Media Law Reform 2.0: Advancing Media Freedom and Independent Media Around the World

By Maddie Powell, CIMA Research Intern

On June 20, Center for International Media Assistance (CIMA) and the International Senior Lawyers Project co-hosted the event "Media Law Reform 2.0: Advancing Press Freedom and Independent Media Around the World" at the National Endowment for Democracy. The discussion featured Jane E. Kirtley of the University of Minnesota, Madeleine Schachter of Baker & McKenzie LLP, David McCraw of The New York Times Company, Mark Koenig of USAID, and Richard Winfield of the International Senior Lawyers Project (ISLP). It was moderated by Peter Noorlander of the Media Legal Defence Initiative.

The panelists discussed the importance of global media law reform, examined challenges for stakeholders, and provided examples of various laws from around the world.

The author of *The Media Law Handbook*, Kirtley spoke about the importance of the media sector in a well-functioning democracy. The government, she stated, should not legislate the press. Instead, competition in the market-place of ideas will force media to be accountable to their audience. Kirtley said that as media continue to digitize, she is concerned about the surveillance of journalists, both virtually and physically. Closing on a positive note, she emphasized that time is on the side of journalists and the ability of the "bad guys" to control communication is diminishing every day.

Schachter discussed her work with ISLP in which she helped draft a freedom of information (FOI) law in Yemen. While she began work on the law in 2008, the measure actually passed on the day of the event. Schachter attributed the success of her work to understanding the culture in which the Yemeni parliamentarians are operating and engaging collaboratively with the government and civil society to build the law together.

McCraw listed several important factors that are crucial to passing FOI laws: political realities, the complexities of implementation, transparency, and "localism." As an example of what he meant by "localism," McCraw explained that given the large population of foreign workers living in Yemen, it was important to consider whether to extend the ability to FOI requests to all residents or only to Yemeni citizens.

Koenig reviewed the many means of media law assistance and stressed the importance of each. His list included legislative drafting, association building, media law curriculum reform (in both law and journalism schools), and international networking among media law experts. He also pointed out that there are new challenges, such as cyber security, facing media in the digital age. The most daunting task is empowering coalitions to push through freedom of information legislation despite difficult political environments.

Winfield discussed the anthology he edited, *Exporting the Matrix: The Campaign to Reform Media Laws Abroad*. The book documents successful and unsuccessful attempts to pass FOI laws, including the work of several of the other panelists. Noting that passion is at the heart of pro bono work by media lawyers, Winfield argued that the work they do is critical to a thriving media environment. He said that media law reform is an often overlooked and underfunded area of media development, emphasizing that without a legal enabling environment for the media, even the best-trained journalist won't succeed.

Following remarks from the panelists, the audience asked thought-provoking questions, ranging from inquiries about the implementation to religious considerations of FOI laws in various countries.