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**“Media Law Reform 2.0: Advancing Press Freedom and Independent Media Around the World”**

**National Endowment for Democracy**

**Wednesday, June 20, 2012, 4:00 p.m. - 6:00 p.m.**

**1025 F Street NW, Suite 800, Washington, D.C.**

On Wednesday the National Endowment for Democracy (NED) hosted a discussion on media law reform around the world. The panel featured **Jane E. Kirtley**, professor of media ethics and law and director of the Silha Center for the Study of Media Ethics and Law at the University of Minnesota’s School of Journalism and Mass Communication; **Mark Koenig**, senior advisor for independent media development at USAID’s Center of Excellence on Democracy, Human Rights, and Governance; **David E. McCraw**, vice president and assistant general counsel of the New York Times Company; **Madeleine Schachter**, partner and global director of corporate social responsibility with Baker & McKenzie LLP; and **Richard Winfield**, co-founder, treasurer, and a board member of the International Senior Lawyers Project (ISLP). **Peter Noorlander**, chief executive of the Media Legal Defense Initiative (MLDI), moderated the discussion.

Kirtley stated that **new governments typically do two things: call for a free press, and then modify that position. While legislation to that effect is often undertaken with good intentions, the results are frequently damaging.** Restrictive press laws enacted by governments share a number of commonalities: the promotion of “national values,” provisions for blocking opposition outlets or those that start “conflict,” a ban on certain topics, and criminal punishment for libel.

**Schachter spoke about her work with Yemen helping them craft a Freedom of Information Act (FOIA), which was enacted yesterday.** Schachter said it was important that different countries enact different laws that correspond to their own particular conditions, and countries can craft provisions that protect interests specific to their society. **Also essential, Schachter explained, is that foreign governments are made to understand that it is in their interest to reform their media laws, as a way of enhancing governmental functioning.**

McCraw contended that FOIAs are not only good for journalists, but good for publics at large. Questions, however, remain; for example, **should private stakeholders be answerable to information requests, as well?** In McCraw’s experience, he has tried to compromise with those he worked with, such as foreign lawyers who want to enact laws providing prison sentences for government officials who refuse to honor information requests.

Koenig spoke about his work, which has included programs to train media lawyers abroad, moot court competitions in places such as Egypt, media law curriculum reform, and assistance with association-building. Winfield posed the question of how he and his colleagues can work to create coalitions to make good media law. **Media law reform, Winfield said, is overlooked and underfunded.** While programs to train journalists and assist media outlets are popular, media law reform is not given an appropriate level of attention, and it is just as important as the other areas of foreign media development.

One recurring question from the audience was that of implementation of new media laws. Panel members agreed that **governments must be incentivized to enforce the laws, and experts offering assistance must be pragmatic in their approach.** The laws themselves also need to provide mechanisms, such as those through the local court system, for implementation, but often those seeking information do have to resort to international courts. Finally, there first needs to be political will if a country is to reform its media laws.