven't been any independent media, only party-affiliated media and government media. The party-affiliated media work for the benefit of political parties. We have shortcomings on the professional side. Originally we weren't professional but gradually by participating in workshops we taught ourselves. But generally the media outlets don't work as professionals would. It would be more accurate to say that the Kurdistan Region wants to put obstacles in the way of the Kurdish media.

Response: Question 29

The Syndicate now wants to try and modernise and it has made a small amount of progress.

Response: Question 30 Academic departments don't have the right experience. They have the staff but these tutors don't know how to use a computer.

APPENDIX 6.2

ASOS HERDÎ, DIRECTOR OF THE AWÊNE COMPANY WHICH PUBLISHES THE WEEKLY AWÊNE NEWSPAPER, SPORT AWÊNE AND AWÊNEKAN MAGAZINE

General Questions about the Media in the Kurdistan Region

Response: Question 1

I don't think it is the duty of the media solely to criticise because basically the media's duty should be to transmit and provide information. It also conveys public opinion and comments on people's circumstances, the political authorities, society, economics, corruption, etc. These opinions may include an element of criticism or they may offer explanations, recommendations or analysis.

In general terms, the media has two main duties. The first is to convey news and information about what is happening on a national and international level. The second duty of the media is to publish and broadcast opinions and ideas about these events, and it doesn't matter whether these events relate to economics or politics, whether they are local or international. Of course we have shortcomings as there are

many different opinions which are mostly of a critical nature because our region is in the initial stages of establishing and governing its political system. Moreover it's not good if I, as a journalist, come and sit down just to think about what I can do to be critical. Actually, journalists have a duty just to publish and broadcast the truth.

Response: Question 2

When we refer to party-affiliated media or more generally what can be called the official media, this means that this media channel represents the words and opinions of a single political party and in this case, the media channel's duty is to transmit the messages and program of this political party, so that is a type of propaganda for the political party. Unfortunately, in the Middle East official media outlets (party-affiliated media) often face this situation especially in regard to certain sensitive subjects. Nobody can be expected to criticise himself and nobody can scrutinise themselves and the State media are linked to the political parties in the Kurdistan Region. The party-affiliated media outlets are restricted to publishing and broadcasting news, information and opinions which concentrate on political parties, their ideas, public policies, neighbouring states and their strategies. Some events of great importance which happened in the Kurdistan Region have been ignored by the party-affiliated media. For example, recently there has been a major problem within the PUK but the two main political parties, namely PUK and the KDP, didn't want to know anything about these problems because it wasn't in the best interests of the PUK and because KDP has an agreement with them. However, the independent media has more opportunities for criticism and involvement in such subjects as they not affiliated to a political group and they don't want to gain power. Also independent media outlets are not afraid of saying anything about talks with neighbouring states or the Iraqi Government or the political parties in Iraq because

they are not affiliated to the government and they do not risk losing any of their benefits. Independent media only think about 'national security' and can provide more information than the party-affiliated media outlets. Unfortunately the two types of media outlets are in conflict with each other, that is the official media (media affiliated to the political parties) and the independent media (civil media). For example when a non-governmental media channel is facing problems with the authorities then the party-affiliated media outlets try to attack this non-governmental channel, when really in such cases these party-affiliated media outlets should be defending other media outlets not going against them. Another example: on one occasion the *Haûlatî* newspaper was facing accusations from the Suleîmanî security forces of reporting lies but on the same day this newspaper was under attack from party-affiliated media outlets.

Response: Question 3

The important thing for journalists is to obtain information because without information they cannot carry out their duties. That means transparency and our region does not have transparency. The Kurdistan Regional Government isn't transparent in its dealings with the media. In all the ministries, directorates and organisations there is a so-called Media Department and all these departments have equipment, staff and finance but in reality none of them know anything about the problems within their own areas, they just produce propaganda for the person who has responsibility for this area. They don't have any information which is useful for the audience. Also the KRG doesn't have a spokesman. Neither do any of its Ministries. If there were a spokesman, we could meet every week or sometimes they could hold meetings to brief journalists with information and we could ask them any questions we might have. Once or twice the KRG has had a spokesman but they

didn't work in the way the media should which is to provide accurate information, not merely to support and defend the government. After that they ignored them. In the Kurdistan Region, regarding the economic sphere, nobody knows if the Region will operate a free-market or state-controlled economy or a combination of the two and there is no planning in the agricultural sphere and, in the same way, there is no media planning. The political parties and government rely only on their own media outlets. If we want to contact a minister for a meeting it's very difficult. Sometimes we spend a month looking for a minister but we cannot contact him. If he does not personally like our newspaper that's fine but he should give us the opportunity to answer our questions because he is a minister and all the ministries have a responsibility towards the people and should give journalists the opportunity to obtain information.

In general, firstly, journalists want to be able to obtain information and news sources. Secondly, they want the new Press Law to bring greater freedom than now and to be implemented. Under the terms of this Law, which was drafted at the end of last year, journalists should not be arrested. However, according to Syndicate reports and statistics, some journalists are still being held in prison prior to any judicial decision. Thirdly, we need a law which provides protection and security for journalists.

Response: Question 4

There is a problem between the party-affiliated media and independent media outlets. Whether we agree with this government or not and whether we respect its Laws or not, it has shortcomings. At the same time, the government needs to understand that we are the people of this country and that it is our right to express ourselves and also that this country needs freedom for journalists. The problem is that some of the people in authority still think in the old way. Some people in authority say that the

independent media are supported by someone from outside [the Kurdistan Region] or that they are spying for some group or country. So, if we are spies why don't you come and arrest us, otherwise you're ignoring spies in this country. If we're not spies but somebody in the government is saying that, then this is an unjust accusation; if we are spies and we're being ignored by someone, then that would mean these people are not to be trusted. Sometimes the authorities tell us: 'Your information and your newspaper are not credible'. Perhaps sometimes because journalists are only human they do something wrong or they are inaccurate but that's only normal, in the same way that the government has many problems in their projects and some ministers make decision put then regret them, or like a teacher sets one wrong question in an exam. We have a newspaper called *Awêne*, and every year we publish 51 issues and each issue has 20 pages. That means 1000 pages in a year, 500 pages taken up by photographs and headlines. As for the other 500 pages, generally we write 10,000 words over the course of a year so if we get 500 words wrong in one year, that's fine. That level of mistake is only human.

Response: Question 5

That is not only the problem faced in the media because the political parties in the Kurdistan Region control non-governmental organisations, the army, policies, etc which means it is not easy to work together. For example each political party has a different Students Union, a different union for lecturers, doctors, engineers, etc. For every kind of person, each political party has a different organisation, which means our society has been divided into many different parts. Each part is affiliated to a political party and all organisations are controlled by political parties. When you finish university you have the right to study for an MA but you cannot because you need support from a political party. Now we have a Dutch Centre for independent

media called IMCK. We attempted to create links between all the independent and party-affiliated media. Initially, the party-affiliated media came and participated with us but they avoid any sensitive issues with us. This project hasn't failed but it has taken a long time to get off the ground. Co-operation between media outlets is so very difficult in the Kurdistan Region because of the link to the political circumstances. This also means that the ideas of political parties dominate a journalist's career and on some points the party-affiliated journalists are not in agreement with us whilst we are also not in agreement with them on certain points which are in the interests of their political parties.

Response: Question 6

Firstly, the political mindset and the ideologies which are held by our political parties generally, from Marxism to nationalism and Islamism. Although recently most of the slogans have changed, some still remain. That has become a problem for journalists, because sometimes those in positions of authority ignore the Law and try to arrest journalists. Secondly, there is the Law and its implementation. Thirdly, there are cultural obstacles. Our society is conservative. We cannot talk about everything for examples, women's issues, religion, etc. Fourthly, there is a lack of freedom of news sources and a lack of transparency in Kurdistan Regional Government institutions.

Response: Question 7

This is quite difficult, if we talk about the Kurdish media as a whole because the structure of the Kurdish media is made up of very different types. Unfortunately we haven't reached the stage where we work together as media nor do we have any major interest which links all the media outlets together. It's difficult if you want to say: 'The Kurdish media want to do this or don't want to do that'. But generally, the Kurdish media would improve if there were more freedom of speech. For example in

1997 and in the period from 1998 to 2000 we couldn't say anything like we can now when we can criticise government bodies, Talabany and Barzanî. It was a problem then because we didn't have any independent newspapers. When we published the first issue of *Haûlatî* which was the first independent newspaper (I was one of the founding staff of this newspaper) at that time it was difficult for people and we did some research by surveying people to understand whether they would welcome an independent newspaper. In the survey, 90% said it would not be successful because they said it would sometimes be controlled by the authorities. We did this survey with different people, those in political parties, those in education, artists, etc. So if we compare that with now, I think we have seen advances especially in the freedom of expression. We have influenced the government because sometimes we communicate with each other. We have influenced people to do something and not be afraid of the authorities. Day by day we influence the government to give people and us, the independent media, more opportunities for freedom.

In the future I hope the Kurdish media will become the Fourth Estate in the Kurdistan Region and it will have such influence that if an individual is accused of involvement in corruption due to the influence of the independent media that person will be forced to leave his job. I hope the Kurdish media becomes honest, acts professionally and develops journalistic ethics because there have been shortcomings from the beginning until now as we have not had any colleges and institutes for training our journalists. I also hope that the Kurdish media becomes fully professional.

Response: Question 8

I think the Kurdish media has neglected two areas; one of them is corruption and the other social issues. There is a high level of corruption in Iraq including the Kurdistan

Region and it is very difficult for media outlets to obtain the necessary information about corruption. Also regarding social issues, the Kurdish media don't focus on this subject because most of the time they focus on political issues which are related to the situation in Iraq or sometimes related to our own situation.

Response: Question 9

I think the government and the authorities should not interfere with media outlets and we have the Press Law which should be implemented by the government because without this, the government is not taking any responsibility regarding the media. Sometimes people say we have so many media outlets it's a problem but I don't think that it is a problem because the audience decides which channels are good and which are bad.

Response: Question 10

When we got together to publish the first issue of the *Haûlatî* newspaper it wasn't because we were journalists but because this country needed an independent newspaper. At that time my problem was I didn't know about the profession of journalism and when I read one of the articles or news stories I wrote in the opening issues of *Haûlatî* I laugh because I had writing problems. As you know, previously in the Kurdistan Region newspapers and magazines were published by politicians and authors. Also, previously the journalists' duty was simply to defend and protect our country but after the uprising, the journalists' job has become a professional career. I had another problem, when I was accused once by somebody from one of the political parties regarding bias in the writing. They said 'Either this newspaper has got piles of dollars or they are affiliated to another political party'.

Especially in the early days of publishing an independent newspaper we faced many problems. The authorities and some of the people there didn't understand what we

wanted, for example when we published the fourth issue of *Haûlatî* newspaper, one of our correspondents contacted the Suleîmanî security police to find out if they had caught a communist. The man in charge said: 'Yes, that's true but if you publish this news, we will arrest you'. After that our correspondent came back and we went instead but nobody would give us any information about this situation. Following this, we published the story and the same day the security police came to our office and took away Mr. Ṣwan Eḧmed who is now Editor-in-Chief of *Awêne* newspaper. We also have problems with religious issues. For example, once we published an article entitled 'Our young people are interested in sexual issues' and after that they said many bad things against us in all the mosques. Moreover, obtaining information is really difficult, especially at the beginning when we called those who were in charge several times but they didn't answer us. Now things are much better than before.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

Of course, there are some examples. Cemal Muxtar, the General Manager of Education Television, was abducted. One day when he left his office, he was suddenly snatched by four people who put him into a car and after badly beating him, they threw him out somewhere. Azad Atrushy, General Manager of Newroz satellite, was also abducted. Those in charge of the government may believe in journalistic freedom and free speech but currently if we want to control those in positions of power at a local level it seems to be too difficult because these people still think they can assault or abduct journalists but fortunately nobody in the Kurdistan Region has had to face death threats of death or been terrorised.

Questions 13 and 14 not applicable

Response: Question 15

Of course, some sections [need amendment]. Firstly, there is the section which mentions 'the journalist's right to access to information' but it doesn't explain what a journalist should do when faced with a situation in which he cannot obtain information and information is blocked from journalists. Secondly, this law is like other former laws, it's full of loose terms such as 'regional security' which hasn't been defined and which courts and judges might interpret according to their own way of thinking. Thirdly, the amount of the fine which can be imposed on somebody who does not follow this Law is too high. According to this Law if anyone publishes on a subject which is against the law as a result the editor-in-chief and the newspaper face punishment. For example, *Haûlatî* newspaper received a fine of 13 million Iraqi Dinars. If a newspaper like *Haûlatî* or *Awêne* were to face this punishment twice then it would become bankrupt. That kind of sanction is effectively closing down a newspaper by different means. Before this Law was drafted in Parliament a group of journalists visited there and we talked and discussed with the Prime Minister, the Chairs of the Parliamentary Education Committee and the Law Committee. Only the Chair of the Education Committee understood us; the others had different opinions and opposed us.

Question 16 and 17 not applicable

Response: Question 18

In this situation if a journalist or an individual has a complaint, they should contact the court or the police station. Currently if somebody makes a complaint against you, when you go to police station for the first time you are kept in custody until the judge decides what the law is in Iraq as this is the same in the Kurdistan Region. This

means that if there is a lack of evidence in your case you should be detained until you go before the judge and he can order you to be detained until the trial or can let you out on bail. That is the complaints' procedure in our country.

Questions 19 and 20 not applicable

Response: Question 21

Sometimes the Law isn't implemented because it imposes too large a fine and this helps journalists because if it was implemented strictly journalists might face prison. Moreover in the Kurdistan Region the judges are not 100% independent and some of them became judges as a result of a political letter of support after the uprising so if you have problem in a case involving one of the political parties, how unbiased can this judge be and how can he make a ruling against his own political party? But some judges are 100% independent and they reach decisions without any pressure. On the other hand, sometimes an individual in a position of authority will tell his bodyguards: 'Go and get that journalist and bring him to me or to take him to jail'.

Questions 22-25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26 and 27 not applicable

Response: Question 28

Journalism and media studies departments in the FE institutes and colleges in the Kurdistan Region are at a low level because most of the information which is given to student is out of date. Also, the Journalism Department at the Technical Institute of Suleîmanî is better than the Media Studies Department at the University of Suleîmanî. I think a small number of students from these media studies departments have been successful. For example, Şuan Eḧmed, the editor-in-chief of *Awêne* newspaper. After graduating from one of the departments, he became a

correspondent and now he's made it to editor-in-chief. If the government wants to improve journalism as an academic discipline, they should support all media studies and journalism departments.

In the Kurdistan Region we have a media centre which was established by a Dutch organisation which provides training for people who want to become journalists and this centre has just received some money. Also they bring tutors in from European countries because I think these European tutors could help our journalists to become more professional.

Response: Question 29

Whether we want to acknowledge it or not, the Kurdistan Journalists Syndicate was established by the political parties and its staff comes from these political parties. For example, the head of the Syndicate supports the KDP, his deputy, the PUK. This Syndicate has sometimes been a good thing but its links to these political parties are a drawback. It does put on some courses to train journalists and has contacts with some international organisations. They published a report which detailed how many journalist faced abuse, imprisonment, etc. Also if a journalist is involved in a court case, one of their representatives will be available there but they will do more than now.

Question 30 not applicable

APPENDIX 6.3

NZAR ZRAR EḦMED (GZALY), MEMBER OF THE EDITORIAL STAFF AT THE AWÊNE NEWSPAPER, BASED AT AWÊNE'S HEWLÊR OFFICE

General Questions about the Media in the Kurdistan Region

Response: Question 1

I don't think our rights have been abused by the authorities but we have been criticised by them for obtaining information because most of the people in positions of power have some shortcomings when it comes to providing data to journalists.

Response: Question 2

There are many differences between the politically controlled media sector and the independent media sector. The independent media don't have enough finance; most of them are supported by or cooperate with a company, or are supported by individuals who want to consolidate their strength. However, at the same time, some independent media are supported by or get finance from foreign humanitarian organisations which tend not to be very successful. The independent media face

difficult circumstances with regard to finance because the Kurdistan Region still does not have any laws to specifically support this media sector.

Generally, the media in the Kurdistan Region has been developing and people are realizing that this sector needs major capital. In the Kurdistan Region the politically controlled media sector has huge financial backing and is supported by the political parties. The politically controlled media sector is supported by the authorities, especially the PUK and KDP. For example, before I can contact anyone who works in a position of power, party-affiliated journalists could have already contacted them twice, and before one of my correspondents has done one interview, party-affiliated journalists have done two.

Response: Question 3

Generally most journalists are critical of the Kurdish authorities but it is not only journalists who have these criticisms; most people are critical of the Kurdish authorities. Currently, the authorities control those with power but things are changing gradually. The biggest issue facing Kurdish society is corruption. Before we didn't know anything about corruption but now after any child has learnt to say their first two words, then their word will be 'corruption'. The Kurdistan Region has many different types of corruption. Every day the media highlights some of them. If you watch a Hollywood film, you can see that over the course of the film maybe 40-50 people will get killed for the sake of a million dollars and at the end of the film it says 'This is based on a true story' but in the Kurdistan Region, for example, 18,750,000 dollars goes missing from just one project and nobody says a word about it, so our situation is worse than that in other countries. The Government doesn't have good prospects as long as journalists continue to make these criticisms. Some of the points we have raised have been constructive criticism, they are not completely

negative. We want to bring the voices of the people to the authorities, and we want to help the government to resolve these shortcomings, but generally the government is not helpful in these situations.

Regarding those journalists who work for the authorities, the Kurdistan Region has many kinds of journalists, and it is a big problem in the Kurdistan Region, knowing who is a journalist and who isn't, and to date there has not been any attempt at definition of this point. Many people in the Kurdistan Journalists Syndicate have become active members of the Syndicate but some of them just make tea or work as typesetters in media organisations. Some non-professional journalists have been given 'honorary member' status even if they have no real links with journalism. We want to get rid of corruption and ensure that this isn't just a democracy in name only. It needs to function as a real democracy. The government has mounted an intensive campaign against the independent media using various means, including claiming that the independent media are foreign spies.

Response: Question 4

The Kurdish authorities criticise journalists on the grounds that they attack the authorities because they are unreliable and have been influenced by foreign countries but this is a poor justification. Although the Kurdish authorities claim our government is still in its infancy, the Kurdistan Regional Government has been in power now for 18 years, which isn't a short time. The Kurdish authorities say these criticisms aren't true and are unreasonable. The Kurdish authorities want journalists to be ignored and to cover up all the corruption but that's too difficult because people are educated now. They understand and know about most things.

Response: Question 5

All the different media groups can't form public opinion together because when this

has been attempted in the Kurdistan Region, the politically controlled media won't agree. For example, an attempt was made at forming public opinion by a large group of journalists who referred to themselves as *Tem Editorial* but the party-affiliated journalists would not agree to participate.

The best thing would be if each of the media outlets focuses individually on educating the Kurdish people who are their target audience because all the Kurdish people are very angry, violent and demanding and we need all the media outlets to focus on helping these people to improve. Most of the Kurdish media outlets don't have psychological advisors. Sometimes on Kurdish television viewers are shown images of violence or suicide and images which encourage copy-cat crimes. The Kurdish media aren't use to working in a professional manner.

Response: Question 6

The most important difficulties currently facing the Kurdish media include the following: few academic journalists work with the media outlets and the journalism and media studies' departments at universities and FE institutes cannot support students who want to become journalists. Since the KRG doesn't support independent media, it is poorly financed and can't develop very well. Powerful individuals in the independent media, government and the organisations of political parties try to buy those who work in the independent media and, as a result, this has been weakened. The role of the Kurdistan Journalists Syndicate is also very weak because of its membership. Kurdish media outlets have not paid attention to psychologists and sociologists.

Response: Question 7

The Kurdish media are technically very weak but in terms of quantity we have a lot of media outlets. The Kurdish media could campaign and motivate people.

It is my hope and desire that the Kurdish media will become as good as the media in the developed countries. I would like all media outlets together to focus on employing journalists and try to avoid using non-professional journalists in their services. My dream is that the Kurdish media will support the training of journalists and that those journalists will have a broad education.

Response: Question 8

The greatest opportunity for the Kurdish media has been created by the removal of censorship because previously we could not write in the Kurdish language but now we can do this. The Kurdistan Region has gained its independence and freedom but the media especially have not made the most of those opportunities. Sometimes this freedom has been used by the authorities for their own ends and sometimes it has been used by journalists protesting against the independent media. The politically controlled media sector has huge financial backing which they could make better use of.

Response: Question 9

They don't play any role. Up until now, the Kurdish authorities have failed to ensure journalists are suitably qualified and to find professional journalists, university lecturers and people who know about legislation to make good Press laws. Instead they gave this responsibility to the Kurdistan Journalists Syndicate which published some ridiculous things. The authorities need to be playing a bigger role than they have so far, by establishing a committee which has no connection with the political parties but perhaps this is too difficult because Parliament is under the control of these political parties.

Response: Question 10

We have faced and continue to face problems. Our office is too old, disorganised,

and the furniture is antiquated and it's not possible to rest and relax. Secondly, our salary is not good, for example my own salary is about 400 dollars. Thirdly, we face serious problems caused by threats from political parties. Additionally, the government doesn't support the independent media.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

In the Kurdistan Region, violence against journalists has taken different forms. Journalists are killed in Kirkuk because this city does not have the same status as the others in the Kurdistan Region. Two journalists were killed in Kurdistan during last year but nobody knows who was responsible and some claim that it was clearly the work of the Kurdish authorities. However, the violence can also be of an indirect kind, for example, recently I did an interview with someone who is in a position of power who said 'That journalist had a grudge against me' and he mentioned the journalist's name and he continued 'This journalist is very stupid. Doesn't he know anything about us and who we are?' I commented that he hadn't done anything wrong, he had simply published some facts, but he disagreed: 'No, he can't publish facts like these and I can kill him. I would not kill him myself but indirectly and then we could say it was an accident, couldn't we?' This threat was indirectly aimed at me. It was his indirect way of threatening me, telling me 'You came here today because you want to publish this information, but I can kill you using the same means as I would against that man'. As a result of such threats against independent journalist, most of these journalists carry weapons; even if I cannot use my weapon, I still carry it.

Questions 13-14 not applicable

Response: Questions 15 and 16

We didn't participate in drafting the Press Law but I've read it. This Law does need to be changed completely and moreover it should not have been implemented and enforced. The Press Law was put forward by the Kurdistan Journalists Syndicate but some journalists don't have any confidence in it, especially independent journalists. Some journalists say that they are ashamed to become members of this Syndicate and say that it's under the control of the political parties, with its highest staff positions being equally divided along party political lines. In addition, the Law states that an individual can be only called a journalist if he is member of the Syndicate, otherwise he isn't one. Most of the independent journalists are minded to change this Law although this would be very difficult because there is no agreement about this.

The section relating to sanctions needs to be changed because it mentions the payment of large fines and this is difficult for journalists without good salaries.

Question 17 not applicable

Response: Question 18

Even now journalists in the Kurdistan Region still don't understand very well how they should make complaints.

Questions 19-20 not applicable

Response: Question 21

Regarding the Press Law, the Syndicate should distribute this to journalists and media outlets because most of the journalists still don't understand this Law yet and don't know about it. If the Syndicate were to distribute this to me then I could pass this onto my correspondents. Initially the Government said: 'We don't have copies of this Law'.

Questions 22-23 not applicable

Response: Question 24

If the Press Law is implemented, the situation should be resolved but it is very weak because there is still violence and the two political parties are responsible for this, for example, the General Manager of Newroz satellite television channel was beaten up late at night by an unidentified assailant.

Questions 25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26-27 not applicable

Response: Question 28

I haven't seen any attempts. Our University and FE Institutes have media studies' and journalism departments but they cannot train students to become journalists. For example, some third-year students came here on placement but they didn't understand the basics about journalism or what it entails. There should be goals for academic departments. Firstly, some responsible individuals in the media outlets should ensure that any new academic departments are quality assured. Secondly, students should be interested in studying for a degree so that the education system brings about real progress in the Kurdistan Region.

New courses should be opened and some companies with links to the media were contacted and they came here to open a course. Although costs for the course were only 100 dollars they claim to have spent 600. Most of these courses involve an element of corruption.

The government is trying to form a committee comprising the Minister of Culture and the Kurdistan Journalists Syndicate so that they can evaluate all the media outlets and, following that, create new standards for them.

Response: Question 29

The Kurdistan Journalists Syndicate served no purpose initially and in this case it also has no role to play. The Syndicate collects money from journalists and then visits some countries in its name to create strong relationships and also publicises this news. In my opinion the Syndicate should focus firstly on its own journalists and then visit other countries.

Response: Question 30

They don't have any role to play. Many of them don't know how to write a news article. The lecturers there have good academic qualifications but they don't have professional experience. One or two of the staff with doctorates have good experience and they are not enough to bring about change.

APPENDIX 6.4

'ADNAN MUFTÎ, PRESIDENT OF THE KURDISTAN PARLIAMENT

General Questions about the Media in the Kurdistan Region

Response: Question 1

I think there is little experience in the Kurdistan Region of how to behave when there is freedom and democracy. I think that for the Kurdistan Region, the political parties and people of Kurdistan dealing with democracy is a new experience because this experience only began in 1991. From the time that the uprising took place to now is only a few years of experience without civil war although I think if we focus on Kurdistan, freedom has developed in a short period. Kurdistan has free speech, there is freedom to travel, freedom to write, freedom to criticise, freedom to set up political parties and media freedom. Kurdistan has made advances in many respects, especially with regards to legislation. In the whole of the Middle East, only Kurdistan has formulated a Press Law which is so much better developed than in any of the other countries. Some people have been critical saying that the new Press Law is too liberal and it's not suitable for our situation. The Bordeaux Declaration of Principles on the Conduct of Journalists is appended to the Press Law. But we ask people who work with media outlets, the authorities and the political parties to familiarise themselves with this new Press Law as the new Law will need some time to be implemented. Also some of the people in positions of power cannot cope with democracy so sometimes there have been abuses. I think this Law has one defect, namely that it doesn't impose sanctions for defamation. But the Iraqi Law does so if anything isn't covered under the new Press Law, the judge can still decide to use the

sanctions available under Iraqi Law and impose these.

When discussion started, the Kurdistan Journalists Syndicate suggested to the Parliamentary law committee that this legal anomaly should be resolved because unless the Press Law includes sanctions for anyone committing defamation then the judge can make use of the Iraqi Penal Code. It is true that there have been some cases of this kind. I hope that these situations can be resolved.

Question 2 not applicable

Response: Question 3

There are two kinds of criticism which the journalists make in relation to the Kurdish authorities, one of them is positive because it serves to support democracy and authority because media acts as the Fourth Estate. They also highlight shortcomings and select people who demand that information should be given to those in positions of power. When the government in power knows about social issues, shortcomings and problems it can improve things. All these measures help the government if it wants to serve people and find the solution to social problems.

Response: Question 4

But the Kurdish authority has criticised the journalists because of the few objectives by the journalists. Most of the time journalists write slander. They provide information which is not wholly truthful or completely accurate. Also they sometimes use exciting headlines and titles to grab their readers' interest. Sometimes journalists are in a rush to publish and broadcast and don't wait to get the right information. The journalists should research their articles or subjects if they have documentation, and they need to represent opposing opinions. Journalists neglect this point as they haven't got enough experience.

This year has been better than last year, and I hope we can now distinguish among

professional and unprofessional journalists in the Kurdistan Region. Journalists should play that role and get access to information provided to them by the government. They should help the authorities to face up to the issues of corruption and inequality and shortcomings in our society. They should help to make people's complaints about the services they receive known to the government.

Questions 5-8 not applicable

Response: Question 9

The Kurdish media is regulated, firstly, by the new Press Law, and secondly, the Kurdistan Journalists Syndicate whose members represents most of the workers in the Kurdish media channels. Thirdly, the political parties have media departments, all of which are responsible for making recommendations and advising on self-regulation.

We discussed establishing an independent team under the responsibility of someone which would be made up of people with experience of journalism and politics, and which would monitor journalists and at the same time defend their rights. I think this is an important point. I would like the next administration at the Kurdistan Parliament to think about creating this team because it would be useful for both journalists and the authorities. It would be useful for journalists because if anybody is abusing them, the staff can protect their rights and it would also be useful for the authorities as it could limit the powers of journalists by legal means.

Questions 10 and 11 not applicable

Kurdish Media Regulation

Response: Question 12

Generally I don't think there is violence against journalists in the Kurdistan Region: - quite the opposite. I think journalists have lots of freedom but sometime things

happen, for example a journalist was assassinated. This shouldn't happen and the government will prosecute anyone found guilty because this is a worrying incident and the authorities are investigating this situation. In general, the authorities, the courts and the police have a lot of respect for journalists and workers in the Kurdish media channels and all journalists and workers that are working have a great deal of freedom.

Question 13 not applicable

Response: Question 14

The Press Law was first presented to Parliament by the Kurdistan Journalists Syndicate and then commented on by the Ministry of Culture and the independent media. A series of conferences and meetings were also held in relation to the Law. Some foreigners from the UK and the USA who have experience in this area helped us during the discussions of the draft of the Press Law. We thought this Law was suitable for our society. We thought that this law was a step forward because it has an appendix which contains the Bordeaux Declaration of Principles on the Conduct of Journalists of the International Federation of Journalists. This code of practice isn't compulsory but it is important. Investigative journalists need another law. When this Law is formulated it will be useful, not only for journalists but also for citizens. We discussed this opportunity for journalists and I hope it will be implemented.

Response: Questions 15 and 16

The Press Law needs to be evaluated by the Kurdistan Journalists Syndicate in order to determine its shortcomings, and also by judges who have dealt with complaints about journalists or worked on cases which relate to these issues. Both could pinpoint the Law's shortcomings even though it is now in force.

Question 17 not applicable

Response: Question 18

Every country has its own system. You cannot implement the UK experience in the Kurdistan Region because it needs to be understood by the people, it needs to be implemented and it takes time for it to be learned. We didn't discuss that two years ago, as we did this year. But the Press Law has been implemented now for more than a year and a half, so we can discuss more issues than previously. Now we're ready to receive any ideas from anywhere.

Sometimes certain people have criticised the law; at times some Arab countries (for example, Jordan, Egypt, Lebanon, Iraq) have commented on this on their television stations. The Press Law in Iraqi Kurdistan is referred to as a well-developed law and I think that's what it is, if we compare it with other Middle East countries. We have compared it with the law of some of our neighbouring countries. We want all aspects of our society to move towards democracy and to have laws like those of the most developed states in Europe.

Response: Question 19

That is true, but in fact it does relate to television and radio channels because it refers to journalists, but I think we need another new law which covers all forms of media. We formulated the Press Law mainly because we publish so many newspapers and magazines in the Kurdistan Region and a law was needed and the Syndicate demanded this law as soon as possible. Other demands have made by some people because most of the workers are still in print media but there needs to be one law covering and regulating all media domains that are not in the legislation that we talked about.

Question 20 not applicable

Response: Question 21

This is not Parliament's fault because Parliament formulates the laws but they are implemented by the government. This law was published in the Official Gazette (known as the *Waqeh* of Kurdistan) which is produced by the Ministry of Justice and distributed to all courts. This was also one of the functions of the Judicial Authority, when they got this law. It was meant to be distributed to all offices. When the law was being drafted, it had defects but we consulted the Ministry of Justice not only about this law but about other laws. We told the Ministry of Justice that it should quickly circulate these laws not only to those people who have formal connections to the legal process but also to publish these in the media and newspapers.

Questions 22-25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26-30 not applicable

APPENDIX 6.5

JUDGE FARUQ CEMÎL, MINISTER OF JUSTICE, KURDISTAN REGIONAL GOVERNMENT

General Questions about the Media in the Kurdistan Region

Response: Question 1

I don't think the government puts any pressure on journalists because if we read the newspapers which are published in the Kurdistan Region now, we can see examples of defamation of character or slander but the authorities ignore them and no action has been taken against them. Maybe occasionally people facing defamation of character attempt to complain and have recourse to the courts but otherwise they don't do anything.

Question 2 not applicable

Response: Question 3

If journalists support their criticism with documentation and their criticism is accurate, this is very important because they want to highlight the faults, failings and shortcomings of some of those who are in positions of authority so that those who are implicated in this criticism will change their bad behaviour.

Response: Question 4

I think journalists in the Kurdistan Region are unprofessional and avoid doing research and looking for worthy subjects. Some journalists publish articles in their newspapers which change nothing and are pointless. I would like journalists to criticise the Kurdish authorities by publishing and broadcasting about government corruption but using facts without exaggeration. I think some of the criticism which journalists make is valid but they publish in newspapers with low journalistic standards.

Questions 5-8 not applicable

Response: Question 9

I think we have two ways of regulating the media channels; the first is the government via the Ministry of Culture and, secondly, there is the KJS, which should co-operate in regulating of media organisations.

Questions 10-11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

We haven't faced the kind of situation that we used to have especially since the Press Law was drafted in the Kurdistan Parliament and now if any journalist commits an offence and is tried, it becomes a legal matter.

Questions 13-20 not applicable

Response: Question 21

If any judge talks like that, he is not a judge. A judge should be aware by himself and should know about which laws have been formulated and should have all the laws which are related to his job. Any judge that doesn't implement the Press Law is being negligent and then a journalist could request to be tried again because if

anyone does not agree with a court decision, he can request another trial in an independent tribunal.

Questions 22-25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26-30 not applicable

APPENDIX 6.6

TARIQ CEWHER IS THE SENIOR MEDIA ADVISER FOR THE KURDISTAN PARLIAMENT

General Questions about the Media in the Kurdistan Region

Response: Question 1

This was the case after the Kurdistan Region became independent in 1991 and following the Kurdistan Parliamentary elections and the establishment of the government in 1993. At that time the first law was formulated which related to the media, journalism and publication spheres, Law Number 10 of 1993. The Publications Law removed the censorship of the media and journalists in the Kurdistan Region. Before this Law the Iraqi Publication Law which had been formulated by the Ba'athist regime was in force. According to this Law media outlets had no freedom to publish what they wanted and all journalism was subject to censorship in Iraq. The first Publications Law for the Kurdish media was an important step in supporting freedom of speech and since 1993 media and journalism have gradually developed in the Kurdistan Region.

Before the uprising in 1991, we only had written publications but after 1991 a large number of radio and television channels were established. In the Kurdistan Region, between 1991 and 2003 all the media outlets were under the control of the Kurdish political parties because all of them had the ability to provide financial support for media outlets. But since Iraq became independent in 2003, there been greater opportunities for media and journalism.

Also we should not forget the Kurdistan Journalists Syndicate which was originally established in 1991 and has been an important factor in supporting and dealing with journalists' ambitions and rights. The Kurdistan Parliament also formulated the Kurdistan Journalists Syndicate Law. In the Kurdistan Region there wasn't any law relating to the regulation of journalistic ethics until 2007-2008. The Press Law in Kurdistan was formulated by the Kurdistan Parliament on 11 December 2007. After discussion and amendment the Press Law was re-formulated on 22 September 2008. It has some advantages for journalists including journalistic immunity and it has been removed some of the sanctions aimed at journalists including detention and newspaper closure which existed previously under Kurdistan and Iraqi Law. This Law is seen as being a major advance and development by some observers who are professional experts in journalism or work in the world of journalism organisation. They have observed that the Press Law in the Kurdistan Region is very developed.

Any law, even if it is very good, may appear to have shortcomings especially when it is implemented and this is also the case for the Press Law in Kurdistan. I think the role played by media outlets and the influence which they exercise has gradually improved, particularly after the formulation of the Press Law in Kurdistan. They are more active at publishing and broadcasting about the behaviour of the government.

I have worked for 8 years in the Kurdistan Parliament which is one of the

government bodies. I think those who are in charge in the Parliament or in the Kurdistan Regional Government have a duty towards media outlets and journalists regarding requests for information. They also listen to the views and criticism about the government from the media outlets and journalists. I think during the last few years the Kurdish media outlets have had almost the same importance as the legislation, executive and judicial authorities. The Kurdish media is close to becoming the Fourth Estate and it will possibly become the first authority in the future if the people who are working in media outlets become more professional and adopt ethical standards. Some local media channels and journalists have criticised the authorities, but I don't think that relates to the public political system; rather it is just personal behaviour by people in positions of power as they have different ideas, opinions, education or ways of dealing with journalists. However many Kurdish journalists aren't experienced enough: some of them haven't studied or had professional experience but they want to become famous journalists in Kurdish society after two or three months or after having written just one or two articles. Many times they have abused the facts. Furthermore some of those who work in the Kurdish media have published and broadcast defamatory reports about other individuals and this has been covered under the terms of the Law. I think in Europe and in other countries the media doesn't have absolute freedom to defame or to intrude in private lives. If Kurdish journalists want to implement the Press Law in Kurdistan then all journalists should respect this Law. In addition, journalists should respect the International Federation of Journalists' Declaration of Principles on the Conduct of Journalists (1954).

Generally both the government and the journalists have shortcomings because the government has insufficient experience with the media and the Kurdish journalists

lack professional experience. The Kurdistan Region has three kinds of media: the 'civil media', the media affiliated to political parties and between these two kinds, there is another kind of media. Some media outlets publish inaccurate information and they don't look for true information simply because they want to sell their publications by using exciting headlines. In addition, sometimes we read civil newspaper headlines which say something but when we read the details of these articles they have nothing to do with the headlines. Moreover some journalists have criticised the Kurdistan Parliament in large font headlines but when we send back our explanatory letter to them, they publish this in small font size at the bottom of an inside page making it difficult for readers to find it. The civil media outlets publish something against somebody which is untrue and defamatory in big font size but they don't have any obligation to publish their response in the same font size and in the same position. Cases like this have been mentioned in the Press Law in Kurdistan.

Response: Question 2

I think some of the Kurdish media outlets call themselves 'civil media' but I don't believe any media channel in Kurdistan is truly independent because independent media should be independent of financial support. We can call them 'non-governmental' because they are not supported by any political party or by government finance but somebody is backing and influencing the opinions which these outlets publish and broadcast. For example, the *Haûlatî* and *Awêne* newspapers and *Lvîn* (Movement) magazine are supported by somebody who has a role in making their system govern. Therefore we cannot identify any 'independent media' in the Kurdistan Region but we can call some media channels 'civil'. In addition, there is a second kind of media identified as 'media affiliated to political parties' and a further kind of media outlet located between them. These are supported by

individuals who don't have links with the authorities and they tend to adopt more critical perspectives than the media outlets affiliated to political parties. But the 'non-governmental' channels do most of the slandering and all of their articles are critical.

Response: Question 3

I think the main criticism that journalists have of the Kurdish authorities is the difficulties they face in obtaining information. Journalists request information from the government to which they have a legal entitlement. Also they want the government to take their position as journalists more seriously because sometimes it is not easy to obtain information from those in positions of authority. Also it is sometimes difficult for journalists when they want to research and find out information on government-related subjects. Therefore it is very important to gain information from official sources which need to be regulated by new legislation. Last year some former members of the Kurdistan Parliament put forward a project which focuses on how journalists can gain information from official sources. Since it is a government matter, the Kurdistan Parliament referred this to the government for discussion. After that the government will refer the project back to the Parliament. However since the Parliament had been through elections and currently has new members, this project and a number of others have been delayed.

Response: Question 4

The main criticism that the authorities and the government have of the civil media is that they write defamatory reports against the authorities and government bodies without any evidence or documentation. These civil media outlets don't have much credibility or principles. Also they ignore journalistic ethics and the Press Law in Kurdistan.

Questions 5- 8 not applicable

Response: Question 9

The Press Law in Kurdistan has only been formulated to cover written publications but all media, including newspapers and television channels are regulated by the law. Any political party or person can establish a radio station or television channel or publish a newspaper. For example, before the Press Law in Kurdistan was formulated, to publish a newspaper or magazine journalists it was necessary to gain permission from the Ministry of Culture but now under the Press Law anybody can publish a newspaper or a magazine, all that is needed is to publish a notification of this in a newspaper and give a copy of the publication to the Kurdistan Journalists Syndicate. Therefore the Syndicate protects journalists' rights which is useful for journalists. However I think in the Kurdistan Region we need another plan for regulating all media outlets and we need a law which will regulate radio, television and satellite frequencies. We also need another law to regulate the electronic media (websites). Furthermore we will work to establish a media organisation to regulate media outlets which will protect journalists and advise them about professional ethics.

Questions 10-11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

Some international organisations for the protection of journalists publish information which isn't 100% accurate because the organisations aren't actually present in Kurdistan. Nor do they send international teams to see the reality of the circumstances of Kurdish journalists. Also they only pay attention to two or three people who have close relationships with them. Also most of the civil media outlets send false information to international organisations which try to protect journalists.

The Kurdistan Journalists Syndicate has a Committee to Protect Journalists which is headed by Mr. Zîrek Kemal. Every six months the Committee to Protect Journalists in Kurdistan publishes a report about the situation of Kurdistan journalists and their reality. It also declaration and protects any journalist who is under threat and informs the government about these situations. However we do not know of any journalists who have been imprisoned without any evidence especially after the Press Law came into force in Kurdistan.

I hope that the government, judicial authorities and all the media outlets will be aware of journalists' obligations under the Press Law. If the Press Law has any shortcomings, it is possible for someone to raise these in Parliament.

Question 13 not applicable

Response: Question 14

This isn't true. The Press Law mostly relates to journalists and it focuses on their rights instead of the rights of society and citizens.

Questions 15-17 not applicable

Response: Question 18

The Kurdistan Region has a Judicial Authority and an Attorney General. The Judicial Authority is an independent authority which was constituted by law in 2007 and it is also separate from the Ministry of Justice. The Judicial Authority decides about the head of courts which the judges elect by themselves. The Judicial Authority's duty is protect the rights of everybody including journalists and normal citizens. The Attorney General's duty is also to protect the rights of citizens including anybody who is facing defamation of character or slander by media channels which goes against the ethics of their profession. The Attorney General's duty is to intervene when an individual or a media channel has infringed general rights. In the Kurdistan

Region there isn't any specific centre or body which defends the rights of individuals and journalists. There is only the Kurdistan Journalists Syndicate. Even the Syndicate hasn't been set up to defend journalists' rights and receive their complaints. Some non-governmental channels are not members of the Syndicate and moreover they don't believe the Syndicate is the organisation to protect them.

Response: Question 19

The Press Law mostly relates to journalistic professionalism and journalism. Like many other laws it needs formulating, discussion and development. Anybody who has any suggestions or ideas about the Law can send these to Parliament as a draft. The Press Law needs to add something which relates to television, radio and the internet which aren't regulated under the Law.

Questions 20-24 not applicable

Response: Question 25

I know about this project. It hasn't been forgotten about by the Kurdistan Parliament as it was a good project which was put together by a number of media academics. It was referred by the government to the Parliament and the Parliament then referred this to the government to be reviewed again. This project and some of the others still haven't been completed by the Parliament because of the elections and now there are new members. We expect that this project and others will be completed by the new government and its staff in the Parliament. This project needs further suggestions from the government or from a Parliamentary commission. I think this project is one of the most important projects for the media and this work will be completed by the Parliament within four years.

Questions about Professionalism and the Journalist's Role

Questions 26-30 not applicable

APPENDIX 6.7

FERHAD 'AEWNÎ, GENERAL SECRETARY OF THE KURDISTAN JOURNALISTS SYNDICATE

General Questions about the Media in the Kurdistan Region

Response: Question 1

We are different in our expression of opinion in Kurdistan because we have seen what it means to be independent and we do not support one side. Some of the media, the so-called 'citizens' media', have sometimes criticised the authorities; some criticism is acceptable but not if it involves defamation of character or insulting other people. The media channels publish and broadcast information without any proof and many problems ended up in the courts in Kurdistan. For these reasons we have worked for three years to make a single law to solve this situation so that journalists, the authorities, and citizens know about the Press Law. For the last three years we prepared a draft which we sent to Parliament and after much discussion the Kurdistan Parliament formulated a law known as Press Law Number 35. I think everyone in Kurdistan who is affected by this law now knows about the Press Law because

Parliament, government and some international organisations worked on this Law for a long time. This new Press Law has increased our democracy. At the same time this Law means special freedom in the Middle East for journalism, and journalists can express their opinion with extra freedom but they need be careful regarding the other laws in the Kurdistan Region.

Response: Question 2

In my opinion the expression 'independent media' is wrong because all newspapers are independent and some of the newspapers are published under the control of the political parties but only the editorial reflects their opinions; the other pages are independent and sometimes they contain a lot of criticism of the political authorities. Some of the newspapers are published by companies, some by political parties and some media channels are supported by foreign organisations. We can refer to the party political Press, citizen Press, and the private or special sector Press. All newspapers are independent because there is no censorship here.

Response: Question 3

Sometimes this is true because the Kurdish authorities haven't enough time to provide information for journalists. Some governmental organisations treat journalists as they used to do previously and hide information from the journalists which makes them angry and then they publish articles that make no sense.

Response: Question 4

The Kurdish authorities sometimes get angry because some journalists publish news without any evidence. We in the Syndicate experience this situation and some journalists forget and ignore the Law by publishing information without any evidence and as a result individuals can make complaints against such journalists.

Response: Question 5

We have discussed this subject several times in the Syndicate and we have also published a statement about it because Kurdistan journalists should speak with one voice on important issues of this kind. Unfortunately some newspapers which take a religious or party political perspective have their own viewpoint on the subject. Unfortunately we have not reached agreement on this point so for various reasons the Kurdish media cannot help to shape public opinion.

Response: Question 6

The Laws are not being implemented in the Kurdistan Region especially the Law which relates to the Kurdish media.

Response: Question 7

If we look back at the development of Kurdish journalism, the first Kurdish Press was created by clandestine journalists, sometimes working in cafes but after 1991 there was a kind of revolution in the Kurdish media. One American journalist observed that the proliferation of newspapers in Iraq has become problem and I think we face a similar situation in the Kurdistan Region. Unfortunately sometimes we can only read the headlines as there are so many newspapers. The political parties, the government, democratic organisations, various groups, etc. all have different media outlets. Sometimes we have seen five magazines all written on the same subject, when really one article is enough for this topic. This situation was a shock for readers and there are more media channels than usually because sometimes some journalists are operating in the wrong way.

I am happy about the Kurdish media because it is trying to become normal. Perhaps in two years' time all the Kurdish media will start to move together in the same direction because I think that the Kurdish media should have a monitoring role, not only transmitting news and dealing honestly with the facts.

Response: Question 8

I think Kurdish journalists now have everything that European journalists have because all the borders have opened up and Kurdish journalists have all the developments and technology that exist in Europe. In this respect the Kurdish media and its journalists don't face any obstacles but the Kurdish media does have one obstacle: the lack of professionals. We have great and experienced journalists but they didn't go to any academic department at University or institutes. They enter journalism without any experience.

We want to open some courses for journalists and we will provide recommendations and advice to our journalists which is based on the 1954 Bordeaux Declaration of Principles on the Conduct of Journalists of the International Federation of Journalists. For the last two years we have been telling the Ministry of Higher Education that it needs to raise student numbers in the media departments in universities and HE institutes.

Response: Question 9

The Kurdish authorities don't have any responsibility for the growth in Kurdish media channels. Previously if any person, group, political party or organisation wanted to publish or broadcast via any media channel permission needed to be sought from the Ministry of Culture whereas permission to publish newspapers and magazine came only from the Kurdistan Journalists Syndicate. Any journalist can publish a newspaper at 24 hours' notice just by registering with the Syndicate. Journalists can publish newspapers without any payment. The Kurdish authorities no longer grant this permission because journalists are independent.

Response: Question 10

Every day journalists face problems. Some journalists are being sued and some

journalists make complaints about each other as they are on different sides. We don't have links with all the different kinds of media channels as we are responsible for the protection of journalists in the Kurdistan Region.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

A few months ago we published a statement about an organisation which claims to be responsible for protecting journalists because some of the organisations which protect journalists publish information that is far from honest and true; some information is out of date and sometimes behind this misinformation there is a political agenda. If these organisations want to know about the journalists' situation they should contact the Kurdistan Journalists Syndicate and rely on their reports. The Committee to Protect Journalists mentioned an issue in Kurdistan but they are not close enough to the journalists and they talked about a problem that happened to someone two years ago but they said it had happened now. We know exactly what is happening, what the problems are, what effects they have and how to solve them.

Questions 13-14 not applicable

Response: Questions 15 and 16

We spent a year drafting the new Press Law and after that we finalised it. There are two main issues: firstly, it can impose very large fines, sometimes about 20 million Iraqi Dinars for journalists and editors-in-chief. Previously we wrote 'If a journalist writes a bad article, the editor-in-chief should be barred from publishing'. Secondly, this Law needs to refer to the source of finance for the newspaper. If journalists want the right to freedom, at the same time, journalists must be required by the authorities to declare the financial sources for their newspaper and media channel because

perhaps this may be financed by a secret organisation which has an undisclosed purpose.

Question 17 not applicable

Response: Question 18

The last section of this Law states that government organisations must implement the Law and if journalists have affected the rights of other people we deal with them under this law. All of them are returned to court but sometimes a journalist or an individual will bring their complaints to us.

Response: Question 19

This Law applies to all journalists whether they work in television, newspapers, magazines or radio channels.

Questions 20 not applicable

Response: Question 21

The main point has been misunderstood. Because we are a developing society and we have had a history of tragedy in the Middle East it is not easy to implement laws here. If this Law is fully implemented after two to three years that would be a real achievement.

Questions 22-23 not applicable

Response: Question 24

Yes. It can resolve this situation.

Response: Questions 25

We had criticised those academics who raised this issue because when we were discussing the Press Law, all of them participated in this discussion and moreover academics are not experienced in this subject. With regard to television, radio and broadcasting there needs to be some ministry discussion about what it relates to. The

draft they produced contained some good points but it's outside the scope of academics and FE lecturers who teach or comment on television broadcasting.

Questions about Professionalism and the Journalist's Role

Questions 26-27 not applicable

Response: Question 28

The main support will come from opening journalism and media departments in the universities and FE institutes and we hope Duhok University will try to open these such a department because academic study can impact on journalists. We are also opening courses and we had some journalists with the assistance of Reporters without Border and the International Federation of Journalists. However media outlets need to create in-house courses to support and develop their journalists.

Response: Question 29

We are not responsible for training and developing journalists; we are only responsible for supporting working journalists and ensuring that they know about the law, what they should and shouldn't do, and keeping journalists safe during conflicts or times of crisis. Training new journalists is not our work: - that is for academic department and other establishments.

Response: Question 30

To start with, departments should not accept students to study for degree who are only there to pass the time, taking in 70% of the students in these departments to do a degree because they think that have to study something. We should choose people for universities and institutes, especially journalists who are members of our Syndicate and those journalists who have more than 5 years' experience.

APPENDIX 6.8

DR. NÎAZ LACANÎ, GENERAL MANAGER OF ZAGROS SATELLITE

General Questions about the Media in the Kurdistan Region

Response: Question 1

I think exactly the opposite to that. The authorities have provided many opportunities for publishing and broadcasting. There are numerous newspapers and magazines as well as internet websites, television and radio channels. The government supports these developments. Sometimes journalists forget their responsibility to journalism and so perhaps commit defamation of character or some similar offence. When they do so they face investigation by the authorities. All governments and authorities have the right to investigate their media outlets and these outlets should subject themselves to some self-discipline or self-regulation. I think there is a misunderstanding between the government and the media on this point.

Response: Question 2

I think in general there are just two types of media. One group is made up of the media affiliated to political parties and the other lies outside the control of the

political parties. However we cannot really say that the independent media lies outside the control of the political parties because sometimes indirectly they are supported by political parties, either receiving financial support from political organisations or even from other countries. Currently the authorities do not investigate these media channels with regards to their finances, etc. and it would be better if they were all organised and regulated by legislation.

Response: Question 3

There are those journalists who behave professionally and make reasonable criticism about the lack of information or they don't support some government organisations and criticism of this kind is good. It's one of the better points in our society. However when some journalists stop behaving professionally and become agitators, creating unrest, when they resort to intimidation or slander, when they obtain information by underhand means, all of them face questions from the government.

Response: Question 4

The authorities want journalists to behave professionally and not all of them do. I don't know what they want but we should talk about the individuals or groups which support them, because some of them want to bring down this government and put an end to this experience of Kurdistan. I read an article in a magazine which was entitled 'The uprising was a historical error committed by the Kurdish people' and that was written by a Kurdish journalist. He claimed that the uprising in 1991 in which the Kurdish people gained independence wasn't true because he said we were pressurised by the authorities and this government is a dictatorship. Are these criticisms against the Kurdish people and against their 40 years of struggle and in support of Saddam Hussein's regime? There are many examples like that article so who is supporting them? There are those who have refused to accept the KRG

although they came to power as a result of an election and the people voted for them and not as a result of the collapse of the previous regime. Moreover nobody can say to the two main political parties ‘You must be allowed to govern without election’. Some people support those media and journalists to make serious claims and behave badly in an undemocratic fashion. Some of these supporters have established television and radio channels and also large numbers of newspapers and magazines.

The Kurdistan Region has a lot of petrol and it’s the gateway to Iraq which is of key importance in the Middle East. Parts of Kurdistan also form part of different countries and this experience has affected our neighbours because they do not find it easy to let it go and tend to avoid this country and this region. This region has influenced democracy and human rights in all the political parties throughout Kurdistan but in opposition to this, all of our neighbouring countries have make plans and have an agenda to interfere in order to block these positive developments for their own benefit. If some countries cannot use military intervention then they try to do indirect interference by publishing newspapers and magazines, and broadcasting television and radio channels. Most of the media channels are supported by clandestine groups which want to bias public opinion against this experience.

That how it happened in some countries, for example because the USA was in conflict with Russia, it established several anti-USSR stations broadcasting in Russian and other languages until eventually the Americans succeeded and won. Inside the former Soviet Syndicate there were many media channels which were financially supported by the USA.

Response: Question 5

In order for all of them to co-operate there needs to be regulation of all media channels because the Kurdish media is confused at the moment and another new law

needs to be drafted which would give us all the chance of a further year in which to be properly authorised and this new law needs to have rigourous conditions so that nobody can oppose professionalism. This will change the Kurdish media situation as many media outlets will close because, for example if we were to broadcast an unauthorised film under these sanctions, we would have to pay half a million dollar as a punishment and it that's the case, I wouldn't be able to pay this. Let me give you another example: if I write an article or broadcast a television program that defames someone or threatens someone, for this breach of the Law, I would face a 400-dollar fine and I can't afford to pay fines of that large an amount. If the new Press Law had rigid conditions and imposed large fines, it wouldn't be easy for any organisation to pay this amount. I remember one case from my time in Sweden, a case concerning racism which led to a newspaper being fined 150,000-200,000 dollars. In addition, all Kurdish media should be set up as commercial companies meaning that all of them would have to have a bank account meaning that you can stop any media channels which are receiving financial aid unlawfully. For example if I have 500,000 dollars in this account then I should not be using 50,000 dollars on a regular basis. In addition, 15-20% should be government support for media channels and 80% should come from media channels selling their newspapers or broadcasting productions and if I face sanctions under the law of 150,000 to 200,000 dollars then I would need to have a similar amount in my bank account. By using these means and methods, we can guarantee a good working relationship with certain media channels.

Response: Question 6

Firstly, the lack of professionalism; secondly, the lack of good media law; thirdly the lack of advertising and fourthly, the lack of technical expertise amongst media outlets. Unfortunately my country is only partially developed and many people have

left. Moreover we have few private sector companies in the Kurdistan Region. Our economic strategy is to rely on oil as media outlets cannot support themselves from advertising revenue and that is an important point for them. All of them need a lot of work and I don't believe this will be easy and will take time. In addition, for these media outlets to develop and grow it will take decades to begin to remove these obstacles.

Response: Question 7

It's not possible to evaluate the Kurdish media channels 'en masse'; rather they need to be evaluated individually. If we wish to classify the Kurdish media outlets each one has a different function, for example at Zagros satellite we want our channels to support the experience and political situation of Kurdistan and we want to support the modernisation of the Kurdistan Region. We are also working towards equality and for the future independence of Kurdistan but we face the problem that there are some media channels which are supported by another country which spoils things, concentrating on spreading gloom and maintaining the ignorance of the audience. Kurdish media outlets are all working in different ways and pulling in different directions. Some of them have been trying to influence people to modernise whilst some other channels have the opposite effect which leaves people ignorant and in the dark but both sides have different functions. For these reasons we cannot consider the Kurdish media to be a unified whole or single group. Also the Kurdish media has only recently emerged so it's difficult to evaluate it in professional terms. When Saddam Hussein was in power we had only one or two hours of Kirkuk television but we didn't have our own Kurdish media. The Kurdish media did not start until after 1991 at the time of the Kurdish uprising but during this time the Kurdish media faced a lot of problems, including really tragic circumstances, economic embargos and

other embargos have faced the Kurdish media for the last 18 years. In fact the Kurdish media has been expanding since 2003 because of the increased opportunities for human rights and personal freedom.

It's my dream that in the future the Kurdish media will have a significant influence on the people and help to form public opinion. Also I hope they will be more professional than previously and be considered seriously as a career which isn't always the case now. They should also be financially independent and become a large sector of a quality which is equal to the world standard. It will come eventually but there is quite a long way to go yet before we get there. We have a burning desire to grow quickly but sometimes it is better to move slowly but surely towards meeting our goals. We have many media channels but we must remember that there is a high rate of illiteracy especially amongst women and this issue needs to be addressed and the education system needs to be improved. Although there have been changes, more are needed. Another problem is the need for the authorities to be more open and some of the old habits and traditions need to be removed or reduced as they are an obstacle to the Kurdish media. There are some people in the Kurdish media channels that don't work very well but I think in general that our satellite television channels are improving when compared with our economy, culture and education.

Response: Question 8

I think there is political party competition between the media outlets but not good competition in terms of professionalism. It isn't our function in the media organisations to train journalists but to employ them. If we advertise a job maybe a hundred people might apply and after looking at their CVs and test results we might select only two. If there isn't an experienced person I am obliged to bring someone in from outside, from another country and if a Kurdish photographer doesn't know what

kind of a shot I'm looking for then again I have to bring someone from outside. What do I do if Kurdistan doesn't have any good directors and I want to make a film? In this situation again if I want to make a good quality film I will have to bring a director in from outside because that's better than three bad Kurdish directors if I want to make a good quality film. For me as a manager here it's not important who is behind the camera but it is important that the message is supportive of and of service to the Kurdish people.

Over the last ten years there has been no change in some of the outlets which are supported financially by political parties. If the political parties investigated their channels and they were facing quality competition they would be forced to improve. If all the media channels were amalgamated into companies and all of them got some financial support from the government, say ten percent, the other money could be produced by the companies. If a company could not support itself financially for a year it would then go out of business due to bankruptcy. If nobody watches your television channel then you go bankrupt. Even now the KJS misunderstands the role of journalists and thinks that they are only concerned with newspapers not with television or radio reporting. For this reason the Press Law focuses on newspapers and does not mention other media channels. I discussed this with the Syndicate but they remained adamant in their outlook. I feel angry as they are the driving force behind the Press Law. I consider this to be a disaster for my country that some members of staff at the Kurdistan Journalists Syndicate are still not supportive of journalism, because the members of the Syndicate are authors and poets, former members of the *Pêşmerge* and people known to have written articles in support of Saddam Hussein's regime for financial reward. So I don't think there is anybody there who really cares about journalists as they have a dogmatic approach and this

way of thinking is not appropriate in a developing country.

Response: Question 9

I can only say that the Kurdish authorities do not play any role in regulating the media. The situation is chaotic and unfortunately in the name of democracy and freedom of speech, the independent media and the free press are supported by the government without any questions asked except in a few cases where there have been complaint about slander. For example, you are allowed to mock or ridicule someone who is Black or someone from the Christian area or Native Americans and nobody will stop you and, in general, cases involving slander don't get taken to court. You can publish profanity and the government will not stop you. But in other countries this would be classed as racism and there would be repercussions for the respective media outlet and that news channel might be forced to close down. In my country the government cannot control this situation: the courts are busy with cases involving marriage, divorce or land disputes not media cases.

Response: Question 10

In my channel there are only a few professional journalists and there are also financial issues. In addition there is a lack of new technology. In the beginning our work was very difficult because people were against us and would say: 'This is not suitable as it goes against our national habits and traditions' and they would make recommendations or advise us by telephone but we didn't agree as change and reform cannot happen without creating some victims.

Fear about change and reform, fear about crossing the line in political matters, and censorship are all challenges and we face these and try to get people accustomed to our way of doing things and not to be afraid. Now, people are also against us if we don't try to modernise, and will telephone to complain about this instead.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

Some of the Kurdish opposition organisations here they want to tell the world that the government has an unpleasant side. Like any other citizen, if journalists do something wrong they must face the law and respond to the complaint and this is a normal situation, it's not an act of violence against journalists. Some journalists face the law because they face charges of slander or interfering in private lives and they tell these organisations that they are being persecuted. Some journalists are facing other charges which might be theft or terrorism but again they claim they are being persecuted because they are journalists. Many of these then send a report to the international organisations like the CPJ. Can you give me the name of any journalist in the Kurdistan Region who is facing persecution from the authorities? For example, Soran Mame Ḧeme was killed in Kirkuk in Kurdistan and we still don't know who killed him but that area is not under the jurisdiction of the Kurdistan Region but RWB don't seem to realise that that area is controlled by Iraq and that they should raise that situation with them and not blame us for not investigating it.

Questions 13-14 not applicable

Response: Questions 15 and 16

I don't think this is a good law as although some sections may be good it is concerned generally with journalism and it was conceived by some inflexible thinkers and its supporters are like-minded. Parliament decided to ratify this law but unfortunately it has a limited understanding of journalism. So I think the Press law needs more amendments. This Law is not very good as it doesn't cover Internet websites, television and radio, or other media outlets and for this reason I disagree

with the Law. I don't believe in it because it's flawed and it's a copy of the laws in other countries like Syria and Jordan. If it was possible this law should be discussed by some professional and academic journalists, perhaps even some foreign journalists, but not as it is.

Question 17 not applicable

Response: Question 18

The KJS brought the Press Law to Parliament where it was ratified. Parliament amended and approved the Law of Journalism and ordered the government to use it. It is unclear which authority has the main responsibility for regulation of the Kurdistan Region press and the power to impose penalties on journalists. It is also unclear which organisation or body in the Kurdistan Region journalists should go if they want to make complaints or what happens to individuals with complaints against media outlets and journalists.

Response: Question 19

The Kurdistan Journalists Syndicate has no information about quality control. They don't know the meaning of this and there is no mention of it within the Law. Sometimes certain newspapers publish articles which are not related to their readership, for example, some regional papers are only focusing on the local area and publishing local news whilst some local papers are publishing articles concerning other areas or the whole of Iraq. If the Press Law is meant to incorporate the ideas of the European countries why have this been omitted? For example in Sweden they have just four or five regional newspapers but thousands of local newspapers and the illiteracy rate in Sweden is zero. This country has not experienced war for about 250 years and their society is developed and growing. Here, on the other hand, we have many regional newspapers concerned with the political situation and not enough

local newspapers informing people about the happenings in their own area. For example you can read the same news in a newspaper for *Hewlêr* or *Çawdêr*, the *Kurdistanî Nö,* and the Kurdistan Report website (all of which are published on a daily basis) and then read the same news again in the weekly newspapers.

Question 20 not applicable

Response: Question 21

Because the Press law is incomplete some of the sections contradict each other and they are accurately written. Anything which is written like that is difficult to implement.

Questions 22-23 not applicable

Response: Question 24

The Press Law does not relate to the violence against journalists. I am unaware of any violence against journalists. If you know of any cases please let me know as this situation is under investigation.

Response: Question 25

It was a good project and it benefitted from the influence of laws from France, Russia and Sweden and it was supported by the Ministry of Culture. I have seen it and I gave my opinion on it but it was refused as it had not been devised by the Kurdistan Journalists Syndicate and in my country the Syndicate has become the voice of the journalists. It has 4,500 members when the Kurdistan Region has 4 million inhabitants of whom 50 per cent are illiterate so for 2 million readers there are 4,500 Syndicate members. That's too many. For example in Iran there are about 85 million people and 20 per cent illiteracy and it is a strong country but the Iran Syndicate has only 4,000 members. How can that compare with the Kurdistan Region?

Questions about Professionalism and the Journalist's Role

Questions 26-27 not applicable

Response: Question 28

In Kurdistan I don't think there ever has been anywhere that supports journalists to become academics and there still isn't today. A few people have finished their studies and gone on to become academic journalists as a result of their experience, others have finished their academic studies but aren't journalists and some are neither academics nor journalists. There are also those who go onto become freelance journalists after their studies and there are those who work as journalists without academic studies.

Response: Question 29

The Kurdistan Journalists Syndicate is made up of non-professional journalists and members from the political parties who are representatives agreed between the political parties. The Syndicate needs to change completely because journalists need the Syndicate to offer advice and make recommendations. I haven't seen the Kurdistan Journalists Syndicate do anything for journalists; the Syndicate staff just visit foreign countries, they write reports and publish these, they take nice photos and publish these. I suggest that they visit more countries to broaden their perspectives. Unfortunately this is the only thing I have seen the Syndicate do.

Response: Question 30

The academic departments were built quickly and really it was too early for our country as we have insufficient tutors so who is teaching there? I don't know. It's not enough just to teach about the history of journalism. There aren't enough books about journalism and nobody there has worked in television. Not all the tutors have good journalistic experience and they don't know other languages.

APPENDIX 6.9

ḦEKÎM ‘OSMAN ḦEMÎD, HEAD OF THE JOURNALISM DEPARTMENT AT SULEÎMANÎ TECHNICAL INSTITUTE

General Questions about the Media in the Kurdistan Region

Response: Question 1

All Kurdish media outlets can be divided into two groups. The first of these is made up of those which are directly related with the government. These are the party affiliated media which are allied or have a relationship with the two main political parties. The other media outlets don’t criticise the government and they refer to themselves as civil or independent media or they use any name which implies that they govern their channels by themselves.

I support Press freedom and I would like to give as much support as possible to professionalism in journalism as this area is very sensitive and important as it is one of the ways to develop society. Legislative and financial support is needed especially for those channels which behave professionally. Among those so-called civil media outlets, some of them behave professionally and they are aware of their responsibilities but others have fallen short of these standards of professionalism and

ethics. They also interfere in private lives and they have defamed people as well as having abused the law. I think this situation will be changed by regulation. As we know this Press Law which has been formulated has many good features.

Journalists must be aware of their responsibilities otherwise they become threats to our society and I would like the government or the authorities to remove these problems. Some of the journalists exaggerate when they say: 'The government or the authorities are putting pressure on us'. During the last two or three months, the Kurdistan Regional Government and the Kurdistan security forces decided to quash all of the complaints against journalists. That meant the government wanted to turn over a new leaf with journalists and this new start to treatment by the government suggests a quite healthy situation. If we compare the level of abuse by journalists with the punishment they have received, we can see that those punishments are very slight. If you read certain independent newspapers and magazines, you can see many articles which could be a source of complaint and some issues or articles are so full of problems that you could complain because there does not seem to be any sense of responsibility present. However at the same time I don't claim that the government is 100% supportive of journalists, because it is true that in the case of some journalists the authorities have overreacted and sometimes the government and the authorities do not apply equal treatment to media organisations when applying the law.

Response: Question 2

In some places there are media outlets which are called 'party-affiliated', but I don't see these media outlets as media but rather as propaganda channels for the activities of political parties, their opinions, and their performance in relation to their policies. They deal with all issues and that is normal for all political parties in the Kurdistan Region.

However there is another kind of media which are referred to as civil or independent media. They have a set of principles which means they focus on issues that the party-affiliated media outlets don't cover or sometimes if an issue has been published in party-affiliated newspapers, the independent media will explore other viewpoints on the topic. Moreover, some of the independent media reject the conclusions of the party-affiliated media outlets. For example if a party-affiliated media outlet describes a project as positive thing for the people or for Kurdistan, at the same time the independent media will discuss the negative features of this project, and I think that truth becomes a casualty in the conflict between them. Readers, viewers and listeners are caught between these two sectors and they don't know which one is telling the truth and which is telling lies'.

Response: Question 3

With regard to the criticisms that the journalists have of the Kurdish authorities, previously journalists were critical of the Press Law which was formulated and now they are critical of the authorities because some judges and courts and the government itself are not implementing this Law. Also they complain when they cannot get access to information. I think this kind of criticism is valid because free speech doesn't just mean publishing and broadcasting information. It also implies obtaining information from both of the sides involved. They may have other criticisms but I'm not aware of these.

Response: Question 4

Here is one of the criticisms that the Kurdish authorities have about journalists. The language that the journalists use to express themselves isn't normal. And sometimes the government says: 'We have done many things for journalists but they don't mention them and ignore them'. Individuals in positions of power say 'If 10 projects

are completed well, the journalists don't write anything but if one pipe gets broken, the journalists have a great deal to say'. At the same time the independent media outlets say 'That's your job and it's only normal in this situation'. However certain shortcomings are not normal in such situations and then they also tell the government 'You have corrupt officials'. Some websites publish things that are not at all accurate and even those people who don't like the government won't believe what's published on those websites because most of the articles and issues they contain are untrue.

Response: Question 5

There are some media outlets which strongly oppose the government and authorities. They don't see this country as being their country or nation. They will make demands regardless of the nation or system which exists. If their demands are met, they will be supportive and in agreement, especially in election campaigns. They are trying to destroy this system and the government when what we need is for all media channels to work together to persuade people to participate in elections, not for every channel to support one political party or one agenda. The many media channels in the Kurdistan Region represent very diverse opinions on many issues and it is too difficult to get them to reach a consensus or to make them co-operate.

Response: Question 6

In my opinion it is the low standards of ethics and degree of professionalism that journalists adopt. Journalists doing real journalism shouldn't act in the same way as politicians behave. If the media support one of the sides in a struggle then they are not performing their role properly. Some media outlets feel that they face less pressure from the government but then they find themselves facing pressure from their company instead because some independent outlets don't have sufficient financial support to become independent and so they become related to one company

which imposes conditions on them. Some media outlets speak out against things in their own country but it is very difficult for media of that kind. For example, Al-Jazeera channel has said many things against all the Arab countries and it had faced many problems with them but it still doesn't talk about the problems in its own country. It keeps quiet about all those problems.

Response: Question 7

Kurdish media outlets have all the same technology as elsewhere in the world, but they haven't got the right attitude towards managing and using technologically advanced media. If we compare our media outlets with what we previously had in the Kurdish media, the situation now is much better but if compare ourselves with others maybe we would regard our media channels as being very underdeveloped. For example, if any newspaper in the Kurdistan Region publishes its circulation numbers these are low in comparison with the population as a whole. We have still not established an independent media channel or independent media organisations. For example, recently a channel by the name of KNN was established as independent but actually it was established with PUK finances. Also there is no competition among media outlets. We have many websites but their content is very poor and most of them need to be sanctioned by law in the courts because they do not conform to the terms of the Press Law which should be implemented. Some magazines are also difficult if we consider them as magazines because most of the subjects they contain are so bad and they only publish 100 issues.

In the future, I hope that Kurdish media outlets will be able to provide coverage for the whole population of Kurdistan and will be able to support themselves financially. Also with regard to content, they should carry out academic studies and scientific audience research. Furthermore in my dreams I hope to see independent media

outlets under the ownership of those who are educated and competent.

Response: Question 8

The Kurdish media isn't really independent or rather it isn't independent at the highest level. Moreover some of the people who work in media organisations treat the media purely as somewhere to work. But the Kurdish media has ignored some of the opportunities related to the circumstances and reality of the Kurdistan Region.

Response: Question 9

Without this Law which has been formulated there would not be any legislation to regulate Kurdish media outlets. You can establish and publish a newspaper without any need for assessment or standards. Some of our Members of Parliament contacted a number of individuals who have media experience and they asked them to provide information about media so that proposals could be presented about these areas in Parliament. The Parliament doesn't have any organisation or any individual with responsibility for regulating the media in the Kurdistan Region. The only role that the government and political parties play in media regulation is by means of the Press Law which it formulated and the Kurdistan Journalists Syndicate. The Kurdistan Journalists Syndicate is a politically affiliated, government organisation because some of those in positions of authority are members of the Syndicate. The civil media outlets have complained about this situation and will not be associated with this Syndicate. Moreover, most of the time the Syndicate has no contact with them. Most of the Editors-in-Chief in the independent media felt they had been successful because they put forward many of the ideas and opinions which featured in the new Press Law especially in the second draft which was formulated. The government's role has only been to implement the Press Law and in this situation it doesn't deal equally with all media outlets. For example, some media outlets brought

up the subject of corruption and they faced punishment. However I heard something about corruption on a radio programme which was supported by one of the Ministries but after this broadcast news nobody has said anything more.

Response: Question 10

The key problems are financial difficulties and the lack of new equipment for the department. Although this journalism department was established in the 1999-2000 session, all these problems still remain. The Ministry of Higher Education doesn't treat this department like a science and academic department. Also they don't provide the necessary equipment for this department. We tried to set up a studio ourselves so we could change our journalism department into a media studies department. Our tutors are now better qualified than previously especially in academic terms but they need real world experience. Most of the time, the method of teaching in this department is purely theoretical without any practical elements.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

There is violence everywhere, including the Kurdistan Region. Sometimes the violence is merely a question of verbal threats. Sometimes ministries respond by taking a tough stance with journalists because they are afraid of them. The circumstances of Kurdish journalists are comparable to those faced by journalists in Iran, Syria and Iraq although they don't face the same level of violence as journalists in those countries. In the Kurdistan Region journalists have been killed and threatened but I don't remember any specific incidents at the moment.

Questions 13-14 not applicable

Response: Questions 15 and 16

For the present, this Law is very good but it needs to be implemented. Some clauses also need to be removed as they are too loose and the authorities can make use of them as they wish.

Question 17 not applicable

Response: Question 18

Initially it is referred to the police station, and after that the court which decides the timing of a trial.

Questions 19-20 not applicable

Response: Question 21

If the Law isn't being implemented this is due to a major problem in the implementation system because many legal processes are not being implemented.

Questions 22-23 not applicable

Response: Question 24

If the Press Law is not being implemented that means they have not done what is necessary.

Questions 25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26-27 not applicable

Response: Question 28

When a student has completed secondary school they can join a media studies or journalism department to do a degree. Some of those who join our department don't like the idea of journalism as career; others do want to follow this career but don't have the necessary ability. Consequently when they have completed their studies, they don't work with media outlets but some of them work in media-related organisations.

All those who are working in media outlets need to take special courses in the

Kurdistan Region and in other locations so our journalists know about developments in journalism and Press law elsewhere in the world. Some other journalists try to educate themselves.

Response: Question 29

I really don't know exactly what the activities of the Kurdistan Journalists Syndicate are. Like many organisations, the Syndicate observes and monitors journalists' problems but it doesn't deal well with journalists' issues: sometimes they don't know about them, occasionally they have helped journalists. In general the Syndicate is controlled by a small number of people and their staff is appointed by political parties. Moreover the Syndicate never contacts our department at all and although they need all the academic departments of journalism and media studies, they just ignore them.

Question 30 not applicable

APPENDIX 6.10

AWAT NECMEDÎN ESMA'ÎL, ADMINISTRATIVE DIRECTOR OF THE KURDSAT SATELLITE CHANNEL

General Questions about the Media in the Kurdistan Region

Response: Question 1

Our channel is different to some other newspaper, television and radio channels. We have close links with the authorities and we cannot hide the fact that our channel has links with the PUK which is part of the Kurdistan authorities. Our channel hasn't been subjected to any pressure. We don't work under direction from the government or the authorities and we don't avoid criticizing them. In fact, we are very critical but using proof and logic. The programming on our channels is more independent than on some others. For example, if there were problems in a particular city, we broadcast about these shortcomings to viewers and the government didn't make any complaints against us. Maybe the Kurdish president, or the head of a political party or ministry wasn't happy about coverage but no-one who was in a position of power has made complaints against our channel or brought any pressure to bear on us. We allow our programmes great freedom of speech especially those which are broadcast

live. We don't have any problems with this situation. There is evidence that our channel is able to influence the government because it has carried out a number of projects at our suggestion which were based on our research, for example, the government is now working on a quality control project which is to be used for blocking expired material. We have criticised the government but these criticisms were slanderous or malicious. We have been critical but have always respected the limits of the Press Law.

Response: Question 2

This expression 'independent media' is not really accurate because although some channels are called independent, they are supported by a political party and use politics in their programming. Why not call our channel [Kurdsat] an independent channel when so-called independent channels are directly and indirectly supported by a political party and at the same time their programs oppose one or more political parties or individuals? We are close to the PUK but sometimes we also broadcast interviews with some people who are anti-PUK.

Response: Question 3

Journalists want to obtain information but it is very difficult for them. Journalists in developed countries have more freedom to obtain information than journalists in Kurdistan. It is not easy to obtain information in my country and in the Middle East. Other criticisms which journalists have of the authorities are that sometimes they have done something but the authorities don't acknowledge it and it is ignored.

However there is a gap between the authorities and journalists. Some journalists wanted to be more independent and consequently they now form a separate sector. These journalists harbour ill feelings against the government and they want complete freedom; they want to be able to say anything they want to against government

without bothering to find out whether they are responsible for any wrong-doings. The government views these journalists as a separate sector because they have made many accusations against the government and the government doesn't view these journalists as really independent. Moreover, when the government does make complaints against them, these journalists protest that this is unfair. They want the rule of law to be enforced but when they are subjected to it, they are surprised. For example, the *Haûlatî* newspaper wrote an article about the president of Iraq, Jalal Talabany, who then complained about the newspaper and won his court case. Following this, *Haûlatî* was angry and made a complaint. These so-called independent media outlets don't make any mention of the good developments in Kurdistan but they criticise any small problems. They think that being independent just means being in opposition to the government. The so-called independent media should be critical but they also need to mention both the positive and negative aspect of issues.

Response: Question 4

The Kurdish authorities say to journalists 'You are free to talk about anything that happens in Kurdistan but without slander and without offending other people and organisations. You should work for a successful government and state. We are happy to be criticised but you should not do anything against the Kurdish government because it is the result of many years of challenge and struggle'.

Response: Question 5

The media should shape public opinion on issues but it needs do so in a rational fashion as any outlets working in this way can shape public opinion together. In the Kurdistan Region the media has done some things in relation to shaping public opinion, for example, as a result of media influence and public demand, the

Kurdistan Parliament has make decisions about implementing a number of laws. The Kurdish media have worked together on some subjects to influence public opinion.

Response: Question 6

Our country has developed rapidly and the doors are now open to free media. Previously, Saddam Hussein's regime controlled the Kurdish media. There were a few attempts in cafés or in the mountains to do radio broadcasts or similar efforts but now we have a great opportunity. We have a lot of media organisations but we haven't enough professional journalists because some people who work in the media channels are not successful or professional. Some people working in the Kurdish media channels don't even complete their obligatory schooling but yet they claim to be journalists. The other problem is the instability of the Kurdish media.

Response: Question 7

Kurdish media have developed in many respects. They have started from zero to become the present media with hundreds of newspapers, more than 20 satellite channels and in any city or town there are local television and radio channels. Initially Kurdish media was poor quality but now it is good quality. However that doesn't mean Kurdish media don't have any problems.

In the future I would like Kurdish media to become more rational and to support the authorities to improve our country. Also they are working to influence the authorities and they should be honest about this.

Response: Question 8

Kurdish journalists don't give up easily, for example in some cases, journalists will follow a subject for days, months or years until they get results.

Response: Question 9

Except for the Press Law which was passed by the Parliament I haven't heard

anything about the regulation of Kurdish media channels and this Law is good and flexible but still needs improvement.

Response: Question 10

In general terms, the journalists in my country have limited abilities in comparison with those of other countries and media outlets don't have enough financial support to be able to support themselves.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

I can say that nothing happened this year but previously there has been some violence which has gradually diminished, day by day. The government, the security forces and the Ministry of the Interior decided that journalists must not be arrested. I haven't heard about any major cases.

Questions 13-16 not applicable

Response: Question 17

I think any legislation must undergo changes and reformulation but there was not enough time to keep changing the Press Law and journalists did participate and play a role in this process. Some people thought that the suggested amounts in the clauses about fines were too high but others believed that fines needed to be higher than was previously the case.

Response: Question 18

The Kurdistan Journalists Syndicate brought the Press Law to Parliament where it was ratified. Parliament amended and approved this legislation and ordered the government to use it. So, which authority has the main responsibility for regulation of the Kurdistan Region press and the power to impose penalties on journalists? Also if journalists want to make their complaints or if private individuals have complaints

against media outlets or journalists to whom do they address their complaints?

Response: Question 19

To date, the Kurdistan Parliament has only discussed the Press Law and has neglected legislation relating to broadcasting (television and radio), industrial communication, telecommunications, and wireless communication services. I would like to know if there are any plans for regulating these.

Together with some colleagues, I gathered information about this situation because the Press Law is largely related to newspapers and we discussed whether next time this Law is formulated in Parliament it needs to include television and radio channels because the Kurdistan Region has large numbers of these.

Question 20 not applicable

Response: Question 21

Initially, some people claimed they were unaware of this Law but this situation was soon resolved.

Questions 22-24 not applicable

Response: Question 25

I haven't heard about this but we worked on the Press Law which needs to mention television.

Questions about Professionalism and the Journalist's Role

Questions 26-27 not applicable

Response: Question 28

Some journalists have received training in the media departments of universities and Further Education institutes and others are self-taught but in the final analysis the audience decide which work is professional and which work isn't.

Response: Question 29

The Syndicate does work but it cannot do everything. The Syndicate cannot work very well for journalists but in the case of the Press Law which was formulated in Parliament, they have worked on this law and their representatives met with Parliament representatives. However I don't really know a great deal about the day-to-day working of the Syndicate.

Response: Question 30

In this world it's not realistic to imagine that everyone who finishes a media studies degree would become a professional but these courses in Kurdistan do benefit some people every year, for example the best journalist working for our channel is Ranj Sangawe who studied in the media department in the University of Suleîmanî.

APPENDIX 6.11

LAWEND NEWZAD, DIRECTOR OF THE GELÎ KURDISTAN TELEVISION CHANNEL, ERBIL

General Questions about the Media in the Kurdistan Region

Response: Question 1

The dictatorial regime in which we lived didn't have any experience of a culture of expressing criticism; there was a totalitarian culture, the culture of having a system, a state and a president who ruled this state from the time when the Iraqi state came into being. Whether you were a citizen, a media worker, a teacher or a student, you had to say 'yes' to everything and thank God for such a government and system, as it kept you between death and life. This culture existed among us. In 1991 the Iraqi Government retreated from those areas where the uprising took place and since then another culture has appeared which the culture of people's love for the government is for better or for worse because the people think that this authority is native Kurdish. Until recently these people dreamed of the kind of native Kurdish authority which is now governing them and has formed a Parliament, government and security forces. Previously there was only a culture of hatred but now a culture of unconditional love

has come into being. This culture of 100% unconditional love is gradually changing and the situation is becoming more normal.

This is our system but it has shortcomings. When the authority feels that we criticise it for its faults it reacts negatively because it was a ground-breaking government and it is used to be viewed positively for everything and for governing obedient people. It will take time for the government to get used to public criticism. We need a culture to emerge in which the people will be courageous enough to approve of the good things and reject the bad things. I think that today the situation for journalists and the media in general have significantly improved from what they were like four years ago, because now the people, the government and the media are getting accustomed to freedom. The important thing here is that the people can express their opinions freely. People do not face punishment because of their criticism. They often slander and ridicule people without facing criticism. If they are criticised, they think of it as an act of repression against them.

If someone in the United Kingdom criticises the government he has the right to do that and it might be his role to criticise the government but he doesn't have the right to transgress certain boundaries. For example if someone accuses the British Prime Minister of taking ten million dollars from a company as a bribe, he has to prove his accusation. If he can't prove that the Prime Minister is guilty then the government will file a lawsuit against him. In the Kurdistan Region, the government and its officials have been accused in this way but neither the government nor officials have dared to file a lawsuit against anyone so that they can say that they are very democratic and tolerant to the extent that they don't react to anything that people say against them. This situation is gradually changing but in respect to specific cases, there may have been abuses by individuals, officials or businessmen. So the crucial

thing is, when an offence has been committed, it has to be faced.

Response: Question 2

I don't go along with the idea that media which are affiliated to a political party are being controlled since every media outlet has its own policies and there may be policy differences between civil and politically-affiliated media but even if some media are affiliated to a political party they are still media. They're staffed by journalists who do talk about negative issues and still regard bad things as bad. All these aspects are found in media affiliated to a political party but firstly this may not be not the case for the civil media. Secondly, the civil media working in Kurdistan have learned from the party-political affiliated media and other outlets how to write professionally as a journalist.

In every country there are State media which have links with the government but there might be a difference between the media in the Kurdistan Region and the media in other countries in this respect. For example the BBC is subsidised by the British Government but it is not controlled by the government and doesn't have to repeat whatever the government says. The BBC acts as a common platform for both the government and the people but the factional media in the Kurdistan Region is not so much a platform for the people as it is for the political parties. There are factional newspapers which level a lot of criticism at the government and it faces problems. The leadership of the party which funds the newspaper or the party's supporters filed a lawsuit against the newspaper because it has criticised them.

We think that the civil media doesn't exist in the Kurdistan Region because the media in Kurdistan is not an objective media. The factional media say that the civil media sees only the negative aspects and vice versa. For example if we want the good news we read or watch the factional media channels but if we want the bad

news we follow the civil media channels. Neither of the two types of media is unbiased. The civil media has as many defects as the factional media. If you want know about positive as well as negative things, you need to by two newspapers since you can't find a newspaper which can tell you the good things and the bad ones as well.

Another point is that some journalists in the civil media think that no-one should complain if they are vilified as this is their sacred right. A newspaper wrote something about the Iraqi president and as a result the president brought a law suit against the newspaper but the newspaper felt uncomfortable with this procedure. If the president had attacked the newspaper with a military force, it would have the right to feel offended. In spite of this, the Kurdish Press Law is more flexible than in the other countries. In some highly developed countries journalists are arrested for revealing their information source. Journalists in the Kurdistan Region are not arrested for this reason; they are only fined. It is a simplification to say that the factional media covers only bad news and the civil media only good news.

Response: Question 3

Journalists in the Kurdistan Region face the same amount of criticism as journalists in America and all over the world. Budget allocation in America has faced as much criticism as this topic has here. In Kurdistan, for example, the government allocated millions of dollars for the war in Iraq. Didn't US citizens and some of the journalists criticise the government? Does this necessarily mean that America is governed by a dictatorial system? Thomas Ventnor wrote an article in which he discussed the allocation of funds to Georgia and said that he was very happy due to the many problems but then as I read the rest of the article he said that the money was allocated to the Georgian Government not to the state of Georgia. This was his way of

criticising the government.

Corruption exists everywhere but its rate may sometimes be higher in Kurdistan. The former Korean president committed suicide because he was involved in corruption. The case is different in Kurdistan. This year is better than it has been for last five years but it's still not easy for journalist to get information. I wanted to gather information about the number of wells that have been dug to provide water supply for the population in Erbil where there are problems with drought, but I wasn't given any information. This is something which needs mutual understanding between the people and the police.

For example, four years ago, I was taking pictures in the market and it was raining when I was arrested but now you can go to the market and film things as soon as the police know that you're a journalist. They will find it normal. When I was arrested, this kind of understanding didn't exist. A policeman arrested me and took me to the police station. While an officer was questioning me there he received a phone call from the deputy Minister of the Interior. The officer explained to him 'Sir, we have a journalist here that we have arrested for filming in the market. What should we do with him?' The deputy minister told the officer to give me the telephone and then he talked to me and apologised to me for the arrest. At that time only the officers and the deputy Minister of the Interior knew that it is normal for a journalist to film in the market, but today the policeman also knows that this is normal.

We don't say that such shortcomings don't exist anymore; we know that there are shortcomings in the Kurdistan Region. Some people in positions of authority criticise the journalists for interfering in their ordinary private lives and some others criticise the journalists for publishing unsubstantiated claims which are not confirmed by evidence. When a journalist hears that a minister has done something wrong, he will

immediately publish it. After he had published this, then he goes looking to try and find out whether it is true or not. Some of the journalists, especially the journalists from the independent media, get involved in politics and this is more dangerous. If journalists in Britain align themselves to the conservative party in the elections, then they are not journalists. Journalism has to be impartial.

Response: Question 4

Some journalists are objective in their criticism; they speak out about the existence of corruption or shortcomings. But there are others who are critical in order to create their own reputation. They attack individuals at the highest level who are not guilty of anything. There are some people who are looking for economic advantages and others who care about public interests. Another problem for journalists is that they are not able to distinguish between hard facts and opinion. When I write a feature or an editorial, I express my opinion in it, but when I report news, I should not express my opinion in it. I just have to convey the facts. You can often decide from reading a piece of news what the context of the news is as well as the writer's opinion. There is a principle in writing an item of news which says 'When writing a news report, as the journalist, neither you nor your opinion is important only the information which you have to convey is important'. I read work by Michael Howard, a journalist for the *Guardian,* and once I asked him to write a feature article for *Aso* newspaper, but he said 'I'm sorry, I can't'. When I asked why, he replied 'I can't because I'm a news reporter and I can't write features'. The reporter's role is just to convey the facts. If he expresses his opinion in his news report, people learn about his own opinions. As a reporter I need to keep my opinions to myself; I don't want people to know about them.

The authorities would like journalists to focus on the positive aspects but personally

as a journalist I don't believe you necessarily have to do that. There is an economic crisis in the world. Gordon Brown has a great deal of experience in the sector of economics and has taken considerable steps towards solving this crisis in Britain but still he faces criticism from the journalists. He doesn't like being criticised and he is neither comfortable with the criticism nor happy about it. But what is important is that there is a law which doesn't allow his feelings to reflect on the journalist's performance. There is no-one in the world who is happy about being criticised. You would always like your teacher to praise you but you give him the right to criticise you. The same goes for the government. It would like to be praised for the positive things it has achieved but it won't imprison you if you criticise it.

Response: Question 5

The media in the Kurdistan Region is moving towards specialisation. Each of the media outlets has its own background and agenda. When they are all equally developed they may be able to co-operate. Media channels tend to co-operate with each other under two different kinds of systems, namely a dictatorial system in which all the media channels speak with one voice or in a democratic system, where all the media channels reach a level where they can focus on public interest. It is too soon for this system to have formed yet in Kurdistan.

Response: Question 6

Media define themselves and it is odd when we cannot distinguish a quality newspaper from a tabloid newspaper. In the Kurdistan Region it's difficult to tell the difference between quality press, gutter press and popular newspapers. One day a newspaper is launched and it's a quality periodical and the day after it's become more low-brow and it publishes on international topics or it is aimed at a working-class readership. Even the design of the two newspapers is different. For example,

the *Sun* newspaper in Britain sells in large numbers. If this newspaper has a photo, it will publish this on the front page, but the *Guardian* may not publish it or might publish it elsewhere. Its policy is different from that of the Sun. The *Guardian* is aimed at the middle classes and they read it during their free time, but the *Sun* is aimed at ordinary people in the city and they read it on the underground. In the Kurdistan Region the newspapers have different designs. Our journalism is a traditional journalism but it is in transition.

Response: Question 7

The Kurdish media has improved in many respects. At least some of the journalists are able distinguish between insults, defamation and criticism. There is competition in the Kurdish media and this competition has resulted in improvements in the Press. Today the circulation of newspapers has increased in relative terms and the leading newspaper's circulation is 15,000. The population of the Kurdistan Region is about 5 million and 50- 60% of this population is illiterate. So in our society television comes first and radio comes second while the press takes the third place. In spite of the literate people, the illiterate people can get benefit from radio and television. Another reason is that there has not been a tradition of reading in our society to date. Firstly, I want the Kurdish media to become a professional media. Secondly to be able to differentiate between opinions. I hope the Kurdish media will reach a stage where it does not confuse its role with that of the police officer or a spy because journalists are not the same as policemen and spies. I hope it will learn to stand on its own two feet and reach the stage when it will be standard practice to apologise when a mistake is made.

Response: Question 8

Firstly, those journalists who constantly slander should avoid it. Secondly, journalists

should go and look for information and when they are completely sure of it, and then they can publish it. Thirdly, the political and quality press should differentiate itself from the sensationalist, gutter press. We spoke previously about the government's duties. We also have some defects and shortcomings. The worst media in the Kurdistan Region is that of the government which can't even tell people that today a bridge has collapsed or a road has been blocked by snow so that the government can rebuild the bridge and clear the road. Newroz television channel which broadcasts dance clips in an un professional manner is an example of governmental media.

Response: Question 9

There are two types. The media which is owned by the authorities is funded by them, but the other possibility is when people have money and they establish their own channel. Establishing television channels on the part of the people is a positive point, but what matters is their reason for doing this.

In the developed countries, there are censorship boards and its job is to watch the media channels in regard to the moral, social and scientific aspects, but it does not watch the media politically. For example, if films which contains killing are broadcast on children's programmes on television, the board will intervene. In some countries, there is political surveillance. There have been some attempts to form a board of this kind in the Kurdistan Region but nothing has been completed yet. For example, America has a censorship board which asked the producer of a television series named *24* to tone down the violence. When people watch this series, they will feel hatred towards America, because it contains violence problems.

Response: Question 10

This isn't really a problem, but the issue of the lack of professionalism and the excessive number of media personnel can be called problems. It is not easy to get rid

of some of those who have been appointed to the staff of the media outlets from their posts.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

It certainly exists and in America as well. Some British journalists were assassinated by the mafia but this is not the case in the Kurdistan Region. There are some people in power who have assaulted journalists but the assaults were not very serious and the source for this information is the civil media channels which regard everything the government does as bad.

Questions 13-14 not applicable

Response: Questions 15 and 16

It was good at the time it was created but it supports journalists more than the authorities. The fine for defamation of character should have been set higher than it is.

Questions 17 and 18 not applicable

Response: Question 19

The State helps you to learn many things such as law and science. Our Press Law is better than that in other Middle East countries but it is much less developed than the Swedish Press Law. The Press Law in Yemen doesn't allow journalists to criticise the Yemeni president or presidents of other Arab states.

Questions 20 not applicable

Response: Question 21

According to the existing Law, a journalist should not be arrested. If they are arrested, judges have to make it clear whether they are being arrested for charges

relating to their media activities or for other offences. Common decency includes many things. You can't publish a naked photo on the front page of a newspaper and you can't say that a journalist has been arrested for his journalism when he has been arrested for breaking traffic rules. Further study in this respect is a task for those involved in the legal profession.

Questions 22-23 not applicable

Response: Question 24

It is not related to violence. The modification was a normal treatment.

Response: Question 25

I haven't heard anything about that to date.

Questions about Professionalism and the Journalist's Role

Question 26 not applicable

Response: Question 27

Good journalists don't necessarily graduate from an academy.

Response: Question 28

The biggest problem for Kurdish journalists is that they cannot speak Arabic and English so they are deprived of information from other countries. The Kurdish press concentrates only on the Arabic press which is not a good quality press.

Response: Question 29

It doesn't play any role in helping journalists to develop.

Response: Question 30

If you carried out a survey to find out how many people go to these places because they wanted to, you would discover that few people want to be journalists but quite a few want to be officials.

APPENDIX 6.12

NEJAD 'AZÎZ SURMÊ, EDITOR-IN-CHIEF OF XEBAT NEWSPAPER

General Questions about the Media in the Kurdistan Region

Response: Question 1

Actually I don't think that what they say is true because firstly, the fault lies with the Press Law in Kurdistan which doesn't include media such as websites, radio and television. Given the freedom that exists, everyone can write what they like to the extent that they sometimes go too far and libel people, especially in the case of those journalists who consider themselves to be independent. They still don't understand the meaning of the words 'civil' and 'independent'. What do they mean by terms like 'freedom', 'civil' and 'independent'? By civil do they mean society or people? If they mean they are independent and are not subsidised from anywhere then I don't think that such a thing exists anywhere. You said that you have been to the United Kingdom so let me give you an example from there. Murdoch, who is a capitalist, has a number of television channels and newspapers in Italy and now he is establishing another channel in the United Kingdom. A channel, no matter what kind

of channel it is, is often funded by some company whether or not this is seen, heard or read. Sometimes, a political party funds a newspaper, for example our newspaper *Xebat* is the mouthpiece of the KDP. It is obvious that it receives money from KDP for all its expenses. Sometimes an anonymous intelligence agency or an NGO supplies the financial backing to publish a newspaper. This is normal. I think it's unfair to say that there is no freedom. I have been asked questions many times about the lack of freedom for journalists. On the contrary, the Law that was passed in the parliament is the only Press Law in the Middle East which has granted rights to journalists but has not imposed any responsibilities on them. The law defends journalists but it doesn't punish them if they commit an offence. Secondly, I myself participated in the modification of the law and I made a number of observations on some articles in the law but my points were addressed in the law. For example, Article 10 was omitted, thus if you libel me, I have the right to accuse you of defamation. If you harass me, I'll be entitled to defend myself.

Response: Question 2

Civil and independent newspapers should label themselves in this way because they have arisen from special circumstances. They publish news or discuss threats to national security, something which exists in every country including the United Kingdom. Their friends who I am talking about come to interview the enemies of the Kurds. However they can destroy the Kurdish character and publish it in print media that this is against national security. They have the right to play the role of the opposition, but a national opposition, because this homeland is for all of us including them. To what extent do they believe that this country is for everyone and that progress has been made? To what extent do they believe in the future? This model may have its shortcomings but it does have some merits.

Response: Question 3

There is definitely a certain degree of conflict between journalists and the authorities. Journalists often say that the government isn't doing anything and sometimes they tell the government what kinds of things it ought to be doing. I haven't said that the government isn't obliged to do anything.

Response: Question 4

The authorities say that journalists have to see both sides of an issue: the negative and the positive aspect. The government has done a great deal if you think about it. There are dozens of totalitarian governments which are legally bound to do things but they don't. The problem of defamation of character has become something of a phenomenon in the Kurdish press and some people have used as a means of becoming famous.

Response: Question 5

Firstly, this is a difficult task because each one is giving out a different message. Secondly we don't have an elected Syndicate. Our Syndicate [the Kurdistan Journalists Syndicate] was formed by mutual agreement. If it had been formed by election it could have played a role in this co-operation. We all have a common homeland, and share the same grievances and dreams. All of these can be used to shape co-operation.

Response: Question 6

Unemployment is a problem; according to the Kurdistan Journalists Syndicate, there are more than 4000 journalists. In reality, there is only work for 70 or 80 good journalists so I think the number is less than this. For some journalists, covering issues and reporting the news is just a way of making a living, like any other occupation. Our fairly limited size as a geographical area has an influence and the

purchasing power of the people does not allow them to follow all these newspapers and magazines. People have neither the time nor the level of literacy required to read so many print publications.

Response: Question 7

Kurdish journalism has developed as regards design, print, distribution and legislation. It's difficult to say what the future holds because the electronic media is outstripping all other types of media. I think written media will survive for many years because of the following reasons: Firstly, human beings have been accustomed to this type of media for many years. Secondly, this medium is cheaper than the others and user-friendly: you can take it with you wherever you go. It will survive as it is too soon for to die out; it will take 40 years for it to disappear.

Response: Question 8

The Kurdish media haven't yet made real progress towards professionalism. I come and publish news, but I don't comment on it. For example, I write about someone becoming a minister, but I don't tell you anything about that person. I don't bother to make any comments and I just give you the news. This is not professionalism. I publish the news without any comment on it, but people would like to know more about this minister. Features of this kind appear in Kurdish journalism. What is more important is that a foreign journalist may interview someone for two or three hours. *Xebat* newspaper has 160 correspondents but the number of real journalists is less than 10 because they don't know how to prepare the subjects which we give them. A journalist has to conduct his own research on an issue.

Response: Question 9

It is not well arranged and there is a real lack of systematic regulation. I know that there is often interference on local television and radio channels because there is a

problem with the frequencies getting mixed up.

Response: Question 10

There are many difficulties which we face daily. Our newspaper is supported by the KDP, therefore, whatever we write, we'll be held responsible for it. On one occasion, Mr. Masoud Barzanî said that he had been born under the flag of Kurdistan. In fact this is quite true because he was born in 1946 in Mehabad at the time of the formation of the Mehabad Republic. This speech caused turmoil and uproar for us and there was a real hue and cry made about it and they said that we can't do or say many things because our newspaper is owned by KDP. Some newspapers use very sensationalist headlines, for example, a newspaper wrote that the sons of the ministers from KDP are MPs but it was not true and no date was given when I read the newspaper. A newspaper took advantage of the headline 'Tanks on the streets of Damascus' because due to this headline people thought that there were enemy tanks in Damascus, but it was eventually revealed that it was a Syrian army parade and there were no problems.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

If what they mean by violence is making complaints, then that happens all the time. Three complaints have been filed against me. Once a religious mullah made a complaint against me but I was released on bail. We reported that the material he was publishing could provoke violence. That was all we said but he complained about us. Moreover, the Press Law in Kurdistan doesn't mention anything about television channels. If you slander anybody on television you won't be dealt with under this Law but under the terms of Iraqi Penal Law. Websites have become bins for

recycling anything you want to write about. If you want to pass judgment on a woman, there are some websites which will publish your writing without any difficulties, not caring about the fact that she will face death at the hands of her male relatives if she has a brother and father.

Questions 13-14 not applicable

Response: Questions 15 and 16

The Law needs to be modified in order to include television and radio channels and websites. The article of the Law which needed modification and has now been modified is Article 10.

Question 17 not applicable

Response: Question 18

All of them are responsible. The legislator Mr. Nêcîrvan Barzanî said that the legal authorities should be separate. I have heard about a judge who found a criminal not guilty. The Kurdistan Journalists Syndicate ought to refer the Law back to Parliament and say that it needs modification so that it includes rights and responsibilities. To complain we go to the nearest police station; then a judge who is specialised in this field will hear the case. The editor-in-chief of the newspaper takes sole responsibility for whatever is published in the pages of the newspaper.

Questions 19-20 not applicable

Response: Question 21

We live in a society which still does not understand a Law of this kind. For example, the political parties in the Kurdistan Region have a duty to society to solve social problems and they often play the role of lawyers. Consideration must be given to ensuring even more damages will not follow. Otherwise the situation will go from bad to worse.

Questions 22-23 not applicable

After the modifications some of the journalists were still dissatisfied. I think that they want the Law to be to their own liking. They want to be able to slander and libel people without facing any consequences.

Response: Question 24

Absolutely, the existence of the Press Law is a good thing.

Questions 25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26 not applicable

Response: Question 27

I don't think whether you have completed academic studies or not necessarily make you a good journalist. A professional journalist learns from experience: his own and other people. I have been working in the field of journalism for 32 years. I have played different roles in journalism; I have been a section editor and a reporter. Journalism is for those who love it. Kurdish journalism was created by politicians and writers. *Badrkhan* was a political newspaper and *Gelawêj* was published by writers in the 'forties. Kurdish journalism did not rally emerge until the late 1980s.

Response: Question 28

Some of our journalists work in two or three places and some of them are sons of martyrs. Some of them are not able to do the things we ask them to do.

Response: Question 29

I am a member of the Kurdistan Journalists Syndicate and it was established by mutual agreement.

Response: Question 30

I don't believe that those students have really gained much. Many people don't find

it as useful as being a correspondent. I met Dennis Herts who was a correspondent during the September revolution. Sometime ago Herts came to me and I found out that he is still a correspondent. A few days ago an Israeli journalist who was a reporter from an Arts newspaper came to me and conducted an interview with me. Within the interview he asked me anti Israeli things and he didn't seem like an Israeli at all.

I work three shifts: the morning, afternoon and night shift. We have a website which is published in two languages, Arabic and Latin. Kurdish journalism has to adapt itself to the current trend of globalisation; otherwise this trend will destroy it. Although globalism is another form of imperialism, you have to get used to it.

APPENDIX 6.13

SALAR 'OSMAN, GENERAL DIRECTOR OF KURDISTAN VOICE RADIO

General Questions about the Media in the Kurdistan Region

Response: Question 1

I don't share the same point of view because I think that there is a legislation in Kurdistan which has set up the media in such a way that journalists are free in their career but this does not mean that there are no difficulties in Kurdistan. There are obstacles and problems in our society, in political life and even in the media. As an important aspect of Kurdish society, the Kurdish media is not without its problems. I don't believe that the media has been pressurised by the authorities. This wouldn't work in Kurdistan and is a great exaggeration. The existence of numerous newspapers and magazines, the increase in local and satellite television channels, radio stations and websites shows the reality of the current state of the media in Kurdistan and reveals this exaggeration. The authorities have provided good opportunities for the media in the Kurdistan Region.

Response: Question 2

Firstly, we have to revise the terminology because I don't think there are any media which can be called 'independent'. If we define the word independent and then think deeply about it we'll come to the conclusion that we don't really have independent media in the Kurdistan Region because independent media should be independently financed and subsidised by an independent source. Thus independent media should not be influenced by any particular viewpoint or political ideology. It should not accept some facts but reject others. Thus I conclude that we don't have any independent media in Kurdistan. We have a kind of media which could be called media affiliated to political parties in the Kurdistan Region. I would prefer to change this name to State media in Kurdistan. This is a kind of media which ultimately works in the interests of the Kurdish nation and of our homeland.

This national media has emerged from the political parties in Kurdistan, those parties which struggled in the mountains in the past. After the 1991 uprising, those parties produced a civil and democratic model which formed the basis for the Parliament and Regional Government. Then the political parties in Kurdistan gradually developed as a result of elections and democratic process. Along with the national media there is another media which is known as the civil media. I think these so-called civil media outlets are influenced by political parties, different ideologies, individuals, groups and factions with political interests. Unfortunately, some of them work as enemies under the guise of being civil: they hold the same hostile opinions and views towards every aspect of political and cultural life in the Kurdistan Region. Unfortunately, it was thought that the media which were affiliated to political parties shouldn't have taken that role. They were supposed to play a positive and active role and retain their characteristics of being civil whilst constantly expressing their opinions and criticisms on crucial social issues. These so called civil media outlets

have taken sides and worked against political parties and against national political interests in Kurdistan Region. They are so biased that they can make black appear white and white appear black.

Response: Question 3

They allege that there is no freedom in the Kurdistan Region or that it has been restricted, but there is freedom in the Kurdistan Region. The fact that they are able to express themselves freely is a sign of freedom. They often commit acts of defamation and the law does not care. This is a sign of freedom. There are numerous newspapers, magazines, radio station, television channels, websites and publications in Kurdistan. This proliferation of media outlets is a sign of freedom. Their second criticism relates to the financial aspect. They say that there is inequality in the way the authorities fund the media outlets. But I see it as just the opposite. It means that the civil media has been given the lion's share of the money which the political authorities provide for the media in the Kurdistan Region.

The budget of a PUK radio station is much less than that of non-PUK owned radio station in the so-called civil media sector. The budget of a PDK owned magazine is far less than that of a civil magazine which is not funded by any political party. Therefore I suggest that the Kurdistan Regional Government and the related authority review the issue of budget allocation in the media sector, because in reality the situation is the opposite of the journalists' criticism: the civil media takes the lion's share of the budget allocated to media in the Kurdistan Region.

It seems that some journalists have other criticisms. They believe that there is corruption and there are shortcomings in the Kurdistan Region. They think that freedom is restricted and that there is no dialogue and mutual understanding. They say that there is inequality in Kurdistan Region and that young people are unable to

make any significant contribution to social and political issues. Women and their rights is an area which presents many problems. The important issues of human rights are questionable and are not above suspicion. They aim other criticisms at the authorities. In principle their criticisms are quite true. The party affiliated media and national journalism, even the authorities themselves, share the same criticism. The Prime Minister himself, Mr. Nêcîrvan Barzanî, has confirmed that there is corruption in the Kurdistan Region, but it is comparatively limited. We admit that there are shortcomings in human rights in the Kurdistan Region but they are also comparatively limited. Work has already started in the human rights' arena so that it can be improved and free from problems. According to the latest speech by the KRG there are no political prisoners in the Kurdistan Region. An official from the crime eradication agency says that they'll allow free access to the prisons for any of the international organisations. We admit that some people have been imprisoned on causes of terrorism and crimes against society.

The criticism which alleges that there is corruption is true, but it is relative and not widespread. The Kurdistan Region was invaded by an enemy force and administered by a totalitarian government so it cannot be whiter than white and free from difficulties. The report recently issued by the International Bank and backed by the Iraqi Ministry of Planning is worth mentioning when we talk about corruption. The report indicates that poverty rate in the Kurdistan Region is 4% while the equivalent statistic in Iraq is 23%. This suggests that the report has been written by impartial people. All these things show that we have been able to develop and resolve this issue.

With regards to women's issues, it is clear that there is a set of legislation in parliament and the Prime Minister has asserted many times that women should be

protected, treated as human beings and that all the restrictions imposed on them should be removed.

With regards to young people's issues, the recently modified law concerning the age of majority is one positive step that the authorities have taken meaning that youths can enter parliament at the age of 25. Moreover the media, freedom, culture, social change, university, education, the learning sector, the whole reconstruction process and the urbanisation that we can see in the Kurdistan Region show that Kurdistan is developing. They indicate that progress in human rights, public and individual rights, and freedom is already underway but this does not mean that there are no drawbacks. The problem is that our journalists who criticise the authorities express criticisms which are full of passion and inaccuracies and devoid of hard facts. They play with this passion and there is a purpose behind it.

Response: Question 4

In relation to the criticism which the government makes of journalists, I think the only criticism which the authorities' level at them is that they make comments without supporting evidence. At the inaugural ceremony of the Aras organisation the Prime Minister presented a speech in which he said that Kurdistan journalists are free to criticise and complain about anything they see as being unfair or nasty, but they should not resort to any kind of force except the force of truth nor submit themselves to any party or faction save the truth. They can make their criticisms. It is an important policy of the KRG that journalists should have recourse to proof and truth. Seventy per cent of the writing by those journalists who are critical of or rebellious towards the authorities, their remarks, reports, and articles are not supported by any kind of data and evidence. Thirty per cent of their remarks, reports and articles are founded on evidence which all of us can accept because the party-affiliated media

and national media have criticised the KRG many times and will continue to do so. We criticise the Kurdistan parties and continue with this criticism because we think that criticism is co-operative and useful to the KRG. We have to teach the KRG to be an attentive listener to criticism but which kind of criticism? We mean the kind that relates to our domestic issues, to reforming our life and reconstructing our country, not the kind that seeks downfall and destruction and creates tension within society.

Response: Question 5

Certainly the mass media is a very significant medium. It is the domain which forms opinions. The media affiliated political parties media should go beyond the party political sphere and think more widely. I think the party affiliated media becomes more efficient when it is able to broadcast non-party opinions. It is not useful if KDP radio station broadcasts only the opinions of the followers of the party; it also needs to broadcast other people's opinion. The power of the *Voice of Kurdistan* as the oldest radio station (it was established 46 years' ago) is that it can reflect all the parties, factions and political tendencies, and provide the bigger picture for people. All these different opinions create a colourful mosaic, the mosaic of all the voices and colours of Kurdistan. Therefore in order to help shape public opinion, the media needs to gather together a range of opinions and not be afraid of different opinions as we should try to enter into dialogue with each other. The principle of dialogue makes sense as it shows that nobody has the whole truth, nobody has all the facts, and the logical conclusion is that one group alone can't run this country. Following this reasoning, I can see the other person's side, the opposite viewpoint. It makes me see the reality of the opposite side. This makes for dialogue and discussion. In my opinion dialogue is crucial in shaping opinion. This is the role of media outlets in the Kurdistan Region. The KRG and the civil organisations have to work on developing

this process for reflecting public opinion in the Kurdistan Region. We can say that we all work for the public opinion sector.

Response: Question 6

In my view, the most critical obstacle facing the Kurdish media is the fact that media work lacks professionalism. The media that exist in Kurdistan looks as though it was born from the media that already existed in the mountains before the 1991 uprising which was run by *Pêşmerge* journalists. After the uprising we could have changed media in the Kurdistan Region by combining the experiences from the mountains, civil society, civil political processes and social development but we still have a very big problem. It is true that we have changed the media and our media has developed and it has made great strides forward. But the main problem is that most of the media staff in the Kurdistan Region is not academically qualified. There is a very small percentage of qualified staff; therefore I think that it is very important to establish institutes of Higher Education and colleges in the media sector. The KRG is helping people to study abroad. It is very important to arrange courses and workshops for media staff and this is a valuable point. All of this means that we have to encourage media staff to get qualified so that we will see growth in this area in the next ten years. Currently it seems to be the opposite case.

Media outlets should have educated staff but there are a very small number of qualified people working in media outlets –less than 20%– and this is the first problem. The second problem relates to income and finance: From which sources do media outlets receive their money? And what do they have to provide in return? Most of the media outlets in Kurdistan receive money from the government and political parties. If the media were to stand on its own two feet by following an efficient budget, it could make its own living. Being self-financing would allow the

media to think more freely and see its surroundings more clearly. Most of the media in the Kurdistan Region are supported by political parties and can be called party affiliated media. It is normal for media to receive money from political parties and for a political party to have its own media outlets and political propaganda. All the above facts are true and this has been the case in the Kurdistan Region. From now on, some of the media outlets should be self-funded and should not take sides in political interests, with a sense of balance on issues. This is what we mean by the financial problems of media in the Kurdistan.

Another very important problem is the matter of understanding about the freedom of the Press. We haven't grasped this concept of freedom yet. Some journalists have understood this concept to mean that they can verbally abuse and defame individuals, that they can belittle the achievements in the Kurdistan Region, and attack both the government and the political parties. I think a period of time will be needed before the journalists in Kurdistan understand, through legal intellectualism, their responsibilities in relation to creating national pride and understanding the principle of the role of media, that what they do is not journalism and that it does not benefit the country nor does it make them as journalists effective participants in the cultural and media life in the Kurdistan Region.

There is also the problem of external funding of the media in Kurdistan. One day a young man can't even afford a mobile phone top-up and the next he is suddenly able to launch a magazine with a huge amount of money. This is external funding. Although I don't have any evidence, I would say this man has been provided with money by some individual, organisation or group. As I see it, there is external funding here, there and everywhere in the media in Kurdistan. This is a problem which we need to talk about it and we shouldn't be embarrassed about discussing this

problem. We have to talk about it openly, frankly and when we speak about it, there is no need for anyone to resort to defamation. If the other side can discuss and present their evidence then I think the KRG have to tell the truth. Firstly declare the financial backing behind all the magazines, radio stations and TV channels so that any external sources of funding can be discovered and cut off. Secondly, if the influential people from inside the political parties in the Kurdistan have a hand in this, it should be made known. Thirdly if the political parties in opposition have a hand in it, they will be discovered. Eventually we will find out whether this financial support is legal or illegal.

Response: Question 7

Of course the Kurdish media has made progress. There are big differences between today's Kurdish media and the Kurdish media as it was in the early 1990s. This progress has been mostly after 2003 following the Operation Iraqi Freedom. The Kurdish media has made great strides in quality and quantity. I remember when the first satellite dish arrived and people came to see it because it was strange and new for everyone. But now Kurdistan has as much technology as all the other countries in the world. Now we have numerous quality newspapers and we have several satellite channels which have greatly enhanced the profile of the Kurdish media. Also we have several radio channels linked to these satellite channels. We have a whole army of people working in Kurdish media outlets. If these individuals were to be supported by the KRG and sent abroad to take courses, get practical experience and academic qualifications I truly believe that in 10 years' time our Kurdish media will be better developed than that of our neighbouring countries. I believe our media are better developed than the Syrian media and at times, better developed than the Iraqi media. Moreover the ideas in our media and its political situation are much better than those

of the media in Jordan and Kuwait and other neighbouring states. The progress and development in media means that there are some intelligent people behind the media outlets in the Kurdistan Region.

In the future, I hope that the Kurdish media will become independent and focused on their own country. Also I hope the Kurdish media will become more critical but will employ constructive rather than destructive criticism and will rely on their own educated professionals. Furthermore, they should be able to talk about everything which is feared in Kurdish society. Also, I would like the Kurdish media to support the Kurdistan Regional Government and political developments in the Kurdistan Region, not hinder them. Moreover, the Kurdish media should start to behave more responsibly and to modernise as this is what Kurdish society will expect.

Response: Question 8

We have seen some officials visit some European countries but that has not impacted on the Kurdish media. In my opinion, the KRG should have a programme and plan for this situation. Some people have been writers for 15 or 20 years but haven't had any real experience anywhere. Secondly, with regard to political topics, the Kurdish authorities cannot successfully dialogue with Kurdish journalists and the Kurdish journalists have not been successful in engaging with the authorities. Many Turkish, Arabic, Persian and foreign journalists have seen and met the Kurdish authorities whilst, in contrast, only a few Kurdish journalists have had this opportunity. There needs to be a focus on the opportunity to encourage dialogue and understanding between the media outlets and the government. Thirdly, Kurdish journalists haven't enjoyed many opportunities for freedom. So, some journalists only highlight the negative aspects of the Kurdish experience and denigrate all the positive developments which have taken place in the Kurdistan Region.

Response: Question 9

I think the KRG has been negligent and has not made any plans about regulating the Kurdish media. There are many different kinds of media outlets –civil media, independent media, free media, and media affiliated to political parties or the government, etc. but the KRG hasn't made any plans to regulate them. Some magazines write on their front cover 'This is an independent magazine' but in reality it is not independent because it is financed by support from the Kurdistan Democratic Party or the Patriotic Union of Kurdistan or some other political party.

Response: Question 10

Firstly, we don't have enough educated and professional people. Secondly, it's too difficult when we want to contact people or officials generally. They don't agree to meetings with us to do interviews or report or to come into the studio for a report. Most people don't like talking to the media. Thirdly, there isn't any co-operation or set of procedures for dealing with the other media outlets whether they are official or informal channels. We haven't any procedures for dealing with the other radio channels and the Kurdistan Journalists Syndicate. There isn't any co-operation with the government and we don't know each other in the Kurdistan Parliament. There are no congresses or conferences for gathering together the Kurdish media outlets to focus on the guidelines which are needed, particularly in relation to journalistic ethics.

Question 11 not applicable

Questions about Kurdish Media Regulation

Response: Question 12

This is a substantial matter. The organisations working for human rights in the Kurdistan Region only see certain views of the society. This point has to be taken

into consideration and thought about. I am sure that violence against everyone still exists, in every home between parents, and between teachers and students. There is a lack of understanding between the authorities and the journalists about what is considered to be violent. There are other types of violence including violence against women and others. I would conclude by saying this issue of violence remains to be resolved but the situation is much better than it was in the past. Certainly, there is not enough information on this. Journalists do face violence but some journalists have been imprisoned on other charges. When an organisation visits a journalist in prison, he says 'I have been imprisoned as a journalist' but, in reality, he's been imprisoned for espionage or crimes against society or because he owes someone money but hasn't paid his debts. These issues should not be confused and they should be dealt with separately. There is still violence in Kurdistan but we are constantly discussing this and trying to put an end to it.

Questions 13-14 not applicable

Response: Questions 15 and 16

The name of the legislation is the Press Law. This law affects journalists' lives. Although it refers to newspapers, somehow it has to cover the media in general. This appears to be problematic. The radio stations and television channels require a law. The law that was passed in the Parliament is for journalists working in the Kurdistan Region. After much debate, it was given to the president of parliament who then referred it onto to the president of the Kurdistan Region. After intensive discussion, the president of Kurdistan Region modified the law in such a way that it could answer all the points raised by the journalists. Journalists were given so much freedom that they could get away with any defamation that they commit by paying low fines. Some journalists complained and said that the Law should be tougher than the

draft especially with respect to libel and defamation, but it seems that the Kurdistan leadership preferred the Law to be less restrictive.

Questions 17 and 18 not applicable

Response: Question 19

This law has to be modified in such a way that it includes radio stations and television channels. We also have some publications which are neither newspapers nor magazines and separate laws are needed for these media outlets.

Question 20 not applicable

Response: Question 21

I don't have a lot of information on this subject. You can ask the Kurdistan Journalists Syndicate. There is not absolute violence of journalist's rights. Journalists are just ordinary people. They are subject to the law and if they commit crimes they should be arrested. If they are involved in murder, if they insult someone or fail to pay back the sum of money which they owe someone, they should be arrested. You can ask a judge for further details.

Question 22 not applicable

Response: Question 23

We have greatly supported attempts to prevent journalists from being arrested. As journalists ourselves, we must help our colleagues.

Questions 24 and 25 not applicable

Questions about Professionalism and the Journalist's Role

Question 26 not applicable

Response: Question 27

A professional journalist is a journalist who works within the professional ethics and guidelines of the media. This world nowadays is the world in which you must be knowledgeable about your job. A journalist, who is not professional and inspired by

inclination into the field of media, is full of his own likes and dislikes. An amateur journalist is full of his own likes and dislikes and he is full of himself. There is a big gap between a professional and an amateur. It is not obvious whether he has drafted a news article according to his own tastes or in keeping with the professional ethics and guidelines of journalism. Most of the journalists in the Kurdistan Region are not trained journalists. Although some of them have been able to develop their skills and experience, others have not advanced at all.

Questions 28 and 29 not applicable

Response: Question 30

We have been able to play a role to a certain extent. Certainly there are ongoing attempts in Suleîmanî, Erbil and Duhok for students to finish their academic study in media. Studying in the area of media can be difficult but it is not enough if the students don't try and do practical assignments as well. Practical experience, personal study and self preparation in this field can be very fruitful for the students. They can learn the theory from books but what is most important is that they have to put it into practice in the field of the media. The most important thing is that the journalists themselves have to be in a constant process of professional development so that they can become knowledgeable, skilful and experienced journalists.

APPENDIX 6.14

PERY 'OMER, CORRESPONDENT OF THE DAILY NEWSPAPER XEBAT PUBLISHED BY THE KURDISTAN DEMOCRATIC PARTY

General Questions about the Media in the Kurdistan Region

Response: Question 1

I can't say whether there has or hasn't been any pressure but how could this happen? Some so-called independent media channels have occasionally been abused by the authorities but some of these independent media channels publish and broadcast information which is libelous so the authorities get angry. In a meeting, the President of the Kurdistan Region, Masoud Barzanî, said 'Some so-called independent media outlets have defamed political parties, the parliament and the government but we will not make any comment because now the Kurdistan Region is independent and people have their freedom even if some of our media channels insult and denigrate us'. For example we have a magazine entitled *Lvîn* (Movement) has sometimes published information which wasn't true and nobody was able to tell it 'You can't say that' or 'You have to stop saying that' because it is free to do this.

Response: Question 2

Today in the Kurdistan Region many media outlets publish and broadcast under the name 'independent' but I don't believe most of them are independent because they are all supported by the authorities, government or political parties. One group for example in the Kurdistan Region has an 'independent' newspaper called *Rudaw* but it isn't independent because is it indirectly supported by Nêcîrvan Barzanî who was the Prime minister of the Kurdistan Regional Government. In reality we don't have independent media because independent media should not receive financial support from any person or group. Moreover, the politically controlled media sector, is directly support by the political parties.

Response: Question 3

I think the authorities still don't understand the journalist's world. As a journalist, when I want to do an interview with a government official to talk about a project, I try to make an appointment to discuss this issue, but I expect that this individual will be late for the appointment and will be afraid to answer questions. For example together with several journalists I had an appointment with someone in a position of authority and we wanted him to give us some information about a law. He was running thirty minutes late for his appointment with us and before he met us, he sent someone else to ask us what questions we had and what we wanted to know so that before he arrived they could provide more details. This means that this official is afraid of journalists because he doesn't understand them and he thinks that when he goes anywhere he is being scrutinised by journalists. He can't see any difference between a journalist and a spy. I am a correspondent and my newspaper is supported by the KDP, so when I want an interview with someone who has a different ideology or is from another political party, suddenly he becomes afraid. There were a lot of

examples of this kind especially during the civil war. Journalists just want the authorities to do their jobs and not use their power for their own ends. However sometimes some journalists don't know what they want, for example this year when some journalists wanted to know about finance, the authorities gave them some information, and some journalists who didn't see these documents said that there was corruption in this government. Journalists should be submitting those in power to close scrutiny but journalists still don't know what they want from the Kurdish authorities and the government doesn't know what it wants from journalists.

Response: Question 4

Some journalists treat the government as though it were a dictatorship but if these journalists understood politics, they wouldn't see things in this light because the authorities are governing this country. Sometimes journalists don't understand what their job or journalism consists of and so they go to interview someone who fails to attend and they appear supportive but then later he sometimes criticises the interviewee. In my country journalists don't understand politics and power and the authorities don't understand journalists.

Response: Question 5

I feel there can be co-operation between the various media outlets to shape public opinion, for example when the Turkish advanced towards our border and they opened fire, then all the media outlets campaign together against the Turkish. Also, if PZAK, a political party which operates on the border between Iran and the Kurdistan Region, were to open fire on Iran and Iran were to bomb to us, then again all the Kurdish media channels together would campaign against Iran. The fact is that there are many political parties in the Kurdistan Region, each with their own media outlets which support their particular political ideology but in journalism one must not

support a particular ideology but must be honest. All these different ideologies in Kurdistan cannot co-operate to shape public opinion.

Response: Question 6

One of the most important difficulties facing the Kurdish media is the political parties. This is a problematic issue for the Kurdish media because journalists should not focus on or supports one specific political party; they should be independent but this is very difficult for the politically controlled media because party-affiliated journalists cannot use information objectively or against their own political parties. Firstly, one of the most important difficulties facing the Kurdish media is the political parties. This is a problematic issue for the Kurdish media because journalists should not focus on or support one specific political party, they should be independent but this is very difficult for the politically controlled media because party-affiliated journalists cannot use information objectively or against their own political parties. During the last few years things have improved. Previously party-affiliated journalists were not able to interview or contact anyone who was working with the other opposition political party. However now things are better because the two main political parties have formed as alliance.

Another problem is the amount of people who are watching your work in your media outlet, meaning you cannot do or say anything. Also, regarding social issues, like some of my fellow female journalists, I cannot go to other cities or certain places to do interviews or reports because we are women and in our society it isn't easy for women to travel without their family. There is also the problem of economics. ournalists in the Kurdistan Region are very different from journalists in the European countries because there journalists can earn good salaries for their jobs but here there is one standard salary for journalists so if we want to do some reporting, we need

financial support from our media outlet. My editor-in-chief commented: ‘I only have 10 journalists working for me and I trust them’ but he should be asking himself about other journalists because they may have a lot of problems and the editor-in-chief should solve their problems because then you can find out who the good journalists are because journalists face the same problems and need to solve these. Also we cannot work for just one newspaper or channel because of the economic situation. We need to work in several media outlets not just one because journalists cannot earn enough to support themselves by working in one media outlet. For those journalists who are married, journalism is a more difficult profession than others.

Response: Question 7

I would like journalists to break their links with political parties, and I would like the Kurdish media to reach the levels of the media in the developed countries.

Response: Question 8

The Kurdistan Region has its freedom but we cannot use this freedom properly because we don’t have enough experience. Some of those studying in media departments in universities and institutes of further education cannot be journalists when they finish their studies. Young people have great opportunities although some people say they haven’t due to the authorities but that is not true because now young people have the chance to join parliament when they are 25 years old. Today in the Kurdistan Region if a journalist insults someone, he can become famous but journalists should avoid defamation.

Response: Question 9

The Kurdish authorities don’t know anything about the quantity and quality of media channels. In town I’ve seen two magazines, with the same staff and same content but given different names. A few years ago, most of the committees of the Kurdistan

Democratic Party (KDP) had their own magazine but the KDP decided to limit this range. The Kurdistan Region has many political parties with each one having several media outlets so the Kurdish authorities still haven't resolved these problems.

Response: Question 10

In this newspaper sometimes certain journalists are supported and others are forgotten. Also there is more support for men than for women which is why some women have left here. I have experienced problems with travelling because when something happens I want to visit this place but I can't because we don't have enough cars to take us to these places. Sometimes we face violence but this newspaper cannot support or defend us, for example Rzgar Kojar has faced violence on a number of occasions but the KJS didn't defend him. If we face violence we can't rely on anyone to defend us which is an obstacle for the development of the media. **Question 11 not applicable**

Questions about Kurdish Media Regulation

Response: Question 12

There is violence against journalists in the Kurdistan Region; sometimes we know which group is responsible for this violence, sometimes we don't. A number of journalists have been killed but we don't know who was responsible because mostly this has happened in Kirkuk which is one of the cities in Kurdistan but it is under Iraqi security forces. Sometimes the Kurdish authorities have carried out acts of violence, for example if someone writes a report about an official who has done something wrong then in the future there may be violence.

Questions 13 and 14 not applicable

Response: Questions 15 and 16

It needs to be reviewed and amended as soon as possible, especially the section

which refers to access to information. This section needs to be more supportive of journalists. However I would like Article 10 which relates to punishment to be stricter not easier because some journalists have committed offences which impact negatively on other journalists. **Question 17 not applicable**

Response: Question 18

If we have complaints we go to the nearest police station as we would for any other issue because we still don't have any organisation to receive complaints.

Questions 19 and 20 not applicable

Response: Question 21

In the Kurdistan Region some people think that they are above the law; they think they can do anything they please. **Questions 22 and 23 not applicable**

Response: Question 24

If the Press Law were implemented, it might resolve the violence.

Questions 25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26 and 27 not applicable

Response: Question 28

The University and Institutes of Further Education have media and journalism departments but we need a lot of courses for journalists. The media in the Kurdistan Region needs to change quickly.

Response: Question 29

The Syndicate should listen to journalists and should be opening new journalism courses. It also needs to contact other Syndicates in developing countries.

Response: Question 30

It does have a role to play but it is not very successful.

APPENDIX 6.15

NERMÎN SNDY, PROGRAMME MANAGER FOR THE RADIO VOICE OFKURDISTAN

General Questions about the Media in the Kurdistan Region

Response: Question 1

Firstly, I want to say that criticism of the authorities by the media does not mean harassment and abuse of their rights. Media outlets have focused on these shortcomings in order to improve and develop the situation.

Response: Question 2

I am suspicion about independent media. The politically controlled media sector works for the political parties but they use media affiliated to political parties which avoid defamation, and publishing and broadcasting false news. The so-called independent media outlets don't obey media ethics or carry out their functions. The main point about independent media is that they should be financially independent but some of the media outlets which call themselves independent receive financial support from organisations, political parties or other countries.

Response: Question 3

These are the criticisms that the journalists have of the Kurdish authorities: There is a lack of opportunity for journalists to do their work in relation to general issues which are forming public opinion; a lack of news sources; no reliable organisation to provide information to journalists, as well as it being so difficult for them to obtain documents and data. Journalists want the Kurdish authority to be more accessible because generally it is difficult for journalists to contact officials and the government to obtain information.

Response: Question 4

Some journalists publish data and information without any documentary evidence so the Kurdish authorities become angry. The Kurdish authorities want journalists to work professionally, in a way which is keeping with the role of the media and does not entail defamation of character and intruding in the private lives of individuals.

Response: Question 5

I don't believe the different media outlets shape public opinion because each of them receives financial support from a different source. In order to shape public opinion the media outlets need to be honest with each other and to believe each other. They also need to form good relationships and use a single information source.

Response: Question 6

The Kurdish media sometimes face censorship by the Kurdish authorities, especially when they report and discuss corruption in government organisations. Generally officials prevent the media from speaking about corruption. There is also lack of educated people in the media outlets. In addition, the journalists who work in media outlets lack experience. There is no means of differentiating between people who work in Kurdish media outlets, no means of evaluation and assessment.

Response: Question 7

Occasionally certain outlets publish and broadcast information which is not supported by evidence, and faced with this issue, the Kurdish media are trying to to challenge this situation. I would like to see the Kurdish media in the future become the Fourth Estate.

Response: Question 8

The main opportunity that the Kurdish media has is independence and freedom. The Kurdish media needs to distinguish between freedom and a free for all.

Response: Question 9

I see the role of the Kurdish authorities as being very weak in regulating the media. Sometimes I feel the Kurdish authorities haven't done anything to regulate the media because the authorities misunderstand what media freedom means. This issue should be changed by applying a new law which should apply to both authorities and media outlets.

Response: Question 10

The biggest obstacle which I face is when I want contact someone regarding information. It's really difficult to contact them because they are self-important and belittle the media outlets. For example, in the case of interviews usually they say: 'We don't have the time. Also some people prefer to be interviewed on TV rather than on the radio. Moreover, as women, we have children that need to be looked after but in this outlet and the surrounding area there aren't any nursery facilities to look after children. **Question 11 not applicable**

Questions about Kurdish Media Regulation

Response: Question 12

I think this does happen occasionally. Generally, I see that journalists are dealt with

respectfully and are going about their work as normal. There may have been some incidents which have been labelled as violence but nobody knows who has committed these. We don't know exactly who has assaulted or tortured journalists; it may be a social problem or a perhaps a political party is behind it so I couldn't say whether this is violence against journalists. **Questions 13 and 14 not applicable**

Response: Questions 15 and 16

I have a small comment regarding punishment. The fines that can be imposed are very high and journalists in the Kurdistan Region don't get a good salary so this sanction needs to be reduced to a level which is in line with their salary.

Question 17 not applicable

Response: Question 18

Even now journalists in the Kurdistan Region don't understand very well how to go about making complaints and to whom they should direct their complaints. Some of the journalists don't trust the Kurdistan Journalists Syndicate so they mostly take their complaints to the police station. I would suggest that journalists should raise their complaints with the KJS which is not very active but if it had to deal with complaints which were made to the Syndicate, it would become more active.

Questions 19 and 20 not applicable

Response: Question 21

Initially any work, some obstacle coming if it is not normal but we should be taking usually. I don't feel that journalists in Kurdistan are under threat but if they are, then the rights of journalists must be defended. **Questions 22 and 23 not applicable**

Response: Question 24

If the Press Law were to be implemented properly, I think it would resolve any issues of violence or coercion of journalists. I haven't heard about violence against

journalists but if it does exist in the Kurdistan Region, I would like to understand the journalist's circumstances better. I think there can be confusion here. Journalists should focus on those who have been involved in corruption. Journalists shouldn't intrude into people's privacy as some of those journalists facing violence have done.

Question 25 not applicable

Questions about Professionalism and the Journalist's Role

Questions 26 and 27 not applicable

Response: Question 28

During the last few years, some academic departments in the University and in Institutes of Further Education have been opened for journalists but I don't think it's been very successful because they take students to do a degree. It's not out of personal interest, as most students don't like these departments. Workshops put on by certain organisations or special courses are another way of providing training for professional journalists. I participated in some of the courses but in reality they weren't very good or useful. All the journalists shared the same opinion. I think media outlets should make an attempt to train the journalists they employ to develop their professional skills by putting on courses or hosting tutors from outside the Kurdistan Region to teach journalists.

Response: Question 29

I don't think the Syndicate has done much for the development of professional journalists, but this might be possible if they tried to put on some courses about being a journalist for all journalists not just a select few.

Response: Question 30

It doesn't have much of an influence because the development of professional journalists is related to the individuals themselves.