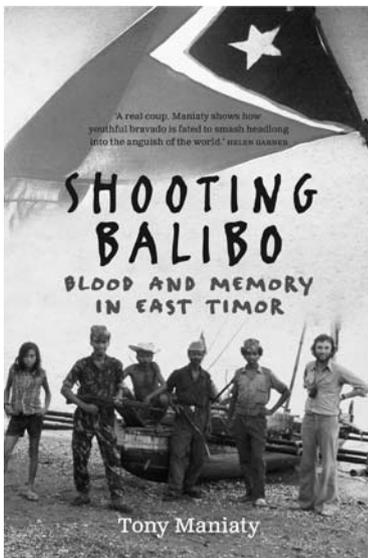


War reporting and the legacy of Balibo

By Erica Contini

“War is everywhere and ongoing”, journalist and author Tony Maniaty declared as he discussed the intersection of war and journalism at a Castan Centre public lecture in October. Maniaty is a former war reporter who had been covering the nascent war in East Timor when the Australian journalists who became known as the “Balibo Five” were killed in 1975. Maniaty released the book *Shooting Balibo* about the incident in June of this year and was a consultant on the recent movie *Balibo*. During his public lecture, Maniaty weaved stories from his own experience into his exploration of the legal protections for war reporters.

can offer a powerful deterrent to senior officers by putting them on notice that their actions are under international scrutiny. War reporting is more dangerous now, according to Maniaty, on account of two related influences: on one hand, it is often hard to visually distinguish journalists from soldiers due to the protective clothing both groups wear, and on the other hand journalists are no longer seen as neutral observers but as “an active component in the process of modern war” who can influence military strategies, as occurred in the 2003 invasion of Iraq. Maniaty conceded that journalists are now deeply entrenched in the war machine as they tend to provide war coverage from one perspective alone...the



Left: Tony Maniaty on the cover of his new book

Above: Tony Maniaty during his lecture

Maniaty argued that journalists need to better know and understand the laws of war, often referred to as International Humanitarian Law (IHL). IHL provides protection for journalists during armed conflicts by treating them the same way as civilians, and Maniaty commented that he would have benefited from knowing the laws (or at least having heard about them) when he was reporting from East Timor. In addition to providing the basic rules for legal protection of journalists, Maniaty stated that IHL is important because “it also lets them know what is legally permissible in their role as media representatives and also what - legally - combatants can do about the presence of journalists and what they cannot.” In East Timor, some of Maniaty’s television colleagues reported on how they had conveyed information of a military nature from one group of Fretilin forces to another, clearly breaching their obligation under IHL to remain neutral and impartial observers.

Knowledge of IHL is not just a matter of survival, but also, according to Maniaty, a way of furthering the cause of justice. As witnesses to violations of IHL, war correspondents can quickly and accurately tell the world what is happening and document violations, thereby encouraging later prosecution of offenders. Furthermore, while invoking IHL and the rule of law may not deter young soldiers, it

more embedded journalists become, the harder it is for them to maintain their status as civilians.

In the very complex environment of modern warfare, Maniaty still sees an important role for IHL. He noted the role it has played in providing justice to the families of victims of war crimes, citing the current Australian investigation into the deaths of the Balibo Five. He argued that the weakness of IHL is not its sometimes outmoded laws, but rather the need for the political will to ensure “vigorous implementation of the rules, and systemic investigation, prosecution and sanction of violations [of IHL].”

Maniaty closed the lecture by highlighting the continuing importance of having journalists in war zones and the need for stronger enforcement of IHL. He stated that, to generate greater acceptance of IHL, society needs “to stop viewing and presenting war as a heroic enterprise, and see it for what it fundamentally is – an inhuman, horrific and desperate act by people devoid of imagination, for whom brute force is not the last resort but usually the first.”

Tony Maniaty’s paper can be found online at:
www.law.monash.edu.au/castancentre