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REPRESENTATIVE ON FREEDOM OF THE MEDIA



Freedom and Responsibility
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The cover is a drawing by the German author Günter Grass, “Des Schreibers Hand” (The writer’s hand), who kindly let our office use this as the label of the publications of the OSCE Representative on Freedom of the Media.

The drawing was created in the context of his novel “Das Treffen in Telgte”, dealing with the literary authors of the time of the “thirty years war”.

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Content

Bronislaw Geremek - *Preface*, 5

Freimut Duve - *Introduction*, 9

I. Culture and Media -Freedom to write,
freedom to think, freedom to broadcast – *Essays*

Clifford G. Christians - *Communication Ethics*, 19

Mukhtar Shakanov - *Zhelton Square - Mutiny to defend four mothers*, 37

Dschingis Aitmatov - *Zentral-Asien - Battelfield or Oasis*, 73

Michael Ignatieff - *The Media is the media ...*, 81

Antonin Liehm - *The role of culture*, 97

Jim Hoagland - *Media Democracy in Jeopardy*, 109

Freimut Duve - *The industrialisation of article 5 of Germany's Constitution*, 115

II. Where we come from, why we do it – *Essays*

Beate Maeder-Metcalf - *Histories and some considerations*, 123

Alexander Ivanko - *Glasnost how it all started in Russia*, 131

Stanley Schrager - *Present at the creation - The American view*, 141

Bei Hu - *Censorship by Killing*, 155

III. Overview

Kaarle Nordenstreng - *Self regulation , Press Councils in Europe*, 169

IV. Our Work , what we have done – *Reports*

The Mandate, 189

The Copenhagen opening speech, 193

The Reports to the permanent Council, 195

Reports on the Media

Republic of Yugoslavia, 211

Republic of Croatia, 219

Republic of Kyrgyzstan, 227

Interventions, Contacts, Visits to the member states, 241

V. Where to find those who help
the Media-NGO's in the OSCE-World

Contributors, 286

Bronislaw Geremek

Preface

Addressing US Congress in January 1941, President Franklin Delano Roosevelt sketched the prospect of a secure future world based on four basic, cardinal values. He considered the first of them to be universal freedom of speech and expression which he regarded as the foundation of all social and political relations. That approach to the values of the contemporary world did not arise solely from the democratic traditions rooted in the rise of the American republic. It also stemmed from the conviction - known also to European liberal and democratic thinking since the times of the French revolution - that freedom of expression constitutes the basic determinant of a modern social system.

That idea was not obvious everywhere and to everyone and it did not always become a political or ethical directive.

For many people in Central and Eastern Europe, an evaluation of the resolutions of the Final Act of the Helsinki Conference on Security and Co-operation in Europe contained a difficult dilemma. The Helsinki process launched in 1975 entrenched the division of the world imposed on Europe, consolidated the spheres of influence of the two then super-powers and - especially to people lined with democratic opposition groups - appeared to indefinitely preclude any changes in the states of the Soviet bloc. On the other hand, it was at Helsinki that a so-called 'third basket' was created. It contained a sub-chapter dealing with the sphere of information which became a veritable 'window of opportunity' for circles advocating at least a minimum of openness in totalitarian systems. That minimum took on sufficient significance to become a battle-ground for freedom of speech, unfalsified information and free media, not subject to political censorship.

The decline of the communist system in Europe was marked by the collapse of the state's information monopoly. Allow me to recall Poland's experience in this field: the victory of Solidarity in 1989 was made possible to a large extent by the gradual expansion of freedom of

speech and the building of independent media. It was the fruit of contributions made by journalists and intellectuals towards dismantling the political gag that had obstructed genuine public discourse.

With regards to issues involving the freedom of speech and the media, the Helsinki process brought about unexpected results. They were unexpected by democratic-opposition circles in Poland, Hungary and Czechoslovakia as well as by the totalitarian structures which underestimated their importance. Neither were they expected by the countries of the West who insisted on the creation of a 'third basket' in 1975 at the price of consenting to the world's bipartite division.

The freedom to express one's own views is the sovereign and indivisible right of people, institutions and societies. And yet, even at the close of the 20th century, that unambivalent statement continues to encounter resistance from political establishments in many different countries. The general public is aware of incidents which include impermissible pressure exerted by state structures on the content and relay of disseminated information. Instances of 'final censorship' and even of physical threats to the freedom and life of journalists also occur.

I am happy that in the family of OSCE member-states such incidents are not as drastic as in other regions of the world. That stems not so much from the specific nature of that region, stretching from Vancouver to Vladivostok and linking societies of various cultures and traditions, including different attitudes towards freedom of speech. That mainly stems from a conviction which has taken root throughout the OSCE area that there are certain common values and principles of conduct which are gradually becoming the norm. In today's OSCE realities, freedom of speech is an integral component of the concept of all-round security and international solidarity.

Proposals first put forward by Germany in 1996 to appoint a representative of an organisation dealing with the mass media gained widespread support and served as the basis of a decision taken during the OSCE Ministerial Council in Copenhagen in December 1997. The implementation of those norms and constant reminders about their significance to freedom of expression is one of the tasks of the OSCE Rep-

representative on Freedom of the Media. That activity has contributed to the building of stable, democratic societies, as well as playing a big role in the early-warning process and conflict prevention.

It is with great satisfaction that I can state that after its first year of activity the new OSCE organ has clearly and effectively defined its scope of competence, presented many interesting projects and specific solutions as well as doing a good job as a mediator between government institutions and the media community. Like security, freedom of speech is one and indivisible. The activities of the OSCE Representative on Freedom of the Media revolved around that principle in 1998. I am convinced that with that principle in mind he will also successfully tackle the challenges of 1999.

Freimut Duve

Introduction

I. The Office of the OSCE Representative on Freedom of the Media was created in December 1997. We are today presenting our first Yearbook. The idea for this Yearbook grew out of discussions among the staff of our Office regarding the best way to present our annual public report.

Our intention is to contribute through the Yearbook to the discussion within and among participating States and their representatives in the OSCE regarding freedom of the media, freedom of speech and the freedom of journalists. This is, after all, the common liberal commitment to which the participating States of the OSCE have subscribed.

The first year of our work has shown how very differently the historical legacy of our common transatlantic and pan-European traditions is understood.

Our work is marked by the recognition of two historical facts. The development of modern democracies is unthinkable without the humanistic and political dimension of human and civil rights. Not only the two great revolutions with roots in the citizenry, the French and the American, but also the measures taken to promote press freedom by many enlightened European monarchies in the eighteenth century – for example those adopted by the Kingdom of Denmark in 1770 – recognized the freedom to publish as a part of human and civil rights. So, too, solidarity with banned writers during periods of dictatorship was based on the human and civil right to the free expression of opinion.

It was not until the end of the monolithically-ruled communist States that a second, essential argument for the freedom to publish became evident in all its importance. The role of the corrective, of the open debate, necessary for the major economic and technological decisions of the executive branch, not to mention those concerned with the cultural and social areas. A modern State and a modern economy cannot survive without this corrective public discussion – a case in point

can be seen in the absence of discussion regarding the safety of the Soviet nuclear industry. Today, therefore, freedom of the journalistic media represents, as we move into the twenty-first century, a global challenge to the community of States and to their internal and external peace. This challenge is at the same time marked by the worldwide discussion regarding the responsibility of the old and new media *vis-à-vis* the fundamental values and cultural convictions of very different nations.

II. The Yearbook is designed to reflect only some of these considerations. The OSCE has committed itself to the great tradition of freedom of opinion and a free press.

It is not surprising that, in this first year of our work, the focus should have been on specific events. Concern for the development of free media in certain participating States, along with our critical reactions to violations of that freedom, lay behind the visits paid to many participating States, either by staff members or by myself. Public relations and expressions of support for freedom in the form of lectures and public discussions, particularly in the presence of journalism students and young diplomats, are part of our work, which has also come to include as a permanent component regular lectures to students from Eastern Europe at the Vienna Diplomatic Academy. We are very grateful to the positive response we had received from the “*Zeit-Stiftung*” in Hamburg to grant our annual interns from Princeton and from Eastern Europe the “*Bucerius - scholarship*” and to the “*open society*” Budapest for supporting very generously our project to present schools on Central Asia and other OSCE- regions the founding of “*school journals*” run by the pupils themselves. The Bucerius programme started in 1998 the “*school-journals*” programme will start in 1999.

In addition to providing information on our regular reports to the OSCE Permanent Council, the Yearbook contains individual country reports and discusses the many specific measures that we have undertaken in the first twelve months of our existence. Naturally, the Yearbook also surveys the work of the non-governmental organizations (NGOs) that are working for freedom of the media and without whose

contributions it would often not have been possible to spark off any critical discussion outside the countries in question.

A special part of the Yearbook is taken up by the very personal texts of my advisors, in which they discuss their view of the objectives of our Office and their experience in pursuing them. These texts reflect the diversity of our convictions, all of which, however, come together in one basic value – the freedom of the journalist to publish his opinions and what he knows to be true. Of particular relevance here is the piece entitled “Censorship by killing” which deals with a special challenge – the murder of critical journalists. The author, Bei Hu, a member of our staff, is a graduate of Princeton University who is working for one year in our Office under the *Bucerius* scholarship established by the German foundation “*Die Zeit*”.

Our diverse experiences during this first year also explain why we have combined very different text genres in this Yearbook: a literary text by the Kazakh author Mukhtar Shakanov, a speech by the Chairman of the Kyrgyz Writers’ Association, Dzhingis Aitmatov, on the self-awareness of Central Asian cultures, and thoughts by Jim Hoagland of the *Washington Post* about the world’s greatest media event of the year 1998. In addition, Clifford G. Christians from the University of Illinois reviews the development of what has today come to be cautiously called media ethics, while Antonin Liehm, the Czech writer, traces the cultural process of the emancipation of writing from the constraints of socialist dictatorship in his journal *Lettre Internationale*. Liehm has tracked the literary and political developments, not only in Western Europe but indeed throughout Europe, that led from Charta 77 and the emergence of the Polish civil rights movement to today’s OSCE.

III. What tasks and experiences emerge from this first year of work? First of all, there is the constant reminder of the opportunities – but also of the challenges – inherent in this trans-European and transatlantic organization that is the OSCE. The post-Soviet States in Central Asia are OSCE members, as are Canada and the United States. If someone wanted to write a cultural history of freedom of thought, freedom of

the written word and freedom of speech, the regions comprising today's OSCE area would provide excellent archival material for such a chronicle. To the question what constitutes a source of legitimate pride for citizens of the United States, many would answer: the first amendment to the American Constitution. The history of freedom in the United States is also the history of freedom from the feudal and institutional constraints of the Europe of the eighteenth and nineteenth centuries, a history of freedom that in America – unlike Europe – has continued without interruption to the present day.

As understood in Europe, freedom of the media is one successful outcome of the struggle for democratic national constitutions in the nineteenth and twentieth centuries against initially successful efforts to use totalitarian means to defame and destroy this history of freedom as a bourgeois aberration. Today, ten years after the fall of the Wall, Europe and the OSCE are united in their deep belief in the inalienability of this fundamental right. Still, there are many differences in basic perceptions. In the Caucasus and in Central Asia, while fundamental rights are indeed officially recognized, at the same time warnings are being raised against “too much journalistic freedom”. Western Europe has frequently been the scene of widely differing notions regarding the limits of this freedom in the light of the rights of other persons who may be affected by what is published. Indeed, historically and politically there have been some very interesting transatlantic differences of opinion between the Council of Europe and important institutions in the United States.

Thanks to its diversified membership, the OSCE is, in political terms, the international organization in which these historically determined differences and ethical questions on which there is agreement can best be put on the table for discussion. Experience has taught Europeans that the essential issue is the freedom of individual journalists and writers from persecution and censorship and the freedom of individual media enterprises, newspapers, radio stations and television programme-makers from harassment and closure. This is why I have, again this year, visited imprisoned journalists and the families of journalists who have been murdered.

IV. Naturally, implicit in the term “freedom of the media” is also the question of the ability to establish radio stations and newspapers free of State controls. On this point there are transatlantic cultural differences, which have featured prominently in the discussions in this Office. The remarkable experience of the BBC as a public vehicle of free journalism that is in no sense an instrument of the State – nor may it be – knows no parallel in the development of American journalism. This has led to interesting arguments in our Office as to whether the number of free private transmitters is by itself a sufficient indicator of media freedom, and whether quantitative comparisons are really useful at all in demonstrating the existence of freedom or its absence. The European argument runs like this: If the critical question were simply the number of radio stations, Great Britain and Austria would head the list of countries to be criticized, while many post-Soviet States would stand as paradigms of freedom, since small, private radio stations – as, for example, in Georgia or Armenia – could be seen as proof of journalistic freedom and diversity.

We have had to learn and discuss things with one another. The matter is not as simple as it may seem. A free media enterprise as such may be the first sign of non-State-controlled journalism but it is by no means proof that such journalism is firmly entrenched. In a number of the privatized enterprises in the formerly State-controlled planned economies there is clear evidence of a definitive closeness to the State (and in some cases of obedience to it as well). At the same time, there are other instruments that might at first sight seem surprising but through which centralized State control can be brought to bear without becoming immediately obvious. For example, censorship may be exercised through the control of central distributors and printing firms that continue to be run by the State. The distribution of particular newspapers may be disrupted from time to time, or else certain papers may fail to receive their sales earnings. Or the sole, State-run central printing establishment, possibly a relic from the communist period, may often refuse to print an independent daily. As a result, that paper will be forced to rely on a far less modern print shop located well away from the capital city, with the result that its editions will hit the street with delays of up to 24 hours.

V. Another equally important topic that we have discussed has been the demand that journalists take responsibility for what they disseminate. It is obviously true that, in the history of the struggle for freedom of speech, powerful people who for one reason or another have no wish to be criticized, either personally or in their official capacity, have constantly brought up this question of responsibility. On this point, however, I would counter with the question whether the subject of responsibility can simply be dismissed by others using the word to obstruct journalists in their work. Did the word “democracy” become unusable simply because in 1949 the communists in the Soviet-occupied zone of Germany named their State the “German Democratic Republic”? Is the word “freedom” no longer usable simply because it was applied by people like Hitler and Stalin to either the German race or the Soviet working class? Are not today’s media called upon to exercise responsibility in the same way as all citizens and institutions that wish to make use of the freedom that is theirs?

Through our discussions of these issues we have come to an agreed conclusion: Responsibility cannot be defined by the State; it is something naturally demanded of journalists as professionals.

VI. These same considerations will also have to apply in the future to media enterprises that are becoming comparable in size to large industries and that in economic terms are certainly not totally reliant on their role as watch dogs *vis-à-vis* the powerful.

What, it may be asked, is the outlook in this area if the media have become an industry of the same importance as that once enjoyed by the steel industry? Although this question is not a central concern in our work, we shall have to deal with it again and again – for example, in the case of the large, privatized media enterprises in many of the post-communist countries, where they are frequently the affiliates of major industrial concerns.

VII. An important question that has been put to our Office from the very outset in public discussions concerns its lack of power. How best to transform this lack of power into influence, within the terms of our

mandate, is a question, and finding a good answer to it is probably the most important strategic task facing our Office. The gratitude expressed by the new Foreign Minister of the Slovak Republic in the autumn of 1998 for our intervention on behalf of journalists who had been publicly branded as “traitors” for having criticized in their articles certain expectations, and also on behalf of independent media subjected to harassment. This personally expressed gratitude on the part of the democratically elected successor Government has shown us that we are on the right path when we publicly warn participating States against using the tired old populist and nationalist “treason syndrome” as a weapon against journalists. Democracies live on public debate. They live on divergent views and they also live on a clash of political opinion as reflected in the media. In the long run, they cannot withstand political hostilities.

I. Media and Culture, Freedom to think, Freedom to write, Freedom to broadcast

Essays

There shall be liberty of the Press. No person may be punished for any writing, whatever its contents, which he has caused to be printed or published, unless he wilfully and manifestly has either himself shown or incited others to disobedience to the laws, contempt of religion, morality or the constitutional powers, or resistance to their orders, or has made false and defamatory accusations against anyone. Everyone shall be free to speak his mind frankly on the administration of the State and on any other subject whatsoever.

Article 100 of the Norwegian Constitution

Clifford G. Christians

Communication ethics as the basis of genuine democracy

Let me summarize my argument in a paragraph. The Enlightenment was besieged by a dichotomy that still needs resolution today for genuine democracy to prosper. Important intellectual debates about the origins of modernism centre that split on either the subject object, material-spiritual, or fact-value dichotomies. Contrary to those interpretations, I believe the Enlightenment mind could not integrate freedom with the moral order, and this perennial human dilemma remains to be solved. Communication studies can contribute to this integration by articulating a holistic view of truth in moral rather than epistemological terms. In this respect, Michael Traber's work is of historic value, because it overcomes the modernist dichotomy between freedom and a moral universum.

Enlightenment dichotomies. The Enlightenment is the decisive modern revolution.¹ Nothing has been so formative of the Western mind. And to paraphrase Oscar Wilde, whoever does not know it well is condemned to repeat it. The intellectual revolutions of the previous two centuries - that is, the Age of Reason and the Age of Science - exploded into this audacious and entangled historical watershed. Most of the writers and thinkers were popularizers, journalistic types centred largely in France and known as *philosophes*: Francois Marie Arouet (Voltaire), Jean Jacques Rousseau, Denis Diderot, Baron Holbach, and Antoine Caritat Marquis de Condorcet.

Book publishing on the European continent underwent an astonishing transformation. As the eighteenth century dawned, nine out of ten books appeared in Latin and were available only to the intelligentsia; a century later, eight out of ten were printed in the vernacular instead. Knowledge was disseminated on an unprecedented scale; literacy rates doubled and a learned class was born. It was the century of the

¹ For an elaboration of the Enlightenment's impact on the mass media and public philosophy, see Christians, Fcrrre and Fackler, (1993).

German geniuses in music — Johann Sebastian Bach, George Frederic Handel, Franz Joseph Haydn, and Wolfgang Amadeus Mozart. The American statesmen Benjamin Franklin and Thomas Jefferson were quintessential figures in the movement. Edward Gibbon penned his vitriolic *Decline and Fall of the Roman Empire* during this period. And befitting an age which extolled human centrality and historical progress, portraiture was adopted by the wealthy class as the preferred form of art. Given its magnitude, the collapse in our own day of the Enlightenment worldview certainly generates earthquake shocks everywhere.

The Enlightenment mind clustered around an extraordinary dichotomy. Intellectual historians usually summarize this split in terms of subject-object, fact-value, or material-spiritual dualisms. And all three are legitimate interpretations of the cosmology inherited from Galileo, Descartes, and Newton. However, communication scholars addressing our crisis age must enter this scholarly debate with a revisionist purpose, recognizing the importance of these typical dualisms but identifying a fourth as more earth-shaking than the others for the prospects of genuine democracy.

The Enlightenment story actually begins in the sixteenth century with the Italian Galileo Galilei (1564-1642), a central figure in the transition from medieval to modern science. Galileo mapped reality in a new way, dividing nature into two famous compartments — primary: matter, motion, mass, mathematics; and secondary: the metaphysical, supernatural, values, meaning. In *The Assayer*, Galileo writes, ‘This great book, the Universe ... is written in the language of mathematics, and its characters are triangles, circles, and geometric figures’ (Galilei, 1957 ed.: 238-9). Matter alone mattered to him; he considered all non-material immaterial. He separated off the qualitative as incapable of quantitative certainty. In effect, he suggested two essences — values and meaning on the one hand, matter and quantity on the other. His fascination with the Copernican world-picture motivated him to promote heliocentricity not as the calculation of astronomers only, but as a wide-ranging truth about the structure of reality. Lewis Mumford (1970) in his *Pentagon of Power* ridicules ‘the crime of Galileo’, because his bifurcation allowed the world of value and meaning to start shrivelling away.

Within a century, the Englishman Isaac Newton could describe the world in his *Principia Mathematica* (1687) as a lifeless machine composed of mathematical laws and built on uniform natural causes in a closed system. The upper story had been dissolved. Phenomena could be explained as the outcome of an empirical order extending to every detail. Mystery was defined away. All but quantity or number were called sophistry and illusion. Principles of mass and gravity extended to the extreme limits of the cosmos — explaining the movement of the farthest planets with the same mathematical laws as described an apple dropping from a tree. Newton provided mature formulations, raising the mechanistic worldview to an axiomatic, independent existence.

Ironically Newton was committed to the upper story that his *Principia* eroded. During his lifetime, he wrote 1.3 million words on theology, mastered the writings of the early church fathers, and was a generous supporter of Anglican church projects around London. Yet among his scientific colleagues, he banned any subject touching the sacred, insisting that ‘we are not to introduce divine revelations into science, nor philosophical opinions into religion.’ Newton’s loyalties were firmly anchored in both scientific method and transcendent truth. His Enlightenment heirs, however, would abandon the upper story with the same zeal that Newton applied to founding new churches. Voltaire (1694-1778), for example, pushed the material spiritual split to its extreme, at least in his prolific contributions to the *French Encyclopedia* if less so in *Candide*.

Within that pattern from Galileo to the pervasive scheme of Newton stands René Descartes (1596-1650), who cut the dichotomy firmly into the being of *homo sapiens*. Although Galileo and Newton inspired the Enlightenment as much as anyone, the Frenchman René Descartes contradicted most vehemently a holistic view of reality and ensured that persons also would be swept into the new cosmology. Descartes insisted on the non-contingency of starting points. He presumed clear and distinct ideas, objective and neutral, apart from anything subjective.

Consider the very conditions under which Descartes wrote *Mediations II* in 1642. The Thirty Years War was spreading social chaos throughout Europe. The Spanish were ravaging the French provinces and even threatening Paris. But Descartes was in a room in Belgium on a respite, isolated in seclusion. For two years even his friends could not find him hidden away studying mathematics. Tranquillity for philosophical speculation mattered so much to him, that upon hearing that Galileo had been condemned by the Roman Catholic Church he retracted parallel arguments of his own on natural science.

His *Discourse on Method* (1637) elaborates this objectivism in more detail. Genuine knowledge is built linearly, with pure mathematics the least touched by circumstances. Two plus two equals four was lucid and testable, and all genuine knowledge in Descartes' view should be as cognitively clean as arithmetic. In *Rules for the Direction of the Mind*, Descartes contended, in effect, that one could demonstrate truth only by measurement. Therefore, he limited his interest to precise, mechanistic, mathematical knowledge of physical reality. As E. F. Schumacher has complained, no one sketched the modern intellectual map more decisively than Descartes, and his philosophical map-making defined out of existence those vast regions which had engaged the intense efforts of earlier cultures and non-Western peoples.

Neither the subject — object or material — spiritual or fact-value split puts the Enlightenment into its sharpest focus, however. It's deepest root was a pervasive autonomy. What prevailed was the cult of human personality in all its freedom. Human beings were declared a law unto themselves, set loose from every faith that claimed their allegiance. Proudly self-conscious of human autonomy, the eighteenth century mind saw nature as an expansive arena for exercising freedom, a field of limitless possibilities in which the sovereignty of human personality was demonstrated by its mastery of the natural order. Release from nature spawned autonomous individuals who considered themselves independent of any authority. The freedom motif — persons understood as ends in themselves — was the deepest driving force, first released by the Renaissance and achieving maturity during the Enlightenment.

Jean-Jacques Rousseau was the most outspoken advocate of this radical freedom. He gave intellectual substance to free self-determination of the human personality as the highest good. Rousseau contended that freedom embodied in human beings justified itself as the final aim. 'I long for a time', he wrote, 'when Freed from the fetters of the body, I shall be myself, at one with myself . . . when I myself shall suffice for my own happiness' (Rousseau, 1961: 350). Although such unbridled liberty had taken root earlier with Pico de Mirandolla's 'Oration on the Dignity of Man' in the Renaissance, the Swiss Rousseau provided its most mature version. In *Emile* (1762), for instance, he contended that civilization's artificial controls demean humanity and make us vicious, whereas free in a state of nature the 'noble savage' lives in harmony and peace. As Joseph de Maistre observed, for Rousseau, asking why people born free were nevertheless everywhere in chains was like asking why sheep born carnivorous everywhere nibbled grass. What we observe empirically does not invalidate our own true nature. Liberty is the inalienable ingredient that makes humans human, even though under so-called normal conditions its sacred frontiers are desecrated.

Rousseau is a complicated figure. He refused to be co-opted by Descartes' rationalism, Newton's mechanistic cosmology, or Locke's egoistic selves. And he was not merely content to isolate and sacralize freedom either, at least not in his *Discourse on Inequality* or in the *Social Contract* where he answers Hobbes. His conclusion that a collective can be free if it enacts its own rules which are then obeyed voluntarily, is only a partial solution — though superior to more static contractarian theories and a champion of popular sovereignty. In distinguishing the general will from the empirical will of all, Rousseau, of all the Enlightenment heavyweights, recognized that freedom and the moral order feed off one another, at least in principle.

Rousseau represented the romantic wing of the Enlightenment, revolting against its rationalism. He won a wide following well into the nineteenth century for advocating immanent and emergent values rather than transcendent and given ones. While admitting humans were finite and limited, he nonetheless promoted a freedom of breathtaking

scope — not just disengagement from God or the Church, but freedom from culture and from any authority. Even among those with a less pastoral vision, autonomy became the core of human being and the centre of the universe. Rousseau recognized the consequences more astutely than those comfortable with a shrunken negative freedom. But the only solution that he found tolerable was a noble human nature which enjoyed freedom beneficently and, therefore, one could presume, lived compatibly in some vague sense with a moral order. His understanding of equality, social systems, axiology, and language were not finally anchored in an adequate philosophical anthropology.

Obviously one can reach autonomy by starting with the subject object dualism. In constructing the Enlightenment worldview, the prestige of natural science — then typically called ‘natural philosophy’ — played a key role in setting people free. Achievements in mathematics, physics, and astronomy allowed humans to dominate nature which formerly had dominated them. In Cartesian terms, the scientific method enabled the human race to be ‘masters and possessors of nature’. Science provided unmistakable evidence that by applying reason to nature and human beings in fairly obvious ways, people could live progressively happier lives. Crime and insanity, for example, no longer needed repressive theological explanations, but were deemed capable of mundane empirical solutions. By characterizing the problem as primarily epistemological, one tends to find the post-Enlightenment alternative in epistemology. The burning issue then becomes how we can know — and all kinds of subjectivity models or phenomenology or contemporary hermeneutics are directed precisely towards overcoming the scientific notion of lawlike abstractions and operational definitions through fixed procedures.

Likewise one can get to the autonomous self by casting the question in terms of a radical discontinuity between hard facts and subjective values. The Enlightenment did push values to the fringe by its disjunction between knowledge of what is and what ought to be. And Enlightenment materialism in all its forms isolated reason from faith, knowledge from belief. As Robert Hooke insisted three centuries ago when he

helped found London's Royal Society: 'This Society will eschew any discussion of religion, rhetoric, morals, and politics.' With factuality gaining a stranglehold on the Enlightenment mind, those regions of human interest which implied oughts, constraints and imperatives simply ceased to appear. Certainly those who see the Enlightenment as separating facts and values have identified a cardinal difficulty. Likewise, the realm of the spirit can easily dissolve into mystery and intuition. If the spiritual world contains no binding force, it is surrendered to speculation by the divines, many of whom accepted the Enlightenment belief that their pursuit was ephemeral.

But the Enlightenment's autonomy doctrine created the greatest mischief. Individual autonomy stands as the centrepiece, bequeathing to us the universal problem of integrating human freedom with moral order. This perennial question appears on the human agenda in various forms: determinism and free will, constraint and emancipation, order and anarchy, the liberty of conscience, dynamic socialization and stultifying institutions, ideology and praxis, freedom and responsibility.

But whatever its specific formulation, the nexus of human freedom and moral order remains a classic concern for the philosophical mind. And in struggling with the complexities and conundrums of this relationship, the Enlightenment, in effect, refused to sacrifice personal freedom. Even though the problem had a particular urgency in the eighteenth century, its response was not resolution but categorically insisting on autonomy. Given the despotic political regimes and oppressive ecclesiastical systems of the period, such an uncompromising stance for freedom at this juncture is understandable. The Enlightenment began and ended with the assumption that human liberty ought to be cut away from the moral order, never integrated meaningfully with it. To be successfully counter-Enlightenment, we must take a radical stance precisely at this point; if this dichotomy remains unresolved a democratic life of *eudaemonia* and *shalom* is totally impossible.

Alexis de Tocqueville's monumental *Democracy in America* recognized the consequences of failing to integrate individual freedom with moral norms. While democracy, in his view, operates with an egalitarian

language in everyday affairs, it needs a deeper level — that is, forms of moral discourse which anchor the self and society, and provide a sense of calling for our jobs, leisure, and politics. These social integuments Tocqueville saw as moderating democracy's more destructive potentialities. As a Catholic, he believed that liberty needed religion to mitigate those excesses that threatened its survival. He argued for making moral sense of our lives rather than pursuing the unencumbered self. In this appeal, Tocqueville read the Enlightenment problematic correctly and reaffirmed that unordered liberty becomes licence. He would not be surprised one century later that we are overcome today by the banality of a social order exacted in the name of fulfilment. Life together has become not a struggle for social change but for self-realization. Our current unseemly self gratification, our narcissism, has rendered public life virtually impossible and simultaneously hollows out our personal sphere as well.

When the Enlightenment gave birth to a reductionist but distinctive freedom, pretending the self could be separated from nature and from culture, the very possibility of understanding basic human questions was erased in principle. Modernity is unable to negotiate moral criteria or understand the nature of community and moral judgement because autonomy pervades its ethos. As Daniel Callahan concludes:

Autonomy should be a moral good, not a moral obsession. It is a value, not the value. If ... it rests on the conviction that there can be no common understanding of morality, only private likely stories, then it has lost the saving tension it competitively needs with other moral goods ... I am told that I have the right to fashion my own moral life and shape my own moral goals. But how do I go about doing that? ... Autonomy, I have discovered, is an inarticulate bore, good as a bodyguard against moral bullies, but useless and vapid as a friendly, wise, and insightful companion.

(Callahan, 1984: 42)

Isolating freedom eclipses the integral substance of morality at the starting point. Our ethical discourse becomes gravely disordered — the emotivist self, autonomism in morality, and fictions like natural rights.

Genuine democratization of empowered citizens cannot occur unless freedom and the moral order are reintegrated.

Most philosophers of history recognize that the Enlightenment age has now run its course. Eastern Europe and the USSR are forever changed. The West is finishing a historic period also; we are only left to debate the appropriate nomenclature — postmodern, post-liberal, post-factual, post-colonial, post-structural, or post-patriarchal. Today's gratuitous hedonism, technocratic rationality, and debilitating secularism are the Enlightenment at its ragged edge. Its conceptual inconsistencies have finally been exposed and largely discredited. Underneath the shrill rhetoric and often overwrought claims, the West recognizes this age as a *chairo*s, a strategic moment, a defining time in world affairs.

The cancerous effect of the freedom/moral order dualism has been long-term and finely grained, but now inescapable. On the one side, the divines - themselves relegated to the fringes — maintain guardianship over moral scraps. On the other, the few serious struggles have been transmogrified into epistemological discourse. Early on the ethical question of how we should live floundered on debates over whether it was cognitively meaningful, which itself succumbed to philosophical relativity, until today universal norms are largely alien to the Western mind.

Truth as master norm. However, as the curtain comes down on the Enlightenment era and another episode takes shape on the stage of history, the debate over freedom and the moral order will not disappear. Were it not for Enlightenment hubris, it would have been recognized that this is a permanent issue which never fades from the human agenda and can never be totally resolved on any occasion. Certainly the connection between freedom and responsibility demands urgent attention by those of us committed to forms of communication that enable genuine democracy to prosper in the civic order. The history of modernity reminds us that eliminating the subject/object dualism, piously asserting value-centredness, and rejecting excessive materialism are all achievements in themselves, but of little consequence if freedom remains isolated from any overarching standards. The press's objectivism,

instrumentalism, and technicism are all rooted in an Enlightenment paradigm gone to seed. Exorcizing these demons is only a Pyrrhic victory if liberty and morality are not conceived as one organic whole. Our efforts at genuine community will be futile as long as democracy's infrastructure is hoist by the Enlightenment's petard.

Richard Rorty scourges the Enlightenment worldview as 'the quest for certainty over the quest for wisdom'. Modernist philosophers, have sought:

... to attain the rigor of the mathematician or the physicist, or to explain the appearance of rigor in these fields, rather than to help people attain peace of mind. Science, rather than living, became philosophy's subject, and epistemology its centre.

(Rorty, 1979: 365-94)

Rorty labels this epistemological system 'foundationalism', though 'objectivism' is a more typical name for the amalgam of practices and commitments that have prevailed in Western thought as a whole.

Talcott Parsons has been America's most influential sociologist of this century. He insisted on the objectivist credo while helping smuggle in Nazi collaborators as Soviet experts after the Second World War.² In the classroom, as head of the American Sociological Association, while training the next generation's leaders, this highly abstract functionalist pursued scientific status through value-free neutrality. Meanwhile, Parsons co-operated with the Russian military to bring Vladimir Pozdniakov, Leo Dudin of the University of Kiev, and Nicholas Poppe of Leningrad (war criminals all) to Harvard's Russian Research Center. It was self-evident to him that America's Cold War frenzy and Harvard's own George F. Kennan in the State Department would guarantee unlimited funding for the Center if its expertise were as close to the ground as these Russian exiles represented. Apparently their knowledge of ethnic groups in Soviet Asia, once vital to the Nazi pursuit of Jewish communities, would now serve American ideology. It was the summer of 1948 as Parsons shuttled across the North Atlantic. Struc-

2 Cf. Jon Wiener (1989), 'Talcott Parson's Role: Bringing Nazi Sympathizers to the US,' pp. 1, 306-9

tural-functionalism purged of moral quandaries in Massachusetts engaged in reprehensible social practice in Germany. Scepticism and detachment — aloof from discourse that shapes the moral landscape — disinterested pursuit of truth, in Parsons' hands destroyed the very liberty it cherished for itself.

The attacks on this misguided view of human knowledge had already originated in Giambattista Vico's *fantasia* and Wilhelm Dilthey's *verstehen* in the Counter Enlightenment; they continued with American pragmatism, critical theory in the Frankfurt School, hermeneutics; and Wittgenstein's linguistic philosophy; until our own day when the phenomenal interest in Rorty, Thomas Kuhn, Michael Polanyi, interpretive research, and deconstructionism symbolizes a crisis in correspondence views of truth. Institutional structures remain Enlightenment driven, but in principle the tide has turned currently toward restricting objectivism to the territory of mathematics, physics, and the natural sciences. In reporting, objectivity has become increasingly controversial as the working press' professional standard, but it will remain entrenched in our ordinary practices of news production and dissemination until an alternative mission for the press is convincingly formulated.

The press under Enlightenment tutelage maintains representational accuracy as its *telos*, with adjustments in detail but not in principle. Though without the enthusiasm of earlier decades, we still presume that news corresponds to reality and is ideally bound to neutral algorithms. We counsel each other to make the best possible attempt at value-free reporting, even though never perfectly attainable. By analogy, we are told, a surgeon who cannot ensure an operating room free from bacteria, does not use a kitchen table and a butcher's knife. Objectivity is still the centrepiece of most journalism codes of ethics, and a majority of reporters continue to equate ethics with impartiality.

But rather than maintain a facade of objectivism — reporters as impersonal transmitters of facts — we need to articulate a fulsome concept of truth as communication's master principle. As the norm of healing is to medicine, critical thinking to education, craftsmanship to engi-

neering, justice to politics, and stewardship to business, so truth-telling in its fulsome sense becomes the news profession's occupational norm. I intend this as a normative framework of a radically different sort, one that fundamentally reorders the news media's professional culture and enables it to serve democratization.

Instead of an information enterprise trapped in the epistemological domain, truth should be relocated in the moral sphere.³ Driving the modernist project is an objectivist way of knowing, centred on human rationality and armed with the scientific method. In the Enlightenment worldview, facts mirror reality. It aims for 'true, irrefragable [incontrovertible] accounts of an objective reality that is separate and different from human consciousness' (McKinzie, 1994: 33). In Bertrand Russell's formula, 'truth consists in some form of correspondence between belief and fact' (Russell, 1912: 121).⁴ As Mark Johnson demonstrates, this illusion of context-free rationality poses great obstacles for morality; moral principles are allegedly derived from the essential structure of a disembodied reason. Rather than prizing care, reciprocity and imaginative ideals, our moral understanding becomes prescriptivist, rules oriented, and absolutist. 'What results is an extremely narrow definition of what counts as morality; . . . it is only doing the right thing; . . . it consists in discovering and applying moral laws. This drastic narrowing of the scope of morality has monumental consequences' (Johnson, 1993: 246). Truth, for example, is conceived in elementary epistemological terms as accurate representation; in this truncated form it makes no robust, contextual, social contribution to our public philosophy.

Rorty understands the significant stakes here, defining truth not as a 'mirror of nature' and 'privileged contact with reality,' but 'what is better for us to believe' (Rorty, 1979: 10). Since Walter Lippmann distinguished news and truth in the 1920s, the epistemology of news has

3 Research on the moral concept of truth was made possible through the support of the Pew Evangelical Scholars Program.

4 For a summary of correspondence views, including both Russell's and J. L. Austin's versions, see Kirkham (1992), ch. 4.

been critiqued and debated, but truth-telling still has not received its due. Truth is a problem of axiology rather than epistemology. It belongs in the moral sphere and therefore should become the province of ethicists, especially when the dominant objectivist scheme has reached a historical crossroads.

When truth is articulated in terms of the moral order, we can mould its richly textured meaning around the Hebrew *emeth* (trustworthy, genuine, dependable, authentic), the Greek *aletheia* (openness, disclosure), the Serbo-Croatian justified (as plumbline true in carpentry). Dietrich Bonhoeffer's *Ethics* contends correctly that a truthful account lays hold of the context, motives, and presuppositions involved (Bonhoeffer, 1955: ch.5). Telling the truth depends on the quality of discernment so that penultimates do not gain ultimacy. Truth means, in other words, to strike gold, to get at 'the core, the essence, the nub, the heart of the matter'.⁵ In Anthony Giddens' phrase, it entails 'discursive penetration' (Giddens, 1979: 73). For Henry David Thoreau — though addressing a different issue — when we are truthful, we attempt to 'drive life into a corner and ... if it proves to be mean, why then to get the genuine meanness out of it and publish its meanness to the world; or if it were sublime, to know it by personal experience and be able to give a true account of the encounter' (1975: 94).

Augustine (AD 354-430), professor of rhetoric at Milan and later Bishop of Hippo, illustrates my intentions here. His rhetorical theory represents a major contribution to the philosophy of communication, contradicting the highly functionalized, secular and linear view bequeathed by the ancient Greeks. As with Aristotle, rhetoric entails reasoned judgement for Augustine; however, he 'break[s] away from Graeco-Roman rhetoric, moving instead toward ... rhetoric as aletheiac act'.⁶ Rhetoric for him is not knowledge-producing or opinion-producing but truth-producing (*aletheiac*).⁷ In the *Epistolae* he chal-

5 Pippert (1989), *An Ethics of News: A Reporter's Search for Truth*, p. 11, for an initial attempt to define journalism in terms of truth.

6 Settle (1994), 'Faith, Hope, and Charity: Rhetoric as Aletheiac Act in *On Christian Doctrine*', p. 49.

lenges us to speak truthfully rather than cunningly. *De Doctrina Christiana* scourges the value-neutral, technical language of ‘word merchants’ without wisdom.⁸ Truth is not fundamentally a prescriptive statement. The aletheiac act in Augustine ‘tends to be more relational than propositional, a dialogically interpersonal, sacramentally charitable act rather than a statement ... , taking into account and being motivated by [the cardinal virtues] faith, hope, and charity’ (Settle, 1994: 49, 57). The truth for him does not merely become clear, but motivates. In truthful communication for Augustine, ‘it is not enough to seek to move men’s minds, merely for the sake of power; instead, the power to move is to be used to lead men to truth’ (Murphy, 1974: 62).

Augustine’s searing critique of autonomous rationality was so penetrating that Arthur Kroker and David Cook credit him with setting the standard for cultural analysis until today. In contrast to postmodernism’s rupture and against nothingness as the ultimate commitment, this ‘Columbus of the modern experience’, fashioned a normative domain by reconceiving truth as reason radiated by love (*caritas*) (Kroker and Cook, 1986: 37). ‘Not only is *caritas* the goal of interpretation, it is also the only reliable means of interpretation’ (O’Donnell, 1985: 25). *Caritas* ‘informs and directs the rhetorical process’ (Settle, 1994: 56), or in St Paul’s terms, ‘love rejoices in the truth’ (I Corinthians 13: 6). Conversely, solidarity with our neighbours is only possible over the long term when communicating virtuously, that is, when ‘speaking the truth in love’ (Ephesians 4: 15). Augustine subverts contemporary discourse while retaining a constructive ambience that links truth with moral principles.

Perhaps truth has languished so long in the epistemological desert that our social communication cannot be emancipated from facts and accuracy. Meanwhile, the power and domination literature insists that no appropriate conception of truth is possible anyhow under prevail-

7 This terminology is from Sullivan (1992), pp. 317-32.

8 Marjorie Boyle’s ‘Augustine in the Garden of Zeus,’ (Harvard Theological Review, X, 1990, pp. 117-39), and the mini-classic by Kenneth Burke, *The Rhetoric of Religion: Studies in Logology* (Berkeley: University of California Press, 1970) provide a substantial bibliography on Augustine and rhetoric.

ing conditions of systematic distortion and repression.⁹ For Jacques Derrida, modern discourse is an arbitrary system of differences, of oppositions and conventions; language is an unending series of significations allowing dogma and official codes to govern human existence. Linguistic games are said to supercharge the contemporary age, fragmenting it toward oblivion. And how realistic are we in demanding multi-layered explanations from a public medium such as television, constrained by its technology to visual immediacy?

For William James truth happens to an idea; and with Pilate scoffing at truth, Zen meditation seeking it in everyday life, Hegel believing in the truth of the organic Gestalt, Brunner insisting on truth as encounter, and Nietzsche calling it a social product, the serpentine entanglements of this pregnant term may no longer permit it to be a contemporary beacon. We have not even successfully identified as yet the distinctions that make a difference within truth's semantic field, though interpretative studies and hermeneutics (Gadamer's *Truth and Method* and Ricoeur's *History and Truth*, for instance) help provide orientation and specificity.

Furthermore, the idea of a moral order in which to situate truth is only in an embryonic stage. But one particular step forward is exceptional, *Meaning and Moral Order*, by Princeton sociologist Robert Wuthnow (1987). He argues that all cultures maintain a complex territory along the boundaries between the intentional and inevitable, actual behaviour and our aspirations, the conscience and socially constructed mores (Wuthnow, 1987: 71-5). This value-centred domain — dramatized by ritual and making human life purposive — is a 'relatively observable set of cultural codes' (95).¹⁰ At epiphanal moments we enter this arena suspended outside our *persona*, symbols enabling us to reside simultaneously in the internal and external (Nagel, 1986). Thus Vaclav Havel and other politicians, parents with their children, educators work-

⁹ But refer to Anthony Giddens' effort (*The Constitution of Society: Outline of the Theory of Structuration*, 1984) to reunite power and truth.

¹⁰ See Paul Ricoeur (1973), pp. 153-65, for a similar argument.

ing with students on a philosophy of life, social activists with integrity such as Michael Traber — all appeal connotatively to a moral order beyond themselves when they insist that the truth is non-negotiable. Language inflects truth statements in *locis*, yet at the same time symbolization situates truth claims outside our subjectivity.

With first foundations no longer a credible anchor for our ethical principles, Robert Wuthnow, Paul Ricoeur, Thomas Nagel and their circle are attempting to locate the latter as conditions of our humanness. In other words, if absolutes over time are inconceivable on this side of Newton, can universals be established across human space? The intellectual task of the post-Enlightenment is embedding normative principles, such as truth, in history, rather than presuming modernist metaphysics. Emmanuel Levinas is but one example of how to proceed. In his classics, *Totality and Infinity* (1969) and *Ethics and Infinity* (1985), rhetorical ethics breaks free from tyranny and violence by inscribing itself in the inexhaustible Other. Infinity exceeds its container in finite being. Infinity cannot be grasped by human reach or understood through human reason, though we desire it totally. We are transfigured through the Other as unfathomable difference; a third party arrives in our face-to-face encounters — the presence of the whole of humanity. In responding to the Other's need, a baseline for justice is established across the human race. Ethics is no longer a vassal of philosophical speculation, but is rooted in human existence. We seize our moral obligation and existential condition simultaneously.¹¹

Epilogue. The nature of language was one fascination of eighteenth-century intellectuals. Some were preoccupied with the lingual *per se*, that is, with etymology, syntactics and phonetics. But more importantly for the issues in this volume, the Enlightenment as a whole understood the centrality of language in human affairs. For two centuries the West has

11 Levinas's work is elaborated in three papers presented at the Third National Conference on Ethics, Gull Lake, Michigan, May 1994: Wesley Avram, 'Discourse and Ethics at the "End" of Philosophy: The Case for Levinas'; Kenneth R. Chase, 'Rethinking Rhetoric in the Face of the Other'; and Jeffrey Ediger, 'The Ethics of Addressability in Emmanuel Levinas'.

benefited from and advanced the notion that language is the matrix of community, the catalytic agent in social formation. Thus the vision of a more democratic international order inevitably means revolutionizing our communications systems. When truth with moral significance becomes communication's defining feature, the global community has at least the basic resources for peace, solidarity, mutual respect, and equality. In Jewish wisdom, truth is tied together with mercy (Genesis 32: 10), with mercy and justice (Isaiah 16: 5), and with peace (Zechariah 8: 16). In Psalm 85: 10, 'Mercy and truth will meet, justice and peace will kiss each other.' Within these linkages, truth is foundational: 'Justice is turned back, and righteousness stands afar off; for truth has fallen in the public squares, and righteousness cannot enter' (Isaiah 59: 14-15).¹² Michael Traber's books, editorials, and addresses bring this prophetic legacy into its own.

We face what Jürgen Habermas calls a crisis of legitimation. What counts as validity after post-structuralism? It is far from settled whether a credible version of normative values in general, and in truth-telling in particular, can be established without assuming an Enlightenment cosmology. But this I consider to be a worthwhile challenge for reflective ethicists, who believe that genuine democracy rests on moral principles. For students and practitioners of communication, recovering truth as a master norm is preferable to allowing the public media to lurch along through a post-factual modernity with an empty centre, while we put our scholarly energies into their short-term predicaments.

¹² Summarized from Pippert (1989), p. 12.

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Mukhtar Shakanov
**Zheltoksan Square or
Mutiny to Defend Four Mothers**

A most sensitive, learned man,
A genius of widest span,
Inventor of hydrogen bombs,
Andrei Sakharov, belongs
As a true member, one finds,
To the guardians of our times.
On XXth century lines.
In the course of many years,
All fundamental tears
Of this old world, for their part,
Have passed right through his heart.

In 1980 A.D.
When he once again, you see,
Protested against what began -
Soviet soldiers in Afghanistan -
The Government's patience ran dry -
They cancelled his honours, forby,
And all high awards did deny.
Having baiting scandals then,
At the word of some Party men,
To Gorky they packed him away,
Where he remained, I must say,
Seven years under house-arrest,
'Neath the keen eye of S.S.C¹
Acceding, when they thought best,

1 S.S.C. State Security Committee

To a world-wide protest.
They set him free from their tricks
On December 16th, 86.
The next morn, in Alma-Ata,
On Brezhnev Square, there you are,
Out stepped our bold Kazakh youth.
That was the first splash, in truth,
On a scale not known in those days,
'Gainst totalitarian ways
Of the land of Soviet men,
In the spirit of Sakharov then.

In the Kremlin
Met quickly then
The Party superior men,
And all were confused as could be.

The leader of S.S.C.
A man in his closing years,
In his heart then felt, it appears,
That soon he would be replaced,
But a chance came to save his face,
And to keep him safe in his place.

Two years before, it appears,
His Bureau,
And Internal Affairs,
Fearing then, among other cares,
Many "democratic 'flu'" flares,
Had secretly worked out the form
Of operations "Snow-storm"
For repressing a mutinous track.
But in testing they were held back,
Since experiments, indeed,

Living people would certainly need.
But here a success came to hand -
One could teach those “dare-devils” grand,
So that in republics elsewhere
They remembered the head-chopping there.
Yes, he must certainly show
That his Bureau must not go ...
And then the Gen. Sec. Would say:
“The old man is not in our way -
Let him go on working, and stay!”

Supported by inner belief,
The State Security Chief,
With approval of Politburo,
Let experiment “Blizzard” flow.
For the first time in their land,
At a peaceful meeting grand,
Half men,
And half maidens there,
No truncheons, but spades filled the air.
And police dogs were set on them then ...
They pitied nobody, it’s true!
Even wounded maidens they drew
Along by their hair in the snow,
And like logs
Into lorries they hurled.
In addition, at his own word,
Party boss of all Kazakhstan,
Gennady Kolbin, bad man,
Having seized the governing place,
Of his countryman, of the same race,

Dinmuhamed Kunayev, off he chased
To some factories in Alma-Ata,
Stopped production at night, there you are

And secretly then produced
Steel staves, and clubs to be used
As arms against any caprice,
By sixteen thousand police -
Though many of them, all the same,
Did not wish to dishonour their name...

No Procurator's sanction had they.
No judgement 'gainst them, anyway.
Demonstrators arrested they threw
Into prison, all pitiless too.
With those who found no room,
In the deep nocturnal gloom,
They fifty kilometres race,
Out of town, in deep frost apace,
And taking off clothes and boots so,
Having beaten them senseless below,
Just left them, half dead in the snow.

'Gainst demonstrators they flew,
That special brigade, not a few,
Young lads with sadistic minds,
Enlisted in earlier times,
From orphans who lived in despair,
Having filled mass-homes, anywhere.
They passed a rough training as well,
On a programme no one will tell.
A pack of wild wolves were they.
I think they were fiercer, say,
Than the Fascists were in their day.
More than two thousand people they maimed,
Then more, unlawfully, detained.
About ten thousand, not less,
Demonstrating under stress,
Were slain, and without redress.

The Result of Silent Actions

Supplement to the poem.

(Monologue of Kairat Riskulbekov in the deathchamber of Semipalatinsk prison)

*I dreamed, almost since birth,
To live free on this sacred earth,
In my own homeland here,
Where two clever leaders stand clear -
Abai, and Auezov, both grand -
But instead,
O God, here I stand
In handcuffs, lock and chain,
Under guard, and deep in pain,
And suffering when me they flog,
In a muzzle, like a dog!
It's stifling in my cell.
I get no sleep, as well.
From dusk until dawning day;
Can't close my eyes, anyway.
I think, and think,
And think.
Now here I stand up, and blink:
Those events seem of no import,
But in secret, as if in sport,
An important role have played
In my unpleasant fate...*

*In my carefree childhood years,
Very often I went, it appears,
To those relatives of mine,
Living beyond the far line.
There I made social friends with one lad,
What games in his courtyard then we had!*

*Forgetting all else on this earth,
Played football, for all we were worth!*

*He kicked the big football hard -
Broke a window in the yard.
His father, ready to grouse,
Came running out of the house,
And angrily shaking his head:
“Now, who has done that?” he said.
The lad just trembled with fear,
Kept silent - no word could you hear.
Then father his question re-said;
His son, with a low-bent head,
No single word still said...
“I see!” said his dad in the end;
“That means it must be your friend!
What need to get friends like that,
With a hooligan, though still young,
Who nonetheless holds his tongue?”*

*I was deeply offended that day,
To the depths of my soul, I must say.
Then suddenly, up came a maid,
White bow, on her hair displayed -
She'd seen what took place, on the side,
And went up to father, and cried:
“In vain you accuse your son's guest!
The guilty one can't stand the test.
It was not he, but your son!”
My tears then began to come,
And I turned round, made a run...*

*After several years had passed by,
We met again,*

*He and I.
We both were young student-men.
Well, we met,
And what happened then?!
As her birthday was drawing near,
That sharp-eyed maid did appear,
With big white bows, and a smile,
But having matured meanwhile,
A real beauty now, not mute -
She studied in our Institute,
And succeeded
In waking in me
Those feelings, as bright as can be!..
My previous friend, at that,
Then right beside her sat,
And was happy, so I trust,
To enjoy, as a close friend must,
Her fullest belief and trust...*

*... Upon our frosty way,
On that December day,
I barely persuaded him then
To go with us other young men.
We found ourselves, I must own,
With demonstrators unknown,
Who marched with their slogan ahead:
“We demand free speech!” they said
“All nations are equal in right!”
“Democratic reform is in sight!”*

*We went toward Central Square,
But in order to get there,
Three kilometres lay ahead,
And then I suddenly said:*

*“D’ you remember you broke the glass,
But let the blame on me pass?”
“So that’s how it stays with you?
For that football I kicked through,
I’m cut off from your friendship too?
Let’s forget that infant offence,
And let’s again be friends!”*

*I trustfully shook his hand,
We went on together, and...*

*At one certain moment then,
We both, at the same time
As punctual men,
Took a look at our watches, see,
Took a look at each other did we,
Then a smile broke through,
All smirky -
Exactly 11.30.!*

*Only afterwards I knew
What a tragic coincidence too!
At that very moment there,
On the western side of the Square,
A young guardsman then was slain.
The killer escaped unseen,
And none in the crowd could name,
But somebody noted, it’s true,
That he wore a jacket of blue...
After ten days or so had passed,
Kolbin gave a stern order at last -
As the Public Order head:
“If in three days”, he said,
“The murderer is not found,*

*Then officials all around
Would be dismissed from their place.”
This, under-dogs could not face,
And each of those tracker-men
Wished to gain approval then,
In the eyes of that great Chief,
Or else they would come to grief.*

*So three men came to my cell,
Among them my tracker as well.
By force they dressed me too,
In a jacket all coloured blue.
Then took me outside in the street,
And photographed me, head to feet,
Against a background of trees,
And various buildings to please.
And then those photos were sent,
With accusative document,
And as a result, you see,
I became the owner free
Of that cursed jacket of blue,
Which means - the murderer too!
A lying witness serene.
Who from his window had “seen”
Me there in my jacket of blue,
And had recognized me too,
And knew me as “killer” at last,
Even after two weeks had passed!*

*Then they started to judge in Court,
Where witnesses, all of one sort,
One after the other came out,
And my name began to shout,
And brought my shame about.*

*Then some were sorry for me...
The times were mixed up, you see,
In Kazakhstan,
Year '37.
And therefore I understood even
All there, excepting one,
Who sat in the back row alone,
With timidly downcast eyes.
My "childhood friend" - what surprise -
Who did not dare to explain:
At that fatal moment we twain
At 11.30 that day
Were not on the Square, anyway,
But at the end of the town...
Just one word by him set down,
One word of truth then would win,
And they would liberate ine,
From false accusations set free.*

*At Court they gave me
Last word.
And when I explained, and all heard
The false accusation absurd,
Then my mother,
Tormented by fears,
Broke out into unbidden tears,
And suffered unbearable pain...
I wanted to cheer her again.
But otherwise it turned out.
Her words, full of woe and doubt,
Engraved themselves in my mind,
Like titles on stones you find:
"I beg you believe his word -
He speaks so true! - Its absurd*

*To doubt him, and think he lies.
To be a real poet he tries...
Someone else to deprive of life -
God save us! -
He'd never survive!
He couldn't offend a flea!
Believe him,
And then believe me,
Good people, set this man free,
And best results you will see..."*

*I shouted, the pain to relieve:
"O mama, I beg you,
Don't grieve!"*

*When the jury their sentence gave,
Condemning me to the grave,
My mother fell into a fit.
I tore away from my guard,
With all my strength tugged hard,
And tried to get to her side
But my guard this action denied,
Thrust me back, my will defied...
The jury arose to go,
And people divided also,
Then something occurred unforeseen -
A delicate maiden serene,
With slightly slanting eyes,
University student likewise,
A future jurist was she,
Whom only once did I see
At our Writers' Club, at a loss -
Tulen Abdikov's day, it was -
And right angrily she cried:*

*“You set justice quite aside!
You cheekily sweep on your way,
And falsify facts, I say,
While your victim, tried by you,
Stood up for the truth he knew,
And his head he did not bend,
But manfully did defend
Not only himself to the end,
But all our Kazakh young men,
Who were on the Square yesterday then.
Common interests did he protect,
And tomorrow you may expect,
A National Hero he’ll be!
Then people on you will spit -
Excuse me for saying it,
Here, in your shameless pit!”*

*Two youths
(From the S.S.C.)
Then led her away, from me...*

*And one more thing I recall,
From far days, when I was small:
My father had a friend.
All our family, in the end,
Just loved this friend as well,
Especially I, let me tell!
Then suddenly - no more he came.
I almost forgot his name.
Then later I heard from mama,
That at a big meeting, papa
Was openly accused,
And his right to reply refused.
His friend then held his tongue.*

*At that moment
Whet this was done,
Although he very well knew
That father was innocent too,
And he himself said so -
He would not come to woe.
After that had come to an end,
My father broke off from his friend.
I was sorry to see him go,
And therefore I told him so: "Dear Papa,"
I said at the end,
"Weren't you too severe with your friend,
And did not trust him as well?"
But my father had this to tell:
"Remember, my son, at least,
The one who's a coward in peace,
Will betray you all the more
In decisive moments at war!"
And here is Fate's irony;
What my father had said to me
Changed then
To a great tragedy.
Such an outcome
My foes I don't wish -
Even accusers, that is,
And even those judges amiss,
Who pushed me in the abyss...*

The art of the "Blizzard" move
Lay not bad crime to prove,
But to beat
Demonstrators down,
And then that all to crown
By artfully changing round

All the evidence they found,
Important papers destroy,
And muddled-up facts employ,
So that Sherlock Holmes, no doubt,
Despite his desire so stout,
Just could not sort them out!

Well, here is one event
Which before the Commission went,
For judgement of what had occurred;
A maiden - take my word -
With the family name Bakit,
Which translated means "happiness"
Was killed when she was hit
By a sapper' s spade on the head,
On December 17th. Dead.
And hidden from people's view
In Militia cellars too...
Two weeks later, at dead of night,
Thus secretly, out of sight,
Laid her bleak corpse in her bed
In the students' hostel instead.
They straightway called First Aid,
To establish the death of that maid,
From cardiac failure, you see,
The Procurator, ah me,
Showed envied activity -
The demanded list received
Of all who had seen and believed,
Those students and teachers as well
Who affirmed what First Aid tell,
That they had also seen,
Yes, altogether, I mean,
Each with his own pair of eyes,

Her end in the bed where she lies.
The Commission could then nohow
Prove the of violent action now,
And thus they gave their vow.

This beginning of wilful woe,
Which as "Blizzard" people know,
Got settled in Alma-Ata,
Then in places, near end afar,
In Tbilisi, and in Baku,
The Kazakhstan dwellers too
Were almost choked by fear.
To write or speak, it's clear,
Was then allowed alone
In a very darkened tone,
And nobody took the risk,
To break that directive brisk,
Which was given, sure enough
To lower ones, from above.

The Price of Cowardly Forethought

Supplement to the poem. (From a 1987 album)

*In Waterloo, for a start,
In Brussels southern part,
In a wonderful, picturesque spot,
Bonaparte, the Emperor hot,
Led a cruel, furious fray
'Gainst Duke Wellington's men, in his way.
And Gerard von Blucher, that day.
He became the victim there
Of one with a far-sighted air -
A cowardly General, I swear.*

*... Marshal Grouchy sat dumb,
By a sleepy camp-fire numb.
The rain then slowly poured.
Not far off, the cannons roared...
And General Gerard, who knew
The Marshal's hesitance too,
Piped up: "Would it please your ear -
An Eastern parable here?"
Grouchy slowly nodded his head,
And Gerard hastened and said:
"There was once a ruler, I wist,
Who squeezed a bird in his fist,
And then asked his Vizier;
'Is it living or dead, tell me clear?'
The Vizier caught on straightway:
If 'The bird is dead!' I say,
The leader will let fingers fly,
And the bird will soar up in the sky!
If 'The bird is alive!' I say,
He will squeeze still harder that way,
And the bird will be crushed stone-dead!"
And therefore the Vizier replied:
"O master, who reigns far and wide,
The fate of that poor little bird
Depends on your hand, and your word!
... Understand me, Marshal now,
The fate of France, somehow,
Like the fate of that small bird,
Depends on your hand,
And your word.
Our Emperor's starting to fade
Let us go at once to his aid!"*

*The Marshal
Then turned from the fire*

*His gloomy glance, and looked higher:
"I can't, my dear fellow, do so.
I am ordered to follow, you know,
The retreating hostile foe!"
The officers started their speech,
And each broke in upon each:
"We pray and beg of you,
Turn round your army, do!"
"What orders now can I give,
When our Emperor scarce wants to live?"
"Well, think, and think clearly do -
The victory rests just with us!
That is clear to a child even thus,
So think, and don't drive us wild!"*

*The Marshal thought, indeed,
For fifteen seconds complete,
While everyone held their breath
In the deafening silence of death!
What moments there are in life!
On the seeming-wide brow, during strife
Of that medium-minded man,
Of that indecisive pan,
Of that weak-willed Marshal here,
Which fell into wrinkles clear,
There trembled the fate of France,
And all Europe in war-time dance.
How tormentingly slow at last
Those fifteen seconds passed!
To break orders he did not dare,
That eminent Marshal there:
«No, I cannot - all the same!»
With a sigh the answer came.
And France, at that moment therefore*

*Completely lost the war!
It's everywhere understood -
One tree does not make a wood,
And one soldier's no army, forby!
But can one really deny
The role of the man at the wheel,
And those all around him who feel
The effect
Of various means
Which influence him, it seems...
Along the mountain road
Went a 'bus with its children's load.
Of a sudden, the brakes gave way.
The driver, without delay,
Jumped out, and no child did save -
He felt too near the grave...
In Court, someone rightly said;
"The driver bears guilt; for those dead!"
... Another one added then:
"We are guilty too, we men,
And parents, and teachers too!"
And the TV he had in view -
In short - society all through!...*

*How much in this world does depend
On taking a risk, near the end.
On the spirit of one brave man,
Who tomorrow, who knows, then can
Be sitting behind the wheel!
God grant that he may feel,
When he comes to the cross-road quirk,
In that second he cannot shirk,
When the brakes refuse to work,
That he must not tremble within,*

*Nor seek to save his skin,
And give up control of the wheel,
For such cowardice, he must feel,
When society gets to hear,
Will certainly cost him dear!*

*There exists a secret tie
'Tween the well, and the ocean, forby.
So the driver, and that Marshal too,
In the 'bus, and the Government, knew
Not all are base, who don't risk.
But if there's no risk to fear
Then character will disappear...*

*At the crossing Zailisk-Alatau,
One more autobus is seen now,
But the driver
Lacks moral support,
Does not trust himself, as he ought.
His hands are both trembling - and why
Somebody who sits nearby*

*Holds the door-handle, on the sly,
And he'll save the driver thus,
Not the people in the 'bus.
- ?...*

When these verses I read to them,
To Gennady Kolbin then,
In Central Committee cabinet,
With his fellow-thinkers yet,
He exploded:
"Who have you in view?
If it's us,

You ought to-know,
Every loud voice
Echoes so...

But that later on comes about.
Meanwhile seething news got out
Through world-wide regions, no doubt.
A large group
Of Kirghizian youth,
Having heard of reprisals uncouth,
Against their brother-Kazakhs,
Tried to break into Alma-Ata,
Crossing over the Kordaisk pass,
And supporting them, if they found power,
In that sad and difficult hour.
But the iron hand of the Power
Stopped that, at the half way gate...

On the streets of Istanbul,
With mutineers' cavalry full,
Were demonstrating, like mad,
Famous activists anew,
Czechoslovaks and Englishmen too.
Ronald Regan, from USA,
Nobel Prize-winner Lex Valenca,
From Bonn, Helmuth Shaver,
George Conrad, from Budapest there,
Though newspapers and TV,
And "Freedom" Radio, see,
All branded them with shame -
With tyrannous power they came
Upon Kazakhs' own land!..
And our suppressed land couldn't stand
Against that bitter truth,
Kept deadly silence, forooth!

Rocks in the Land of Informers

Supplement to the poem.

*Intelligentsia reign high -
Without them I am not I.
Like smoke, without a flame,
Without it you're not the same.
Like a bird without its wings,
Poor helpless, hopeless things,
Like a harlot who no longer swings,
Without them, the folk is no folk,
Just a shapeless mass, no joke!
And therefore
We must protect
From the hatred of despots select,
From blows aimed at the spine,
From nameless informers in time,
Intellectuals having no shield,
Moral base of the national field -
But tomorrow will be too late,
For tomorrow we cannot wait!*

*...Why in 1937
Was the Land of Soviets riven,
And became an informers' land?
Why on maps of history, to hand,
Appeared GULAG Government Camps...²
And why did they specially invent
Certain «groupings» of
Various “foes”;
And “Three Judges”
Punishing those,
Whose sentences*

² Government lagers or prison-camps where folk were beaten, and killed...

*No one could change?
Why did treachery so widely range,
And betrayal, and scornful lies,
And why did they idealize
That Pavlik Morozov, likewise?
The one who betrayed his own sire!?
And why, in the fatherland then,
Of Stalin's and Beria's men,
Accusing by anonymous notes,
Did they choke
1 in 8 Georgian throats?
As in the proverb, they say:
"If the storm makes a camel sway,
Then look for small goats in the sky!"*

*And if without any end,
All round and about there stands
The split-toothed Kremlin grand,
From the ruler's native land
Then what can you demand
In "provinces" not at hand?
In Kazakhstan, let's say,
In whose regions not far away,
Solzhenitsin they later throw
As an obvious
"Ardent foe",
Of totalitarians all.
And one Chief
Gave a threatening law:
"Every guard of Internal Affairs,
In the course of a week must declare
Not less than
Three 'people's foes',
Or otherwise we shall count those*

*Also as people's foes".
So in all our land round about,
Triumphantly broke out
An ideological hate -
Search everyone, in full spate,
And mate betrayed his mate.
Like milk in foment did run,
When standing in the hot sun,
And mutual relations were spoiled,
Folk's minds and characters soiled!
If in some circle small,
Somebody said ought at all,
Straight out, or on the side,
Or the common line denied,
Some other opinion took
Of the leader,
And things around - look -*

*All those who then stood by,
Had to inform straightway
The Secret Police on that day.
The first to give friends away -
Saves his Home-land and Chief in the fray,
Proves his faithfulness, they say.
And then he has some hope
Of escaping
The hang man's rope.
But he who with words was late,
Or thought the need was not great,
And paid no attention to this,
Fell at once
Upon the black-list,
From which a straight road led
To GULAG, or being shot dead,*

*Because he did not denounce,
Nor upon "folk-enemies" pounce,
Nor different-minded ones trounce.*

*A learned poet of fame,
Akhmet Baitursinov by name,
Who was thus given away
By a circle of "friends", so to say,
Kept silence, deep in his cell.
His sly questioner, truth to tell,
Was a sadist of highest type,
Whose knowledge of torture was ripe,
And he put into practice there
More than twenty torments bare,*

*Out of over a hundred known,
Worked out by the headsmen alone,
In old times by people shown.
He wanted to test the best,
With a stubborn heart
In their breast,
Some forty or so, in their stall,
And to his life's end recall,
With blissful feeling aflare,
Like favourite music there,
Their howls,
Their groans,
Their tears...
Upon his breast he wears
The Red Banner Order award,
Which shows valour in its lord,
Presented then personally,
By Kalinin,
Whose goat-beard you see!*

*That fanatic inspector then
For months
A-tormenting men,
Baitursinov tortured too,
Using methods ever new,
Inhuman torture gave he,
But as a result, you see,
Gained nothing materially.*

Before victim's faith in flower,

*Before his spiritual power,
Before his intelligence too
His own self belief
Fell through.*

He had to confess, at the end:

*"All those whom I questioned, my friend
Well, I simply made them dance -
To my flute I made them prance!
But are you, my dear old chap,
An exception here, mayhap?
How can I allow it to be,
That through your obstinacy
A shadow falls upon me,
On my firm reputation, see,
When only two years remain
Before my pension I gain?!
Come, let us on this agree,
As man to man let it be -
Just give the name to me
Of one person at least, still free,
Let it be your rival, maybe,
Or even your worst enemy,
So long as someone you betray,*

*Then I shall be quiet that day,
And I shall get you free way.
Go off, wherever you will,
Any quarter your needs will fill,
And I promise, if you agree,
To keep it known only by me!..”*

*Baitursinov, to answer disgrace,
Just spat in the sadist's face...
... He was shot at the dawning hour,
With his spiritual power
In full flower...*

*Those false intellectuals then,
Those rogues, and careerist men,
With mercenary morals too -
They all survived and came through.
So with “activists” such as these,
In our cultural sphere, if you please,
There happened, just as things went,
An anecdotal event...
A lad there was, fate decrees,
Looked much like a Japanese.
They arrested him, by-the bye,
As a Japanese agent-spy.
Poor lad - like a child he cried:
“How is that?
I have never lied
No Japanese have I seen!”
“But you have!
Come, confess where you've been”
They beat him, to his distress,
Until he lost consciousness.
Then he later howled all night,*

*Fellow-captives put in a plight;
Then his capturer whispered clear,*

*To him, right close, in his ear:
“There are two ways you can go -
Either stand out manly so,
Through all the testing of fate,
And die with dignity great,
And keep in that way your face -
Or confess, put aside disgrace,
That you did really lie,
And are a Japanese spy,
And as their agent you came
To tell your tale, play your game.
And we can believe what you tell,
And in your confession as well.
But then you’ll be bound to betray
Somebody you know, anyway,
A near acquaintance or friend
In one moment you then will be
A political hero, you see,
Of international rank!
Your inspector then will thank,
Will receive a higher charge,
For exposing this ‘espionage’”!
Important enemies, though,
We could not treat just so -
And could not silently shoot.
They’ll be sent to Siberian waste,
For twenty-five years’ disgrace!
Our land cannot thus contrive,
And living on needles survive!*

*All will change in time, maybe -
Our leader grows older, you see...*

*But he may last
Twenty years yet...
A new ruler then you'll get,
And you will return from afar...*

*And he to Alma-Ata,
Then returned and drew fresh breath,
Nineteen years
After Stalin's death!
What a price, though, he had to pay!
He gave eleven away,
All innocent people too,
Including his cell mate true,
Who "advised" him what to do!*

*Under such a thought-up hell,
And false accusations as well,
In the previous Soviet land,
Were repressed, all out of hand,
Amass of women and men,
Of fifteen million then.
All that was methodically done
'Gainst each intellectual one,
Who refused to be standardized,
And believed in his own eyes;
'Mid the mass of flatterers there
And sometimes kept silence bare,
No applauding hands in the air!*

*Intellectuals are a great force.
When fools took the opposite course -
Beimbet Mailin, named as foe
Of the folk, they his wife also,
Sent off to the Camp ALZHIR,³*

3 Akmolinsk Prisoners' Camp for women traitors

*And their children threw out of the gate
To suffer the tricks of Fate.
All friends their writer denied,
And shielding themselves tried to hide.
And then Gabit Musrepov,
In Committee his steam let off:
“Our nation’s great son,” said he,
“Beimbet Mailin, must be free!
To count him a foe of the folk
Is a stupid, blasphemous joke.
If he’s a foe,
I am too,
His fellow-thinker, it’s true!
And I do not wish to remain,
And be called a betrayer again.
In the Party ranks, anyway,
Which name him a traitor today -
That most trustworthy man,
Of honest men in the van!”
He then on the table threw
His red Party Ticket too,*

*And thus he quitted the hall,
With proud head, straight and tall...
That was a challenge thrown
To a heartless regime, well-known,
And that whiskered dictator-boss.*

*That evening, a colleague, at loss,
Who called himself clever too,
And intellectual all through,
Phoned Musrepov, and said his word:
“We are sorry that this has occurred!
Well, twice times two makes four -*

*You won't need your flat any more,
So you might as well leave it to us,
And we'll be glad of it thus,
And from time to time we too
Will put up a prayer for you!"*

*When that history of old
To Andrei Sakharov I told,
He thought for a little while,
Then said, with a sad, slow smile:
"If I ever get so far,
And visit Alma-Ata,
Upon his grave I shall lay
Red roses in a bouquet..."*

*But Fate's word is always the last:
When a mere three months had passed,*

*Sakharov was already dead...
On Musrepov's birthday instead,
I took a red rose bouquet
To the writer's grave on that day,
In the Kensaisk graveyard grey.
On the ticket I wrote this way:
"To intellectual Musrepov,
From intellectual Sakharov."*

*For long on the bench I sat,
Remembering both, at that,
In which they were both alike —
In ability to strike,
In deeds of their intellect,
In fearful times acting correct,
Those two great spirits,
Grand souls,*

*Like cliffs,
Where the sea of life rolls -
My teachers of highest goals.*

Repressive acts are alike,
Whenever, wherever they strike.
Whatever the method used,
With much the same
Feelings infused.

That Hitler-thought-up idea
Of deadening people's ear
With musical powers untold,
In Safety Committees of old,
Developed this new-found «art»
In their buildings, right from the start.
Such "Musical Rooms" were found,
With equipment all around,
The last word in technical sound.

In those "rooms" it was comfy too,
As in luxury suites, mark you,
Or apartments in a hotel.
There mad music resounded as well,
From the walls,
The ceiling, the floor,
From the furniture, what's more,
Many-toned, and reminding us, say,
Of the flood of music today,
Of mass "culture", to which folks sway,
Which surrounds this world of ours,
In the course of several hours.

That young maid Raushan, I swear,
Beaten down by brutes on the Square,

And thrown then into a van,
Found herself by a blood-stained young man,
Who'd been killed by a blow from a spade,
With his tongue hanging out of his head.
She did not know, that naive maid
That from a deadly
Blow on the nape,
The tongue falls out of the mouth agape
For the first time in her life Raushan
Saw with horror
The tongue of a man,
So long, and so red...
And she started to shake
For pity's sake
The murdered lad,
To make him awake - but no luck she had
"You fool, he's long been lying dead!"
Grinding his teeth,
The driver said:
"And we'll soon be finished with you
And you'll keep him company too!"

When she wrote
A note about that,
I, who as High Commissioner sat,
On examining her affair -
Stinking things that happened there
Gave her permission the Court to quit
But in came Kegebeshnik's men
With a special task from Moscow then,
And caught the girl, and brought her here
On the experimental track
In the well-equipped "Music Room" ...
After seances
Which took many hours,

They let her out...
Quite robbed of her powers,
She sat on a bench
Near the auto-bus stop
Hands over ears,
And ready to flop.
Her head was buzzing,
And long she cried.
And when she wanted
To go home and hide -
O God above!
She just couldn't think
Of her home address -
And that made her blink,
And filled her with fear,
So back then she went
Full of fury, with spiteful intent
With both her fists she beat on the door.
Of that Grey House,
And began to roar:
"Torturers! What you did, just see!
You robbed me of my memory.
Say, tell me now
Just where do I live?"

So you see
How creative music does change
Into music of a destructive range!

When the Supreme Soviet was set,
They decided Sakharov should get
His old title "Thrice Hero" back,
And his other awards, lying slack.
But he quietly answered them so:

“I have not the right now, you know,
To accept them again in a row,
While other’s rights are not restored,
All the captives of conscience, now flooded,
Arrested, imprisoned, and ignored.”
At their first session so far,
People’s Deputies, USSR,
Transmitted for all to see,
On international TV
With set-backs, my word I gained,
And I at once proclaimed,
How Alma-Ata was shamed
By its wild abuse of power,
And demanded Justice, that hour!
The effect was just like a bomb,
Exploding all Evil and Wrong.
Then Andrei Sakharov arose,
Came up to me, stood close,
And pressed my hand in a vice,
And said, in a quiet voice:
“Our thanks to you, dear mate!”

He, a Russian, at any rate,
O God!
He thanked me, no doubt,
Because I was first to shout

For our offended youth,
And because I told the truth,
Of humiliation, and scorn.
Then some of my people, well-born,
But false intellectuals, see,
Who feared they might be dismissed,
Just turned from me
With a twist...

In that difficult time
Of my life,
With all State structures at strife,
When they tried by every way
My activities to stay,
And thus to hinder cares tense
Of inspecting Decembrist events,
With Sakharov aiding me,
So fatherly moral was he,
In supporting me where my path led,
Introduced
Boris Yeltsin,
And said:
“An important act he’s achieved -
That act was a word we believed,
And now we must help him too,
To see that his word goes through.
Yes, that is a dangerous path.
Can he
Stand firm to the last?
Yes, he himself must hold fast!”
For Sakharov

No woes could ignore,
He felt our tragedy more,
Not less sharp, I’m bound to say,
Than any Kazakh on that day.
Therein his greatness you see,
And his high humanity.

Our courage we must not forget,
If today’s young
States are set -
Having been

In the Soviet line -
In sovereign liberty fine,
They proudly raised ahead
The banner of freedom instead.
Then in that there surely does rest
A certain mite,
Small, of the best.
Although a tiny,
Sad gift,
For those bold youngsters, a lift,
As they went out
On the Square,
In Alma-Ata, in the bare
And frosty
December days there,
With firm demands, you see,
For freedom, democracy...

(Translated into English by Walter May)

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Chingis Aitmatov

Battlefield or Oasis

The Issyk Kul Forum seeks answers to urgent questions

In a certain sense everybody is a “nationalist” - this is my sincere opinion, since the ethnic affiliation of any human being and the resultant bond linking him or her to the fate of a nation is always historically predetermined. Wherever we go in the world, we continue to feel the bonds of our national affiliation, coloured by everything from our original tribal instincts to the cosmopolitan philosophies of universal humanism. It is within these boundaries that the spirit of national culture is nourished. But from these origins the spirit of internationalism, dialogue and interaction between peoples also develops.

A national culture accordingly has a double nature. On the one hand it is something earthy and original, something separate from and strange to others, but on the other hand it is also destined to remain part of a common origin: it is one of the supports for the spiritual roof which covers the heads of all peoples. To the extent that a national culture defines its own pristine character as its most important priority, something which has given rise to its own unique and self-sufficient quality in the world round about, it contributes actively to shaping the national self-consciousness of a people, enabling it to maintain its ethnic traditions and to express a national way of thinking and of viewing the world.

The self-portrait of an ethnic group necessarily includes mythological materials underlying the genesis of its national awareness as well as real facts marking its chronological development. Each nation looks first and foremost into its own mirror in assessing the history, culture and religion it has inherited. Each nation is perceived by others primarily through the prism of its national characteristics and its capacity to co-exist with others.

In the overall panorama of the world's peoples there is, however, also a global and supranational task which is just as vital for the

whole of the human race, namely the development and synthesis of common human and spiritual values, the growth and prosperous development of ethnic and cultural variety on common ground, which implies harmony among the civilizations that enrich and fertilise each other through their common efforts. This does not exclude the possibility of dramatic collisions. Experience of the tragic is part of the endless path we follow in our ceaseless efforts to perfect mankind and society.

History and the present alike bear clear testimony to the fact that these paths are subject to colossal historic trials which affect the existence and the fate of whole generations as well as the relations between nations and States. They unleash wars and lead to bloodshed of regional and universal dimensions.

Here, too, history and present experience reveal to us the origins of such trials. The source of conflicts and wars, of incitement to ethnic confrontation, lies usually in political passions, imperial ambitions, a disposition towards separatism and independence, and in national and religious prejudices and conflicts. All this is accompanied by dogged fanaticism and violence, and it ends in permanent disaster, in privation and catastrophe – in the ruin of whole peoples. In the shadow of such events, the forces interested in pushing history in this direction remain hidden – forces which reap huge profits from the events in question, primarily through armaments deals.

In this respect the twentieth century seems to be heading, as it ends, towards a period of global upheaval. In this connection, we should bear in mind particularly the events associated with tensions between ethnic groups which, in politics as in daily life, divide human beings into their own people and foreigners, “ours” and “theirs”. These events are caused not only by the struggle for independence, the quest for national dignity and recognition by others which is carried forward through the dynamic impetus of the national spirit, but also by nationalistic claims, tribalism and fanaticism - by the fact that the search for a way out of the crises of national ideology that are being fought out on the ground of populist excesses and pseudopatriotism has got stuck in a

dead end. All this is correspondingly reflected, one way or another, in the development and mutation of national cultures. In this way the national factor is becoming the biggest problem of ethnic and geopolitical life at the end of the twentieth century. It is precisely here that circumstances are becoming tangled in a knot of extremely serious dangers for modern civilization.

The dialectic of the struggle that is going on in the world has changed. The confrontation between different social and economic systems - socialism versus capitalism - has now become less important than the critical evolution of national conflicts, which are sometimes fateful, implacable and lasting; they are tragic and represent a difficult challenge. In various parts of the world the national factor is leading to ever greater chauvinism. This chauvinism, in turn, is bound up with convictions born of arrogance, the arrogance of believing oneself to belong to an elect group; it arouses the forces in a society which are marked by a pseudo-national consciousness and can make their way only in hostility and aggression towards others. Such chauvinism bears a placard reading "patriotism" at the head of the parade but is in fact a deadly enemy of the universal values represented by democracy and tolerance.

In this connection the role and task of national cultures that incorporate national modes of thinking are acquiring enormous significance. A national culture must cherish and preserve ethical standards in relationships with other peoples. Such ethical standards should be imparted to children with their mother's milk. We must proceed from the assumption that conflicts between ethnic groups arise and mature above all in the heads of individuals, in the "Weltanschauung" of men and their understanding of the world.

And yet our common life together, mutual understanding among the peoples of the world, should be approached in a realistic and unbiased way. Let us, for heaven's sake, view the history of the world's peoples in a manner free of all fanatical and egoistic thinking! Whoever revives the historic claims of a nationalistic system is bringing the past into the present in a most dangerous way.

Neo-nationalistic thinkers are endeavouring to revive such tendencies of national revanchism and to use them for their own purposes. And religious revivals, which often have a fanatical and violent character, only serve to make this picture even more complicated.

In our own time the tragic events that have taken place in the former Yugoslavia and many other similar situations in the post-Soviet world provide vivid examples of what I mean. Ethnic, national and religious feelings which had long been suppressed under the pressure of a powerful totalitarian regime rose suddenly to the surface. Once these feelings had burst forth explosively, the situation required an immediate national and political solution - in some cases involving the creation of tiny States. In the course of this process some groups, in asserting their own national and religious beliefs, not infrequently attacked the rights of others - usually neighbouring peoples - thereby escalating already present conflicts and paving the way to uncompromising confrontation.

In some instances century-old problems, now barely smouldering, were fanned anew and hostile passions separating nations were kindled. Representatives of the national intelligensia - above all historians, writers and journalists - sent their own sparks flying as ultimatums, whether willingly or unwillingly, further inflamed the nationalistic and chauvinistic mood of their peoples. Patriotism can be a noble sentiment, but it harbours dangers when the source of its inspiration is devoid of all wisdom and all balanced sense of reality.

On the threshold of the new millennium the world is experiencing a catastrophic phase of its history. As so often in the past, the world is doing its best to complicate the problems of existence on earth. This being so, it would perhaps be appropriate to quote a few lines from a paper I read to the Issyk Kul Forum in 1986. At that international meeting of a group of intellectuals I said, among other things:

“We should not assume that the life of mankind is necessarily going to become easier in the future, even if we succeed in maintaining peace on earth under the most favourable conditions. If this endeavour should succeed, it will be only at the price of a violent

struggle of human beings with themselves and their own nature, with their natural conservatism and their age-old tendency towards national and regional egoism, egoism based on States and blocs of States. In the whirl of the world's affairs human beings maintain their balance like storm-tossed chips of wood on the sea. It will be all the more significant, then, when we achieve victory over ourselves, over the deep-rooted instincts and prejudices, the mistrust and mutual hostility, that we have felt in the past. We can see, after all, how difficult this is for people, not only in inter-State relations but also in common everyday matters of life, when the paths of democracy and candour, civilized, humane trust, are constantly being sabotaged by vicious acts of terror - senseless and brutal attacks which reduce the value of human lives to small change. These horrors are of concern to us all, wherever we live; in this sense there is no such thing as the grief of others."

More than ten years have passed since then. Even so, I have the impression that practically nothing - or better, nothing at all - has changed in our lives. As we continue the Issyk Kul Forum, we should devote ourselves to a discussion of social and political trends in the post-Soviet era and concentrate on the theme: "National and global aspects of cultures in present-day conflicts".

Here it will be particularly appropriate to mention the venue of our meeting. The Issyk Kul Forum has found the region of Central Asia to be the most suitable site for discussion of the theme I have referred to. Those who know and appreciate the present situation feel that Central Asia is by nature an ideal region because here we can grasp, better than anywhere else, the new paradigm of history and of the spiritual evolution of society. Central Asia borders on Russia and China as well as on Iran and Afghanistan; here we have all the interwoven elements of ethnic and religious tension, here we witness the process of transformation of national cultures under the assault of mass-culture in the information age. And all this is happening at a time of democratic transformation, at a time when we are searching for a way out of successive economic crises.

One further circumstance should be mentioned which underlines the significance and the present importance of the issues confronting us. In our opinion the problems of modern national cultures seem all the more drastic if we view them in the context of the rapidly worsening multi-layered conflicts confronting us at the end of the twentieth century and of the collisions between civilizations that seem likely to threaten us in the future. All this is happening in the circumstances prevailing since the end of the cold war, circumstances in which world culture is emerging as a force which can both separate and unite peoples. This culture is becoming more and more important in the life of our planet and in one way or another is bound to affect the fate of national cultures and of the world's religions. To this extent, national cultures, their transformations and their ethnic and religious conflicts - accompanied by important social and political processes - are bound to take first place in the social life of our time.

If we consider the future of the peoples and cultures of Central Asia in the light of the general tendencies observable at the present time, we find ourselves confronted by a number of questions. What should the future model be for the political and cultural development of Central Asia at the end of the twentieth and the beginning of the twenty-first century? And how can the tragic upheavals of the past be avoided - events that unleashed consequences lasting for decades and even centuries?

Given its unusual and special position, Central Asia has always been close to the interface between centres of power and has accordingly felt the destructive consequences of conflicts of varying severity at various times. From antiquity through the early Middle Ages the most varied civilizations have collided here in battle: the civilization of ancient Rome and the civilization of the Steppes, the Turkish and Iranian civilizations as well as the Arabic and the Chinese. From the geopolitical standpoint this region has always been a territory marked for conquest; it was a region of transit, and also a buffer or intermediate zone whose inhabitants were thus sometimes protected against immediate contact with the enemy.

Today, too it seems to us that Central Asia has reached a decisive historical stage in its development. One possibility, of course, is that it will slip into the pacifist role that geopolitical destiny seems to hold ready for it.

Interaction between the familiar centres of power - China, Russia, the Middle East, Turkey, Iran, Afghanistan, and also the land of Tajikistan, which is in the grip of civil war - determines the basic options. Do we wish once again to be a battlefield where the special interests of external and internal foes collide? Or do we wish to be an oasis of prosperity marking the beginning of an oriental "neo-hellenic and humanistic" synthesis of peoples and cultures each with an original and unique character of its own?

We have a unique historic opportunity before us - a situation which enables us, indeed requires us, to find ways and means of establishing the most effective possible organization for a political commonwealth in which every State belonging to the world order now taking shape receives its appropriate place, so that it does not lapse from the secure heights of national awareness and succumb to the allurements of nationalistic propaganda, pursuing national exclusivity with an unquenchable thirst for power. We need to think and reflect and talk about all these things. The small circle of intellectuals who meet here in the Issyk Kul Forum and are in effect spiritual brothers should speak to the public throughout our region in loud and unmistakable terms.

Then it would be desirable to seek broad resonance in the mass media, to pass on the results of our efforts and to offer practical proposals beneficial to the development of world culture.

There is a proposal to summarize the different positions in a declaration of the Issyk Kul Forum and to formulate an appeal to contemporary intellectuals to participate in this social movement under the motto: "Cultures of all Nations in the Service of Peace." This new social movement could help to consolidate our present spiritual evolution and to advance democracy, pluralism of opinion and tolerance by supporting the ethnic and spiritual values of national cultures. Our initiative

could also draw the attention of society to its work, further the development of creative forces in national cultures and support them in attempting to influence the thinking of contemporaries by making cultural circles mindful of their responsibility towards their own peoples.

(This English version is based on the German translation from Russian by Friedrich Hitzer)

We thank the translator Friedrich Hitzer (Germany) to have proposed this text of a speech by the President of the Writers Union of Kyrgyzstan, Chingis Aitmatov, for publication in this yearbook. It gives some insight into the views on culture by one of the outstanding Central Asian literary figures for the freedom of writing and publishing in the Soviet and post-Soviet times. The speech was given at the Issyk Kul Forum initiated by Aitmatov in Bishkek. 1997

Michael Ignatieff

Television and Humanitarian Aid

There are strict limits to human empathy. We make some people's troubles our business while we ignore the troubles of others. We are more likely to care about kin than about strangers, to feel closest to those connected to us by bonds of history, tradition, creed, ethnicity and race. Indeed, since moral impingement is always a burden, we may use these differences as an excuse to avoid or evade obligation.

It is disagreeable to admit that instincts play a relatively small role in our moral reactions. We would prefer to suppose that the mere sight of suffering victims on television would be enough to rouse us to pity. In fact, there is nothing instinctive about the emotions stirred in us by television pictures of atrocity or suffering. Our pity is structured by history and culture.

The idea, for example, that we owe an obligation to all human beings by simple virtue of the fact that they are human is a modern conception. We still encounter tribal cultures in the world where such an idea seems nonsensical. Universality comes late in the moral history of mankind: once Judeo-Christian monotheism and natural law have done their work. Even when these traditions have established themselves, people go on finding ingenious ways to evade their implications.

When we do make the misfortunes, miseries or injustices suffered by others into our business, some narrative is telling us why these strangers and their problems matter to us. These narratives-political, historical, ethical-turn strangers into neighbours, aliens into kin. They also suggest some idea of reciprocal obligation: if we don't help them, these stories imply, they won't help us, when our turn with adversity comes around.

Story-telling gives us pleasure, and the pleasures of moral stories are just as suspect as or at least as complex as the pleasures of, say, a dirty joke. Our moral stories usually tell us what we want to hear: that we are decent folk trying to do our best; and that we can make good the

harms of the world. We'd hardly tell these stories if they didn't make us feel better, and they make us feel better even when they make us feel guilty, because guilt endows us with capacity; it suggests that we have the power to make a difference and are failing to do so. The truth might be grimmer, after all: that we have less power than we suppose; far from being able to save others, we may be barely able to save ourselves.

Thus if moral activity always involves the imagination, it is as much about imagining "us" as it is about imagining "them"; the stories we create always place us as their chief subject, and to the degree that this is so, our imagination is always susceptible to moral narcissism. The stories we tell lead us to think better of ourselves than we deserve.

Beside moral stories linking us and them, there are meta-stories governing the larger relationship between zones of safety and zones of danger. In the 19th century there were the stories of empire: the nexus of interest, economic, geo-political, religious and ideological, which bound the metropolis to the periphery. The imperial narrative-bringing civilisation to the world of savagery— gave the media a meta narrative, a grand story into which each local event could be fitted and given its meaning.¹

With the passage of the 19th century empires, and the creation of the post-war Soviet and American hegemony, the story which linked the two zones was the super power rivalry for power and influence. What brought television to the war zones of these areas was the prospect of witnessing the proxy wars in which the world balance of power would be shifted. Now the super-power rivalry is over; "we" are no longer there, because "they" are no longer there either. The proxy wars are no longer fed from Washington and Moscow, and while they continue—as in Angola—their salience and interest to the developed world has diminished. As for the parallel narrative of de-colonisation, some ex-colonies have made a successful transition to genuine independence and some degree of economic development, while others have foundered into tribalism, oligarchy or civil war. Either way, there is no

¹ See my *Warrior's Honour: Ethnic War and the Modern Conscience* (1998), Ch. 4

simple narrative to tell anymore. Instead, the narrative that has become most pervasive and persuasive has been the “chaos narrative”, the widely held belief, only reinforced by the end of direct colonialism, that large sections of the globe, especially in central Africa and the fiery southern edges of the former Soviet empire have collapsed into a meaningless disorder, upon which no coherent pattern can be discerned.² The “chaos narrative” de-motivates: it is an anti-narrative, a story which claims there is no story to tell and therefore no reason to get involved. Since the end of the Cold War, television has simply reproduced the chaos narrative. As it does so, it undermines even its own limited engagement in zones of danger.

These de-motivating elements are reinforced by the collapse of two other narratives. In the first of these, liberals were interested in Africa and Asia because the narrative of colonial nations achieving freedom and independence after years of struggle seemed to confirm the liberal story of progress. Now that a generation or two has passed and many of these societies have either achieved independence or thrown away its advantages, the story has lost its moral gleam. There are few partisans of African and Asian independence left, and more than a few who are overtly nostalgic for the return of colonial rule.

Another meta-narrative which sustained interest in the Third World after World War II was socialist internationalism, the faith that newly independent states were a test-bed for the possibilities of a socialist economy and way of life. Generations of Western leftists were lured to Cuba, Vietnam and other places in the hopes of finding their dreams confirmed. The collapse of the Marxist and socialist project has ended this meta-narrative of hope, and as it does, disillusioned and demotivated socialists turn away from developing societies altogether.

No new sinews of economic interdependence have been created to link zones of safety and zones of danger together. In the heyday of empire, there was at least ivory and copper, gold and timber. As the developed world entered the phase of permanent post-industrial rev-

² See Robert D. Kaplan *The Ends of the Earth*, (1996)

olution, based in knowledge and computers, it appears to stand in less need of the raw materials of the developing world. Large sectors of the world's population are not being drawn into globalized commerce, but banished backwards into sustained underdevelopment. The developed world is tied in ever tighter linkage-Internet, 24 hour global trading, jet travel, global hotels, resorts, credit card networks and so on-while sections of central Africa, Asia, Latin America, since they no longer even supply vital raw materials, cease to be of either economic or strategic concern.

This leaves only one meta-narrative drawing zones of safety and zones of danger together: the humanitarian narrative. We are in one world; we must shoulder each other's fate; the value of life is indivisible. What happens to the starving in Africa and the homeless in Asia must concern us all because we belong to one species. This narrative, with its charter document-the Universal Declaration of Human Rights-and its agencies of diffusion, the non-governmental humanitarian agencies and the UN system, puts a strong priority on moral linkages over economic and strategic ones. The question is how television mediates this moral linkage.

We should consider the possibility, first of all, that the media change little at all. Our best stories - from King Lear to Peter Pan - seem to survive any number of re-tellings. Why *should* the technology of storytelling change the story? We should beware of technological determinism in thinking about the moral impact of media. The claim that global media globalizes the conscience might be an example of technological determinism at work. It is certainly true that modern real-time television news gathering technology has shortened both the time and the distance separating zones of safety-the small number of liberal capitalist democracies which possess power, influence and wealth; from the zones of danger-the small number of collapsing states in Africa, Asia, Eastern Europe and Latin America-where refugees and war victims stand in need of aid and assistance.

But it does not follow that media technology has reduced the "moral distance" between these zones. Real and moral distance are not the same. Real distance is abolished by technology; moral distance is only

abolished by a persuasive story. Technology enables us to tell stories differently; but it doesn't necessary change the story we want to tell. Indeed, one could say that the media follows where the moral story leads. To the extent that television takes any notice whatever of zones of danger, it does so in terms of a moral narrative of concern which antedates the arrival of television by several centuries. This narrative: that we are our brothers' keeper, that human beings belong to one species, that if we "can" help, we "must" help-all of this emerges out of the Judeo-Christian idea of human universality secularised in European natural law beginning in the 16th century. At best television merely allows us to tell this old moral story more efficiently. The medium is just a medium. The modern conscience had written its moral charter-the Universal Declaration of Human Rights-before television had even entered most of our living rooms. Television would not be in Kosovo or Kabul at all, if it were not for these antecedent moral narratives.

It may be the case that television cannot *create* any moral relationship between audience and victim where none exists already. If television's moral gaze is partial and promiscuous, it is because ours is no less so. The TV crews go where we were already looking. We intervene morally where we already can tell a story about a place. To care about one place is necessarily to cast another into shadow. There is no morally adequate reply to the charge that Europeans and North Americans, to the degree that they cared at all, cared more about Bosnia than Rwanda. The sources of our partiality were only too obvious. One was in Europe, the other in Africa; one was a frequent holiday destination; the other was off most people's map. For most white Europeans and North Americans this partiality was transparently a function of race, history and tradition. But how can it be otherwise? Our knowledge is partial and incomplete, our narratives of engagement are bound to be inconsistent and biased. To lament this is understandable, except when it is supposed that we *should* be capable of moral omniscience. We cannot be. It is simply unrealistic to expect that each of us should feel connection to every place in the world where victims are in danger. We are bound to care more about places and people we already know some-

thing about. It is certainly invidious to believe that white victims matter more than black ones, that co-religionists are more naturally a matter of our concern than non-believers and so, and we can counter-act these biases where we can, but at the end of the day, we will care more about what we know something about, and if this is Bosnia, so be it. The media will simply reflect the biases intrinsic to its own audience: its coverage may indeed exacerbate them, but in itself, it is not responsible for them. Indeed, television coverage can do relatively little to counter-act the inherent moral biases of its viewers. It follows where they, and other media lead.

What is more to the point is that media ownership concentrates media power in mostly white European and North American hands, and their angle of vision determines the focus of world media coverage. For these reasons, natural partiality is grossly magnified, and the world's majority — non-white, non-North American, non-European — is forced to take the minority's moral priorities. This bias cannot be corrected by well-meaning gestures. It will only change as the majority takes economic power into its own hands and creates media institutions which reflect its own moral priorities. This is already occurring across south-east Asia, and there is no reason to suppose that it cannot happen eventually in Africa and Latin America.

The fact that television reflects, but does not create moral relationships does not exclude the possibility that it may also distort these relationships. Three possible distortions are evident. First, television turns moral narratives into entertainment; second, television turns political narratives into humanitarian drama; third, television individualises: it takes the part for the whole. All three forms of bias are inter-related, yet distinct. Television news is an entertainment medium. It derives its revenue and its influence from its capacity to make the delivery of information pleasurable. Pleasurable story lines are generally simple, gripping and easy to understand. Now all moral life requires simplification, and all forms of moral identification proceeds by way of fictions. In framing up our moral world, we all seek for good guys and bad guys, innocent victims and evil perpetrators. There is nothing intrinsically

wrong about this resort to fictions and simplifications. It is also puritanical to suppose that moral problems should never be mixed with entertainment values. Moral drama is always compelling and television can be easily forgiven for seeking to build revenue and ratings on the production of moral drama out of news.

Dramatisation only becomes problematic when the actors in our moral dramas stop playing the roles on which our identification with them depends. For moral roles frequently reverse: innocent victims turn perpetrators; perpetrators turn victims. In such circumstances, it may become difficult to alter the story line in the public mind. Serbs who were perpetrators of ethnic cleansing in Bosnia in 1993, turned out to be victims of ethnic cleansing in Croatia in 1995. But their demonization in 1993 foreclosed the possibility of empathy — and the assistance that rightly follows empathy — in 1995.

The distorting bias here is sentimentalization: since sentimental art, by definition, sacrifices nuance, ambivalence and complexity in favour of strong emotion. Hence it is art which prefers identification over truth. To the degree that television is an art-form whose revenue stream depends on creating strong identifications, it is axiomatic that it will occasionally sacrifice moral truth. Occasionally, but not always: there are times when the sentimental is true, when we identify strongly with a story which happens to have got its facts straight.

The second distortion flows from the visual bias of the medium. Television is better at focusing upon the consequences of political decisions than upon the rationale for the decisions themselves: hence upon the thunder of the guns rather than upon the battle-plans; the corpses in the ditch, rather than the strategic goals of the ethnic cleansers. The visual bias of television has certain obvious advantages: it enables any viewer to measure the gulf which separates intentions from consequences; it allows a viewer to move, shot by shot, from the prevarications of politicians to the grimy realities these prevarications attempt to conceal. But the very intensity of the visual impact of television pictures obscure its limitations as a medium for telling stories. Every picture is *not* worth a thousand words. Pic-

tures without words are meaningless. Even when pictures are accompanied by words, they can only tell certain stories. Television is relatively incoherent when it comes to establishing the political and diplomatic context in which humanitarian disaster, war crime or famine take shape. It has a tendency to turn these into examples of man's inhumanity to man; it turns them from political into natural disasters, and in doing so, actively obscure the context which is responsible for their occurrence. Its natural bias, therefore, is to create sentimental stories which by making viewers feel pity also, and not accidentally, feel better about themselves.

Thus, television pictures from the Ethiopian famine in 1984 focused naturally on the pathos of the victims, not on the machinations of the elites who manufactured famine as an instrument of ethnic oppression; or on other long-term failures of the African economy or ecology. It did so simply because it chooses identification over insight, and it did so because television depends for revenue and influence on the heightened drama of this visual mimesis of one-to-one contact between the watching spectator and the suffering victim.

The third related difficulty is that television, like all forms of journalism, makes up its stories by means of *synecdoche*, by taking the part for the whole. Journalism is closer to fiction than to social science: its stories focus on exemplary individuals and makes large and usually tacit assumptions about their typicality. This is synecdoche: the starving widow and her suffering children who stand for the whole famished community of Somalia; the mute victim behind the barbed wire at Trnopolje who stands for the suffering of the Bosnian people as a whole. Given that victims are numberless, it is natural that identification should proceed by means by focusing on single individuals. Synecdoche has the virtues of making the abstractions of exile, expulsion, starvation and other forms of suffering into an experience sufficiently concrete and real to make empathy possible. But there are evident dangers. First, is the individual typical? Notoriously, television chooses exemplary victims, ones whose sufferings are spectacular and whose articulacy remains undiminished. Viewers trust experienced reporters to make these exem-

plary choices but when viewers begin to question the typicality of the witness, they also begin to question the terms of their identification. When they feel that human suffering has been turned into entertainment cliché, they begin to feel manipulated: the ward full of abandoned orphans; the star crossed Romeos and Juliets who loved each other across the ethnic divide and whose love shows up the folly of ethnic hatred; the plucky journalists who keep on publishing right through the shelling; and the war-torn child whom the journalist adopts and spirits back to safety and endless interviews.³ These forms of synecdoche forfeit any kind of complex identification with the whole panorama they are supposed to evoke.

The identification which synecdoche creates is intense but shallow. We feel for a particular victim, without understanding why or how he or she has come to be a victim; and empathy without understanding is bound to fritter away when the next plausible victim makes its appearance on our screen, or when we learn something which apparently contradicts the image of simple innocence which the structure of synecdoche invited us to expect.

It may be therefore that television itself has something to do with the shallowness of forms of identification between victims and donors in zones of safety. Television personalises, humanises, but also depoliticizes moral relations, and in so doing, weakens the understanding on which sustained empathy — and moral commitment depend. The visual biases of television, therefore, deserve some place in our explanation of “compassion fatigue” and “donor fatigue” — growing reluctance by rich and well fed publics to give to humanitarian charities or support governmental foreign aid. Real distance has been drastically shortened by visual technology, but moral distance remains undiminished. If we are fatigued it is because we feel assailed by heterodox and promiscuous visual claims and appeals for help coming from all corners of the world. Moral narratives have been banalized by repetition, and in repetition, have lost their impact and force.

3 Gilbert Holleufer “Images of Humanitarian Crises: Ethical Implications”, in *International Review of the Red Cross*, Nov.-Dec. 1996, no. 315, 609-613.

Aid agencies, like the International Committee of the Red Cross, are waking up to the erosion of the narratives of moral engagement which they depend upon both to sustain the morale of their field staff and to sustain the political support of donor governments. For aid agencies are moral story tellers: they tell stories to mediate and to motivate, and they typically use television to get these stories and messages to pass from the zones of danger back to the zones of safety.

Typically the stories aid agencies tell are different from the ones which television journalists tell, and these differences illustrate the moral dilemmas aid agencies characteristically encounter. Unlike journalists, aid agencies cannot point the finger of blame. They can name victims, but they cannot identify perpetrators, or if they do so, they must be careful not to do so in such a way as to jeopardise their access to victims. This limitation is especially the case for the ICRC, which has made moral neutrality its touch-stone; but even groups, like MSF, who have explicitly contested moral neutrality, have learned that that if they do engage in blame, they may gain credibility among victims, but they lose it among perpetrators and consequently lose the capacity to work in the field. If tables are turned, and victims become perpetrators and perpetrators victims, aid agencies who have told a blame heavy story may find it impossible to change their line of response to the disaster.

Yet if aid agencies refuse to tell a political story—one which attributes causation and consequences for the disaster they are helping to relieve—they risk falling back upon a narrative of simple victimhood, empty of context and meaning. This disempowers the agencies when they appeal to governments and ordinary people for support. For purely sentimental, purely humanitarian stories create shallow identifications in the audiences they are intended to sway; such stories deny the audience the deeper understanding — bitter, contradictory, political, complex — on which a durable commitment depends. In the recourse to the pure humanitarian narrative of support for innocent victims, the aid agencies actively contribute to the compassion fatigue they purport to deplore.

Getting out of this contradiction is not easy. The pure humanitarian narrative preserves neutrality, and with it the agencies' autonomy

and capacity to act. A political narrative commits the agency to a point of view which compromises its credibility with the group it has accused.

Aid agencies like the ICRC have responded to this dilemma, in effect, by telling two moral stories, one in public, the other in private. The one reserved for public consumption preserves the neutrality of the organisation and avoids attributing political responsibility for the disaster, war or conflict in which it is intervening. The private message is more political it is directed to government's, donors, sympathetic journalists and does point the finger of blame. In the former Yugoslavia, the ICRC's public story offered emotionally charged but ethically neutral descriptions of humanitarian tragedy; while the private back-channel story, told by its delegates and its high officials, did not hesitate to attribute blame and responsibility and recommend political action. Its public statements about the Serbian camps in central Bosnia in 1992 preserved ethical neutrality; the private messages of its delegates on the ground did not mince words.⁴

Organisations who split their message in this way risk appearing duplicitous and hypocritical. The objective may be laudable: to preserve sufficient credit with perpetrators that access to victims can be preserved. But inevitably, a certain credit is lost with victims and with those who side with victims, notably journalists.

Faced with these challenges to their moral integrity, some agencies have tried to harmonise both public and private story-telling. *Medecins sans Frontieres* has been most explicit: refusing to be even-handed as between perpetrator and victim; refusing to offer humanitarian assistance when the political conditions are unacceptable; denouncing both perpetrators and outside powers when they obstruct humanitarian efforts. In Afghanistan, likewise, *Oxfam* and *UMCEF* have refused to split their messages about Taliban treatment of women, publicly denouncing Taliban attitudes towards women. There are risks in this outspokenness: not merely that the Taliban may shut these agencies out, but that these agencies themselves become more enamoured of the politics of moral gesture than of reaching and assisting female

⁴ See Roy Gutman *Witness to Genocide*, (1993)

victims themselves. So if the ICRC runs the moral risk of duplicity and hypocrisy by sharply distinguishing between what it says in public and what it says in private, agencies which refuse this distinction run the risk of moral narcissism: doing what feels right in preference to what makes a genuine difference.⁵

But these are not the only dilemmas which occur when aid agencies try to tell moral stories. Their humanitarian action is frequently exploited as a moral alibi. Aid agencies become victim of a certain moral synecdoche of their own. Thus, the fact that the ICRC has been doing humanitarian work in Afghanistan for a decade is taken, by the watching world, as a sign that “at least” “we” are doing something about the human misery there. The “we” in question is the moral audience of the civilised world, and this “we” has proven adept at taking moral credit for humanitarian interventions in which it has strictly no right to take credit at all. For there is no “we”: the so-called civilised world has no such moral unity, no such concentrated vision, and if politicians who represent its concerns claim credit for the humanitarian work of agencies in the field, they do so illegitimately.

Anyone engaged in humanitarian action in the field is indignantly aware of the extent to which their individual efforts are incorporated by the watching moral audience on television as a proof of the West’s unfailing moral benevolence. For television does not like to depict misery without also showing that someone is doing something about it. We cannot have misery without aid workers. They conjure away the horror by suggesting that help is at hand. This is synecdoche at its most deceiving for if help is getting through in this instance it may not be getting through in others, and sometimes help may actually make a bad situation worse, for example, if food assistance falls into the hands of combatants and enables them to continue a civil war. Television coverage of humanitarian assistance allows the West the illusion that it is doing something; in this way coverage becomes an alternative to more serious political engagement. The Afghan civil war cannot be stopped

5 Michael Keating “The Reality Gap” in *Geographical Magazine*, September 1996, 23-4; also M Keating, “Painting it black, who’s to blame?” in *Crosslines*, 18-19, Dec.1995, 21-22.

by humanitarian assistance; in many ways humanitarian assistance prolongs the war by sustaining the populations who submit to its horrors; only active political intervention by the great powers forcing the regional powers bordering Afghanistan to shut off their assistance to the factions is likely to bring the war to an end. Aid workers in the region indignantly believe — and with reason — that their humanitarian presence allows the West the moral alibi to abstain from serious political engagement with the problem.

Thus when humanitarian agencies bring television to a conflict site, they may not get what they bargained for. They may have wanted to generate stories which would focus the attention of policy-makers on the need for substantive diplomatic or political intervention; what they get instead is the production of moral drama: sentimental tales of suffering, using a poor country as a back-drop, which, by stimulating exercises in generosity, simply reinforce donors in their sensation of moral superiority.

This certainly goes against the received wisdom about the impact of television on foreign policy and humanitarian intervention. It has been generally supposed that television coverage drives policy and intervention alike, the pictures creating a demand that “something must be done.” Already, we have questioned the technological determinism implicit in these assumptions, by arguing that it is not the pictures which have the impact, but the particular story — moral or otherwise — which we happen to tell about these pictures. Where stories are wanting, television cannot supply them. Those who have examined the impact of television coverage on the propensity of government’s to intervene in zones of danger would take this argument still further. After closely studying cases like the Somalia, Haiti and Bosnian interventions, most analysts come away with a marked degree of scepticism about the efficacy of the so called “CNN effect.”⁶ Policy-makers insist that they decide whether to commit their countries to action, not according to what they see on the screen, but according to whether it is in the stable, long-term national interest of their countries. According to these studies, three years of drastic and sometimes ghastly television footage did little to move European policy-makers away from their reluctance to commit troops and planes to bring

the Bosnian war to an end. At most the television images stimulated a humanitarian response: aid agencies moved in, donations flowed and some of the misery on the screen was alleviated. But television did little or nothing to drive the Bosnia policy of Whitehall or the White House. Here the determinant factor against intervention was Vietnam-bred caution about sinking into a quagmire. No amount of sentimental coverage of humanitarian disaster was able to shift the policy-maker's and military analyst's basic perception that this was a "lose-lose" situation.

Both the victims themselves and the humanitarian agencies in Bosnia supposed that getting the cameras there would help to trigger decisive military and political action. Both were angrily disillusioned when this action was not forthcoming. It was as if both believed that misery tells its own story; that pictures inevitably suggest the moral conclusions to be drawn from them. But as we have argued, pictures do not tell their own story; and misery does not motivate, on its own.

Yet sceptics go too far when they claim that television pictures had no impact on the foreign policy of states or the conscience of a watching public. Policy-makers and military planners have an institutional stake in denying that they are at the mercy of television images and public pressure. It is essential to their *amour propre* and to professional detachment to believe that they make policy on grounds of rational interest rather than on the basis of inflammatory and sentimental television reports. Yet their disclaimers on this score are not entirely to be believed. What the pictures from Bosnia undoubtedly did create was a small, but vocal constituency of people who felt disgust and shame and were roused to put pressure on the politicians who stood by and did nothing. It was not the pictures themselves that made the difference, but the small political constituency in favour of intervention which they

6 Nik Gowing "Real-time Television Coverage of Armed Conflicts and Diplomatic Crises: Does It Pressure or Distort Foreign Policy Decisions?" Joan Shorenstein Center, Kennedy School of Government, Harvard University, occasional paper, June 1994; see also Steven Livingston "Clarifying the CNN Effect: An Examination of Media Effects According to Type of Military Intervention", Joan Shorenstein Centre, Harvard University, occasional paper, June 1997; see also Nik Gowing "Media Coverage: Help or Hindrance in Conflict Prevention?" report for the Carnegie Commission on Preventing Deadly Conflict, New York, 1997.

helped to call into being. Television itself did not create this constituency; it was rather that the images helped the constituency to widen its basis of support; it could point to these images and draw in others who felt the same outrage and disgust as they did. The numbers who care about foreign issues will always be much smaller than for domestic ones, but their influence is out of all proportion to their numbers. Most of them—in the press, the humanitarian agencies, the think-tanks—have the power to create and mould public opinion.⁷ For three years, a small constituency pounded away at the shame of Bosnia, and in the end, their campaign worked. Not, I hasten to add, because political leaders themselves felt any great shame, but because in time, they were made to feel that they were failing to exercise “leadership.” Once a political leader feels his legitimacy and authority are put under sustained moral question, he is bound to act sooner or later. Added to this, in the Bosnian case, was the undoubted fact that prolonged inaction was beginning to erode the cohesiveness of the NATO alliance and open up important splits between Europe and America. In the end, the Clinton administration intervened and set the Dayton process in train, not because it had been shamed by television but because it felt, with good reason, that there was at last an over-riding political interest at stake in Bosnia: the coherence of the alliance structure and the continued hegemony of America in European affairs. In other words, humanitarian pressure, in the form of outraged editorials and gruesome television footage, set up a train of consequences which only three years later, eventually generated a national interest basis for intervention. This national interest drove policy, but it does not follow that the intervention was motivated solely by national interest considerations. The humanitarian, moral pressure was integral to the process by which a reason for intervention was eventually discerned and acted upon.

All of this suggests that the moral stories we tell through television are less influential than their visual impact would suggest; but they are not as unimportant as sceptics would imply; and that they do play a

⁷ Larry Minear, Colin Scott, Thomas G. Weiss *The News Media. Civil War and Humanitarian Actions*, (1996)

continuing role in structuring the interventions, humanitarian and otherwise, through which the zones of safety attempt to regulate and assist the zones of danger.

As humanitarian agencies confront the question of how to use television more effectively to sustain engagement, by donors and governments and to counter “donor fatigue”, they need to address the general break-down of meta-narratives, linking the developed and developing worlds. We have two meta-narratives on offer: globalization and the chaos narrative; economic integration and collapsing time and distance constraints for the wealthy few in the northern world; state fragmentation, ethnic war and economic disintegration for the unfortunate citizens of as many as 25 nations in Africa, Asia and Latin America. The rhetoric of globalization-and especially the globalization of media-altogether conceals the fact that its promise is withheld from the majority of the world’s population. Indeed, as the developed world integrates still further, it is reducing, not extending, its contacts with the worlds of danger. Highly mediatized relief operations, like Somalia, Goma and Afghanistan, conceal the shrinking percentages of national income devoted to foreign aid, just as highly mediatized charitable campaigns like Live Aid conceal the shrinkage of private donations to international humanitarian charities. The meta-narrative-the big story- is one of disengagement, while the moral lullaby we allow our humanitarian consciences to sing is that we are coming closer and closer.

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Antonin Liehm

The role of culture under communism and in the post communist world

A great Hungarian poet, Gyula Illyés, once wrote: “Whenever politics is banished from our lands, culture is what should take its place.” What does this statement mean in the Central European context?

Often we find it difficult to understand how communism, which established itself and ruled in Central Europe under the banner of collectivism, could have ultimately led to a complete breakdown of society and to the programmed destruction of all autonomous social relationships. The communist regime succeeded in driving all members of society into a small private corner of their own where every individual ultimately took refuge and tried to survive as best he or she could. What is altogether paradoxical is that the non-communist population – the large majority – were just as much affected as the members of the communist party, including the *nomenklatura*.

Culture as a substitute for politics. What best characterized the state of the individual in communist society was isolation. This situation helped to create an enormous social need to restore at least a minimum of communication, and it explains why people endeavoured to establish links among themselves outside the public sphere (politics), to rebuild “horizontal” relations (the ruling communist party recognized only “vertical” relationships) – in short, to recreate the constituent elements of civil society. It was at this level that culture, a privileged area in social communications, was fated to come into play. It was precisely through culture that people succeeded in constructing new social bonds and that authentic social communication among individuals, independent of the official structures of the system, gradually took hold.

The communist system was never entirely monolithic. With time, especially after 1956, we witnessed a progressive but steady weakening of the totalitarian character of the communist regimes in Central and

Eastern Europe. The communists in power became less and less capable of directing and controlling all spheres of social life effectively and completely (as had been the case during the Stalinist era).

This movement began after the death of Stalin, first of all in Hungary where the films that came out in the years from 1953 to 1956 were already cinema of quite a different kind from the classical Stalinist pattern. At that time the Hungarians took as their model the neo-realism of the Italians. This movement was later to extend into other countries, first Poland and the USSR – to say nothing of Yugoslavia which, since the break between Tito and Stalin in 1948, had been living a quite different life from that of other communist countries.

The movement towards autonomy and upgrading of culture was also in keeping with powerful historical traditions. In fact, culture had often played a decisive role in these countries in the past. In nineteenth-century Poland, partitioned since the end of the eighteenth century among three powers (Russia, Prussia and Austria), it was notably through culture that the national independence movement had manifested itself. In Bohemia, during this same period, it was the national cultural elite which for historic reasons took the place of a non-existent aristocracy in the political life of the country.

The increasingly autonomous position of culture vis-à-vis the aesthetics of socialist realism, and in due course also vis-à-vis official ideology, was ultimately to bring about a certain political liberalization of the existing communist regimes. The movement towards cultural autonomy vis-à-vis the system of official ideology was a movement that preceded and anticipated actual political liberalization.

We should remember that the founders of the Soviet-style communist regimes had thought that culture could become an effective weapon and an important tool that would facilitate the establishment of a future communist society. This is why they decided, right from the start, to finance the whole of cultural life very generously. The first years of communism brought not only forced and sometimes spectacular industrial development but also a very substantial development of the whole cultural infrastructure (houses of culture, universities, theatres

and cinemas, studios, publishing houses and so on). During this initial period, many intellectuals and artists were happy to accept the role of enthusiastic and sincere builders of the new communist society. The regime, in return, guaranteed them substantial practical advantages, at least by comparison with the rest of society: relatively generous remuneration, rest homes, and a system of promotion and rewards for the creative artists most devoted to the communist cause.

Very soon, however, there occurred splits and differences of opinion between the artists and the political authorities which gave rise to the first conflicts. These were not, at least at the start, political conflicts. For the communist leaders, the Stalinist pyramid of power was to remain absolutely monolithic; it could not tolerate the slightest fissure. It was thought that any cracks that might appear in the fabric would allow foreign elements to enter, and the system wanted to avoid such a development at all cost. In the cultural domain, the communist leaders were determined to impose on all creative artists not only a specific political and ideological policy but also a prescribed aesthetic. And so it was precisely in the aesthetic domain that the first conflicts were to arise. It is interesting to note that at the origin of these conflicts we often find artists who were totally devoted to the communist cause – whether members of the party or not – such as Vladimir Mayakovsky and Sergei Eisenstein. Sooner or later, however, their own aesthetic ideas inevitably came into conflict with the theory and practice of social realism.

These aesthetic divergences would soon involve more and more artists. Often these were people who did not necessarily want to contest the legitimacy of the communist regime as such but merely wanted it to let them live and create according to their own lights. For a regime of the Stalinist kind this position was unacceptable. Every departure from the aesthetic norm was regarded as potentially dangerous and as such had to be put down. Since every departure from the regime's standards produced cracks in the system's monolithic structure, conflicts in the aesthetic sphere necessarily acquired an explicit political dimension quite independently of the political sympathies that the artists themselves might have.

This same phenomenon occurred in the USSR and in all the countries that became communist after the Second World War. Naturally, these aesthetic controversies quickly went beyond the limited framework of culture. Moreover, they gave rise to serious internal debates and to the establishment of new forms of solidarity among the artists themselves. In this way, they fostered the establishment of new social bonds. Then, progressively, they embraced the consumers of culture as well, and ultimately the whole of society. The history of all the communist countries exhibits numerous examples of this kind of evolution.

Culture, which was in any case already a favoured area for social communication, was to become for that very reason a logical ground for questioning the system as a whole.

The pyramid of Stalinist power relied on the principle of levers and controls. Orders and directives reflecting the official party line were worked out at the highest level and subsequently transmitted from the summit to the base by a complex system embracing a multitude of organizations: professional organizations, the youth union, the trade unions, but also the parliament and the various regional assemblies. Every realm of social activity was entitled to its own organization, the principle function of which was to ensure that the system for transmitting directives from above was efficiently controlled and functioned smoothly. The communist authorities had fostered the creation of writers' unions, film producers' unions and associations of artists and painters – but also other organizations such as philatelists' associations, local and regional cultural associations and indeed even a union of rabbit breeders. Every social and professional group was thus placed within an organization structured on the same principle as the communist party itself (with a presidium, central committee, etc.). These organizations were directed by militant communists appointed by party officials, but their members were not necessarily all communists. Control of the highest State authorities by communist functionaries was thus designed simply to ensure effective transmission of their directives.

However, after the death of Stalin communist power became far more uncertain with regard to the doctrine and directives to be transmitted to

the base. Little by little, the whole transmission system went into crisis. In the absence of specific directives, the different elements of the system showed a tendency to become more and more autonomous. This phenomenon affected, in particular, cultural organizations and the professional organizations grouping artists together. To be sure, artists continued to be subject to party directives, but since the party itself was becoming less and less monolithic, communist officials belonging to the “cultural front” themselves became more independent and above all less and less docile. Still later, in an attempt to take due account of the public notoriety of artists, the upper echelons of all these organizations would be opened more and more to non-communists.

Thus, organizations which in theory were supposed to guarantee effective control over the cultural domain and ensure transmission of party directives would become, with time, organizations which openly contested State power. This phenomenon could be observed in all the communist countries and it affected notably the associations of writers, journalists and film-makers.

On the occasion of each major political crisis within the communist world (1956 in Poland and Hungary, 1968 in Poland and Czechoslovakia, 1980 in Poland), most of these organizations were to play a highly decisive role. They became in effect a useful vector for the civil societies that were now being reconstructed, a natural breeding ground for all the various currents of political opposition. Once the crisis was over, the communist leaders were forced to introduce a policy of “normalization”. But this led to serious problems. Thus, after the declaration of martial law in Poland in 1981, the communist authorities found themselves obliged to dissolve most of the country’s official cultural and artistic associations, because the old leaders of those organizations had become all too independent.

Culture, and cultural organizations, thus played an increasingly central role in the life of the communist societies. Thanks to them, larger and larger segments of the population found their way out of isolation. Individuals and numerous groups attempted to build new identities and to establish horizontal communication: they were rediscovering, through

culture precisely, a basis for independent thinking. In some cases the categories characteristic of culture were substituted for political categories properly speaking. The idiom of culture replaced that of politics.

In 1963 an international symposium on the works of Franz Kafka was held in Prague. The initial objective of the organizers was to put an end to a situation where Kafka's entire oeuvre was banned. This symposium in fact became a real battlefield between "orthodox" marxists and "liberal" marxists. The weekly magazine of the Czechoslovak Writers' Union (print run: 130.000 copies in a country of 15 million) published the proceedings in their entirety, which enabled a broad public to discover an author they did not know and also the fact that his works offered a virtually perfect description of their own situation under communism. "That's Kafkaesque", people would often say thereafter, without actually having read a single page of his books.

Given this movement towards steadily increasing autonomy, on the one hand, and the maintenance of public subsidies, which the communist leaders did not want to touch, on the other, culture was soon able to blossom to a degree that seemed sometimes unbelievable to foreign observers. "How is it possible that the greatest anti-Communist films have been produced in all these countries not only with the backing but actually with the money of the communist State?" they often asked.

It is absolutely necessary to recall these peculiarities of the role played by culture, and of the way cultural mechanisms functioned under the communist system, if we wish to understand what happened subsequently in all these countries after the collapse of communism. However, contrary to what a lot of people think, there were actually many more differences between two communist countries than between two capitalist countries. This is why everything I have endeavoured to describe above should be seen in the particular historical and political context of each country.

Cultural contradictions of the post-communist period. I am always intrigued by the fact that not only the politicians themselves but also the political scientists, sociologists and economists in the West have consistently failed to focus on one particular aspect of the communist

system's failure. For those who wish to analyse the dynamics of the post-communist era, it is not only the ideological or economic fiasco of communism that matters but also the moral aspects of the system's defeat. The disruption of society, the isolation of individuals, the demoralization of the population, the triumph of egoism and cynicism - phenomena which had often been observed in the communist societies themselves - did not disappear automatically (in fact could not disappear) after the collapse of the communist regimes.

Quite the contrary, the post-communist societies inherited much of this baggage. To be sure, the end of communism came as a surprise to many people. But the societies which today are trying to get rid of their communist legacy found themselves unable to consider carefully what "getting out of communism" really meant. This lack of profound reflection is particularly obvious on the plane of social morals where possible sources of social cohesion - the conditions required for the building of a new civil society - need to be considered.

Obviously, we must recognize that in all these countries there have been enormous changes since 1989. However, I shall not be speaking of democracy here, but rather of a situation involving liberty. The old constraints of the communist State vanished all at once. What had up till then been forbidden or just barely tolerated by the system (tolerated provided the individual did not meddle in matters affecting the functioning of society) was suddenly allowed. But this suddenly rediscovered liberty opened the way to free expression of numerous forms of social behaviour hitherto repressed. For example, in communist times there had been a popular saying: "He who does not steal is stealing from his own family". After the fall of communism the practice of theft did not disappear. On the contrary it became even more flagrant and more common in the absence of a new and coherent system of legal constraints such as exists in Western societies.

On the other hand, the post-communist period saw the emergence of a new social morality peculiar to a society which is now free, to be sure, but at the same time remains entirely disrupted. In the absence of either horizontal or vertical social bonds, this new society finds itself

in an ethical void - and to a certain extent in a political and legal void as well. The politicians who assumed power after 1989 underestimated this problem for the most part.

Culture has an absolutely fundamental role to play in providing a minimum of social cohesion. However, it was not at this level that the politicians now in charge tried to find sources of cohesion for the future post-communist society. Let us quickly review the procedures they preferred to rely on and attempt to understand why the transformations characteristic of the post-communist period ultimately led to a marginalization of culture.

It was first and foremost through a return to nationalism that leaders attempted to provide social cohesion in societies undergoing rapid, unexpected and radical transformations. We know the results only too well. In some countries, notably in Poland, where national feeling remains closely bound up with religious belief, it was by promoting moral standards of a religious kind that they hoped to bring about social cohesion - but with disappointing results, one must confess. And all appealed to anti-communism. But anti-communism as an “ideology” of these new States is not an idea for a society. Moreover, since there was no further risk of a return to communism, this “moral” appeal very soon proved to be devoid of any positive influence on social morals.

Finally, there were many who believed that the market would automatically ensure a reorganization of society on new foundations. However, people quickly realized, particularly in the Czech Republic, that the market could do all sorts of things but that it could not by itself guarantee social cohesion. The market can do nothing to regulate civilized and democratic behaviour in individual human beings. It cannot, alone, create a civil society. The new Czech leaders, believing as they did in the omnipotence of the market, even went so far as to proclaim that civil society was in the final analysis a “creation of the devil” and that they wanted nothing to do with it. As far as they could see, individual human beings and electoral procedures were all a country had. Social communication had, in principle, to take place through the market.

This explains why the post-communist societies, and especially the new leaders, have neglected the importance of culture - a neglect which has led in the end to its marginalization. At the beginning of the 1990s, the Czech Minister of Culture declared that his government had no cultural policy (cultural policy, he explained, was a communist invention) and did not want any. In a country where culture had always played a central political role, this was an extremely grave statement - especially if we consider the role culture might have played in establishing social cohesion in the post-communist societies, in the reconstruction of civil society generally, and in the taming of nationalism.

To say that culture should be subordinated to the market, that it should survive by itself, was equivalent to signing a death warrant for cultural activities. And this is exactly what happened in Central Europe after 1989. We must not forget the overall situation of the post-communist countries of Central Europe: these are small countries, linguistically limited, with a cultural market as yet weakly developed. This is not the Anglo-Saxon world, which has what we might call a naturally large language market.

In the liberal and anti-State euphoria that followed the collapse of communism, the "American model" became an inevitable and unavoidable point of reference. And yet, this American model is not applicable to the countries with which we are concerned - even in other areas, and most certainly not in the cultural sphere. The United States has nearly 300 million people who speak the same language and, with a dynamic economy, can take advantage of a long tradition of support for cultural activities. American culture can also rely on the Anglo-Saxon language market, which embraces nearly a billion people throughout the world.

How could one possibly imagine that small countries like Bulgaria or the Czech Republic would be able to apply the American model in the cultural sphere? How could one possibly think that they would be able to establish the same conditions for the development and functioning of their cultural life? This was a vast illusion of the first post-communist leaders, who were fascinated by the American model. One

can easily understand their attitude. What they really wanted was to put an end to cultural life subject to State and party control as quickly as possible. This was why they completely disregarded the experience of other non-communist European countries in this area.

Nor did they understand the fundamental difference between culture in Europe and in the United States. From time out of mind European culture (art in particular) had been the preserve of an elite, an elite which in fact also generated it. It required decades (and still does), even centuries, for works of culture to reach a larger public; they crossed frontiers with difficulty and remained stubbornly stuck in local and even national particularism. North American culture has a completely different history. From the start it was aimed principally at a broad public composed of immigrants who had come from all over the world and become American by adopting a common dialect, a language that they shared. The privileged classes of American society were in fact much closer to the masses of immigrants than to their counterparts in Europe. And it was from this starting point that the United States evolved a tradition of mass culture quite unique in the world, a culture which is addressed to all and understood by all, which is accessible today to the general public throughout the world.

The situation of culture in the post-communist countries is not heartening. It varies to be sure from one country to another, but everywhere the influence of the American model has been very strong and has done a lot of damage. When the Czech Prime Minister makes a public statement to the effect that his country should have done with the image of Bohemia as a country of art and culture, he did not mean that culture should be eradicated altogether but that this particular image, which earlier had been responsible for Bohemia's visibility in the world, should be replaced by a new image, that of a country in which free enterprise, industry and commerce flourish. However, the one thing does not exclude the other. Culture also serves to make a country visible.

Culture is not in itself fundamentalist, but it does make the cultural integration of different forms of fundamentalism easier. However, if

one does not support culture, if one does not actively concern oneself with it, these fundamentalisms will no longer have anything to secure their acculturation.

Finally, we should say that in the modern world of technology cultural production has become very expensive. A poet and a writer need only a pencil, but audiovisual artists often require very substantial backing. In the small countries there will be no sponsors to provide such backing, and it is a dangerous illusion to think there might be. The requisite support must come from society as a whole, a society that understands the importance of culture for its own survival in civilized and democratic conditions. The leaders of the former communist countries have still not understood this, and their failure to understand is all the more serious on the threshold of an audiovisual century. Whereas in other European countries the commitment of public wealth to culture remains both obligatory and substantial, the leaders of the post-communist countries, imprisoned as they are in a strongly ideological attitude, have tried to reduce such commitments to a minimum. The Polish film producer Andrzej Wajda neatly summarized this situation in a simple sentence: "We spent many years fighting for freedom in the cinema, and now we have freedom but no more cinema."

To return to the remark of Gyula Illyés cited at the start, we might say that the post-communist world has not driven politics out of public life but that it has banished culture. But politics can hardly do otherwise, and in any case it cannot take the place of culture.

Jim Hoagland

Media: Democracy in Jeopardy?

The implication of that question mark is that American democracy is in jeopardy from the American media. The image that question conjures up - in my mind at least - is one of an unbridled, arrogant and profit-driven mass communications system that is either out of control - and I submit to you that is not the case - or one that serves as a conveyor belt along which power, respect, and legitimacy flow away from the people's elected representatives to our own version of the oligarchs - big media conglomerates-, whose business interests will gain from this or, alternatively, if not to them, to the mob clamoring at the gate and to the demagogues who stoke those appetites, exploiting the salacious and sensational details provided by the Media, this conveyor belt.

I would be less than honest if I did not admit that I recognize bits of that description in the current situation in America today. But I feel, overall, that this experience, as Watergate did, will ultimately strengthen American democracy and will certainly strengthen the role and credibility of the American press, although both the American democracy and most of all the American press are in for some rough times ahead in the short term. Three points of particular significance emerge from the eight month ordeal that threatens to be remembered as "Monicagate".

My first point of concern - and ultimately most important thought about the jeopardy the media finds itself in - is the extent to which our lowering of standards and refocusing of reporting is being subliminally, subtly dictated by market concerns in a rapidly and at times violently changing global economy.

The New Media - particularly the Internet and the cable networks that program what I call pseudo-news - are redefining the market, downward. Much of what they sell as news is in fact gossip, journalistic pop-corn. They lower recognized journalists into lending credibility to these enterprises, which are in need of more content than they can evaluate or edit. These networks need to fill up the time that they have

created, in a circular process. I would of course at this point like to exempt the PBS's NewsHour, which has resisted these trends. You will hear from Michael Mosettig about the problems they face, but how they have continued to be very good gatekeepers. They have in fact established a media unit recently that I think will be an important part of what is going to be a broad - and I hope constructive - national investigation of the media's role in all of this.

I realize that particularly to my Russian colleagues I must sound something like a cry-baby. Here I am, sounding like an ungrateful child, complaining of the problem of too much money, of an endangered independence, while they strive to find enough resources and moral support within their own society to establish and pursue independent reporting and editing.

If they are successful, perhaps years from now they will get to the point of having the problems I have complained about today.

I think it is important at this point to underscore the subtle changes to democracy of golden chains however, the problems of success that we experience in the American media and the dangers of answered prayers. We have an incredible concentration of media ownership in the United States today. Fewer than one hundred newspapers are owned by individuals or families, the rest are owned by corporations who own other newspapers and broadcast stations nationally. The *Washington Post*, for example, owns *Newsweek* magazine. I think the most difficult, subtle and increasingly important function of top editors in the newsroom is to insulate news coverage from commercial interests of the newspaper and of the community it serves. Just as we must maintain our credibility from pressures of political authorities, so we must maintain that credibility in the face of pressure from advertisers and even at times in the face of the economic interest of the owners.

One incident comes to mind here: In 1969 I was working with another reporter on a Washington city story concerning savings and loans. We published the first series of articles that really highlighted the problems that Savings and Loans Institutions, which in the United States are banking institutions, were running into as the result of spec-

ulative investments that they were making in real estate, and the impact that that had on ghettos and the availability of housing in the city of Washington. As we proceeded reporting and writing a ten-part series that took up the better part of six months, the Savings & Loans executives came to see the executive editor of the *Washington Post*, Ben Bradlee, and told him the series had to be stopped, that if he did not stop it they would withdraw one million dollars in advertising - and these were the days when a million dollars was real money. The most interesting thing about this incident is that I did not know about it until a year later, when Bradlee told me about it. They did withdraw their advertising, we did publish the series, some of the Savings & Loans executives went to jail, and years later the whole Savings & Loans industry in the United States produced a huge problem that cost taxpayers tens of billions of dollars. Bradlee did a characteristic thing, for him and I would hope for newspaper editors everywhere, by protecting his reporters, protecting his staff.

Where is the point where a journalist will have to decide for him or herself whether or not to resign a job rather than to do things the way the editor or publisher wants? That is obviously true - we will all face that sort of situation at sometime in our careers probably. But I thought that it might be useful to add to that the American journalist's sense of such a moment, in which, I believe, most American journalists would not see themselves faced with an easy choice. I think the average American journalist sees him or herself as representing the public in such a conflict with the publisher, it is in all likelihood the publisher who the journalists would say should leave. An American journalist will see him or herself as having as much an automatic right to staying in that place, to publish those stories, to bring the truth to the public, as the publisher has, even though the publisher might own the paper. This is, I think, fundamental to understanding why the American media continues to be such a strong force for democracy. It has a lot to do with the individual temperaments, personalities, formations of journalists.

My second concern, is the way in which the gatekeeper function was dismantled or diminished at the leading American newspapers, news

magazines and TV networks under the competitive pressures of new media, that is of the new 24-hour news cable networks, the Internet and supermarket tabloid sheets that devote the same resources and energy to chasing and actually creating sleaze as the New York Times and Washington Post devote to covering national security and diplomacy.

By the gatekeeper function I refer to the editor, or group of editors, who sets the standards of what is published or broadcast - the standards of newsworthiness, of taste, of decency, and of relevance. The most frequent decision made in any newsroom at a newspaper like mine is what *not* to publish - what falls below the threshold of our standards. The gatekeeper is as important for what he or she does not publish, does not allow in as for what he or she does allow in. At least this has been the case till now. It is this function of taste, of verification, of setting and observing standards, that has been severely damaged by the last eight months of breathless and often tasteless reporting on the Lewinsky scandal. Too often establishment newspapers, including my own, have allowed themselves to become the authenticating agent for the more reckless, more partisan news media outlets that have flourished in recent years.

That authenticating role is a role we have played for some time in relationship to broadcast television news and particularly the Sunday discussion and interview programs like *Meet the Press*. Those programs strive to be authenticated not so much by their ratings - too low to be significant in the eyes of the network leadership - but in how much ink they create on Monday morning in the metropolitan dailies or on the news agency wires. Until now, what a politician said on Sunday was not verified news until it appeared in the *New York Times* or the *Washington Post* on Monday morning.

But that has ceased to be true as tens of millions of Americans have learned to consume their news instantly, from the Internet, from television and radio, without the filtration and judgment of editors - of gatekeepers - that those gatekeepers can provide over a 12- or 24-hour news cycle. These instant-news consumers frequently mistake the urgent for the important, and develop news indigestion as a result.

The competitive pressures that established American newspapers now face have pushed them in the space of two years from being a reluctant and embarrassed authenticator of stories about the O.J. Simpson case that originally appeared in the tabloids. That is, once a story appeared in the *Star*, for example, it was deemed to be 'out there', to be the subject of discussion and therefore we could not, in good conscience, not report it and thereby authenticate it. We've moved from that embarrassed state, then, to being an avid pursuer and original publisher of lurid details about the president and Ms. Lewinsky.

So my concern is that in rushing to adapt to the real-time, or instantaneous, availability of undigested and often unverified news, we in the mainstream press are weakening, or abandoning, our gatekeepers, or at least the gatekeeping function of journalism, without acknowledging what we are doing or adjusting internally for that. This does have a devastating effect on the political leaders, who are our natural adversaries, and our political institutions. But it has an even more devastating effect on our own credibility. We are becoming a threat not so much to democracy, as the question implies, as to ourselves. Readers and viewers who are not going to be happy with what is about to be divulged in the Starr report will rightly hold the media responsible for lowering its standards; they will add this grievance to others, to less justified and more personal resentments about the intrusiveness and power of the modern media.

That brings me to my last point of concern, which is the nature of the reporting in the Lewinsky saga, rather than the nature of the editing. I think many of us are uneasy with the unacknowledged collaboration of the media with the special prosecutor's office in this case. Bob Woodward and Carl Bernstein, who exposed Watergate, have pointed out that their reporting was focused on finding and interviewing witnesses that the Nixon Justice Department had either ignored or were actively trying to intimidate into not testifying, into not bringing facts forward. Woodward and Bernstein published a story that the lawmen of the day did not want to come out and were in fact covering up.

But in "Monica meets the world", reporters have been guided to and informed about information the prosecutors did want out, to force the

hands of the President or other witnesses or targets of investigation. We became force multipliers for an already powerful institution, with almost no public discussion or acknowledgment on our part of what we were doing.

I would think, in a group like this, that I do not have to add the obvious - I have frequently reflected on the fact that Journalism *is* the art of the obvious - that I do not have to add the disclaimer that what I say in no way constitutes approval of what the President is said to have done or what he has in fact admitted doing. I would not voice such approval.

I do understand the irony of a president who played the media so well being undermined by the same tactics when employed by Ken Starr: live by the spin, die by the spin. Somehow in the crunch, Clinton's talents have failed him. In January, when he denied having anything to do with "that Lewinsky woman", he spoke to America with the same emotional intensity he brought to public issues: he used the same approach on that that he did on health care and on many other things. Then, in August, he told us that was not true. The August reversal doomed him. To quote Robert Reich, "He will never again be believed." When Clinton tried to tell the truth about Lewinsky in August, or at least some small part of it, he was unconvincing. He appeared to be better at lying in January than at truth-telling in August. And that is a fatal flaw.

Freimut Duve

The “Industrialization” of article 5 of Germany’s Constitution

The new Prime Minister of the German Land (province) of North Rhine-Westphalia has quite rightly declared the media to be a “matter for the boss to deal with”. The media have probably been the most important factor in converting Germany’s largest province during the past 20 years from a mining and steel-making region into a modern service economy - perhaps the most successful structural transformation in the industrial history of the world. Here, the dramatic crises inherited from the 19th century by other industrial regions (in Great Britain, for example) were avoided - or have been largely overcome. The media industry is now an economic and structural reality.

Or let us take southern California: the regional economic crisis of the early 1990s, which lasted longer there than in other parts of the United States, has been overcome completely. The media and culture industry is to be thanked for that: in 1997 alone, almost 200,000 jobs were created in that sector. In 1990 there were 143,000 people working in films and television in Los Angeles; by 1997 the number had risen to 262,000. The demands for cultural and journalistic freedom raised during the 18th and 19th centuries have, at the end of the 20th century, become a central factor of modern economic life.

I have not done any calculations of scale, but the general argument is undoubtedly correct: the media industry is now playing a role which is at least as important as that played a hundred years ago by the steel industry and the railways, on whose investment decisions the hopes - or disappointments - of entire regions depended. The expectations of cities and the innovation policies of provinces are linked to the decisions of the media industry.

As we know, the steel industry and the railways of the 19th century brought about great transformations in the world in which they oper-

ated: not only did they produce steel and provide transport, they also changed much of our culture (our architecture, for example), the speed with which things are delivered, and the ways in which investment and innovation take place. Entire branches of science emerged with them, and it was through them that the machinery of warfare acquired true technological substance - including that which sustained the two World Wars. They produced possibilities, prospects and fears, but never direct opinions or live pictures.

The media are now an industry which is increasingly global rather than national: the basis of this success is the freedom of the media, the lifting of censorship restrictions and the growing desire for education and culture in industrial societies. A vivid illustration of what has happened is provided by the Bertelsmann group, which burgeoned in the 19th century with the rising general interest in books and culture and expanded further in the 20th century - especially after the Second World War - with the revolutionary changes in printing and marketing, and which is now one of the world's largest media corporations. The still larger Time-Warner group developed along different lines (it owes its size far more to films and magazines than to books), but it too is now a world-wide industrial group whose investment decisions fuel the dreams - or nightmares - of communities and cities, even of entire countries.

This "industrialization" of Article 5 of our Constitution (or of the American First Amendment) has presented the modern democracies and many firms with a problem for which we do not yet have either a precise name or a solution. The "Article 5" share in the turnover of the great media corporations - that is to say, journalism in the narrow sense - is now small, and it is even smaller if we consider, as the central element of a free democracy, the narrower definition of freedom of speech and of the press underlying the revolution of 1848. Although its economic significance is slight, however, its political significance for the free democracies is great: it is indispensable!

We now know that the ideological dictatorships of the 20th century opposed not only the democratic, humanist demands - deriving from the Enlightenment - for freedom of opinion and of speech, but also the

increasingly important second role of journalism - that of a permanent corrective of all major decisions through critical public debate.

In an open democracy, the critical gaze of journalism must embrace not only politics, the government and parliament, but also industry and the decisions taken by it. In the Soviet Union, no industrial decisions were criticized publicly by free media, and that was the main factor leading to the country's economic misery. The Chernobyl accident would not have been possible if there had been public debate about the radiological hazards due to a nuclear industry with low safety standards.

The major decisions taken in the service age also need to be debated critically. Cartel laws and market competition are not enough.

What does critical journalism look like, however, if it is itself part of this so important industry central to economic policy?

How do the big media corporations defend the critical independence of their journalistic offspring (including their independence vis-à-vis the media industry itself)?

That may not yet be a problem for firms with a journalistic tradition of their own and thus a commitment to critical reporting. But it is already a problem for big media corporations which did not originate in journalism or whose younger managers feel responsible only for the business side and not for the journalistic mission. Of course, it is difficult to rectify matters through legislation, either national or supranational - within the EU framework, for example.

The firms are too large and important for governments to try restricting by legal means their entrepreneurial independence in favour of their journalistic mission. In Turkey, two big newspaper groups are currently pressing the Government to repeal a law of 1994 which forbids the participation of media corporations in public tendering in, for example, the energy, civil engineering and electricity sectors. The two corporations have succeeded in almost completely preventing journalistic criticism of this dangerous initiative so that, despite the resistance of the vast majority of parliamentarians and even some Government members, there is a strong probability that their business interests will prevail in Parliament. When public discussion is controlled by interested parties

and thus hardly takes place, as in this admittedly very extreme case, serious dangers arise for the economy and for society. For example, if criticism in connection with the awarding of public contracts no longer got out, even fear of the discovery of possible corruption in road and dam construction would hardly play a role any more; increasing costs and declining quality might become automatic.

That was a radical example, but it indicates how wise it was to prohibit cross-ownership and how important it will be to promulgate and enforce rules restricting media corporations' entrepreneurial involvement outside the media industry.

In addition, however, firms and the journalists working for them will together have to formulate codes of conduct which ensure respect for Article 5 and journalistic professionalism even in the power environment of the big corporations just as the standards of freedom in States based on the rule of law and parliamentary democracy do.

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II. Where we come from, why we do it.

Reflections and a report by the advisors

Are we allowed to say our opinion in public? It should be possible always. Because opinion is ready for debate and arguments open to changes. Opinion always needs the corrective, because opinion is not just simply the truth, it calls for the corrective, because opinion never is absolute conviction. Where opinion is public, the change for the corrective is the greatest.

Hans Saner, Swiss author, 1986

The more dangerous ideas are, the more one must circulate them in order to demonstrate their faults. Any idea which refuses to be contested digs a grave for freedom.

Stephane Hessel, French diplomat and writer, 1998

Beate Maeder - Metcalf

Tales of the Vienna Woods ?

Some personal reflections after a year of work

Whilst thinking back over the past year of work in the Office of the OSCE Representative on Freedom of the Media – *quelle histoire* – two old tales came into my mind...

The first is that of the scandal surrounding the publication of a book that had resulted from a journey of many months in a neighbouring country. The author, in the event a society lady, the daughter of a minister, the wife of an ambassador, and a one-time friend of a terrorist, was confronted not only by the official censor, but by the Minister of Police in person. In an elegant but arrogant note, he made quite plain to her why the regime did not favour publication of her book: it was according to him quite unnecessary to seek inspiration from foreigners. The author was banished and the printer's plates of her book officially destroyed. A few months later, a friend managed to get a few printed copies to safety in Vienna. At last, the author succeeded in publishing her work abroad when, three years later, the military and political situation in Europe began to change. The book was a success and became, in the cultural history of two nations, a classic, even though it remained controversial.

The second tale is that of a penniless, little-known author who obtained a judgement from the High Court that forced the publication of his book, the second volume of a major work. The renowned publisher, with whom the author had a contract to publish, was reluctant to print the book: this time not for political reasons, the first volume had simply been a clear commercial failure. Here, the rule of law favoured the weaker party and, three years after the judges' decision, the second volume was published, ten years after the first. The lengthy judicial wrangling left the author exhausted and bitter, even if it did lead to some publicity for the book which deserved attention.

These two true episodes both end with a victory for the freedom of the written word, and so happily.

A third tale began optimistically in 1998 with the setting up of the new OSCE office of the Representative on Freedom of the Media. Its spiritual foundation lay in the Helsinki process and the importance attached to human rights for democracy, peace and stability. The “Third Basket”, Principle 7 of the 1975 Helsinki catalogue, included the basic human right to freedom of expression. Indeed, since the fall of communism, the OSCE members have agreed in this decade that free, independent and pluralistic media are a fundamental component of an open society, and an indispensable instrument in watching over a democratic government. A commitment to this effect was undertaken by OSCE member states in 1994 and it is a major feature of this third tale, deserving close study:

“The participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right. — They condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable. — They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict”.

Freedom and diversity of the media are thus not, in the eyes of the OSCE, ideals simply in their own right, but rather a basic necessity on account of their fundamental social and political functions. Media that are free, independent of governments and diverse in nature are intrinsic players and critics of the government within a democratic process. They should also establish a sense of openness in public life and ensure open debate in the *res publica*. However, this undisputed definition of the role of the free media as a whole involves their assumption of responsibility for its realisation, something that they alone must undertake. This should in no way be confused with the influence of the state on what is reported in individual publications.

In the context of the OSCE, governments have not developed further common criteria as to how diverse media free of state control are to be organized. However, the member states *are* required to establish the necessary framework within which freedom of the media can be fostered.

Therefore, the fundamental political and social role of free media, as a vital condition for openness and watchfulness over democratic governments, is essential to the work of the Office of the Representative. From this point of view, it is even surprising that the OSCE member states undertook the establishment of an office concerned with freedom of the media – governments undertake to defend the freedom of their supervisors and potential opponents in an institutional way? Thus seen, we have a paradoxical project! But let us interpret this act of creation as meaning that the OSCE member states at least wish to recognise the principle of media freedom and the basic human right to freedom of expression.

It comes as no surprise, however, that reality and the day-to-day actions of governments often tell other tales, ones concerning vested interests rather than grand principles. The work of the Representative on Freedom of the Media is thus, unavoidably, akin to a tightrope walk.

The first year showed up contrasts. The actual situation with respect to the media in the OSCE member states can hardly be summed up in a single word, even under the broad motto of independent and pluralistic media. The state of affairs ranges from one of oppression and intimidation of journalists and official obstruction of freedom of the media in the young democracies, where often only a few independent media have managed to get established, to the risks that can arise through the creation of lucrative electronic and print media monopolies in western industrial nations, and on to the challenges presented by new media technologies and global networks. Whereas financial difficulties threaten the continued existence of independent media in the Eastern and south-eastern OSCE member states, new forms of information and publicity are being generated by the globally and directly applicable individual right to freedom of expression via the Internet. To that extent, it was both correct and forward looking to combine the Office with the

concept of “freedom of the media” as, unlike the more traditional expression “freedom of the press”, new media are included.

What was there to be done in the first year of our tightrope walk ? The OSCE currently concentrates its operational efforts, as a European security organization, on the co-operative prevention of conflict (“early warning”), on crisis management and, wherever necessary, on the promotion of democracy, rule of law and human rights. This formulation determines also the work of the new Office of the Representative on Freedom of the Media.

The Office concerns itself operationally in the main with the cases of individual journalists who are being obstructed or persecuted in their work, and with a variety of structural ways and means used by governments to restrict freedom of the media. There is certainly no lack of work! In addition, journalists, politicians and academics ask us many questions about the use of new technologies and about the economic significance of the media: Is anti-trust legislation sufficient to ensure effective freedom of the media? What does freedom of expression on the Internet really mean, and how do the new media affect the quality of news and journalism? Will this give rise to possible new forms of international conflict?

Despite the OSCE’s focus on crisis prevention and management, something that determines also the daily agenda of the Office of the Representative on Freedom of the Media, we cannot ignore either the wider political context or the challenge of new media forms. Even if the restricted resources and possibilities of the OSCE and of this new Office mean that not everything can be tackled : ignoring the future in a European security organization is rather a recipe for disaster than a demonstration of strategic thinking.

On the other hand, the daily work of the Office of the Representative cannot do without a historical perspective either. What do we need these old tales for?

The magic number for the year 2000 is giving rise to many historical perspectives and comparisons. Whether in books, newspapers, radio or television, the notion of freedom of the media – as a freedom of com-

munication that allows free exchange of views in society and a measure of control of government – is nowhere counted, even in western OSCE states, among the achievements of the millennium. We thus need to maintain a degree of realism and patience when energetically defending the OSCE principle of freedom of the media - something which OSCE members have undertaken with the nomination of the Representative on Freedom of the Media.

So it is that the first of the tales related at the beginning dates from the year 1810, when Germaine de Stael was thrown out of Napoleonic France on account of her report of her journey through Germany. The enlightening basic concept of “De l’Allemagne” is the defence of freedom of thought and writing, the rejection of prejudices and prohibition on thought. The book described contemporary German art and culture, admired openly the Germans’ “enthousiasme”, and was intended to hold up a mirror to the artistic and cultural stagnation in France, which de Stael often lamented. At a time in which the German principalities had just been occupied and subjugated by French revolutionary armies, her message was, for Napoleon, an irritating attack on the high cultural self-esteem of the French and a politically undesirable re-evaluation of the defeated Germans. When Napoleonic rule came to an end, this rejection of her work ceased. The book could appear, at first in London in 1813, and the actual controversy about it begin.

Like many others that could be quoted here just from the past two centuries of European history, this example illustrates the precarious relationship between the principle of freedom of the media and the interests of the prevailing powers. Even though, since the invention of modern mass media, governments have sought to maintain themselves by limiting, or even suppressing, press and media freedom, we learn from these old tales that, sooner or later, all power crumbles. This observation also indicates the possibility that, in the end, freedom of the media wins.

The Representative on Freedom of the Media defends this principle in full but not exclusive co-operation with governments. After all, contacts with the media, whose freedom is being defended, is a necessary

component of his task. What happens, however, when governments refuse to co-operate? Then public attention has to be drawn to this for the sake of the principle and of the credibility of the OSCE, even at the temporary expense of diplomatic harmony. During its first year of existence, the Office has already had examples of how important it is to advocate its principles openly and even in the face of opposition from the government concerned. In one case, the protests of a government turned rapidly to later praise and approval for the OSCE's support of democratic values, following a change of that government.

A second historical consideration is worthy of note: we should remember that freedom of the press and of the media in its modern form is not unconditional, is not absolute freedom. Press freedom, in a democracy, implies the freedom of market and depends on the market's mechanisms.

This condition has been illustrated in the second of our opening tales, concerning a dispute over the delayed publication of the second volume of "Notizen / Von der unvoreiligen Versöhnung", the major work of the Swiss author Ludwig Hohl. The well-respected Artemis Verlag did not wish to assume the cost of marketing this outstanding philosophical and literary text, despite its contractual obligation to do so. The first volume, published in Switzerland in 1944, had not fitted into the intellectual landscape of the time, was poorly circulated also due to the circumstances of the ongoing Second World War and became certainly not a commercial success. Nevertheless, the apparently powerless author challenged the publisher's refusal before the highest Swiss Federal Court in 1951 with success: the second volume of "Notizen" was finally published in 1954. The "Notizen" have since then remained a book which is still appreciated rather in intellectual circles than by a large public. It would have been lost, if the law of the market, demand-and-supply, had been the only one prevailing in this affair.

Experience in the first year of the Office of the Representative has, in fact, confirmed that the rule of law protects the principle of freedom of the media against purely commercial interests of market economy as well against repressive state intervention.

In those places where no such rule of law and functioning courts do exist, individuals, including authors, journalists or media owners, are in danger. Thus we see that, in several OSCE member states, journalists' criticism of public figures results in libel suits, in prison sentences or in large fines. In many of such "legal" proceedings, the protection of the person criticised or of his office is given greater weight than the right to free speech and freedom of the media. There is now a significant body of evidence pointing to the consequences: intimidation, and a tendency towards self-censorship on the part of journalists. The Representative has already taken up numerous individual cases. However, the rule of law cannot be established overnight, and the contribution of the current OSCE in this respect is and will be rather limited, in comparison to the activities of the Council of Europe and to other international organizations.

So, a lot of work in the first year and certainly no less in the second. The third tale, that began with the setting-up of the Office of the Representative on Freedom of the Media, will last a while... To that end, we require a sense of history and an outlook on the future. But, for now, in the words of a fictional optimist: *Il faut cultiver notre jardin.*

Alexander Ivanko

Glasnost: How it All Started in Russia

*A Non-Historical Essay by a Rank-and-File Participant
in the Fight for Freedom of Expression*

During the mid-eighties, the only people in the Soviet Union advocating freedom of expression, as any other basic human right, were either in jail, on trial or outside the borders of the country. Those still sought after by the secret police were frantically putting out underground *samizdat* publications that even fewer people read than published. Moscow's journalistic community, well educated, cosmopolitan and immensely cynical, was going about its business, polishing their literary styles for numerous newspapers and magazines and drinking away their evenings at the semi-posh and exclusive restaurant belonging to the Union of Journalists. Mikhail Gorbachev's selection as the General-Secretary of the Communist Party of the Soviet Union, a de-facto dictator with limitless powers, was viewed by many in awe rather than political terms. Finally we had a leader who will not die on us in the next year or so. Tell anybody back then that in six years the Soviet Union will cease to exist and they would have thought that you just fled from an asylum, or even worse, that you were an *agent provocateur* working for the CIA.

Few young journalists will probably remember the names of those who were the first pioneers of Glasnost. Gorbachev only started opening the floodgates when there was an immediate rush outside and it was almost literary outside. The air was so stale in the Soviet Union that one really needed a breath of fresh air. The two main sprinters were Vitali Korotich and Yegor Yakovlev. Today, Korotich lives in the United States and Yakovlev is still a Moscow editor, however, overshadowed by his son, Vladimir, one of Russia's most influential and rich media moguls. But back then Korotich and Yakovlev changed a whole generation of journalists and readers. The two publications they headed became the epitome of freedom of expression in the Soviet Union.

Back in the mid-eighties, Korotich was a reasonably well-known Ukrainian writer and essayist, who received the Soviet Union's top literary prize for an anti-American pamphlet 'The Face of Hatred'. He was then suddenly named editor of *Ogonyok*, a dull Moscow magazine read only by pensioners. Under Korotich *Ogonyok* started discussing such taboo topics as Stalin's legacy, the true history of communism, free market and many others. *Ogonyok* became the bible for those advocating democracy and the devil's writing for defenders of the Soviet past. Its circulation went through the roof and it was almost impossible to get with people queuing outside newsstands at six o'clock in the morning hoping, often in vain, to purchase one copy. *Ogonyok* was passed from person to person as a cherished icon.

Yegor Yakovlev was named editor of an even more bizarre publication, *Moscow News*, which at that time was a propaganda outfit targeted at Moscow's foreign community and published by the *Novosti Press Agency*, the Soviet Union's mouthpiece to the world. Yakovlev's past was also interesting: a career journalist, he lost his first senior job as editor of *Journalist*, a Moscow magazine, for publishing a collage depicting a half-naked woman. He then worked in Prague for *Problems of Peace and Socialism*, the theoretical magazine of the international communist movement, and later as the Prague correspondent for *Izvestia*, the Soviet Union's government newspaper. He also wrote historical essays on Lenin's life and works. Under Yakovlev, *Moscow News* basically smashed all political taboos getting its editor into deep water with Soviet bureaucracy. Yakovlev was on the verge of losing his job for publishing an obituary of Victor Nekrasov, a former Soviet writer and W.W.II veteran who was forced out of the country for his anti-Soviet views and died in France. A similar non-event today would not even catch the communists in the Russian Duma paying any attention. Back in 1987 this obituary almost led to the closure of one of the biggest proponents of Glasnost.

Yakovlev got into even bigger trouble for a report filed from a train going from Moscow to Vladivostok in 1988. The article titled "What People Talk About in Russia", Dialogues and Monologues in the Longest

Travelling Train', had Gorbachev fuming personally and demanding Yakovlev's head on a platter. A knowledgeable observer of that scandal remembers that Alexander Yakovlev, Gorbachev's number two and the theoretician behind Glasnost (currently a leading liberal politician in Moscow) demanded the sacking of his namesake. Valentin Falin, who ran *Novosti*, *Moscow News* official publisher, told his superior Alexander Yakovlev that the only way to get rid of Yegor Yakovlev was to "kick him upstairs". At that point Yegor Yakovlev was already a figure big enough in the country that even the all-powerful Communist party had problems taking him down. However, what was *Moscow News*' offence, what did the reporter write that was so horrible that the almighty apparatchiks were going for the kill? The journalist on the train conducted a poll asking the passengers did they see any concrete results from the policies of Perestroika? 36 percent said they did, 64 percent said they did not. Another question: Do you support Perestroika? 16 percent supported it enthusiastically, 13 percent did not support it at all and 71 percent did not actively participate in the changes and took a 'wait and see' approach.

Getting into trouble became the *modus operandi* of many editors. Vladyslav Starkov edited the most popular weekly in the country *Argummenti i Facti* (*Arguments and Facts*) with a circulation in the late 80s over 30 million. In 1999 he still edits the same weekly although on a number of occasions in the 80s Gorbachev personally demanded his dismissal.

But the times, they were a-changing, sang Bob Dylan. Editors, used to quoting previous General-Secretaries, tried to do the same with Gorbachev until the editor of *Pravda*, the country's most influential newspaper, received a phone call: "Do you have a volume of Lenin's works in your office...You do...Next time, quote him." The caller was Gorbachev.

By the end of the eighties, *Izvestia*, then a leading semi-liberal daily, wanted to start publishing foreign advertising. However, its editor, Ivan Laptev, was running into walls in the Communist Party's Central Committee, whose officials still controlled all the media. Frustrated, he cor-

nered Gorbachev at an official function and told him that he has this great idea how to bring in foreign capital into the newspaper business: through advertising. Gorbachev agreed. When a senior Communist party official saw the first foreign ad in *Izvestia* he was livid and called Laptev demanding to know who gave him the go-ahead. “General Secretary Gorbachev”, answered Laptev. The official did not have the nerve to ask Gorbachev if that was the case. By Soviet standards, *Izvestia* was able to get away with practically murder, becoming the first Soviet newspaper to earn foreign currency through advertising.

The debates of those days in the newsroom would astonish anyone from the West. Why are these serious-looking and seemingly well-educated people discussing, for example, should an article in defence of Salman Rushdie be published today, tomorrow or not at all, or why is the editor so nervous regarding a report on the Chinese crackdown in Tiananmen square? What is the big deal, it is only news. It was not in the Soviet Union. News were divided into useful and not useful, or harmful. The last were to be ignored, as the then editor of *Izvetia*, Nikolai Efimov, put it in 1990.

Each step pushing the limits of Glasnost demanded personal courage and could have ended many careers. If only we knew that just around the corner we would see the Soviet Union disintegrate into 15 independent states and the Communist party banned and put on trial. But we did not and the debates in the newsroom continued, often turning into shouting matches between the younger and more liberal reporters and the older seasoned editors whose careers were on the line. And who could blame them for being cautious?

In the eighties and early nineties I worked for *Izvestia*'s foreign desk. On a number of occasions, like the other young reporters, I tried to publish an article or interview that pushed the boundaries just a little bit. Often I failed. An interview with Stephen Cohen, an American author specialising in the history of Bolshevism, was canned for being too risky. When I worked as a correspondent in Afghanistan in 1989 anything that was critical of Soviet policy in the region never made it to the pages of *Izvestia*. Even uncritical articles that in the view of the

censors gave away too much 'sensitive' information ended up gathering dust in the archives. When finally in the early nineties I ended up publishing a piece highly critical of the Soviet puppet regime in Afghanistan, TASS, the Soviet Union's official news agency, issued a commentary blasting my article. The message was clear: some issues were still 'untouchable'.

However, every day brought a small victory for democracy. For printing what was once unimaginable, editors were being dressed down on *Staraya Ploshad'* (the Moscow headquarters of the Communist party) but they kept their jobs and avoided long-term 'vacations' in Siberia, a very realistic prospect some years ago. Names of authors banned from print for decades were being reincarnated on the pages of Soviet newspapers and magazines. People were finally able to read what Alexander Solzhenitsyn actually wrote and not just official Soviet condemnations of his books. His works were brought to the readers by *Novi Mir*, an extremely popular Moscow literary magazine. *Novi Mir* also published Boris Pasternak's *Doctor Zhivago* and immediately was targeted by *Pravda*.

For the first time in Soviet history there was a public debate in the media on the vices and virtues of communist ideology and practice. Czar Nikolai, Russia's last royal ruler, stopped being a scarecrow pointedly insulted by everybody as a matter of principle. Even the Soviet Union's sacred cow, the legacy of its founder Vladimir Lenin, was being cautiously questioned.

The changes seemed so immense and overwhelming to many journalists that the media started getting divided into those supporting democratic reforms and those advocating a more cautious approach. *Moscow News* and *Ogonyok* were no longer alone, they had ideological comrades often more powerful than the two lonely editors of the late eighties. Ivan Laptev, who was extremely close to Gorbachev, was one of them. But the anti-reform movement was also actively recruiting support. Its power-base was much stronger and was led by Gorbachev's chief ideologist Yegor Ligachev, a dedicated communist who in the late 90s preaches the same values.

On 13 March 1988, Ligachev finally got a chance to ghost-publish his views on the transformation of the Soviet Union. *Sovetskaya Rossiya*, a leading Moscow communist newspaper, printed an article by an obscure college professor Nina Andreeva “I Cannot Give Up My Principles”, its chilly resonance scaring every liberal individual in the country. Nina Andreeva advocated a return to “past values” of communist ideology and questioned the motives of those pursuing democratic reforms. In the journalistic community the article was seen as an obituary for Glasnost. There was one catch - it was published at a time when both Mikhail Gorbachev and Alexander Yakovlev were travelling abroad. On their return the frightened pro-reform editors showed the two leaders what one of their minions was up to during their absence.

As a result of a number of following discussions, *Pravda*, Gorbachev’s (and officially the Communist party’s) mouthpiece, printed an editorial blasting the article by Nina Andreeva. It looked like Glasnost had won. But for many in the nomenklatura the fight had only started. They were preparing offensive, after offensive, after offensive. They were also recruiting support among dissidents that had fled or were forced out of the country in the 70s. The logic was simple; at that point the liberal intelligentsia had a sympathetic view of the émigré community and if members of that group started questioning the reform process, maybe it was the wrong path for the Soviet Union.

One of the most loud members of this community who decided to return to the Soviet Union was Eduard Limonov, a talented writer until recently living in New York and Paris. Because of his cult status among the cosmopolitan intellectuals (he wrote a highly naturalistic, in parts pornographic, autobiographical novel, *This is Me, Edichka*, that became an underground classic in Moscow in the mid-eighties), Limonov was initially invited to almost every liberal-leaning TV talk show and widely published by major Moscow newspapers and magazines.

The message from the former Paris and New York recluse: the Soviet Union’s stature as an empire should not diminish and that the country’s ideology should be based on Slavic nationalism. Limonov saw the writing on the wall: sensing the population’s distrust towards com-

munist ideology, he, basically preaching similar values, embraced Russian chauvinism. He was joined by many prominent and immensely popular writers living in the country. A nationalistic opposition to the reform process started forming that would later encompass the communists. Their battle cry: the Soviet Union is synonymous with Russian empire and as such should be defended. A number of literary magazines provided a theoretical base for this philosophy.

Nash Sovremennik, edited by a prominent Russian poet Stanyslav Kunyev, started publishing works by a leading Russian mathematician, philosopher and member of the Academy of Sciences Igor Shafarevich that brought back memories of early century czarist pogroms. In his articles Shafarevich put the blame for all of Russia's troubles on the Jews. He advocated a theory that is still popular with many Russian nationalists: that the nightmares of Lenin's and Stalin's rule were propagated by their Jewish lieutenants. The famous Russian cry "Save Russia - Beat Up All the Jews" was entering the lexicon of serious publications. Glasnost brought into the open not only liberal ideas but also those suppressed for many years by the state but very much alive among certain groups - ideas of a strong pan-Slavic state based on the domination of all other nations. These views were especially prevalent among the literary community that articulated them through journals published by the Union of Writers.

Gorbachev's policies of Perestroika and Glasnost, initially promoted as fine-tuning mechanisms for the 'Soviet way of life', where turning into vehicles for reforms not condoned or even envisaged by the communist nomenclatura. Glasnost was becoming the target of attacks at Communist party functions, government meetings, parliament debates. On several occasions, Gorbachev himself, under pressure from the almighty conservatives in his entourage, had to side with the forces that undermined his own policies. The debates from the pages of newspapers spilled into the streets of Moscow, Leningrad and other major Soviet cities where your political affiliations were synonymous with the newspapers and magazines you read. Knowing that they had the public's support, liberal publications started getting bolder and more involved not as outside observers but as active participants in the turbulent developments of the late eighties and early nineties.

When in early 1991 the Soviet Army cracked down on pro-independent demonstrators in Vilnius and Riga resulting in a dozen civilians killed, the liberal media broke all rules pointing the finger at the Communist party as the culprit. A number of senior editors published an open letter in *Moscow News* firmly putting the blame at its door. Among the letter's signatories was Igor Golembiovsky, First Deputy Editor of *Izvestia*. Nikolai Efimov, *Izvestia*'s Editor, relying on instructions from *Staraya Ploshad*, called a meeting of the editorial staff to try to get all of us to rubber-stamp Golembiovsky's dismissal. To his amazement, the editorial meeting turned into a unified front against Efimov and the policies of the Communist party forcing the editor to leave the meeting - a minuscule event in historical terms but a grand victory for us the journalists of *Izvestia* as we were able to stand behind Golembiovsky, our favourite senior editor and a dedicated defender of Glasnost, and defy the will of the Kremlin.

The media landscape was not only changing politically but also economically. Editors started realising that what they were printing was a product and a very popular one that could be sold in larger quantities for a hefty profit once you got the Communist party off your back. This was another catalyst to attack the party and demand more freedom, political as well as economic. There was a catch: all of us were not trained as free-market economists and had no clue how the market worked. We thought that as soon as we had economic freedom we would become instant millionaires, and in the next few years some actually did, but most Russian journalists today barely make ends meet.

After its success with advertising, *Izvestia* editors decided to try something new and form a joint venture with an American media company that would start publishing the first Russian-American newspaper in both countries in two languages. This project was started in 1990 and after almost two years of negotiations with the *Hearst Corporation* in early 1992 *We* newspaper was founded; a unique experiment that only lasted for two years. However, the road was cleared and other publications followed *Izvestia* establishing joint magazines and newspapers, franchises and even public relations companies with media giants from the West.

In the early nineties most newspapers started changing publishers, moving from either government or Communist party or some other public organisation to 'editorial staff'. *Izvestia*, *Komsomolskaya Pravda*, many other publications had officially named their editorial staffs as publishers. This was initially more a political message rather than economic reality. It underlined the media's independence from government. However, as before, newsprint was subsidised, distribution was mostly done through the government monopoly *Soyzpechat'* and salaries were paid in worthless roubles. Everybody's political rights expanded beyond belief but the economic rights were still the same - non-existent. One had the right to preach whatever views one deemed appropriate but one could not privately own his or her own apartment except as part of a co-operative scheme. And these schemes were pretty rare.

Only after the complete collapse of the Soviet Union at the end of 1991 did economic reform start leading to privatisation of many newspapers by their editorial staffs. We the journalists formed closed shareholding companies and became owners of our own product. No one outside the walls of *Izvestia*, for example, could own its stocks. It took another few years and in 1995 *Izvestia* management allowed the staff to sell stocks so that individuals and companies outside *Izvestia* could buy its shares on the market. But the media scene in the mid-90s was very different from five years ago. For starters, the founders of Glasnost, its first pioneers were squeezed out by the more energetic and young reporters-entrepreneurs, some of them directly related to leading Moscow editors.

Yegor Yakovlev's son, Vladimir, founded the newspaper *Kommersant* that today is one of Russia's leading and most influential business publications. He also publishes a number of magazines. Vladimir Yakovlev is one of Moscow's richest and important media giants of the 90s. Artem Borovik, the son of Genrih Borovik, a top Russian foreign affairs columnist, edits *Sovershenno Sekretno*, a monthly specialising in crime stories and investigative reports. This magazine is one of the hottest sellers in the country. Borovik junior also runs a number of side businesses.

But where are the pioneers of freedom of expression, those bold 'the buck stops here' individuals? Sadly, mainly out of business or out of country. These courageous men who stood up against a totalitarian system and won failed the market test. They could not comprehend how the market actually worked and instead of leading their publications to financial glory often brought them to the verge of bankruptcy and then sold them to different banks and conglomerates that needed pocket media. The market, neutral as ever, did not care about their previous accomplishments. In the free-for-all capitalism of the 90s in Russia nobody really gave a dime about how you fought for democracy in the 80s. New values were taking over and this time the journalists were not in the lead but trailing way behind. Once popular literary magazines with circulation in the millions were barely afloat publishing, if lucky, a few thousand copies a month. Their former readers were actually becoming normal people, going about their business, trying to make a living instead of reading about other people's lives and histories in numerous publications which was the fad of the eighties.

Glasnost paved the way to freedom of expression unseen in Russia except for a short time in 1917 between the two revolutions. Debates often turned ugly and involved a lot of name-calling but these were nevertheless debates, lively, new and unpredictable. A once boring to death media landscape became as diverse as in any other democracy with publications of all colours and creeds present: from far right to far left. Even the most bizarre weeklies and monthlies found a niche.

As a policy Glasnost was Gorbachev's major and some would say only success. He could not bring himself to introduce market reform, he changed little in how the Communist party operated but by being its General-Secretary he forced on it a concept alien to the very core of communist ideology, that of freedom of expression. And there were people in Russia, well-educated and liberal, just waiting to flesh out this policy and make it reality. To them Russians of today owe their freedom. To them Russians of tomorrow will build monuments.

Stanley N. Schrager

Present at the creation: An American's perspective

Of all the things that Americans are inclined to take for granted, chief among them is perhaps the First Amendment, that neat little phrase which guarantees Americans free speech, free press, and the general idea that government cannot, should not, will not, interfere with these inalienable rights. “That First Amendment stuff again!” — as a frustrated diplomat (non-American obviously) referred to a U.S. diplomat’s assertion that the media should be free — seems like a remarkably idyllic and non-attainable element in the OSCE family of states. Even our European allies, who subscribe with varying degrees of enthusiasm to a European Convention on Human Rights drafted fifty years ago, have problems with this liberal American idea. American diplomats at the OSCE have occasionally stated publicly, “The best media law is no media law,” but realizing at the same time the inevitability of some kind of legislation that brings the government into the affairs of media.

But how far, and under what circumstances? How much is enough? Too much?

The Americans have historically grappled with this question. It is easy to champion speech we agree with; it is much harder, in the words of Supreme Court Justice Oliver Wendell Holmes’ words, to protect speech that “we loathe and believe to be fraught with death.” Nevertheless, for most Americans, this is exactly what a commitment to freedom of speech requires us to do — and with good reason.

Unpopular speech cannot be subject to suppression merely because it is unpopular.

Americans are not insensitive, or should not be, to legislatures in the OSCE region which attempt to restrict speech. Legislatures in the United States have also frequently attempted to restrict speech because they believed it to be dangerous. Just before the Civil War, many Southern states put abolitionists in prison for publishing their views. During World War I, the government jailed Bolshevik sympathizers — includ-

ing leading American socialist and presidential candidate Eugene Debs — because they urged men to resist the draft. The McCarthy era saw nationwide crackdowns on anyone with leftist beliefs; people lost their jobs, their reputations and their freedom. And during the war in Vietnam, of course, the government tried to prevent publication of the infamous Pentagon Papers.

The justification for these limits on speech is always the same — and we hear reverberations of this theory in the occasional OSCE government which attempts to restrict freedom of the media or speech; especially in times of crisis, we cannot allow speech that will incite lawlessness or endanger lives. It was not until the 1960s in the United States that the courts began to reject that justification. Recognizing that all speech is an incitement designed to persuade the listeners to action, the Supreme Court, in 1969, specified very narrow circumstances under which a speaker can be liable for the harm that results from his speech; only when the speech is intended to produce, and is likely to produce, imminent lawless action. In the United States we have learned that once we lower the barriers against restricting speech, it becomes easy to justify almost any restriction on speech.

Those staking a position at the far end of this thesis subscribe to what I like to call the “Theory of the Slippery Slope” — once you begin the descent into even a few areas where the government can even legitimately concern itself with limiting the freedom of the media, what is to prevent the government from going a bit further along this road the next day?

This is only one of the issues that this particular American diplomat has had to deal with the past year. “Present at the Creation” of this unprecedented Office of the OSCE Representative on Freedom of the Media, this particular diplomat, who, by anyone’s standard, would qualify as a “liberal” in America (and as a radical by some in the OSCE family), now begins his second year of service.

“Never have so few tried to do so much with so little” might have been the motto of this office a year ago. The “few” speaks to the restrictions on the number of staff — “the little” is the relatively paucity of

resources — and the “so much” is the product of the wide-ranging intellect and commitment of the first OSCE Representative on Freedom of the Media, Freimut Duve. It is good to have around someone who resists the urge to be beaten down by the vicissitudes of life, and who still, after more than six decades, believes that one can still, hyperbolic as it sounds, “make a difference.” Don Quixote and Sisyphus come to mind; they would have approved of this office, and would have been bemused by those who, overtaken by the reality syndrome, keep clamoring for “results.” Don Quixote de la Mancha pursued his impossible dream, and Sisyphus refused to be defeated and continued to roll his rock again up to the top of the hill, and Duve refuses to take no for an answer from the most repressive governments in the region.

Institutions have personalities because they are composed of people. While I often disparage the somewhat pretentious idea that an office which has existed for only a year can qualify as an “institution,” this office, nonetheless, has a “personality” all its own, and a distinctive way of viewing the world. Yes, we have a “Mandate,” one that took months of negotiations to agree upon, and, like all good bureaucrats, we rely on this mandate. But we are more than just the provisions outlined. Those are words on paper, good words, appropriate words, but they guide, they do not limit. They show us possibilities, they do not restrict.

I remember one year ago sitting with Duve and our German advisor in a room without furniture. Now that we had been “created,” we were faced with the overwhelming question — “What do we do now?” And the subsets of questions which followed; how and where do we get our information? What do we do with it? Who do we communicate with? Who and what are our constituencies, our clients? What is our relationship with the OSCE bureaucracy? What influence can we bring to bear on governments? How many divisions does this particular Pope have and how should they be utilized?

Most important of all, we are engaged in a process, and the process suggests an evolution toward a freer media environment in the OSCE region.

I have to admit to a bit of bemusement when we are asked, as we occasionally are, “What are your priorities and can you submit a Work Plan?”

“Freedom and Responsibility:” Where to draw the Line? The name of this publication, not coincidentally, and a major theme of this office during the past year is “Freedom and Responsibility.” For some American liberals, the word “responsibility” is a code word (as one American media NGO contends) for “restrictions.” Indeed, when some OSCE governments speak about “responsibility” of the media, they are suggesting that in cases of “irresponsibility,” governments should be able to take some action to restrict the media. American liberals (including, again, several NGOs) continue to express concern about Article Ten, Section Two of the European Convention on Human Rights (ECHR) which, while affirming clearly in a preceding paragraph One, the concept of freedom of speech and expression — “Everyone has the right to freedom of expression” — then, in the succeeding paragraph Two, notes that “The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

This issue, in fact, was a major difference of opinion between the United States and the Council of Europe countries during the negotiations on the mandate for this office in 1997. While this is past history, the potential or imagined conflict between Americans’ strong commitment to the First Amendment, and the ECHR, to which all the Council of Europe countries subscribe, is a potential source of concern. Under what circumstances should a government intervene to restrict the media? It is clear, it should be noted, that the case law of The European Court on Human Rights in Strasbourg has consistently supported the concept of the idea of free expression and has rarely found in favor of governments which have attempted to use Article 10 Section 2 to restrict the media. To some Americans, however (and American NGOs), this is not sufficient solace for having the restrictions enshrined

for the past fifty years in a document to which some 40 OSCE countries subscribe. The concern, as it is understood, and as some media NGOs have highlighted, is that a country could use restrictions as outlined in Article Ten Paragraph Two to restrict its media and claim that such restrictions are enumerated in the European Convention on Human Rights. Indeed, many of the new democracies in the OSCE are engaged in legislating new media laws which are important because they spell out the relationship between government and media. Nearly all the draft laws have enumerated specific examples of under what circumstances the government can take action against the media. Some of these examples use precisely, or nearly precisely, the exact language of Article Ten Paragraph Two of the European Convention on Human Rights when discussing when governments can intervene with the media. One media NGO has even published a study of how governments around the world have used ECHR language to repress the media. What the report does not do, however, is demonstrate any connection between the ECHR language and the actions of the particular governments involved.

Every country brings its own history and culture to the relationship between freedom and responsibility. It is this intersection of freedom and responsibility that continues to define the nature of the problems which confront this office and those in the OSCE who continue to promote and encourage media freedom in the pan-European area.

This is not an apologia for the responsibility or lack thereof of the American media; the Americans can come to grips with that issue, and, in fact, continually do so. By the same token, each country can do the same. But if each country, indeed, determines by itself what is or is not “responsible” media, why have this office in the first place? “Cultural relativism” can be carried too far, but so also can an absolutist doctrine that determines what is or is not “responsible” for the media in another country. Unfortunately, we see, in certain countries in the OSCE area, rampant examples of “irresponsibility,” often a by-product of a young and inexperienced media. Occasionally, these “irresponsible” allegations are products of inexperience, occasionally of political malice, but

perhaps the motive is not as important as the product — the libelling of someone else’s reputation in an “irresponsible” manner. What, then, can the aggrieved, or libelled, party do about these allegations, and, to make it even more complex, what if the aggrieved party is a government official in a country which has defamation laws making it a criminal offense to “slander” or “defame” the President or other high government officials? And if governments take action against the media to reduce or correct the ill-effects of “libellous” allegations, to what degree do these governments, by doing this, inhibit media freedom?

The standard line of this office is that freedom is the product of non-restrictive government policies which promote and encourage media freedom while “responsibility” is up to the media themselves to determine. That may work in principle, but in a region where one of the products of an emerging democracy is lack of professional and trained media, the practical results of this imbalance is a situation where government officials and prominent persons may indeed have actionable grievances.

You then get to the question of the “burden of proof”; is it up to the media or to the allegedly libelled persons to demonstrate the truth or falsity of the claims? We are here reminded of a prominent politician in one of the emerging democracies in the OSCE region who has been said by a leading newspaper to be a homosexual and whose grandmother was labeled a prostitute. There is a certain laughability to these allegations, particularly the latter one, but the politician had a good point; in his country, the “burden of proof” rests with the aggrieved party, not the media, and it was up to him, legally, to “demonstrate” that he was not a homosexual, and, theoretically, if carried to the extreme, that his grandmother was not a prostitute.

Libel and the burden of proof; yet another example of the kind of issues that confronts this office. In the best of all possible worlds, the media would be “responsible,” and governments and individuals would not need to resort to defamation or libel suits. But the OSCE region today, while far superior to other areas of the world in terms of media freedom, is not the best of all possible worlds. It represents an entire spectrum of media freedom, and the farther east you go, the farther

from “Western Europe” tradition, the more complex the issue becomes, becoming enmeshed in new democracies with no tradition of free media. In fact, another way of dividing the issue, in order to perceive a greater definition, is between those countries with a “democratic tradition” and those countries to which democratic traditions are new or not fundamentally cemented, either in the present, except for words, or in the past history of that particular country.

I am not an apologist for governments, but in the past year I have seen clear examples of unfounded allegations against government officials; what to do about them. A person’s reputation is a valuable commodity, sometimes all that one has, and unfounded allegations should not be thrown around lightly — I think everyone agrees with that. At the same time, libel laws should not be used by a government to intimidate the media from engaging in a serious discussion of corruption. One official called it a “maturation process,” that it took time for both sides, government and media, to come to grips with this new phenomenon of media freedom. While it may be true that it will take time for both sides to “mature,” we deal with the present as well, and for struggling governments and journalists to be told that time will take care of these issues is small solace.

And here is, perhaps, the appropriate role for international organizations like OSCE and offices like this one; to bridge that distance between the parties and moderate the polar extremes. The formation of a middle class is a vital component of the growth of a democracy, so too is the growth of a responsible media, the parallel of the economic middle class. But some of these countries need some urging, someone to play a moderating role as they engage in this “maturation process.” “How can we speed it along?” one diplomat asked. I am more convinced than ever that this office and international organizations like the OSCE can play this “maturation” role in bringing both sides together.

Values, traditions, democracy, norms and obligations — all these issues are intertwined as this new Institution seeks to mark a path.

The NGOs, of course, have their own views, and we often declare, “We are not an NGO.” Well, that is true, as far as it goes, but we often

strongly support NGO appeals to a particular government to lift restrictions on the media on a particular issue. In fact, the relationship of this office to the NGOs is a primary source of strength, from our viewpoint. The NGOs approached the creation of this office with a certain understandable apprehension; after all, much of what they do is done against governments. Their initial skepticism about this office, as we understand it, was based on an inherent potential conflict of interest and their belief that this office might indeed side with governments against media. After all, we work for the participating States of the OSCE, are paid by them, and destined to work closely with these governments to bring about positive changes in the media environment of these very same countries. The initial misgivings of the NGOs, however, have not, in our opinion, been borne out. This office has been adamant in its denunciation of those governments which have arbitrarily and unjustly restricted their media.

This is all the more remarkable when one realizes that NGOs do not have to deal with conflicting concerns or national, or regional, or organizational “interests.” National governments have to continually balance values and interests in their policies toward a particular government; NGOs need not deal with this complexity. And neither, in fact, does this office. We are quite aware of the concept of conflicting interests, be they economic, commercial, or strategic that often dictate policy. But if we were to put too much emphasis on interest, rather than the “value” of a free and independent media as a benefit to emerging democracies, then, perhaps, the NGOs would have a reason for their initial distrust. That has not been the case. While we are not ignorant of the pervasive nature of national interests in our world today, were we to overemphasize the idea of national interests, or compromise the importance of the value of an independent media in the promotion of democracy, we would not be either true to our mandate or true to the principles which led to the founding of this office. Most importantly, we would not be true to the ideals which motivate us.

So any conflict which might have arisen between values and interests has not materialized, at least not in the first year, at any rate. It is

entirely likely that some OSCE delegations will, if they have not already, accuse us of being too “values-oriented,” of not taking into consideration other overriding, or at least important, issues. It is important, vitally so, not to compromise the integrity of this issue, for once one goes down that slippery slope, where does it end? We are cognizant of the panoply of issues with which OSCE deals, and we know that freedom of the media is but one of them. But those other issues concern us only to the extent that they affect the principle of a free, independent and pluralistic media.

It is not that we are unsympathetic; far from it. This American has spent the better part of two decades in the Diplomatic Service dealing with fragile governments in some kind of transition to democracy, or something resembling democracy. As these governments, by nature somewhat insecure, move toward democracy, they clearly grasp the importance of public opinion, and the potential uses of the media to influence that public opinion and support. We do not begrudge any OSCE government the right to promote a government-sponsored television or newspaper; we understand the need to have a public avenue to explain government policy. It is also understandable that only a far-sighted and secure government would encourage, alongside that government-controlled media, an independent media, or opposition media, which would engage in criticism of that government, however well-intended. This would just, as one official told us, “confuse the public.” This same official went on to explain that if the government wanted to continue with democratic reforms, it needed the support of the people which could only be garnered through the media, and independent and opposition media which might oppose government reforms, would lead to fissures in the public, thus decreasing the ability of the government to move ahead with democratic reforms.

This is an interesting conundrum, but it assumes, first, that the government is well-meaning and, indeed, interested in promoting democratic reforms, but more importantly, it misreads the value and function of a free media in strengthening democracy. The OSCE Representative on Freedom of the Media likes to speak of the “corrective function”

of the media, the ability of the media to redirect policy concerns, to foster an open debate on critical issues. It would be naive to assume that simply airing and engaging in a public and free debate in the media will solve or even ameliorate some of these issues, but without such a debate lies the path to rigid and arbitrary decision-making.

Some governments prefer to put the issue of freedom of the media on the diplomatic “back burner,” something they will “get around to” in the near future. Until the advent of this office, the only resistance they had to this policy was the outcry of NGOs and the occasional demarche of an interested government. Now, with the creation of this office, OSCE has institutionalized its concern with and support for, a free and independent media. But how can this office resist being institutionalized? How can it retain its uniqueness, and its own nature?

Despite the trappings of an existential query, the question needs to be answered, and one year of experience can only provide guidelines.

We return to the question of results. Some OSCE members ask what we have “accomplished” in this short year, what we can point to as victories in the fight against government repression of the media. It would be nice if it were as easy as all that. What is unarguable, however, is our belief that the mere presence of this new office has made governments more aware of how they deal with the media in their country, for we are watching. The elevation of the concept of freedom of the media into the third of the OSCE “Institutions,” by its very existence, testifies to the importance the organization attaches to this idea. It is difficult to prove a negative — what action certain governments might have taken against the media in their country if this office did not exist — but as an article of faith it seems a certainty that, as the existentialists used to like to say, “existence precedes essence.”

But now that we exist, and have done so for a year, what now. What kind of a second year can the OSCE expect from this office; how can we build upon the first year to extend the reach and impact of the concept of freedom of the media throughout the OSCE region? What new areas can we become involved in and is there a risk of “overreaching?”

Travel has been an important part of what we do. It soon became obvious that the battles that needed to be fought could not be fought primarily from here in Vienna, that it was important to be on the scene, to speak with the journalist who had been harassed, whose newspaper had been closed, who had been recently called in by the Minister of Justice for a little chat. But these visits are not easy to put together. Where we have an OSCE Mission in the country to which we are traveling, then it becomes easier to plan a useful schedule. Without an OSCE Mission, we need to construct a program which, while taking into consideration the legitimate views of the government visited, also provides us access to the other three of our core constituencies — Parliamentarians, NGOs, and, of course, the journalists themselves. Balancing this kind of program is no small feat, but we are learning as we go along to fine tune the visits, to calibrate them to gain exposure to the widest possible amalgam of officials and journalists to provide an accurate picture of the media environment in that country.

The year has made the issues more clear; harassment of journalists through unreasonably high libel judgments; inviting media to a Minister for a little talk about a recent article or broadcast; government control of the distribution system; unwillingness of a government to license independent electronic media; action against media based on “personal insult” laws still on the books in a number of OSCE countries; criminal defamation laws which threaten journalists with imprisonment; and, finally, perhaps the most insidious restriction of all, that of “self-censorship.”

“Self-censorship” is what goes on in the mind of a journalist which causes him to hesitate before publishing or broadcasting something which others, in this case governments, might find distasteful. It is impossible to measure what has not been published or broadcast throughout the years because of self-censorship; the desire to avoid hassles — better, in the end, not to do it. It is the hardest violation of all to measure because it is, in the end, unsaid, never having seen the light of day. It is a way of censoring truth as surely as putting a journalist in prison, and it is a result of laws and statutes that result, in the end, in stifling freedom of, the media and in the end, of suffocating truth. The

only way to combat self-censorship is to repeal all statutes which might lead a journalist to hesitate in publishing something because he or she might run afoul of the law. Even then there may be some hesitation. Because of the subjective nature of the thinking of the journalist, this violation of freedom of the media is difficult to measure. How prevalent is self-censorship in the OSCE region? We have taken to asking this question of journalists when we travel, and, invariably, without giving specific examples, many of the journalists admit that there are boundaries beyond which they will not traverse because of the possibility of government reaction. But how can one get a handle on self-censorship? The government in question can plausibly deny any responsibility. Yet the threat to freedom of expression clearly exists.

Another area worth exploring is the use of the media in conflict resolution. There tends to be a negative slant to the actions of this office to the degree we exercise watchdog or ombudsman functions, searching for violations on the part of governments of OSCE norms and commitments regarding media freedom. But there are positive ways to utilize the media, and one is in conflict resolution; “Unfriendly Neighbors” as some have called it. The idea here is to take journalists from two “unfriendly neighbors” and explore with them the nature of their coverage of the “other side.” As many as six or eight journalists would come from each country to a neutral site for two or three days of intensive interaction. This would include showing video clips and articles of how each side has covered a particular event, perhaps, and discussions with a skilled facilitator about how to move beyond the prejudices of the past, to, as the poet Robert Burns put it, “see ourselves as others see us.” Obviously, funding is an issue since we are, unlike our colleagues at ODIHR, not a “program or seminar office, and intentionally so. But the “Unfriendly Neighbors” project would have a multiplier effect, as, one hopes, the media from each country would return home with a more incisive view of where each side is coming from. They could also, as a follow-up, exchange visits to their respective capitals in the future as well. The results could be tracked as well through analysis of media coverage of the issue in the future.

We will want to look, too, at the role of minority media in the OSCE countries, their relationship with the government and with other media in the majority language. We may want to draw on the expertise of the Office of the High Commissioner on National Minorities for assistance in framing our program..

The increase in OSCE Missions will significantly alter the way we do business as well. All the Central Asian states now have OSCE Missions, and as this is being written, plans are underway to open OSCE Missions in Azerbaijan and Armenia, thus providing total coverage of Central Asia and the Caucasus, areas in which we deal. The OSCE Missions in the Balkans continue to play a significant role in providing information which we need, and the OSCE Missions in Belarus and Ukraine have proved invaluable in providing assistance under difficult circumstances.

The most important aspect of this increase in resident missions will be the change in the nature of our visits — the key element in the quiver of arrows we possess. We have learned in this first year that there is a world of difference in developing a visit to a country where we have a mission on the ground and where we do not have such a mission. Where we have a mission, we work closely with them in developing a useful program; where we do not have such a mission, we are obliged to look for other sources and interlocutors which can, on the ground, supplement the government-provided part of the program. While we usually find an NGO or embassy officials who can assist, this is not as certain as working with a like-minded OSCE entity.

What, then does the future hold? Or at least the next year. We will continue and deepen our continuing dialogue with those governments whose actions are not yet consistent with OSCE norms and standards concerning the promotion of a free, independent and pluralistic media environment. We will continue to travel extensively, returning a second and third time to countries where we have issues of concern to pursue. We will look at ways to make the activities of this office better known to the publics in the OSCE region. But the second year will not, should not, be merely a reiteration of the first. We will want to go

beyond where we have been before, refining our approaches to particular countries, dealing with specific issues as may be appropriate and asking governments to make decisions that demonstrate their commitment to the principles of a free media. We will have to be realistic as well, temper our idealism with pragmatism. For the prototypical impatient American, this will occasionally not be easy. We exist in real time, and one searches always for positive results. But we do have a lodestar to show the way, and a foundation to build upon..

Bei Hu

Censorship by Killing

“A few days ago in Ireland, a journalist was murdered by the Mafia whose crimes she wanted to expose. We mourn the death of Veronica Guerin from Dublin. She died also for the human dimension of the OSCE, shared by us all.”

Freimut Duve, upon the presentation of the OSCE Prize for Journalism and Democracy in 1996

We define censorship by killing broadly to include all cases in which journalists have been killed to silence their voices. That would encompass not only those who have paid the dearest price for their exposé of official corruption, but also those whose lives have been cut short by other perpetrators of injustice whose greed they had tried to reveal.

NGOs tracking the killings of journalists may have used different criteria for inclusion into their lists. Reporters sans Frontières publishes an annual report on journalists killed and jailed during the year. They counted 19 journalists killed around the world last year. That was at variance with the International Federation of Journalists - International Press Institute tally, which put that number at 50. The IFJ-IPI list included “journalists killed while working or because of their work.” “We make no distinction between a correspondent caught in the cross-fire while covering a war and the violent death of other journalists killed as a result of their work,” the IFJ-IPI report says. The RSF list, by contrast, “only counts those cases where it has been established beyond doubt that the journalists were killed in the course of their work, or simply because of their profession.”

Our list more or less represents a compromise between those two. For well-grounded reasons, neither of the above-mentioned NGO reports has attempted to separate narrowly defined censorship by

killing, which emphasises the malicious intent to silence negative coverage, from other types of violent incidents that have resulted in the death of journalists. Our list, however, highlights the former, although we understand that it is often hard to identify this intent and attribute responsibilities. We recognise, at the same time, the practical difficulties in maintaining law and order as well as ensuring media freedom in fledgling democracies and the urgency of better protection for journalists. We have excluded those journalists who have been killed in tragic accidents, although we deeply mourn their premature death. Also excluded are murders whose connection to the journalists' professional activities are open to question. Our focus is therefore on what can and should be done to create a safe working environment for journalists, be it stronger law enforcement or agreements between warring parties to guarantee humanitarian treatment of war correspondents.

Our definition for censorship by killing, while appearing simple on paper, finds no easy application in actual case analysis. In countries where killings of journalists have been more commonplace, investigations into those murders often drag on for years, sometimes arriving at controversial conclusions. As activists at the International Federation of Journalists wrote in the introduction to its 1997 killed (journalists) list, "Many journalists are the victims of tragic accidents, some are the targets of violence and others are brutally assassinated. It is not possible to make simple distinctions in drawing up this list. In some cases, especially Latin America and the countries of the former Soviet Union, it is difficult even to find the specific motive for the killing." Thus, in compiling such a list, sole reliance on either official information or private speculations can be inadequate. A certain amount of guesswork is required in most cases, particularly when one is removed from the ground, and thus the raw material facts.

Borrowing heavily from the NGO reports, our list looks back on the major cases since 1996. As researchers at IFJ and IPI have observed, a major trend has been the decrease of journalists killed in armed conflicts as tensions abate in Bosnia, Croatia and Chechnya. On a less positive note, however, killings linked to the victims' investigative work have

been gaining weight in the list over the years. Geographically, the focus has gradually shifted away from the warring zones to countries with fledgling legal systems and unstable media environments.

1996

Armed conflicts raged on in Chechnya, claiming the lives of four journalists. It is worth pointing out that they did not die in accidents, but in the hands of hostile forces. It remains unclear whether their killings had anything to do with the content of their coverage. In a way, this is not the key issue, though we have always stressed that journalists should maintain high professional standards. Here we would like to call attention to the necessity of guaranteeing journalists' personal safety and right to work regardless of their ethnic or national origins and professional affiliations.

Russian Viktor Pimenov, a cameraman for *Vaynakh* — the pro-Moscow national Chechen television station — was gunned down by a sniper in Grozny on March 11, 1996. He was filming the aftermath of the Chechen rebels' raid on Grozny and was shot in the back. (IFJ)

The body of Nadezhda Chaikova, a correspondent for the Russian weekly *Obshchaya Gazeta*, was found buried in the Chechen village of Greikhi on April 11, 1996, about seven months after her death. Photos taken before her burial by the villagers showed that she had been brutally beaten, blindfolded and shot in the neck. Chaikova was formerly a Tass correspondent. She had travelled extensively in Chechnya and was known for her hard-hitting coverage of the war. (IFJ)

Russian journalist Anatoly Yagodin was ambushed by Chechen militants near the settlement of Assinovskaya on April 18, 1996. He had been a senior Lieutenant in the special forces and was reporting for the military magazine *Na Boevon Postu* before his death. (IFJ)

Ethnic Chechen journalist Ramzan Khadzhiyev was killed crossing a Russian checkpoint with his family on August 13, 1996. He was the North Caucasus correspondent for *Russian Public Television*

(ORT). He was fleeing the besieged city of Grozny. He had shown his press identification and had been waved through by the Russian guards before two Russian armoured personnel carriers suddenly opened fire on his car, according to an unidentified male passenger in his car. In its initial report, ORT said that Chechen guerrillas had killed Khadzhiyev. Khadzhiyev was a known supporter of the Moscow-installed government in Chechnya. (IFJ)

Of far greater concern to us is the murder of journalists in peacetime in retaliation for their professional work. In all three years, journalists working on crime stories or investigating official corruption were most vulnerable to this kind of murder. The former Soviet Union states have seen many of these cases. Even though the governments may not be directly responsible for a majority of them, they nevertheless underline the weakness of law enforcement — a situation that these governments are in the best position to improve.

Metin Goktepe, correspondent of the left-wing daily *Evrensel*, was found dead on January 8, 1996 near the Eyup Gymnasium in Istanbul where he was detained by the police along with many others who had attended the funeral of two leftist militants killed in a prison clash. An autopsy report released on January 10, 1996 revealed that he had died in the gymnasium — a fact that the police had denied — and that he had died from brain haemorrhage as a result of strikes to the head. The Interior Ministry ordered an investigation. The Parliamentary Commission, on the basis of the investigation, concluded that Goktepe had been beaten to death in police detention. Eleven police officers were subsequently charged directly with beating Goktepe to death, and another 37 charged with abusing other detainees in the same case. The trial has been twice transferred, which media and NGOs have claimed to have removed the trial out of public attention and hindered attendance by Goktepe's lawyers, the accused and other groups. They also believe the changes have resulted in delays in the judicial process. (IFJ)

Nina Yefimova, Grozny correspondent for the Russian-language newspaper *Vozrozhdeniye*, was found dead from a pistol shot in the back of her neck on May 9, 1996. She and her mother had been kidnapped from their apartment the previous night. Their bodies were found in two different locations. A police official claimed that the murders had been committed for private reasons. But journalists linked them to Yefimova's coverage of crime in Chechnya. (IFJ)

Igor Grouchetsky, a Ukrainian freelance journalist known for his coverage of crime and corruption, was found dead from a severe headwound near his home in Tcherkassy, southwest of Kiev on May 10, 1996. He had been the Tcherkassy correspondent for the Kiev newspaper *Ukraine-Centre*. Shortly before his death, he had reportedly testified in a criminal case involving, among others, the son of a high-ranking police official. Police found two files in the journalist's home containing criminal information belonging to the police. (IFJ)

On May 11, 1996, Viktor Mikhailov, a crime reporter for the leading Serbian daily *Zabaikalsky Rabochy*, was killed in broad daylight by unknown assailants. (IFJ)

French national Xavier Bernard Gautier, who worked for the daily *Le Figaro*, was found hanging in a house on the Spanish island Menorca on May 19, 1996. While official sources said he had committed suicide, his friends and family suspected murder. They said Gautier had been found with his hands tied and a blue cross painted on his shirt. The words "traitor" and "red devil" were scrawled on the walls. According to the Spanish daily *El Pais*, Gautier had been working on a story about the war in Bosnia and illegal arms sales. (IFJ)

Irish investigative reporter Veronica Guerin was gunned down on June 26, 1996 by two men on a motorcycle while waiting outside a hotel in Dublin. Guerin, who worked for the Irish daily *The Independent*, had specialised in coverage of Mafia and drug trafficking in the few years leading up to her death. Not long before her murder, she had obtained an exclusive interview with the local Mafia boss nick-named "Mad Dog." (RSF-IFEX)

Two journalists with the private Russian television *Otechestvo (Father - land)*, Marina Gorelova and Yuri Shmakov, were among 14 people killed by an explosion in Kotlyakov cemetery in Moscow on November 10, 1996. They were covering a memorial service for Michael Likhodei, President of the Afghan War Invalids Fund. (IFJ)

1997

At first glance, there were fewer vicious, censorship-motivated killings of journalists in OSCE member-states in 1997. However, we have to add a word of caution. Each year, on top of high-profile cases enumerated here, many other journalists and media workers die in the line of duty. Sometimes, because of lack of data, the causes of death are not quickly identified. The IFJ list cited 11 such cases in 1997.

Among the most written about cases in 1997 are:

On March 13, 1997, the body of Pyotr Shevchenko, Lugansk regional correspondent for the Ukrainian daily *Kievskiye Vedomosti*, was found hanging in an abandoned building in Kiev. Not long before his death, he had co-authored a series of articles on the disputes between the mayor of Lugansk and the local branch of the Ukrainian Security Service (SBU), successor to the KGB. The SBU had held a press conference in Lugansk during which they had accused the newspaper of bias in its coverage. In early March, Shevchenko had expressed his fear for SBU reprisal to the daily's editorial offices. The police found no apparent signs of struggle. Cash and other valuables were found on the body. According to Ukrainian reporters, the prosecutor's office looking into the case had reportedly found a suicide note from Shevchenko indicating he had been pressured by SBU. But his colleagues had not been allowed access to that note. (IFJ)

The killing of Boris Derevyanko, editor-in-chief of *Vechernyaya Odessa*, was described by Governor of the Odessa Region Vasily Ivanov as "an act of political terror." Derevyanko was gunned down near his office on his way to work on August 11, 1997. He died of gun shots in the heart and stomach, fired from point blank

range. His colleagues have linked the murder to the newspaper's critical coverage of the city council, particularly the mayor of Odessa Eduard Gurvits. Derevyanko himself was deputy to the city council. The Chief Regional Prosecutor has opened an official investigation into the possibility of a contract killing. Several other journalists at the newspaper had come under assaults in the past. Sergei Lebedev survived three gun shots. His attacker received only 18 months of jail time for attempted murder. Vitaliy Chechik was assaulted in 1996 and 1997 by attackers who warned him to stop writing articles about the mayor. (IFJ)

Milorad Ostojic, who reported for the *Alternative Informativna Mreza* (AIM) in Bosnia-Herzegovina, suffered a brain haemorrhage on October 28, 1997. He slipped into a coma and died 11 days later. The International Police Training Force suspected "possible violent death" in a subsequent statement. Ostojic had written articles critical of the local authorities in Teslic, for which he had been threatened and harassed in the September municipal election. Several of his colleagues at AIM claimed to have received threats from local officials that if they continued their critical coverage, they would face a similar fate as Ostojic did. (IFJ)

1998

Two journalists died in regional conflicts in Abkhazia. But the mainstream was killings as a form of intimidation. These more recent cases illustrate that a lot remain to be done in OSCE member-states to guarantee correspondents' personal well-being and press freedom.

Ivan Fedyunin, politics editor of the Russian newspaper *Bryanskie Izvestiya*, died of multiple stab wounds in his apartment on March 31, 1998. He had published critical reports on the activities of a number of local companies and had reportedly received threatening phone calls a few days before his death. (IFJ)

Igor Lykov, a Russian journalist and police major, was shot twice point-blank in his apartment on May 2, 1998. He had repeatedly written in the local and Moscow press on corruption and

breaches of law in the law-enforcement systems, for which he had been regularly punished. Nine criminal suits had been brought against him and he had been twice dismissed from the police service. There was an attempt to bring charges against him for divulging state secrets when he published a number of articles in the local press on problematic practices in police recruitment. (IFJ)

Georgy Chanya, an ethnic Georgian journalist with the independent Georgian daily *Rezonants*, was killed on May 27, 1998 while covering fighting between the Abkhaz rebels and Georgian guerrillas in the separatist region of Abkhazia. He had followed a band of Georgian guerrillas to file front-line reports about ethnic cleansing by the Abkhaz rebels. He died in a raid on the guerrillas' camp. His body was mutilated beyond recognition and identified only through personal documents found on his body and photos taken by the Abkhazian military personnel. (IFJ)

On June 8, 1998, Russian journalist Larisa Yudina was murdered on the outskirts of the Kalmyk capital Elista. She had been harassed and threatened for her coverage of local corruption and the rule by the republic's millionaire president Kirsan Ilyumzhinov. The day of her murder, she was to meet a source for evidence of financial improprieties by local firms setting up an offshore tax shelter. The Federal prosecutor has taken over the case and three suspects have been subsequently arrested in connection with the murder. (CPJ)

Anatoly Levin-Utkin, deputy editor-in-chief of *Yuridichesky Petersburg Segodnya*, died in August 1998 from head injuries as a result of an attack by two unknown assailants on the porch of his house in St. Petersburg. His briefcase, containing material for the next day's paper as well as photo equipment and exposed film, were reportedly missing. The paper had published articles on corruption in the city's banking circles. A story about the leadership of the city's banking industry was to be published the day after the assault. Leading bankers had demanded the newspaper to name its sources. (IFJ)

Tara Singh Hayer, publisher of the ethnic *Indo-Canadian Times*, was shot to death in the garage of his suburban Vancouver home on November 18, 1998. An outspoken critic of violent Sikh fundamentalists, he had been left paralysed by a previous assassination attempt at his newspaper office in 1988. His son believed that Hayer had been killed to deter people from voting for the moderates in the upcoming Sikh temple elections in Vancouver. (IFJ)

Afrim Maliqi, a journalist for the Albanian-language daily *Bujku* in Pristina, was ambushed by masked gunmen and shot to death with two others in his car in the centre of Pristina on December 2, 1998. He had expressed fear to colleagues that he was being followed and would lose his life. He had written a cultural column for the paper critical of the Serbian policy towards the Albanian language community. The Serb authorities had threatened to close down the newspaper. The newspaper has been unable to publish since police stopped journalists from entering its offices on the weekend of December 19. (IFJ)

In conclusion, we eulogise journalists who have braved intimidation and devoted their lives to materialising people's right to know. But this list is more than a eulogy. The murderers have done more than silencing a few voices. Their vicious acts have major chilling effects on the media in those countries.

We understand that better protection of journalists' safety and professional rights will most likely have to go hand in hand with perfection of the country's political and legal systems. This is going to be a long process. But work has to start today. The government has a major role to play in this process, no matter what pattern the killings of journalists may follow in that country.

Almost as important are the voices of NGOs and a wide spectrum of citizen groups. Some organisations have taken concrete initiatives, such as the IFJ's Safety Fund, which gives financial assistance to journalists under threats of censorship.

In light of this, we urge the establishment of an effective network that is to track cases in which journalists have been killed in the course

of work or because of their profession. Unlike previous tracking systems, this one should concentrate on following the progress or lack thereof in the investigations into these cases. A similar network should be set up to receive and act upon complaints of threats, either in the form of personal safety or right to work, filed by journalists.

We would also urge all kinds of groups to share experience on how best to improve the situation. Topics may include how to protect journalists in a difficult legal system and how to accelerate the development of an independent and effective legal system in a new democracy.

Last but not least important, we call on the governments to speed up investigation, be more responsive to NGO concerns and introduce greater transparency in crime investigations.

III. Responsibility

European Landscape of Media Self-Regulation

The freedom of the press guaranteed in the Basic Law of the Federal Republic of Germany embraces independence and freedom of information, expression of opinion and criticism. Publishers, editors and journalists pursuing their profession must remain constantly aware of their responsibility towards the general public and their duties to the best of their ability and belief and must not allow their work to be influenced by personal interests or extraneous motives.

The journalistic principles embody the professional ethics of the press. These ethics encompass the duty, within the framework of the constitution and the constitutional laws, to maintain the standing of the press and to be committed to the freedom of the press.

These professional ethics grant everyone affected the right to complain about the press. Complaints are justified if professional ethics were infringed.

The Preamble of the Press Code as presented to the Federal President Dr. Gustav W. Heinemann by the German Press Council on 12 December, 1973 in Bonn.

Kaarle Nordenstreng

European Landscape of Media Self-regulation

Self-regulation is the most obvious answer to the question, how to ensure the freedom and responsibility of mass media in society. Claude-Jean Bertrand (1998a) refers to it by *media accountability systems MAS* and lists over thirty different ways to uphold the quality and responsibility of the free media (see Bertrand 1998b). These include media criticism and monitoring, public access to the media and even training – the education of both professionals and consumers. However, the most important and internationally recognised mechanisms of self-regulation are independent press councils and professional codes of ethics.

Table 1 on the following page lists the European countries where media self-regulation operates through councils and codes. The main basis for this information are surveys made at the University of Tampere, Department of Journalism and Mass Communication, under my direction and published in 1995 as *Reports on Media Ethics in Europe* (see References at the end of this chapter, listed as Nordenstreng 1995a). One of the surveys is particularly on press councils, prepared for the first regional conference of press councils in Europe which was organised by the World Association of Press Councils (WAPC) in Helsinki in June 1995. The survey was carried out and reported by two of my graduate students, Päivi Sonninen and Tiina Laitila (see pp. 3-22 in Nordenstreng 1995a). The situation today (early 1999) has naturally brought some changes to what was discovered in the survey four years ago, and thus the information reported may be outdated. Moreover, the definition of a press council is far from clear, and our survey included some institutions which do not strictly speaking qualify for a truly independent self-regulatory body. For example, Claude-Jean Bertrand lists fewer countries with a press council than done in the Sonninen & Laitila report (Bertrand's list is published in the *Institut français de presse's* Website: www.u-paris2.fr/ifp).

Obviously there is a need to update our survey and at the same time clarify the concept of a press council. This may be done still during 1999 with the support of two forthcoming conferences: the seminar on 'Self-regulation in the Media Sector at the European Level', convened by Germany as part of its EU Council Presidency in Saarbrücken (April 19-21), and a meeting of European self-regulatory bodies, convened by the British Press Complaints Commission in London (June 10). Also the Council of Europe, which organised the 'Information Seminar on Self-regulation of the Media' in Starsbourg in 1998 (October 7-8), serves as a helpful partner – in addition to the OSCE Representative on Freedom of the Media.

Table 1 shows graphically that codes are more frequent than councils. Every one of the 34 countries listed has a document of principles and practices typi-

Table 1. European countries which have a press council and/or a professional code of ethics
 (Sources: Nordenstreng 1995a; www.uta.fi/ethicnet; www.u-paris 2.fr/ifp...Deontologie/ethic)

Country	Council	Code	Country	Council	Code
Armenia	-	+	Lithuania	+	+
Austria	+	+	Luxembourg	(+)	+
Belgium	(+)	+	Malta	(+)	+
Bulgaria	-	+	Netherlands	+	+
Croatia	-	+	Norway	+	+
Czech Republic	-	+	Poland	(+)	+
Cyprus	(+)	+	Portugal	(+)	+
Denmark	+	+	Romania	(+)	+
Estonia	+	+	Russia	(+)	+
Finland	+	+	Serbia	-	+
France	-	+	Slovakia	-	+
Germany	+	+	Slovenia	(+)	+
Greece	(+)	+	Spain	+	+
Hungary	-	+	Sweden	+	+
Iceland	+	+	Switzerland	+	+
Italy	+	+	Turkey	+	+
Latvia	-	+	United Kingdom	+	+

cally called ‘code of ethics’, adopted by an independent media organisation (UK has two codes). Meanwhile, only 25 countries have a body to function as a court of honour mostly called ‘press council’. Considering the nature of these means of self-regulation this is understandable: a code is relatively easy to adopt by a single professional association, whereas a council requires an agreement between several parties (journalists and publishers often in conflict with each other) and an institutional commitment far beyond a single resolution. Some of the councils are no longer or not yet in operation, or their status as an independent body is under dispute, which is marked by brackets in Table 1 (altogether 10 cases).

Press Councils. For a council to be an agency of self-regulation, it must be independent from the political and judiciary system. Thus an official body incorporated in the state apparatus does not qualify as a self-regulatory media council. Yet there are two countries, Denmark and Lithuania, where a media council has been established by law passed by the Parliament, and thus formally speaking it has an official character, but in reality it operates as any independent self-regulatory body. Most broadcasting councils are official state bodies in this respect, and therefore they are excluded here, although such radio and/or television councils may in some cases have quite a professional and pluralist orientation. Since the councils are first and foremost established for and by the print media – although most of them today cover also the electronic media – they are usually called ‘press councils’.

Founding. Table 2 below shows how the first press councils emerged in the beginning of the century, at around the same time as did the first ethical codes of journalists. The real boom of the councils started, however, only after the Second World War and had its peak in the 1960s, when also several already existing councils began to be remodeled or revised. The most important example for the later councils has been the now defunct British ‘General Council of the Press’, founded in 1953. For instance the German *Presserat* is copy of the former British body. Even if serving as a model for other councils especially in Europe, the British Press Council was not the first of its kind. The Scandinavian journalists were years ahead of their British colleagues, the Swedish Court of Honour being founded as early as in 1916, the Finnish in the early 1920s and the Norwegian in 1928.

Table 2. Founding and revision of the councils

Decade	Original	Revision
1910s	Sweden 1916	
1920s	Finland 1927 Norway 1928	
1930s		
1940s	Slovenia 1944 Netherlands 1948	
1950s	United Kingdom 1953 Germany 1956	
1960s	Austria 1961 Denmark 1964 Iceland 1965	Netherlands 1960 Austria 1963 Finland 1968
1970s	Switzerland 1972	Norway 1972 Switzerland 1976
1980s	Luxembourg 1980 Poland 1984 Belgium 1985 Turkey 1988 Greece 1989 Malta 1989	Germany 1986
1990s	Cyprus 1990 Portugal 1990 Romania 1990 Estonia 1991 Italy 1995 Lithuania 1996 Russia 1998	United Kingdom 1991 Denmark 1992 Finland 1997

After the opening move by the Scandinavian journalists, the councils spread around the world. At the end of the 1970s there were around 50 media councils or similar organisations throughout the world, as documented in a survey conducted for Unesco by Clement J. Jones (1980). And as shown in Table 2, further councils were established in Europe in the 1980s and 1990s — among these the councils in Greece and Portugal sponsored by the state (the latter not recognised by the Syndicate of Journalists). The British body went through a crisis and was reborn in 1991 as the Press Complaints Commission (without participation of the National Union of Journalists). Russia is a case in its own scale, with the ‘Chamber for the Adjudication of Information Disputes’ under the President of the Russian Federation established in the mid-1990s and an independent ‘Grand Jury of the Media’ set up by the Union of Journalists in 1998.

Although there are considerable differences between the various press councils, they also have much in common. Their main task everywhere is twofold. First, the councils protect the rights of the public (audience, sources and referents of the content) in relation to the mass media. By giving the public the opportunity to complain about bad or unethical journalism, the press councils give the public at least some empathy if not direct voice in the media performance. The council investigates the complaints by the public on certain cases and makes a statement that the medium in question, if found to have violated good journalistic practice (as defined in the code of ethics), is asked to publish in a given period with due prominence.

Secondly, the press councils protect the mass media themselves. Here the quarter to be protected against is mainly the state and other powers in the public as well as private sector, but also various interest groups among the general public. Thus self-regulation is also a way for the journalists and publishers to demonstrate that the media are responsible, with no further official regulation needed. Many councils, including the first in Sweden, were in fact founded under public interest pressure.

As pointed out by Denis McQuail (1992), media regulation as well as self-regulation is typically introduced at a moment of crisis or at turning points of history. Thus the Scandinavian councils were established after the First World War, and the council of the Netherlands after the Second World War. Several councils were founded after the introduction of television in the 1950s. In the late 1980s and 1990s the increasing economic concentration of the media and also the new information technologies have made the councils topical again.

Composition and financing. Most independent press councils have been established by journalists and/or publishers, and their composition is typically made up of representatives of these professionals and proprietors, appointed by the respective national associations of journalists and publishers. Ethics committees of journalists’ associations only may not be taken as proper councils, but nevertheless some such cases are included in this presentation (among those bracketed in Table 1). In addition, more often than not a media council has also ‘lay members’ – peo-

ple representing the general public. To be true, the selection of these lay members remains a problem, because in this case one obviously does not want to resort to the Parliament as a representative sample of the population. In reality, however, the members of the general public have proved to be an important asset to the councils, adding their credibility.

Table 3 on the following page shows the composition of the councils according to information of our 1995 survey. The most common category of members are the journalists' associations, included in all the councils but Portugal and the UK. It is either that the associations nominate the members, or they only recommend some members, which is the case in Denmark, Greece and in Malta where two of the members should be conversant with journalism but no longer active in the profession.

The second big member group are the representatives of public or lay members. They take part in the working of eight councils. Other big member group are publishers (included in the work of six councils), editors' associations (also in six councils) and members of public (in five councils). The industry as such is mentioned in three answers, but its meaning is not specified.

The most common type of press council in Europe has both journalists and editors or publishers as members. Yet, according to our 1995 survey, ten councils select their members from among those who are in no way involved in the media business. However, in these councils the number of members of the public is remarkable. In Denmark, Estonia and in Finland members of the public constitute one third of the members. In Norway members of the public are the biggest single group. The Swedish council nominates as many members from the public as from the editors' association. In the Netherlands public members are as many as journalists. The Press Complaints Commission in the UK, instead, relies heavily on the members of the public: more than half of the members may not be engaged in the media-publishing industry. Only in Portugal do the members of the public form a clear minority.

Only few of the councils have academics as their members. These include Iceland, Italy and Switzerland (one academic in each).

Journalists' associations are the most common financiers of the councils. This is the case in 11 countries in our 1995 survey. Either they are the only source of finance (5 cases) or they finance the council together with the publishers and/or editors (5 cases) or together with the state (2 cases).

The state finances the councils in 5 countries. These also include Finland and Germany where the state has only a financing role; otherwise it is excluded from the working of the council. In Sweden, instead, besides journalists' and publishers' allowances, pecuniary sanctions play a role in financing the council. No other council's finance rests even partly upon pecuniary sanctions. The mass media industry as sole financier is likewise not common.

Table 3. The composition and the financing of the councils (according to survey of 1995)

Country	Composition	Source of financing
Austria	12 delegated persons from the journalists' association and 12 delegated persons from the publishers' association	journalists' association+ publishers' association
Belgium	a president, a general assembly (30 members representing the institutions in the media sector including the journalists' association) and a committee of experts (10 representing editors, trade unions, press agency, audiovisual sector and political authority)	Flemish budget
Cyprus	3 journalists, 3 editors, 4 members of parliamentary not functioning parties + an experienced lawyer as a president	not functioning
Denmark	a chairman + a vice-chairman + 6 members appointed by the Minister of Justice (two of them recommended by the Danish Journalists' Union, two represent editorial management and two representatives of the public)	publishers + the Ministry of Justice
Estonia	a chairman + 10 members, one third are representatives of the public and should not be journalists	mass media industry (The Union of Newspapers)
Finland	5 journalists, 5 publishers and 5 representatives of the public	50 % by the organizations involved in the foundation and 50 % by the state
Germany	10 journalists + 10 publishers that founded the council + mostly 49 % state subsidy	the four organisations
Greece	4 members appointed by the government + 4 members appointed by the political parties + one member appointed by the president of the Parliament, 5 of the members must be journalists	the state
Iceland	3 members appointed by the journalists' union + one from the university + one by the publishers, the president is appointed by the Union	the journalists' association
Italy	a chairman (judge), a professor of private law, an expert (advertising committee) 2 journalists	the two journalists' organisations that founded the council

Luxembourg	7 journalists + 7 editors	no information
Malta	a judge + 2 experts on journalism + an honorary secretary	no information
Netherlands	8 journalists + 8 lay persons, president and vice president are judges	board of foundation (by journalists' associa- tion, publishers and editors)
Norway	2 journalists, 2 editors and 3 lay persons	the Norwegian Press Association
Portugal	a president, 5 members appointed by the parliament, 3 by the government and 4 members representing the public opinion	the state
Romania	members of the Romanian Society of Journalists (1995) committee of directors (9)	the members of the Romanian Society of Journalists
Slovenia	9 journalists	membership fee
Sweden	a chairman and 3 vice-chairmen (experienced lawyers) + 4 publishers + 2 journalists + 4 lay persons	publishers' associations and the journalists' union + sanction fees
Switzerland	17 journalists + one professor of media + one lawyer	the Swiss Federation of Journalists
Turkey	11 members appointed by the Council of Representatives (6 journalists + 5 lay representatives) proprietors + journalist , members appointed by newspaper publishers (6-10), the General Manager of the Radio and Television, delegates of professional organizations	publishers and broad- cast members with a certain fee
Great Britain	7 editors + 9 public persons (academics and people from related organizations including the chairman)	the media industry

Table 4. The codes in relation to the founders and the sanctions (according to survey of 1995)

Country	Founder	Code	Sanctions
Austria	journalists' association publishers' association	own code	voluntary publication of the violations
Belgium	the state	no	none
Cyprus	the state	code of another institution	none
Denmark	the state	own code	publication of the violation
Estonia	journalists' association publishers' association	own code	voluntary publication of the violations
Finland	journalists' association publishers' association	code of another institution	a notice to be published within a short time
Germany	journalists' association publishers' association	own code	advice notices, a notice of censure, a reprimand
Greece	the state	own code	pecuniary sanction
Iceland	journalists' association institution	code of another of publication	a notice, the possibility
Italy	journalists' association	code of another institution	a reprimand and a noti- fication of the journal ist's legal case to the <i>Ordine</i> that can censure and also adopt the expulsion of the journalist
Luxembourg	journalists' association editors' association	own code	none
Malta	journalists' association broadcasters association	own code	none
Netherlands	journalists' association	code of another institution	voluntary publication of the violation in councils' own paper and in the medium in question
Norway	journalists' association editors' association publishers' association	code of another institution	quick publication of the notice

Portugal	the state	own code	publication of the violation or pecuniary sanction
Romania	journalists' association	own code	a protest to the publication
Slovenia	journalists' association	code of another institution	expulsion
Sweden	journalists' association publishers' association	code of another institution	publication of the violation or pecuniary sanction
Switzerland	journalists' association	own code	publication of the violation
Turkey	journalists' association	own code	publication of the violation
Great Briatin	journalists' association editors' association publishers' association	own code	publication of the violation

Cases and sanctions. The number of cases processed by the councils varies from a couple to three hundred a year. In absolute numbers the German council has most complaints to handle. However, in relation to the population of the countries in question, the Icelandic and Norwegian councils have most work to do. The other Scandinavian and the Estonian councils also have a lot of complaints to deal with. The Dutch council is among those who have to deal with few cases but it has been trying to encourage the public to be more active.

The four most common types of complaints the councils deal with are identification of the suspects and victims of crime, right to reply and to rectification, accuracy of information, and intrusion on privacy. Overall, the protests are usually concerned with violation of proper journalistic norms and ethical rules. But in some cases the councils also receive complaints concerning advertising. Cases like discrimination, libel and slander, one-sided use of sources and severe criticism of politicians were also mentioned. Thus, the complaints usually deal with the familiar concerns of journalism: accuracy, right to reply and privacy. These concerns worry the public all over Europe.

Table 4 on the previous page shows whether the councils included in the survey have their own codes of ethics or whether they follow other codes, as well as the kinds of sanctions which the councils can implement against the medium that has violated the code in question.

According to our 1995 survey, the codes are drawn up by the council itself in 10 cases and in 7 cases by another institution, usually the journalists' union. Only three councils do not base their verdicts on any codes (Belgium, Cyprus and Estonia). Of councils founded by the state two have no code at all (Cyprus and Belgium), two use their own code of ethics (Greece and Portugal) and one (Denmark) bases its verdicts on a code set up by another institution. (Concerning Belgium it should be noted that the *Vlaamse Mediaraad* is an official body, installed by the government to give advice on general topics. However, there also exists another council for ethics installed by the Belgian association of journalists. The council is composed of journalists and it deals with complaints on privacy, secrecy of sources, or to reveal or not your identity as a journalist. The council's work is based on the code of conduct by the editors.)

No evidence was found on whether the fact that a council has its own code or uses a code drawn up by another institution has a connection to the organizations that founded the councils. Councils established only by the journalists' association either draft their own code, or use a code written by another institution (usually by the journalists' association). If there are several organizations behind the council, it uses either its own code or some other organization's code.

The councils have either no sanctions at all or they give the medium in question a notice that must usually be published within a short period. Three of the councils may give pecuniary sanctions, namely the Greek, Portuguese and Swedish councils. The Slovenian council can, in extreme cases, expell the 'misbehaving' journalist. The Italian council will also have some means of expulsion through the *Ordine dei Giornalisti* which can also censure the journalists.

Usually the sanctions are respected, although there are some exceptions, like Greece where the sanctions are not respected and Austria where two boulevard papers do not pay any attention to the council because their owner is not a member of the publishers' association. The publication of the notice given by the council is the most common sanction. This implies that the councils and the media industry rely on publicity of the violation as a sanction.

Codes of Ethics. Following up earlier studies in the 1970s, I initiated in 1989 an inventory of the journalistic codes of ethics adopted in the countries of the then Conference on Security and Co-operation in Europe (CSCE). It was made by a graduate student (Pauli Juusela) with the assistance of the Prague-based International Journalism Institute (IJI). With 24 codes as the source material for analysis, the conclusion was that "there is developing among the CSCE countries some sort of basic, universal model of journalistic codes where the accent is on truth, freedom of information, and protection of the individual" (Juusela 1991).

Since 1989-90 Europe has fundamentally changed, and therefore with another graduate student (Tiina Laitila) I made a new inventory of the codes

that were valid in Europe in 1994-95. We located 31 contemporary codes adopted by journalists' associations or other bodies, notably media councils (Laitila 1995). This inventory shows that most of the codes are quite fresh; over two thirds of them were adopted in the 1990s. Many of those, such as the Polish and the Russian codes, were preceded by other codes years and decades earlier, but they were updated and revised recently in order to keep up with changing times, and more codes are in the making. Between 1995 and 1998 half a dozen new ones were completed (including Armenia and Belarus) and others are underway (including the Czech Republic). By and large we can say that there are current codes of professional ethics, adopted by journalists' own associations, in well over thirty European countries – Europe understood from the Atlantic to the Urals.¹

As shown by Laitila, the most widely covered aspects in these codes are the journalist's accountability towards the public, his/her accountability towards the sources and referents and the protection of the journalist's integrity. Least salient of various functions of the codes is the journalist's accountability towards the state and the employers. It is significant how much emphasis is placed by the codes to the public, as well as to the sources and referents (some 60 % of altogether 61 provisions mentioned in the 31 codes), seen against the natural functions of protecting the integrity and status of the journalist (some 30 %). This means that the codes are designed not just for the selfish purpose of safeguarding the professional autonomy of what could be called 'fortress journalism' but also for an idealistic purpose of serving the public interest.

An idealistic and altruistic emphasis is still present if we pick up only those provisions which are present in at least half of the European codes. This list, which could be taken as a basis for a common European code, according to Laitila (1995), is as follows:

- Truthfulness in gathering and reporting information
- Freedom of expression and comment; defence of these rights
- Equality by not discriminating against anyone on the basis of his/her race, ethnicity or religion, sex, social class, profession, handicap or any other personal characteristics
- Fairness by using only straightforward means in the gathering of information
- Respect for the sources and referents and their integrity; for the copyright and laws of quoting
- Independence/integrity by refusing bribes or any other outside influence on the work; by demanding the conscience clause.

¹ The texts of all these codes (translated into English) are now stored in an electronic databank called 'EthicNet' and operated at The University of Tampere, Department of Journalism and Mass Communication (see <http://www.uta.fi/ethicnet/>).

These six themes mostly represent conventional professionalism – in its less self-centred brand – except the third one (equality and non-discrimination) which has a bias on behalf of so-called ordinary people and their human rights, i.e. a clear tendency away from fortress journalism. The theme of countering racial and other forms of discrimination was indeed a central element of the universal values advocated by the ‘International Principles of Professional Ethics in Journalism’.² Moreover, combating racism and xenophobia in the media has become in the 1990s a common concern for journalist associations in Europe, the International Federation of Journalists (IFJ), the Council of Europe and the European Union.³

Despite a common ground it is not easy to arrive at an all-European code of ethics — not to speak about a world-wide code. One should recall that an international code of ethics for the media is a project which has been pursued already for 50 years, since the United Nations Conference on Freedom of Information in 1948 — mostly without a notable result. The only exercise which reached a consensus among organised journalists from different regions and political systems of the world was the above-mentioned ‘International Principles’ of 1983. But even that document was not an international *code* but a set of principles serving as a source of inspiration for creating and updating mainly national codes.

Yet there is today an urgent need to co-operate among all interested parties, first and foremost the associations of journalists and editors/publishers as well as media educators and scholars, to continue documenting and reflecting on codes of ethics as a central element of self-regulation of the media. Like in the case of press councils, this project should in no case be left for the states or intergovernmental organisations alone or else the idea of self-regulation is lost. On the other hand, there is no reason to dogmatically exclude the official and intergovernmental parties from an ‘ecumenical’ project, as long as its leadership and terms of reference are in the hands of media people, including journalism educators and media scholars.

2 The document was prepared and given in the name of 400,000 working journalists in all parts of the world at a consultative meeting of international and regional organisations of professional journalists held in Prague and Paris in 1983 (see Nordenstreng 1998).

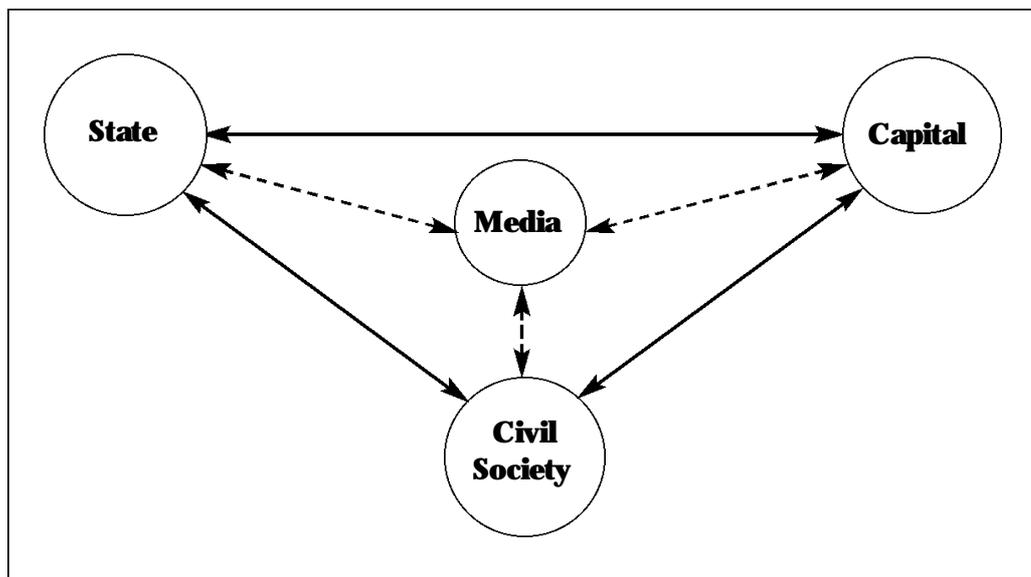
3 The Council of Europe commissioned in 1995 a comparative study on codes of ethics dealing with media and intolerance from the Department of Journalism and Mass Communication at the University of Tampere. Its report is included in the same publication that reproduces the bulk of Tiina Laitila’s Master’s thesis (Nordenstreng 1995a). The IFJ for its part has launched a prize for tolerance in journalism, supported by the European Commission, the Council of Europe and Europe’s leading broadcasters and publishers. The prize is given at the annual European Media Forum, to celebrate 21 March – the European Day Against Racism.

Whatever the content and orientation of the codes of ethics, we have to ask, what is their significance – to what extent they are put into practice in real life and to what extent they are even known among rank and file journalists. In both counts evidence is rather distressing, to the effect of supporting the second – negative or cynical – angle of the three outlined above. Am I then naive in taking the codes seriously; am I not inconsistent in accepting them as true readings of positive professionalism, while suspecting most other aspects of professionalism as negative building blocks of self-centred fortress journalism?

My response to this challenge is, firstly, that it is worth taking the codes of ethics at face value, since they have after all been carefully elaborated and adopted by representative professional bodies. In no case should they be taken as dead letters of history, since most of them are quite recent and kept alive by periodic revisions (and by institutions such as EthicNet). In other words, the codes do represent real and present professional thinking – however rhetorical it may be in its relation to actual practice. Secondly, the codes are invaluable as an instrument of self-reflection by helping the practitioners to understand the nature of their work and relating their practice into broader moral and ethical values. In other words, the codes serve as vehicles of sensitisation.

In general, codes ethics may be assessed from three angles.

First, one may take a positive look by seeing them as vehicles of professionalism, as means of professional education, as instruments of consciousness-raising. Such a constructive – or naive – approach was typically taken when the first codes were introduced between the late 19th century and the Second World War, and it continues to be taken in the so-called developing and post-



Communist countries. And as I suggested above, this position has its continued merits even in the contemporary western countries – to a certain degree.

Second, one may take a negative look by seeing the codes of ethics as mere rhetorical devices, as deliberate window-dressing and camouflage, or at best as manifestations of hypocrisy. Such a cynical approach is held today by many in the so-called western developed countries, with a marked discrepancy between the high ethical principles and the low practice of commercial media. This view is also well justified – already as a means of critical reflection.

Third, one may take an analytical look by seeing the codes as a mechanism of self-regulation, next to independent media councils and courts of honour. In this approach the codes are understood as part and parcel of a broader system of media regulation, extending from legal imperatives to cultural conventions. They are seen not just as an excuse to refrain from legislating against the media but also as true means of regulating the media.

There are good grounds for each of these three ways of approaching the codes, but the most important angle is opened up by the last approach. As I pointed out for American colleagues of media ethics and law: “The message from post-Cold War Europe is clear: media must be free *and* accountable, with self-regulation an increasingly important form of ‘control’ of the media.” (Nordenstreng 1995b)

Self-regulation in Perspective. In the European tradition, the mass media are part and parcel of the legacy of Enlightenment and human rights, whereby they should be free – free from coercion by the power holders and free for pursuit of truth and exercise of creativity. However, no social institution can be absolutely free, and even the freest media are always tied to some social forces, serving some political objectives – often indirectly and even unintentionally, but still sociologically speaking far from absolutely free. The question, then, is not whether media are free or controlled, but what are the mechanisms of social ‘control’ and accountability (for accountability, see McQuail 1997).

Three main mechanisms of media control can be distinguished (see Bertrand 1998a):

- *the law promulgated by the Parliament and other state bodies and executed by the courts,*
- *the market based on private property, commercial advertising, etc., and*
- *the media themselves through various means of maintaining ‘ethics’.*

These are not mutually exclusive categories, and in most countries today (all countries in Europe) they coexist. Thus the last-mentioned category of self-regulation is always accompanied by some degree of legal regulation – not to censor but to guarantee that minimum standards of democratic order and human rights are respected. On the other hand, heavy legislation and effective self-regulation are typically seen as alternatives, and there is a clear trend

today to favour self-regulation and media autonomy. Similarly, at the time of media concentration and 'tabloidisation', it is natural to favour self-regulation over commercial markets. Media ethics as another way of highlighting self-regulation is today one of the booming areas of communication studies and literature (see Nordenstreng 1995c).

Accordingly, while self-regulation is always accompanied by legal and market regulation, we should take it as a most valuable form of regulating the media in society. It is one aspect of a megatrend in contemporary Western thinking, whereby established political institutions, including nation states, lost their importance – at least in terms of their intellectual potential – and are gradually replaced by more flexible structures, grassroots approaches, networking, etc. Part and parcel of this trend is a new emphasis on (ordinary) people as the main subject in communication — as consumers, citizens and 'owners' of the right to freedom of information — instead of journalists and media proprietors. I have characterised this shift in perspective by saying that people are moving from the audience to the arena (Nordenstreng 1997).

This trend may not be so much a matter of real life as it is a matter of wishful thinking under the conditions of 'globalization'. Yet it is something that is vital for us in discussing the role and regulation of media in society – particularly in the non-state and non-market 'civil society'. This is well illustrated by Johan Galtung (1999) in his presentation of society as a triangle, with the media ideally located next to Civil Society: (page 181)

Galtung does not predict that the market forces will completely absorb globalizing society; he also sees a burgeoning strength in the civil society with its new movements. Thus the media take a challenging place in a field of conflicts. The media are a vital channel not only for the Civil Society in relation to the State and the Capital (market forces), but also in communication between the State and the Capital – in order to ensure a common 'public sphere' and dialogue in society. If the media succeed in attaining a strong and independent position in this triangle, they could, according to Galtung, assume the status of a fourth pillar in the power structure of society.

Taking a broader perspective of political science, at issue is not just journalism and the media but ultimately democracy as a system of governing society – not least the so-called civil society. Media in the contemporary world have become so vital that there are indeed good grounds to take them as a fourth branch of government – not just rhetorically but even in political theory and legal/ethical practice. Accordingly, for example the Finnish discussion among constitutional lawyers has generated a proposal (by Professor Emeritus Kauko Sipponen) that the traditional three estates (legislative, executive and judiciary) be complemented by such contemporary forces as trade unions, market forces – and the mass media.

This view is strongly supported by public opinion polls at least in Finland: media is on the top of the list of institutions which are considered to have too much power or influence in society. Two thirds of Finns (67 %) think today that the media have become too powerful, while one third (31 %) feel that media power is within proper limits (1 % says they have too little power). Next to media in the list are the European Union, market forces, big corporations, banks, and political parties (in this order). Half of Finns say that political parties have too much power; 45 % think that their power is adequate, and 5 % respond the view that parties have too little power. At the other end of a 22-point list of various institutions is the ordinary citizen: 77 % think he/she has too little power, 22 % feel that ordinary people have enough power, while mere 1 % responds here with the alternative 'too much power'. (See <http://www.eva.fi>)

Accordingly, media and ordinary citizens are far apart from each other in the public mind — obviously not only in Finland but generally in (post)modern societies. No wonder, then, that media consumers' associations have gained momentum in several European countries (see Cees Hamelink's article in Nordenstreng 1995c). Also, at the worldwide level, there is an emerging movement around various forms of empowering people in relation to media — beginning with alternative videos and media education, and ending at projects such as 'Cultural Environment Movement' (CEM) and 'Peoples' Communication Charter' (PCC).

For self-regulation this means that the main function shifts from protecting media professionals to ordinary citizens. This does not mean that the idea of media self-regulation is diluted. On the contrary, taking a little bit distance to the media themselves and taking the role of the audience and citizen more seriously turns self-regulation closer to what it is supposed to be in the theories of democracy.

Actually self-regulation can and should be justified not just on the basis of defensive strategies by the media but first and foremost seen through the public interest — ultimately as an innovative approach to democracy. I have suggested to see the rationale as a four-step logic:

- *media are influential (operating and perceived as powerful socio-political institution)*
- *media are free (autonomy guaranteed by national and international law)*
- *media are accountable (responsibility determined by social relations and legal provisions)*
- *accountability of free media is best materialized by proactive self-regulation*

This logic was articulated with a view to new forms of self-regulation: media criticism based on systematic monitoring of media performance (Nordenstreng & Griffin 1999). But it fits equally well to the old ways of media self-regulation:

councils and codes. Given the ever more vital role played by the media — including the so-called new media — in the emerging information society, it is a great challenge for both media professionals, media academics as well as media politicians to promote self-regulation.

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IV. Our Work, what we have done

Reports and Interventions

I remember the Third Basket of Helsinki, which for us was the decisive argument in our debate on freedom. For me, the Helsinki Conference is a symbol of the presence of human rights in international politics.

Adam Michnik, Polish journalist, in his speech after receiving the first OSCE Prize for Journalism and Democracy in Stockholm in 1996.

Decision No. 193

Mandate of the OSCE Representation on Freedom of the Media

PC.DEC No. 193
Organization for Security and Co-operation in Europe
5 November 1997

137th Plenary Meeting
PC Journal No. 137, Agenda item 1

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

2. Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, inter alia, obstruction of media activities and unfavourable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

3. The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

4. The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudge national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

5. The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

6. The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

7. The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

8. The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

9. The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

10. The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

11. The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

12. The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

13. The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

14. The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations

PC.DEC/193
5 November 1997
Annex

By the delegation of France:

“The following Member States of the Council of Europe reaffirm their commitment to the provisions relating to freedom of expression, including the freedom of the media, in the European Convention on Human Rights, to which they are all contracting parties.

In their view, the OSCE Representative on Freedom of the Media should also be guided by these provisions in the fulfilment of his/her mandate.

Our countries invite all other parties to the European Convention on Human Rights to subscribe to this statement.

Albania	Latvia
Germany	Liechtenstein
Austria	Lithuania
Belgium	Luxembourg
Bulgaria	Malta
Cyprus	Moldova
Denmark	Norway
Spain	Netherlands
Estonia	Poland
Finland	Portugal
France	Romania
United Kingdom	Slovak Republic
Greece	Slovenia
Hungary	Sweden
Ireland	Czech Republic
Italy	Turkey

Freimut Duve

After having been elected

18 December 1997

Freedom and responsibility - these are for me the two guiding concepts underlying this new office. Responsibility and freedom have always been the twin pillars of the Helsinki process, without which the Berlin Wall and the Iron Curtain might still be in existence.

I thank you all for entrusting me with this mandate.

This is a mandate borne by all the participating States of the OSCE. Here we have a reaffirmation of the fact that the OSCE regards itself as a family of democracies that, today more than ever, nearly a decade after the end of communism, takes seriously the commitment to democracy inherent in the Helsinki process.

For me personally this is an emotional moment. And I cannot help but remember some of the distinguished persons whom I have had the honour to know personally: Willy Brandt and his partners in the East and West, without whose Ostpolitik the CSCE process would not have come about; Mario Soares, the first President of the Portuguese democracy after years spent in exile; Vaclav Havel, the first President of the Czech Republic after years of imprisonment.

I learned a great deal from the last two of these men — Mario Soares and Vaclav Havel — and as a producer of books I published their writings on freedom in Germany at a time when Soares was still in exile and Havel still behind bars.

Ladies and gentlemen,

With the help of all of you I should like, in a small way, to contribute to ensuring that whoever today or at any time in the future wishes to assume responsibility for liberal democracy in his country will be able to commit to writing and publish his thoughts in his own land, and that no one will be forced into exile or into prison for so doing.

I should also like to thank High Commissioner Max van der Stoep. His successful work has set an example for me.

To the outgoing Chairman, Danish Foreign Minister Niels Helveg Petersen, I wish to express my deep gratitude for the enormous work that he and his colleagues, in close co-operation with the Vienna OSCE Missions, have carried out for the establishment of this office. All of these persons deserve not only my thanks but those of the many political commentators and journalists who are working for the cause of freedom of speech.

Finally I should like to thank Foreign Minister Kinkel and his staff, who have toiled with such devotion and commitment for the establishment of this office.

I look forward with confidence to good co-operation with the new Chairman-in-Office, my friend of many years, Bronislaw Geremek, as well as with Ambassador Stoudmann in Warsaw, the Secretariat in Vienna, and the OSCE Parliamentary Assembly, which with the assumption of my office I am leaving as a member but with which as Media Representative I shall be working closely. The Bureau of the Assembly has always paid particular attention to the importance of the human dimension. In this connection, I am certain that the OSCE Prize for Journalism and Democracy will become increasingly important in the future.

This is not only an assignment to promote co-operation but, at the same time, an assignment to develop an awareness of the long and painful history of freedom of speech in all our States.

The fact that the OSCE numbers Canada and the United States among its most committed members is a historical stroke of luck for this Organization, for without the splendid traditions of freedom represented by these two great American nations the situation in Europe would look quite different as this century draws to a close.

In my own country, Germany, this century has seen free speech radically suppressed by two dictatorships. Your willingness today, two years before the end of this century, to entrust a German with this office fills me with profound gratitude and modest pride.

First Report to the Permanent Council

15 January 1998

It is an honour for me to be invited today by the Chairman-in-Office to take the floor in the Permanent Council and to give you some first ideas and information on this new field in which we will work together after my appointment in Copenhagen..

Since the office of the OSCE Media Representative is at this moment still in statu nascendi, let me now first outline the basic principles of our future work and then give an overview of the very practical steps within the next three months.

When, at the end of last year, the OSCE Member States adopted by consensus the mandate of the Representative on Freedom of the Media, it was an important step towards the implementation of the basic elements of our common values and democratic convictions.

We are the first international organization that has decided to have a new political institution to help to bring to reality what our basic documents say in writing: to guarantee the freedom of the media. A similar and very successful step had been taken with the appointment of the High Commissioner on National Minorities who works on the difficult task of reducing conflicts which may arise from minority and ethnic problems. Now the OSCE member states have appointed an ombudsperson who has the task - which will not be an easy one either - of looking into the difference that might occur between our written convictions on freedom of the media and the day-to-day reality.

The Copenhagen decision of the December 19, 1997 strengthened our main common conviction: yes, the OSCE members are and will remain a family of democracies.

Any democratic society requires the respect of free, independent and pluralistic media. The OSCE members have reaffirmed this time and again, and they have consequently established the Office of the Representative on Freedom of the Media. This Office shall serve as an instrument to enhance the effectiveness of relevant OSCE action and to assist Participating States in implementing OSCE commitments.

Any democracy needs freedom of expression for two reasons: the first is the great tradition of the struggle for human rights in which we all believe. The second reason is: we all have experienced what happens to societies and economies that do not allow for the necessary corrective function of public criticism.

As I have already pointed out in Copenhagen, freedom and responsibility of the individual and of the media belong together as core elements of the man-

date. When we take a closer look at the mandate, we become aware of its complexity. The mandate lists a number of tasks such as the observation of the situation of the media with regard to worrying developments, rapid response to serious non-compliance with OSCE commitments, broad contacts with Participating States and interested parties. Apart from that, the mandate does not exclude the possibility of dealing with individual cases in a non-judicial way.

The early warning function which the OSCE Representative will assume according to the mandate deserves special attention, as the Chairman in Office pointed out.

My Office may be approached for action by Participating States or by interested parties including NGOs. It may also take initiatives in co-ordination with the Chairman-in-Office and with other OSCE institutions. Let me reflect at this stage on the OSCE working conditions and working methods which will also apply to the Office of the Media Representative.

On the one hand, commitments in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all member states and do not belong exclusively to the internal affairs of the state concerned. This is common ground since the Helsinki Summit 1992 that allows for OSCE action in the comprehensive concept of security.

On the other hand, OSCE action is submitted to the overall principle of co-operation and consensus. Therefore, the OSCE will only be as efficient, as the member states want the Organization to be.

My Office will privilege the idea of assistance in the promotion of OSCE commitments. It should be as transparent as possible for all member states.

Acting in the aforementioned sense, requires broad information from various sources. I am convinced that the media themselves as well as relevant NGOs will not hesitate to provide the Office with information. But I would also like to encourage the member states to provide the Office with information about the media situation in their countries.

It goes without saying that we will establish close working relations with OSCE institutions, with the ODIHR, the High Commissioner for National Minorities and the OSCE missions in order to exchange information on relevant matters and to co-ordinate our work.

The Office will also be in regular contact with other international organizations, such as the U.N. and the

Council of Europe, in order to draw upon their already existing expertise in the field of freedom of expression and free media. We shall try to avoid duplication of work. I therefore hope that my office can

also serve as a "clearing body" for the work which is done on media matters within the OSCE family.

I shall attend the tripartite meeting of the OSCE, the U.N., and the Council of Europe which will be held in Geneva on January 23.

I am now getting into the Office's programme until the end of March.

A first and basic practical priority for us is to become operational by the beginning of February. In this respect, I should like to express my thanks to the Government of Austria, our host country, who once again was most generous in making already available a beautiful, but provisional office space on the top floor of the Krtnergasse. The OSCE secretariat has already given kind support for the necessary practical and administrative arrangements. The office needs to be equipped with furniture, computers etc.

As to the staff, I should like to inform you that two advisors will be seconded before long by Germany and by the United States of America, to take the two P5 positions foreseen in the budget. My German advisor will be Dr. Beate Maeder-Metcalf and my US-American advisor Stanley Schragar.

The budget further provides for a secretary and a P4 officer who both can be employed as of the beginning of April. The respective vacancy notes will be issued shortly.

During this starting phase of the office, it is also my intention to contact your delegations in Vienna. I am convinced that advantage should be taken of the Office's location here in Vienna for good co-operation with all delegations. Please do not hesitate either to raise issues with the Office during the starting phase.

Out of Vienna and after my visit to the Chairman-in -Office in Warsaw yesterday, I am planning visits, until the end of March, to the United Kingdom as the EU Presidency, to the U.S., to Russia, to Canada, to Italy and to Portugal and to the Council of Europe.

Let me say at this stage a word on my personal commitments, especially those towards Parliament of which I have been a member since 1980. I shall for the time being remain a member of the Bundestag. However, following my appointment as OSCE Representative on Freedom of the Media in December, I have resigned from all direct political functions in Parliament. This means that my main place of work will be my office in Vienna.

Second Report to the Permanent Council

23 April 1998

It is my pleasure today to give you the first progress report on the work of my Office. Consistent with my mandate, I look forward to using the opportunity to meet with you on a quarterly basis as suggested by the Chairman-in-office, Foreign Minister Geremek.

Let me start with some personal and positive observations: After having discussed the situation of freedom of the media and journalism with NGO's which work on a global level, I do find that harassment and imprisonment of journalists as a day-to-day problem is a less common occurrence to the OSCE family than in other regions of the world. I am pleased that the OAS informed me on my recent trip to Washington that it has now established a special rapporteur on freedom of the media. Other positive signals recently came from Croatian acquittance of the former editor-in-chief of "Globus" on charges of criminal defamation. Also I find promising the recent request of Bulgarian President Stoyanov to the legislature to halt criminal prosecution of journalists in the courts. These two incidents demonstrate that OSCE family members come closer, in principle, to sharing the same basic commitments to freedom and democracy.

On the other hand, as a former journalist, I want to ring an alarm bell about a severe problem for which governments may not necessarily be responsible and to which it will not be easy to find an answer: I refer to the murder of a practicing journalist, wherever it occurs, for something he has written. This is the most brutal form of censorship : it is censorship by killing.

When I addressed you for the first time in the PC, January 15, I set out our programme until the end of March. Our emphasis at that time was on establishing the Office and making it operational which included recruiting personnel and installing hardware. This objective has been achieved with your cooperation, for which I should like to thank you.

According to my mandate we then gave priority to setting up working relations with OSCE member States, within the OSCE system and with relevant international organizations such as the Council of Europe, with NGO's and with media.

As to OSCE member States, we have started building up contacts with the support of your delegations here by also visiting several capitals. During these visits I have made it a point and I shall continue to do so - of meeting with the "constituencies" quoted in my mandate: firstly with governments, but also with media and journalists, and with NGO'S. To these, I add national parliaments.

As a former Chairman of the third Committee of the Parliamentary Assembly I recognize the importance of the fact that a number of countries are in the process of drafting legislation on media laws.

Thus, visits have been paid by my Office since early March - in the following chronological order - to the UK as the EU Presidency, to France, to Albania, to the U.S., to the Russian Federation and to the former Yugoslav Republic of Macedonia.

Let me give you some examples of the kind of work we are already engaged in: In Albania we opened a Seminar on Media, March 13, sponsored by the Albanian Media Institute and the OSCE Presence in Tirana. April 3, the Office took part in the target oriented meeting concerning Albania organized by the Council of Europe in Strasbourg. With the support of the OSCE Mission in Skopje I visited the former Yugoslav Republic of Macedonia last week. I met with the Prime Minister and other Cabinet members, leaders in the media industry and groups of journalists. I intend to inform the Government of my conclusions and recommendations in the very near future.

One outcome of my talks in Washington and in European capitals was the constant reference to different cultural and historical interpretations of the limits to freedom of the media or the relationship between freedom and responsibility. I received great support when I suggested a Transatlantic discussion on this subject.

Contacts with OSCE member States further included letters which I have addressed to several Foreign Ministries on urgent issues which have been brought to my attention. We have received some replies and anticipate others in the near future. I shall inform the Council about relevant developments in due time.

Let me now briefly mention the setting up of working relations within the OSCE system. In February, the OSCE missions and representations were kindly asked by the Secretary General to include in their reporting, in accordance with their mandates, information about media related issues. In fact, we have been in touch with several missions who were most helpful in providing advice and support for visits.

Furthermore, we established close cooperation with the Office for Democratic Institutions and Human Rights. We agreed that the ODIHR will continue to work on media issues in the context of its election monitoring activities, while my Office will look into individual cases and into structural issues which limit the activities of a free and independent media.

On March 3, we paid a day's visit to the Council of Europe in Strasbourg in order to create working relations at the various levels with this oldest European organization which has great expertise in media issues, especially in the legal and the technical field. We appreciate the readiness of the Council of Europe to provide us with their expertise, as it might be appropriate in our work, and

keep us informed about their activities in various countries. This will provide us a means to avoid duplication of effort.

Non governmental organizations active in the field of press freedom have expressed great interest in our Office's work. We are already in contact with more than 30 organizations which will constitute a valuable source of information for our Office. We are planning a meeting May 20, organized by the OSCE Troika, to further develop the relationship of NGO's and our new Office.

The preliminary conclusions I draw from admittedly only three months of work is that there is a broad acceptance of the Office's mandate. It appears to me that the very existence of., this new office has already produced, on the part of some governments, the political awareness of the need to deal cautiously and carefully with the media. The work of our Office needs to be focused on the concepts of cooperation and, when required, of assistance without displaying a kind of missionary spirit, but rather based on a deliberate assessment of how we can improve the media situation in a particular country.

While my Office works on issues which are of concern to all OSCE member States, the very political nature of this office does not favour the long-term listing of activities. We may have to act as an immediate fire-brigade and to be available on short notice.

This is where we are at the present time.

Let me now say a few words about our future activities:

Regarding the OSCE's focus on Central Asia this year, my Office is considering ways and means of approaching issues of free media and freedom of opinion in this OSCE region during in the second half of this year. A joint mission with ODIHR during this autumn is envisaged. Several Central Asian Delegations here in Vienna have already approached my Office offering information about the media situation in their countries. We have exchanged views with the head of the OSCE Liaison Office in Central Asia and look forward to future collaboration in the interests of this organization.

All States of the former Yugoslavia deserve our special attention. The OSCE mission in Sarajevo is actively involved in programmes to assist the establishment of independent media in that region. I plan a

visit to organize a round table later this year with the different agencies already supporting these programmes. As to the envisaged mission of the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, I have transmitted our thoughts on relevant media issues, March 12, to Foreign Minister Geremek.

My Office will also continue to be in close contact with the "Royaumont Process" for Stability and Good Neighbourliness in South Eastern Europe which produced at its recent follow-up meeting in Athens constructive proposals for media action in the region.

Next week I shall visit Belarus on the occasion of the Seminar on “Structures of pluralistic democracies” organized by the OSCE Advisory and Monitoring Group, April 28-30. This will be also an opportunity to raise a number of issues with official Belarussian personalities, institutions and NGO’S. The delegation of Belarus has offered its support for the visit.

A seminar on media in Zagreb is currently prepared with the OSCE Mission to Croatia for the end of May. We will take into account the recent recommendations of the Council of Europe on the draft laws on radio and television and telecommunications. We would hope that our participation will encourage the Government to move toward meeting its commitments to alleviate some of the problems in the past and promote a more independent media environment.

Upon an official invitation from the Turkish Government, I intend to visit, Turkey, 25 -28 May. This visit will include talks with the Turkish Government in Ankara, with NGO’s and media probably in Istanbul.

Short calls during May will take Place in Rome (12-13 May) and in Bratislava (20 May) where I presently intend to give a lecture upon the invitation of a private foundation.

To conclude, I would like to take this opportunity to thank all of you in this room for your cooperation in this pioneering effort. I or a member of my staff are always available to provide any additional information you might desire.

Third Report to the Permanent Council

16 July, 1998

I am pleased to report to you about our work over the past three months and I look forward to our ensuing discussion.

Let me start by emphasizing the full support which my Office received from the Parliamentary Assembly of the OSCE in Copenhagen last week. I was grateful that all 54 delegations agreed to the report by the Third Committee to support the work of my Office. I appreciate this unanimous expression of interest in our work by the representative members of parliaments of our organization.

Let me now briefly review our most recent activities:

Since April, we have paid particular attention to the media situation in Belarus. I took part in a seminar of the OSCE Advisory and Monitoring Group at the end of April in Minsk and met Foreign Minister Antonovitch. You are aware of the very detailed way in which he answered my enquiry raising specific concerns related to journalists and to freedom of media in Belarus. Therefore, I hope that there is a basis for future cooperation. On the other hand, the commitment to freedom of expression and free media and the implementation of these principles by the authorities continue to be deficient in practice.

Re-establishing the “free debate without fear” in Belarus, as the OSCE Advisory and Monitoring Group rightly defined it, remains an essential need. President Lukaschenko himself had endorsed this objective earlier this year, but recently he introduced legal amendments, including criminal penalties for defamation of the President and increased fines for action directed against his dignity and honour. I urge the Government to withdraw these amendments.

As to the Slovak Republic, I have been concerned, since March, about the media related issues of the amended electoral law. I recall that this law, as it is now, could deprive private electronic and local media of the right to cover the election campaign for the parliamentary elections in September. On this issue, the Director of the ODIHR and I submitted some suggestions to the Government in early May, which were not taken into account. Recently adopted recommendations by the Slovak Council for Radio and Television Broadcasting could be considered as a step towards further clarification of the role of the electronic media. Therefore, the Director of the ODIHR and I, addressed another letter to the Government, earlier this week, asking for a more specific definition of the status and of the key terms of these recommendations. We hope to receive a reply in the near future.

My recent visit to Croatia, where I participated in a seminar hosted by the OSCE Mission in Zagreb, gave me additional insight into a more complicated media environment. I have identified three major issues which we will, over time,

concentrate on, all of which hamper, to some degree or another, the development of free and independent media. I refer here to a distribution system described as having close links to the Government side; to numerous legal suits filed by government officials and others against the media under criminal libel and defamation statutes; and, specifically, to the difficulty for Croatia's independent electronic media to compete with State-owned Croatian Radio and Television. We will remain engaged with Croatia on an ongoing basis to deal with these and other issues restricting the development of free and independent media.

Let me finally refer to our visit to Turkey at the invitation of the Turkish Government. I met and spoke with a cross-section of Cabinet members and other Government officials, with NGOs, with journalists and parliamentarians, and I am grateful for the co-operation of the Turkish Government in facilitating all these sessions. Turkish officials noted during my talks that it is the intention of the Government to "broaden" the existing freedom of expression by a draft bill containing, *inter alia*, narrower definitions of what is not permitted under the Penal Code and the Anti-Terror law. I visited the human rights leader, Akim Birdal, then still in serious condition in the hospital after an assassination attempt. In Istanbul, I made it a point to visit the family of Metin Göktepe, a photographer killed by local policemen in 1996. Those policemen found guilty of this murder have been sentenced to prison. While recognizing the existence of independent and pluralistic media in Turkey, I am concerned about amendments to the Radio and Television Law of 1994 which would lift restrictions on cross-ownership by large media companies of public utilities and remove regulations preventing so far the monopolization of the media. Members of the Turkish Parliament have informed me that there is considerable opposition to let these amendments pass.

Let me draw at this stage some preliminary conclusions:

My visits thus far, have confirmed the validity of the concept we have developed of the "four constituencies": governments, parliaments, NGOs, and the media themselves.

This has given us a useful cross-section of views on media issues, and has provided the balance needed to effectively evaluate the media situation in a given country. In most of the countries visited there was public interest in my work, both in print media and in TV. I will look for ways to even increase the public interest in our work by arranging press conferences and appearances in the particular country I am visiting.

I continue to correspond with Foreign Ministers when problems of freedom of the media come to my attention. In general, this working method has proved to lead us on the right path of cooperation. We are satisfied with the fact that we receive very thorough and serious answers to our questions. Obviously, this is only one of the steps to achieve changes, if necessary, but the readiness of a government to cooperate with my Office shows the growing awareness of the

positive role which the OSCE is able to assume in the central field of civility and democracy. In order to keep this Council informed, we occasionally circulate my letters and the responses, as has been the case recently with Albania, Belarus, and Azerbaijan.

Before the parliamentary elections in Ukraine in March, I also raised some concerns in writing to the Foreign Minister. Since then, these concerns have not diminished. I hope to receive a reply shortly.

While these exchanges of letters have been useful, and my visits have highlighted my concerns, I will consider sending an advisor to a given country to undertake information-gathering and assessment. This will be an additional and useful step when we believe that an on-the-ground evaluation would help us to take further action as warranted. This is consistent with the general understanding, emphasized by the Chairman-in-Office of the OSCE, Minister Gerek, that my Office, as well as the other OSCE institutions, has an early-warning function in heading off a situation before the media become increasingly threatened. Furthermore, such on-the-ground evaluations will also enable us to play a positive role in encouraging and assisting governments to secure free and independent media environments.

As to the Permanent Council, I shall not limit my interventions to quarterly reports like the one you are hearing right now, but also raise here specific concerns in accordance with the early warning function of my Office.

Let me add some remarks about the cooperation between our Office and the NGO's. In May, I had the pleasure to attend a conference sponsored by the Norwegian Delegation which gathered nearly fifteen NGOs. We are following up on some of the more productive suggestions resulting from this meeting. Generally, we intend to present our mandate and our work as widely as possible. I personally try to be present at major conferences of organizations such as the PEN association of writers in order to make this OSCE Office known also to the cultural world. So do my advisors.

I would like to address our future plans for this autumn. These plans include visits to Bosnia and Herzegovina and to Central Asia.

As to Bosnia and Herzegovina, where media issues have been dealt with in great detail by a number of institutions and agencies, I have agreed with the OSCE Mission to organize, after the elections, a round table discussion with agencies and other interested parties to assess recent achievements and shortcomings.

Another new field of action will be Central Asia, in accordance with the OSCE's priority given to this region this year in terms of preventive diplomacy and conflict prevention.

I am planning to visit the countries of the area after due preparation. We shall co-ordinate the timing with ODIHR and the OSCE Liaison Office. As I pointed out when we had our meeting here with the Mediterranean Partners

for Cooperation, I intend to stress in Central Asia the challenge for democracy of the role of religion and the necessity of freedom.

As part of our ongoing and increasingly productive collaboration with NGOs, I am pleased that the International Press Institute, a major media NGO based here in Vienna, is preparing media seminars in Bulgaria and Romania during this autumn. Our Office will participate.

These are activities on which we are able to focus already now. I am sure that the review of activities at the end of this year will include additional ones which - due to the mere nature of our work and of our mandate - cannot be planned nor entirely predicted.

I shall conclude this report with some final observations:

As I have stated earlier on, I remain concerned by a form of censorship which I call the indirect structural repression against freedom of the media. I am referring to the efforts of certain governments to hinder the growth of independent and free media through political use of frequency allocation, for example, or excessive fees for licenses. It includes more subtle forms of leverage such as the ongoing government control of the distribution system, or the control of newsprint. It includes other disincentives, economic or otherwise, that make the development of independent and free media more difficult.

I have already mentioned here my concern with "censorship by killing," the ultimate act of taking the life of a person because of what he or she has written or was about to publish. While the overall number of killed journalists seems to decline according to reliable NGO sources, I keep on receiving information about such cases. "Killing the messenger," as the "Economist" called it, means often eliminating those "who are witnesses to violence and corruption in places where the law offers little or no protection. If these professional messengers quail, many other people will suffer." The least I can do at the moment is to appeal to the respective Governments to do their utmost to ensure legal persecution, but I shall go on to seek ways and means to address this issue. In the recent case of a brutal killing in Kalmykia, the Russian authorities took legal action against those suspected of the crime with admirable speed.

It has been a very challenging first five months. I believe we have accomplished some things, but much remains to be done. I look forward to working with this Council in the future in order to promote media freedom throughout the OSCE region.

Fourth Report to the Permanent Council

19 November 1998

The four months which have passed since my last comprehensive report to you here in the Permanent Council have been increasingly busy for my Office. I believe that the weeks ahead, particularly before the Ministerial Council in Oslo, will be similar for all of us.

I shall focus in this report now on our main concerns and activities over the past four months. A broader overview of our activities until end of October has already been circulated to you in the "Items of interest" of 20 October.

Our main focus throughout the past months was on the media situation in the Federal Republic of Yugoslavia (FRY).

Since August, after receiving complaints about the denial of visas to a number of journalists of various nationalities, I have urged the Government in several letters to provide immediate and unimpeded access for national and international media to Kosovo. The FRY authorities also refused to issue visas to international participants of the Conference on Independent Broadcasting sponsored by the Council of Europe and organised by the Belgrade-based Association of Independent Electronic Media (ANEM). As a result, the conference initially scheduled for 2-3 October was postponed.

During August and September I had repeatedly offered to have talks with the Belgrade government on these media related issues. However, the FRY Ambassador in Vienna rejected a visit to Belgrade in a letter dated 4 September for reasons dealing with the suspended membership of FRY in the OSCE.

As you all know, the Government of FRY continues to inflict more and more restrictions on free and independent media in the country as a result of the escalation of the conflict in Kosovo. I have therefore issued a number of statements in October concerning the banning of independent radio stations and newspapers and of the re-broadcasting of foreign radio programmes.

I have also criticised the adoption by the Serbian Parliament of the Law on Public Information on 20 October, 4 days after the signing of the Agreement on the establishment of the Kosovo Verification Mission by the Chairman-in-Office of the OSCE, Minister Geremek, and Yugoslav Foreign Minister Jovanovic. This Law institutionalises the banning of foreign programmes, levies exuberant fees on offending media with a 24-hour deadline in which to pay and gives the authorities numerous powers to curtail free media.

After the new Law went into effect, the Serbian Government started prosecuting the owner and editor of the news magazine *Evropljanin*. *Nasa Borba* has decided not to publish while the Law was in effect. To by-pass the Law, a

number of media outlets registered their subsidiaries in Montenegro. I have met in Budapest with Serbian journalists and politicians who have voted against the Law on Public Information in the Serbian Parliament. The journalists stressed that the new steps against free and pluralistic media have led to virtual ignorance on the part of most citizens in Serbia of the actual state of affairs in Kosovo and with the role of international organisations.

In my view, this Law is the biggest setback to free media in Serbia and, therefore, also to any lasting peace in the region. It was widely condemned by the international community including by the Chairman-in-Office of this Organisation. I have asked the Council of Europe to provide my Office with a detailed legal expertise on this Law. FRY has, as you know, applied for membership in the Council of Europe. The expertise will be made available to you before the end of November.

My Office has also prepared a report on the current situation of the media in FRY, as suggested during a debate in this Council on 27 August. It will be circulated to all delegations today and we are looking forward to your comments.

This report contains of recommendations which I would like to sum up here as follows: ensuring free, independent and pluralistic media - an OSCE commitment essential to any democratic society - should be one of the top priorities during discussions with the FRY and Serbian authorities. Any decisions on full membership of FRY in international organisations should also depend on concrete achievements in this respect. The current attitude of the Government in FRY in this respect is offensive to the OSCE and to its political objectives.

Considering the conflict in Kosovo, any lasting peaceful settlement of this conflict is only conceivable, if there will be also an open and public debate within FRY about this issue. Such a debate requires, however, free and independent media. It goes without saying that equal access of journalists to Kosovo must be ensured in the current efforts of the OSCE to contribute to a peaceful settlement of the conflict.

A number of critical references on the media situation in Ukraine mentioned in the ODIHR report on Parliamentary Elections in March 1998 and highlighted in international media reports as well as our own letters to the Ukrainian Government have led my Office to undertake an assessment in Kiev. Talks there were held with government officials, newspapers and television editors of different political affiliations. The OSCE Mission was very helpful in preparing the programme. This visit has confirmed the existence of widespread complaints about the relevant legal framework and about the implementation of laws considered to be arbitrary. The Government seems to be aware of this situation. To give you an example: both Government officials and journalists referred to the problem of unlimited fines demanded and paid in libel suits. This has obviously turned out to be a rather efficient legal and economic means of

bankrupting outlets, especially in the currently difficult economic situation.

I have raised these and other concerns in a meeting with the Ukrainian Foreign Minister Tarasyuk on 16 October. Minister Tarasyuk expressed his readiness to co-operate with my Office on media related issues, especially before the Presidential Elections scheduled for October 1999. Following up on this, it is my intention to visit Ukraine early next year.

I continue to be concerned about media issues in Belarus. Recently, I have addressed a letter to Foreign Minister Antonovich about new provisions for obtaining a license needed for disseminating legal information, as of 1 December. I also expressed my hope that the competent authorities will ensure a rapid enquiry into the robbery of equipment from the offices of "Naviny" on 31 October.

On the other hand, I am pleased that the tripartite working group on freedom of the press might be established in Minsk by the OSCE Assistance and Monitoring Group in order to discuss complaints by the press and by journalists against censorship. The Chairman of the State Committee for Press accepted to co-operate with this tripartite group. I hope that this joint effort to secure conditions for media freedom in Belarus will be most successful.

Let me at this stage also appeal to the Belarus authorities to lift the year-long travel restriction placed on the journalist Pavel Sheremet in order to enable him to receive the 1998 International Press Freedom Award. This award will be presented to him by the Committee to Protect Journalists next week in New York.

I would also like to draw your attention to the media situation in Croatia. One of the most central and urgent issues concerning media reform is the transformation of Croatian Radio-Television (HRT) from a state broadcaster into a public service one. For the past six months, the OSCE Mission to the Republic of Croatia in close co-operation with the Council of Europe has outlined a number of concrete suggestions that would have ensured the transformation of HRT into a public broadcaster. I have supported this action. However, most of these suggestions have been ignored and on 23 October the HRT Law was adopted in Parliament by majority vote. My Office intends to follow up on this and on some other issues together with the OSCE Mission.

My Office has begun to focus on Central Asian Member States. Relevant delegations here in Vienna as well as the OSCE Liaison Office in Tashkent have been most helpful in organising programmes for several visits. One of my advisors has just recently returned from a visit to Bishkek. We are compiling a fuller report of the visit, and will follow up with as appropriate with Government of Kyrgyzstan officials. Our preliminary impressions are quite positive regarding the Bishkek government's commitment to a free and independent media. We are impressed by the recent legal safeguards that the President has put in place and by recent court decisions firmly upholding the freedom and independence of the media. We believe that if Kyrgyzstan continues along this path, it can

serve as a model for similar countries in their transition to democracy. We are particularly struck by a recent comment by the Kyrgyzstan President to the media emphasising his appreciation for the media's efforts to undercover corruption which has enabled him to act more forcefully against corruption. I often speak of the "corrective function" of the media; this is a perfect example.

An advisor from my Office participated in a seminar on Government-Media relations sponsored by the Council of Europe followed by roundtable meetings with Azerbaijan journalists from both the print and the electronic media. In spite of the considerable efforts of the Government to provide for freedom of speech, thought and information, there are two elements which strike us: recent beatings by the police of journalists covering demonstrations, and, on a more structural level, the near-total absence of independent television stations. We hope to work with Government of Azerbaijan officials to bring about an electronic media landscape which reflects Azerbaijan's commitment to promoting an independent media environment. I intend to accept the invitation of the Foreign Minister of Azerbaijan to visit his country in the near future.

After the new Government of the Slovak Republic has been formed, I intend to resume dialogue with Foreign Minister Kukan on some of our previous concerns of which you are aware. It is my understanding that the Government will make new efforts to ensure compliance with OSCE commitments.

Let me address now some organisational issues concerning our work:

The staffing of my Office has been completed with Alexander Ivanko joining us in October. Mr. Ivanko was formerly spokesperson of the UN Mission in Bosnia and Herzegovina.

In addition to the small staff, two qualified interns have joined the Office for several months. They do research on specific issues and themes as required by our day-to-day work. This research becomes increasingly important.

I would like to inform you at this stage about another supportive element for our work: a small private Austrian association has been set up to support individual projects of our Office - such as hosting interns - by external means.

As to the flow of information from our Office to you and to a larger public, let me draw your attention to the OSCE home web page which contains since September an update of our reports, statements and press releases.

Having participated for the first time in the OSCE Human Dimension Implementation Meeting, I support the suggestion of one delegation that keynote speakers -including myself - lead off the debates on their respective clusters thus ensuring a coherent and intense exchange of views with delegations and non-governmental organisations.

My Office has focused in the past months on early warning activities as well as on rapid response to serious cases of non-compliance with OSCE commitments. These are the two core elements in my mandate which require differ-

ent forms of action ranging from diplomatic and discreet action on the one hand to public action on the other.

In spite of the temptation to take a longer view back on our first year, I will not pursue these reflections now but elaborate on them in an early report in 1999 which will look back on the activities of our first year and look forward to the thematic issues and projects we will deal with in 1999.

Current Situation of Media in the Federal Republic of Yugoslavia

Report to the Permanent Council

27. August 1998

Introduction.

1. The Constitution of the Federal Republic of Yugoslavia (FRY) guarantees the right of citizens to express and publish their opinions and freedom of the press. The Constitution explicitly prohibits censorship. Article 38 of the Constitution states that “No one may prevent the distribution of the press or dissemination of other publications unless it has been determined by a court decision that they call for the violent overthrow of the constitutional order or violation of the territorial integrity of the Federal Republic of Yugoslavia, violate the guaranteed rights and liberties of man and the citizen, or foment national, racial or religious intolerance and hatred.” Basically, the constitutional guarantees are in line with relevant CSCE/OSCE commitments.

2. The Helsinki Charter of 1975 that had been signed by Yugoslavia contains in its “third basket” commitments of all Participating States to free flow of information and to improvement of working conditions for journalists including their access to States. Although FRY’s membership in the OSCE is suspended, this basic commitment has never been revoked by the Belgrade authorities. Throughout this year, however, the authorities have ensured that the entry of various foreign journalists into the country was made almost impossible.

3. The current media landscape in FRY is quite diverse with hundreds of publications, radio and TV stations operating throughout the country. Most private stations broadcast without proper licences because of the arbitrary licensing system often used by the authorities to eliminate autonomous media. The only network that covers the whole country is Serbian State TV and Radio Network RTS. The independent print media does not play the same role as broadcast media in FRY because of the difficult economic situation and lack of funds on the part of most of the country’s population. Cases of overt censorship were until the recent escalation of the conflict in Kosovo relatively rare and often well-documented, however the situation deteriorated drastically in October.

Country Reports. *Dusan Reljic (Press Institute Dusseldorf: Republic of Yugoslavia), Mark Thompson (Oxford: Republic of Croatia), Alexis Martin (Bishkek: Kyrgyz Republic) contributed substantially to the country reports.*

4. In early October, along with the latest developments in Kosovo and then the establishment of the OSCE Kosovo Verification Mission (KVM), the Serbian authorities intensified their attack against the independent media that was trying to provide its readers, listeners and viewers with a more objective picture of the conflict in Kosovo. References to 'traitors' and the 'fifth column' have now become more common and part of the lexicon of senior government officials. Recently, the Serbian Minister of Information stated that the re-broadcasting of foreign-produced programmes was a "direct attack on the constitutional system and legal order of the country" and qualified such re-broadcasting as "espionage". On 8 October the Serbian authorities banned the re-broadcasting of programmes by Voice of America, Radio Free Europe, BBC and Deutsche Welle. Also in October, a APTV cameraman was beaten in Pristina by the police and a photographer physically evicted from a FRY Embassy in Europe while trying to obtain a visa.

5. The FRY authorities also refused to issue visas to international participants of the Conference on Independent Broadcasting sponsored by the Council of Europe and organised by the Belgrade-based Association of Independent Electronic Media (ANEM). As a result, the conference initially scheduled for 2-3 October was postponed.

6. The biggest setback to free media in Serbia was the adoption by the Serbian parliament of the Law on Public Information on 20 October. The Law was widely condemned by international officials including Polish Foreign Minister Bronislaw Geremek, the OSCE Chairman-in-Office. The Law institutionalised the banning of foreign programmes, levied exuberant fees on offending media with a 24-hour deadline in which to pay and gave the authorities numerous powers to curtail free media. Prior to the adoption of the Law, the Belgrade authorities used a government decree to close three prominent independent newspapers: *Danas*, *Nasa Borba* and *Dnevni Telegraph*. After the new Law went into effect, the Serbian Government started prosecuting the owner and editor of the news magazine *Evropljanin*. *Nasa Borba* has decided not to publish while the Law was in effect. To bypass the Law, a number of media outlets registered their subsidiaries in Montenegro.

7. One of the other problems facing the independent media in FRY is that often it is unable to disseminate its message beyond the major cities. While the average individual in Belgrade has the option of tuning in to a number of independent TV and radio stations, his fellow citizens in many other parts of the country are often restricted to viewing RTS, the official mouthpiece of President Milosevic. An estimated one-third of the population of Serbia only receives RTS. Lack of choice outside Belgrade and major cities substantially hinders the right of citizens to receive unbiased information.

Print Media. Newspapers and magazines may reflect a history of political and literary writing in Serbia but today they do not play the same role in FRY as the broadcast media. The sheer number of registered newspapers does not really provide an accurate picture of its impact on everyday life. According to the Deputy Minister of Information, almost 2,500 newspapers are registered in Serbia alone. However, experts point out that Serbia has one of the lowest rates of newspaper circulation in Europe. Like in some other East European countries, newspaper print runs are exaggerated for the "benefit" of advertisers. A diminishing middle class and poverty have put a serious dent in the newspaper business. In Belgrade, where the media scene is the most diverse, eleven daily newspapers and three magazines are available to the public. Numerous entertainment magazines are also sold.

Among the independent-minded publications, the newspapers *Nasa Borba*, *Danas* and *Dnevni Telegraph* and the magazine *Vreme* stand out. After the government took over the leading quality broadsheet *Borba* in 1994, most of its journalists participated in the founding of *Nasa Borba* and since day one it has been under constant pressure from the authorities. This August because of financial difficulties *Nasa Borba* temporarily seized publication. It has then re-launched but in October was closed down by the Belgrade authorities.

After the adoption of the Law on Public Information, the authorities started taking legal action against media deemed "offensive" to the current government. For example, on 8 November *Dnevni Telegraph*, recently re-opened after being closed down in October, was fined the equivalent of 120,000 USD by a local court for publishing an advertisement by a Belgrade University student group that called for the abolishment of the current government. The advertisement was ruled to be "inciting destruction of the constitutional order." Under the new Law, the publisher has only 24 hours to pay the fine. "This is a staged trial, a farce...what we are dealing with is a judicial outrage," the owner of *Dnevni Telegraph* told journalists after the court verdict.

The two main state-controlled newspapers, *Politika* and *Borba*, pledge allegiance to the government on a daily basis publishing information accordingly. The commentary is usually geared against the current "enemy" - be it the opposition, the independent media or the West. *Tanjug*, the state-run news agency, often provides information used by state-controlled newspapers. The two agencies that tend to take a more objective view of internal and external developments are *Beta* and *VIP*. Both are frequently quoted by the independent media.

The Yugoslav print media is in urgent need of a new legal framework that will protect journalists from government abuse and will allow them to objectively cover developments in its own country as well as throughout the world. Public and diplomatic pressure should continue to ensure the abolishment of the current Serbian Law on Public Information.

Broadcast Media. Approximately 400 public and private radio and television stations broadcast throughout FRY, although the exact number is almost impossible to verify. The financial state of many of these stations is very difficult with journalists being paid minuscule salaries. The situation among the government-controlled broadcasters is better, although the overall economic crisis has hit all enterprises, the media as well.

The only network that covers the whole country is the state-controlled RTS. The independent broadcast media is grouped around ANEM whose membership is close to forty stations. The Association's most well-known member is the independent radio-station B92, broadcasting out of Belgrade. According to ANEM's own estimates, its members cover more than two-thirds of the territory of Serbia with their daily news and current affairs programming. On 10 October ANEM started producing TV reports from Belgrade on the new Serbian Information Law. According to ANEM, these reports are currently the only independent source of information on the Law available outside Belgrade.

Because of a lack of a coherent legal framework, many private radio and TV stations broadcast without a licence making themselves prone to closures if the government deems their programming to be in contravention with its current policies. This already difficult situation was exacerbated by a public tender announced on 7 February this year by the government for radio and television stations to obtain temporary broadcast licences. The terms of this tender were vague and the criteria applied not clear. The results were announced on 16 May. 247 stations out of 425 applicants were granted licenses. The vast majority of independent radio and television stations that applied for licences were denied, while numerous stations with close business or political ties to the ruling Socialist Party were granted permission to broadcast. Radio B92 applied for four licenses and was granted only one. In contrast, all four members of the Milosevic family now control at least one media outlet. Initially, extremely high licensing fees were levied on those broadcasters that did receive a licence, later, however, the fees were reduced. Some examples suggest that the tender was politically biased:

- In Nova Sad, Radio 021, an ANEM affiliate, was refused both a radio and television license;
- In Pozarevac, Boom 93, another ANEM member, was denied a license, while Radio Fan, owned by Milosevic's son, Marko, had its application approved;
- In Kosovo, Radio 21 and Radio Koha, both independent broadcasters, failed to obtain their licenses.

The Government maintains that licenses were denied for technical reasons and that broadcasters can re-apply. However, no new licenses were further granted. On the contrary, a number of radio and TV stations were closed down:

Radio Kontakt in Pristina (1 July), Radio City in Nis (18 August), STV Negotin (17 September, the formal reason was a lack of a building permit for a new transmitter).

Although the country's Constitution guarantees freedom of the press, the absence of a coherent legal framework nullifies this constitutional right. Two federal laws, three Serbian laws and numerous government bodies at different levels regulate the media. Many of the currently applied rules and regulations are contradictory and make it virtually impossible for a broadcaster to comply with all of them. One example: the Yugoslav Ministry of Telecommunications requires applicants for a broadcast license to prove that the station has been registered as a media company at the Ministry of Information and at the appropriate commercial court. However, these documents cannot be obtained without first having a license from the Ministry of Telecommunications.

While independent broadcasters are in serious dire straits, RTS, the official State TV, is spewing out propaganda in the old communist traditions. "News stories" are often fabricated in line with the policies of President Milosevic. Historical references propagating the Serbian cause are in abundance. Student protesters are often referred to as "vandals" and Kosovo Albanians as "terrorists." Different groups are being targeted depending on the current political situation. The internal opposition, independent-minded journalists, most neighbouring countries and many Western nations have fallen pray to this tactic. In early October RTS singled out the independent media as the country's main "enemy." In a commentary broadcast on 4 October, RTS has gone as far as to equate independent reporting with "high treason."

The Government's direct control of the state media is clearly illustrated by the revolving door many individuals use between government posts and top jobs in the state-run radio or television. For example, the current RTS Technical Director was formerly the Director of the Federal Directorate for Transport and Communications (later renamed the Federal Ministry of Telecommunications.) This Directorate was responsible for the 1998 frequency tender.

In April 1998, RTS leased a frequency to a newly established Yugoslav-wide television station headed by Ljubisa Ristic from the Yugoslav United Left party (JUL). This party is run by President Milosevic's wife. Although the federal government denies any involvement, many media observers believe the station is secretly funded by taxpayers' money, and was intended to support Milosevic's favoured candidate, Momir Bulatovic, before the May 1998 elections in Montenegro. However, Radio Television Montenegro refuses to broadcast this station's programmes.

The Independent Media Commission (IMC), recently established in Bosnia and Herzegovina, has informed the public that it is presently investigating the re-broadcasting of RTS programmes from Belgrade through SRT, the state-run

television network in the Bosnian entity Republika Srpska, and through other stations to evaluate possible violations of the IMC's Code of Practice.

The established situation makes it difficult for independent broadcasters to survive long-term unless they are supported locally or internationally. Their financial well-being is near catastrophic and by utilising the licensing tender and exuberantly high fees basically any independent broadcaster can be forced out of business. The government-controlled media, on the other hand, has the needed financial and political support and can easily manipulate public opinion with impunity.

To insure the provisions of its own Constitution, the Yugoslav authorities must streamline the current legislation in broadcast media, making it more coherent and clear. Contradictory rules and regulations should be abolished and the implementation of the results of the tender frozen. Through close co-operation with independent broadcasters, especially those belonging to ANEM, a new legal framework should be established by the government that would encourage rather than discourage independent public and private broadcasters and protect their professional integrity.

Media Coverage in FRY of the Conflict in Kosovo. The latest escalation of the government attack against the independent media was as a direct result of the fighting in Kosovo. In October, the FRY authorities basically declared a state of war against media that tried to objectively cover the developments in that province. Among those targeted were local and foreign journalists. The methods are not in any way compatible with OSCE standards: journalists were harassed, sometimes beaten by security personnel, as mentioned above, re-broadcasting of foreign programmes was banned and many reporters working for reputed foreign media outlets were denied entry visas. The policy of denying visas continued in November. Newspapers were either closed or fined.

Senior government officials went on record denouncing those journalists who tried to cover the developments in Kosovo in a professional manner. Vojislav Seselj, the Serbian paramilitary leader and current Deputy Prime Minister of Serbia, in a number of interviews in October called the independent media "the American fifth column", "spies" helping Western countries' "anti-Serb efforts". In an interview with B92 he characterised that radio station as being "anti-Serb." Lawmaker Zeljko Simic accused journalists of high treason and of abating the Kosovo Albanians by reporting on the war in that province.

In October, the Serbian Ministry of Interior advised Vreme, a widely respected independent weekly magazine, to provide it with information regarding one of its journalists Dejan Anastasijevic. According to the magazine, this request was forwarded in less than 24 hours after the Serbian Minister of Information denounced Vreme and Mr. Anastasijevic at the Federal Assembly session for reporting on the massacre in Gornja Obrinja in Kosovo. Vreme considered this request to be part of a witch-hunt against the independent media.

On 27 October Freimut Duve, the OSCE Representative on Freedom of the Media, met in Budapest with journalists from Serbia/Vojvodina. Nenad Canak, the President of the League of Social-Democrats of Vojvodina, accompanied them. He and four other members of the Serbian Parliament had strongly criticised and then voted against the newly adopted Law on Public Information. The journalists and Mr. Canak underlined the repressive character of the Law. The journalists stressed that these new steps against free and pluralistic media has led to virtual ignorance on the part of most citizens in Serbia of the actual state of affairs in Kosovo and with the role of international organisations.

The threats of physical violence against journalists by Vojislav Seselj, the Deputy Prime Minister of Serbia, are at the extreme end of government harassment against the independent media. These threats have insured that there is almost no public debate concerning Kosovo and its future. In the view of many independent-minded journalists, this current situation is dangerous for their well-being and is extremely counterproductive to the political solution of the Kosovo crisis. The Government of Serbia should immediately distance itself from any threats of violence against journalists.

Serbian Parliament member Nenad Canak explained in detail the reasons for his opposition towards the Law and called upon the OSCE Representative on Freedom of the Media to use all possible means to ensure that this Law is revoked. He stressed that the opposition to this Law is very strong among the media community which will seek its own means to counter the effects of the Law.

RTS is seen to be among those instigating hatred through propaganda. On 8 October, this TV channel carried a programme referring to the bombing of Belgrade during World War II and to the Nato bombing campaign against the Bosnian Serb Army in 1995. The programme alleged that during the Second World War the Americans were bombing Belgrade targeting "maternity wards and kindergartens" and not Germans. "Did they really want to kill Germans, or were they actually trying to Kill Serbs," asked the presenter.

The "spin doctors" representing the Kosovo Albanians, and especially, the Kosovo Liberation Army have also taken on board some of the methods used by FRY state media. "Spin doctors" on both sides try to convince the news media to report on atrocities and massacres allegedly committed by the "other side." Numerous obstacles hamper the free collection of information in Kosovo and their fair presentation in the media. Local journalists risk their life if they attempt to enter the combat areas. They are threatened not only by the police and the army or the KLA gunmen, but also by armed civilians. In October two journalists, Nebojsa Radosevic and Vladimir Dobricic from the Yugoslav news agency Tanjug went missing. The KLA later informed the public that they both have been sentenced to two months imprisonment by a 'military court'.

Free journalism is especially important for an open debate on the future of

the country in which government critics are not labelled as traitors as they are now under the Serbian Law on Public Information. There will be no peaceful settlement in Kosovo without a public debate and it is imperative that a free media become the basis for such a debate. It goes without saying that equal access to all journalists, foreign and local, to Kosovo must be ensured in the current international efforts for a peaceful settlement of the conflict in Kosovo.

Observations and Recommendations. An open public debate to ensure the basic elements of a free democratic society is impossible without freedom of the media. This issue should be one of the top priorities during discussions with the FRY and Serbian authorities. Sanctions can not be eased and the government has little chance of re-entering the international organisations it is either suspended from or its application is on hold until it can prove its commitment to freedom of expression and free, independent and pluralistic media. Freedom of expression should be guaranteed to all media outlets throughout the country. The OSCE Representative on Freedom of the Media then recommends the following :

1. The Government of FRY should be encouraged to adopt a clear set of laws dealing with the media with an emphasis on the protection of the rights of journalists against censorship of any kind. The draft media law prepared in June 1998 by the Centre for Human Rights in Belgrade could be used as a basis for all further legislative actions. The current Serbian Law on Public Information should be abolished.

2. The Government of FRY should ensure that all programmes on state-controlled media instigating hatred cease immediately.

3. Radio and television stations that are currently broadcasting without a license should be allowed to continue until new laws are in place.

4. The 1998 frequency tender and its results should be revised with an eye on clarifying its rules and offering all applicants a fair chance in participating in the tender. Those whose applications were refused should be allowed to re-apply. Until then the implementation of the results of the tender should be frozen.

5. Any important decisions made by the Government concerning the media should be initially also discussed with those organisations that represent the independent media.

6. All bans on re-broadcasting of foreign programmes should be lifted immediately and all journalists applying for an entry visa to FRY provided with one in the shortest possible time. Unhindered access should be guaranteed for all journalists to areas of conflict, especially in Kosovo.

7. The international community should provide independent media in FRY with political, material and financial support. E.g.: Training programmes should be initiated for journalists from FRY, especially in advertising and marketing so as to allow the independent media to become self-sufficient in the future.

Report on media in Croatia

Report to the Permanent Council

11. March 1998

Introduction

1. Since becoming an independent state, Croatia has committed itself to establish and uphold democratic standards regarding the freedom of media, information and expression, and also regarding public service broadcasting. These standards are specified in international conventions and agreements which Croatia has signed. They are also partly reflected in domestic legislation.

2. Among relevant international conventions and agreements, mention should be made of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the Declaration on the Freedom of Expression and Information as adopted by the Committee of Ministers of the Council of Europe (April 1982), the Resolutions of the Fourth European Ministerial Conference on Mass Media Policy (December 1994), and Recommendation no. R of the Committee of Ministers of the Council of Europe on guaranteeing the independence of public service broadcasting (September 1996). The Dayton Peace Agreement (1995) also contains provisions that Croatia has, as a signatory and guarantor of the Agreement, accepted as commitments.

3. In view of these commitments, the Government has also undertaken to introduce specific reforms. Some of these are contained in Opinion no. 195 (1996) of the Parliamentary Assembly of the Council of Europe: “to implement the recommendations of Council of Europe experts on legislation relating to the media”, and “to comply, well before the next elections, with the recommendations made by the election observers of the Council of Europe and other international organisations [...] with regard to [...] the need to increase the independence of the state broadcasting corporation (HRT)”. In view of the above, the following recommendation by the OSCE/ODIHR Observation Mission to Croatia in June 1997 has the status of an obligation upon the Government: “The Croatian authorities should consider taking immediate steps to ensure that the governing board of HRT [i.e. the HRT Council] becomes a truly depoliticised and independent body, in order to prevent future abuses of access to the state media.” Much remains to be done if these commitments and obligations are to be fulfilled.

4. The period since 1997 has seen certain changes in the situation and performance of the mass media. These changes do not point in only one direction. For example, the volume of ‘hate speech’ in the main media has certainly reduced.

Yet, recent months have brought a resurgence of hate speech in the news programming of Croatia's most significant medium: the state-controlled broadcaster, Croatian Television (*Hrvatska televizija*, HTV, which forms part of Croatian Radio-Television, *Hrvatska radio-televizija*, HRT). Likewise, the reappearance of several 'banned' journalists on HTV is a positive development; yet some of these journalists' programmes have been subject to blatant political censorship. Another positive development was the appearance of a new, independently owned daily newspaper in April 1998; yet, at time of writing (March 1999), the difficulties facing independent newspapers – as also for independent broadcasters – are formidable.

Broadcasting: HTV.

5. HTV is the biggest and most influential mass medium in Croatia. Broadcasting on all three of Croatia's ITU-allotted television channels, HTV forms Croatia's only television network and the only television at the state (national) level. Surveys show that around half the adult population regularly watches the 19.30 evening news bulletin. Other news and current affairs programmes shown at prime-time slots also attract audiences that are beyond the reach of any other medium.

6. During 1998, several improvements were introduced in these programmes. For example, the programme *Hrvatski spomenar*, shown before the 19.30 news bulletin each weekday, had added to the sense of insecurity in war-affected parts of the country. Under pressure from the United Nations and the OSCE, this programme's concept was eventually amended in March 1998, removing most of the controversial content. Later in the year, the quality and variety of several other political programmes was improved. These changes can be partly attributed to the launch in autumn 1997 of a lobby group, 'Forum 21', comprising journalists who argued for democratic reform of electronic media. They are also the result of efforts by Mr Ivica Vrkic, who became HRT's director in August 1998.

7. However, as already mentioned, political censorship is sometimes imposed by the HRT leadership, allegedly acting on direct instruction from high-level officials. For example, the results of an opinion-poll survey were banned from a programme on 21 December – reportedly because the results favoured the SDP and its leader, Mr Ivica Racan. Another programme in this series was bowdlerised on 1 March 1999. In February 1999, the presenter of HTV's highly popular farming programme, Mr Ivo Loncar, was removed for political reasons: the ruling party resented his criticism of agricultural policy. On 10 February, Mr Mirko Galic resigned as Vrkic's assistant. Galic, widely regarded as the leading reformist at HRT, stated that his resignation was a response to biased reporting, interventions in programming, and Loncar's removal. He added that the political atmosphere at HRT was unfavourable to free and creative work as well as to standards of public television and objective journalism.

8. Nor has aggressive propaganda been eliminated from the screen; on 17 February 1999, HTV broadcast at prime time a documentary programme that

incited hatred against Bosniaks (Bosnian Muslims). This film depicted individual Bosniak victims of the Croat-Bosniak conflict as if they were Croat victims of Bosniak forces. On 16 December 1998, HTV broadcast a programme in a regular series that was replete with hate speech (“...In our corner, a select group has grown close to Soros. The disgusting Serb-Jewish lobby which always re-emerges so that Croatia can be battered down. These are prudent masons, many of whom are sexually peculiar. They are corrupted foreigners and Croats who have been fed so luxuriously by Skadarlija [i.e. Belgrade]”, etc. etc.). Croatia’s Jewish community has announced a legal action against the author of this programme.

9. The 19.30 news bulletin remains essentially unaffected by the limited improvements noted above. Government or ruling party officials are still granted virtually unlimited access to the bulletin. Far from questioning these officials, the journalists either make no comment or endorse the officials’ arguments and assessments. Opposition politicians are rarely given an opportunity to comment directly on these officials’ statements. Information and views which reflect poorly on the Government or ruling party are often distorted or omitted. The bulletin continues to include editorial commentaries which have no place in public service broadcasting. One such commentary, on 7 January 1999, accused the US ambassador to Croatia of hypocrisy; another commentary in the same bulletin accused the international war crimes tribunal in The Hague (ICTY) of “superficiality”. Reporters, too, openly take sides; on 30 January 1999, a reporter covering the aftermath of a traffic accident apparently caused by a SFOR vehicle observed that “the arrogance of UNPROFOR [*sic*] has draped this area in black. ... For these people, this is an example of brutality by individuals in SFOR which is turning Croatian roads into an execution ground”.

10. In light of these practices, the OSCE Mission to Croatia expressed the view, in its 26 January 1999 report on Croatia’s progress in meeting international commitments, that HRT’s compliance with its legal obligation “to inform the public truthfully, objectively and promptly about political, economic ... and other events” (Law on HRT, Art. 6) is seriously in question.

11. Particular mention should be made of HTV’s refusal to provide coverage of efforts to encourage reconciliation among Croatian citizens. Such coverage is not merely desirable in a context where communities remain deeply divided by recent conflict; it is an explicit commitment in the Government’s Programme on Establishment of Trust (October 1997). Despite this commitment, HTV’s masters do nothing to encourage a “general climate of tolerance and security” or “the establishment of trust between all citizens”. Opportunities to report on positive, trust-building initiatives are rarely taken. Indeed, HTV’s output reflects antagonism or at best indifference to the return of refugees and displaced persons to their homes – unless these persons happen to be ethnic Croats.

12. It is important to point out the connection between the HTV programming on one hand, and the legislation that governs HRT on the other hand. The key legislation is the Law on HRT. Since its original adoption in 1992, this law has twice been amended. The first set of amendments (1996) served to tighten the ruling party's control in HRT, for example by raising the number of members of Parliament on the HRT Council – the network's nearest equivalent to a governing body – to an absolute majority. The second set of amendments (1998) was relatively progressive, though without threatening the capacity of the ruling party to dominate HRT. The fact that the latter amendments ignored a number of concrete suggestions for reform provided by the Council of Europe in March 1998, caused particular concern both to the international community and to the activists in 'Forum 21'. In short, the Law on HRT ensures that HRT cannot attain the level of institutional autonomy which is a precondition of public service broadcasting. The credibility of the Government's stated intention to convert HRT from a state to a public service broadcaster was further harmed in February 1999 when Mr Zlatko Canjuga, a deputy president of the ruling HDZ party, was appointed as head of the new HRT Council.

13. Before leaving the topic of HRT, mention must be made of another highly controversial aspect of its operations: namely, its activity in the neighbouring state of Bosnia and Hercegovina (BiH). During the armed conflict, Croat forces seized a number of transmitter facilities belonging to RTVBiH, the state broadcaster. These facilities, together with others imported for the purpose, are used for the illegal re-broadcasting of all three HTV channels inside the neighbouring country. This activity provides the HDZ-BiH, the dominant party of Croats in BiH – which happens also to be an offshoot of the ruling party in Croatia – with an invaluable propaganda tool. It also obstructs in the most literal sense the restructuring of RTVBiH in line with public service norms, as envisioned by the international community. Lastly, this activity amounts to a form of double theft: firstly, theft from the foreign production companies whose programmes are purchased by HRT for showing in Croatia, not in BiH; and secondly, from Croatian citizens whose monthly subscription payments to HRT are used to subsidise HTV's operations in the neighbouring state. The Office of the High Representative and the Independent Media Commission are currently leading international efforts in Sarajevo to regulate and legalise HTV's presence in BiH. These efforts are fiercely resisted in Zagreb as well as in the Bosnian Croat stronghold of western Mostar.

Broadcasting: independent

14. The 1998 amendments to the Law on HRT confirmed that HRT retains occupation of Croatia's three state television and radio frequencies. The subsequent opening of a tender for a fourth (actually non-existent) television channel, in November 1998, was revealed as a somewhat cynical gesture when a

Government official admitted that start-up costs for such a channel would include DEM 20 to 25 million to construct a network of 120 transmitters. It is indicative that Mr Ninoslav Pavic, who is widely regarded as Croatia's only media entrepreneur with the resources to establish a fourth channel, has stated that the terms of the tender are "absolutely unacceptable" (*Jutarnji list*, 02 December 1998). In sum, there is little prospect that a fourth channel will broadcast within the next few years, and no guarantee that when it starts, it will provide a real alternative in terms of news and information.

15. By law, concessions for private television and radio stations may be awarded to each of Croatia's 20 counties and 121 cities. The licensing procedure is overseen by the Telecommunications Council, established under the Law on Telecommunications (1994). Five of its nine members, nominated by the Government and appointed by Parliament, are senior figures in HDZ, including two vice presidents of the party who serve as advisors to President Tudjman. To date, the Council has dispensed 110 radio concessions, including three at state (national) level, and 11 television concessions, including four at county level. Since the closure of the news-room at TV *Mreza* in autumn 1998, only one of these broadcasters, Zagreb's Radio 101, provides a serious alternative to HRT's news programming. The licensing procedure has on occasion been manipulated to the advantage of the ruling party, especially in areas where the party has not gained power through elections. The costs of applying, purchasing and retaining a broadcast licence are extremely high. Payments are scheduled arbitrarily, with little or no room for negotiation. Notwithstanding the discouraging economic situation in Croatia, the legal and political conditions for independent broadcasters are unfairly restrictive.

Printed media: distribution

16. The daily and weekly newspapers provide a wide range of political information and views. The most welcome recent addition is *Jutarnji list*, a daily newspaper launched in April 1998. This paper has set a quite consistently high standard in covering sensitive political issues. It is not too much to say that *Jutarnji list* is Croatia's first 'normal' newspaper, reflecting (for the most part) actual news values rather than a political agenda. One corollary is that the highest-selling daily paper, *Vecernji list*, has been obliged to improve somewhat the quality of its own political coverage, if not the objectivity of its editorial commentaries. However, it has been estimated that less than half the adult population now reads newspapers. Circulation figures have fallen in recent years, due above all to impoverishment. The objective reporting and commentary provided by a few newspapers does not compensate for the one-sidedness and sensationalism of others, let alone for the HRT news programming.

17. At present, newspaper publishers face a grave problem with distribution. The printed media distribution market is dominated by the 'Tisak' com-

pany, which may control as much as 75 per cent of the market. In autumn 1998, the withholding of sales revenue by Tisak forced certain privately-owned newspapers to the brink of closure. One newspaper, the weekly *Nacional*, claimed to receive 85 per cent of its revenue through Tisak. Early in 1999, Tisak itself verged on collapse, unable to pay its creditors. With debts amounting to US\$ 1.6 million by mid January, Tisak's crisis threatened the existence of all but the largest publishing groups. At the same time, Hrvatska Tiskara (HT), Croatia's principal newspaper printer, which is itself, state-controlled, warned that it would stop servicing publishers who did not settle their debts.

18. Newspaper publishers demanded payment of outstanding sums, and appealed to Prime Minister Matesa not to ignore the problem. In late January 1999, Matesa met with the newspaper publishers and promised to assist in finding an equitable and speedy solution. It was decided to give control over Tisak to a number of creditor banks, and to exclude foreign investment. The publishers agreed to a repayment schedule. The new arrangement was announced as being in place on 22 February. On 26 February, the publishers wrote again to Matesa, warning that – despite some initial disbursements to creditors in late January – Tisak's undertaking to pay half its debts for newspaper sales during November and December 1998 within ten days, and the balance within 20 days, had not been fulfilled. By early March, Tisak's total debt to publishers was estimated at over DEM 26 million. The future of Tisak remains uncertain. Moreover, even if the restructuring plan can be successfully implemented, and state-controlled banks control Tisak, the potential for political manipulation will remain.

19. Although Tisak has denied any political dimension to its non-payment of debts, it is the smaller and more editorially independent publishers who suffer most. Besides, Tisak's difficulties are the direct and entirely avoidable consequence of politically motivated corruption. Tisak, whose cash income from newspaper and tobacco sales had placed it among Croatia's 10 biggest companies, is yet another victim of a dubious privatisation process in which sound businesses were taken over by politically-favoured tycoons and exploited as 'cash cows'. Documents obtained by *Feral Tribune* indicate that Tisak's main shareholder, Mr Miroslav Kutle, may have siphoned as much as DEM 150 million from Tisak during 1998 alone (*Feral Tribune*, 8 March 1999). Nevertheless, the authorities reconfirmed Kutle in his position at Tisak as late as November 1998. During the same month, Kutle relinquished his control of Croatia's second-largest newspaper distributor, Slobodna Dalmacija, to the state. (Kutle had acquired the profitable Slobodna Dalmacija by highly questionable privatisation in 1993; by autumn 1998 he had apparently bankrupted the company.) As a consequence, an independent newspaper such as *Feral Tribune* is currently unable to obtain sales revenue from either Tisak, which owes *Feral* more than DEM 340,000, or from Slobodna Dalmacija, which owes *Feral* almost DEM 700,000. As a result, *Feral Tribune* is deeply indebted to its printer, Novi List, which

itself publishes an independent daily newspaper. The outline here of a vicious circle, narrowing around the necks of independent publishers, is plain to see.

20. Tisak's failure has added to the difficulties facing the formerly profitable Hrvatska Tiskara (HT). In February 1999, HT's failure to pay value-added tax to the tune of more than DEM 500,000 led to its accounts being blocked by the Ministry of Finance. According to HT's director, the company had already warned the Government that it would not be able to pay VAT unless publishers paid off their own debts to HT. On 6 March 1999, the authorities arranged a merger between HT and the Vjesnik Group, under the overall control of the pension fund. The original intention behind this merger was, presumably, to offset the sizeable losses incurred by the ruling party's preferred daily newspaper, *Vjesnik*, with profits from HT – a design that may backfire if HT should fall victim to the insolvency crisis.

21. Another source of pressure on journalists in the independent press is created by litigation initiated by Government or ruling party officials. Civil and criminal laws provide broad scope for public figures to prosecute journalists for insult and defamation. According to official statistics, over 700 defamation suits were filed between 1994 and 1997. Many of these suits were and continue to be brought by officials. Particular concern has focused on a 1996 amendment to the criminal code, which obliges the public prosecutor to start proceedings against anyone suspected of offending or slandering any of five state officials (the president, the prime minister, the speaker of parliament, the presidents of the supreme and constitutional courts). The amendment carries a maximum prison sentence of three years. So far, no suits brought by the public prosecutor under this amendment have been successful. It is clear, however, that it has facilitated the criminal prosecution of journalists. In civil cases, many prosecutions have succeeded, leading to the award of substantial damages that drain the financial resources of media – the very media which, being independent, usually do not have access to state or party coffers. Whether this situation has a *directly* chilling effect on the independent press is, however, hard to say with any certainty. The leading independent newspapers remain boldly outspoken in their criticism of the authorities.

Elections.

22. International and domestic monitoring of the Croatian media during the campaigns before successive elections since 1995 have confirmed that the main media, both electronic and printed, have displayed a strong bias in favour of the ruling party. According to the European Institute of the Media, during the final phase of campaigning for the June 1997 presidential elections, HRT gave eight to 12 times more coverage to President Tudjman than to the other two candidates.¹ The OSCE / ODIHR Observation Mission concluded that “the process leading up to the elections was fundamentally flawed, and did not meet

1 Quoted in the US Dept. of State Country Report on Human Rights Practices for 1997.

the minimum standards for a meaningful and democratic election in line with OSCE standards”, in part because of the “overwhelming coverage” given to Tudjman by HRT. Without urgent reform of election legislation and of the regulations governing HRT’s pre-election coverage, this pattern will surely be repeated in the next elections, due to take place by January 2000.

Conclusions

23. Government officials often complain that the actual and legal situation of the media in Croatia is no worse than in other transitional countries which, moreover, have not passed through a war. Yet, these officials say, Croatia is singled out for international censure and pressure on this issue. This line of response overlooks two crucial considerations. Firstly, Croatia falls far short of implementing its own commitments regarding media freedom. Secondly, Croatia exists in a specific regional context, a post-conflict context where hundreds of thousands of people are still unable to take elementary decisions about where they will live. Croatia has obligations to many of these people, whether they are its citizens, refugees on its territory, or citizens of neighbouring countries. The fulfilment of these obligations requires thoroughgoing reform of HRT’s output.

24. No account of the media in Croatia would be complete without reference to the extremely politicised climate that is fostered by the state authorities at the highest level. Over the years, President Tudjman has frequently lent his unique authority and prestige to denouncing Croatia’s independent or pro-opposition journalists and criticising international pressure for media reform. Speaking to a party committee last December, for example, he said that whenever governments change in democratic countries, the media personnel change with it – “from the doorman to the editor in chief”. By such statements, the head of state has encouraged obstruction of media reform at lower levels of authority, including among the ranks of the party which he leads.²

Recommendations

25. As a matter of urgency, the political authorities should: reform the Law on HRT and the Law on Telecommunications in line with the March 1998 “Recommendations by the Council of Europe experts for the further democratisation of the broadcasting sector in Croatia” reform electoral legislation to ensure that electoral coverage is independent and balanced in quantity and neutral in tone; desist from seeking to influence the leadership of HRT, including the HRT Council and the director’s office, and also over the Telecommunications Council; ensure that complete and accurate information concerning the ownership of media and distribution companies is in the public domain.

² After resigning in October 1998 as the head of President Tudjman’s office, Mr Hrvoje Sarinic disclosed that “there is a strict order inside HDZ as to which journalists you should and should not talk to. ... At the same time, the ownership structure of the newspapers is not clear today, so even the hardliners have had problems defining whom you should or shouldn’t talk to.” (Nacional, 21 October 1998.)

Press Freedom in the Kyrgyz Republic

11. March 1999

Introduction. The Kyrgyz Republic has made significant progress toward the development of a strong, independent mass media in recent years. Despite setbacks, the government seems committed to freedom of the press.

The ability of the Kyrgyz Republic to maintain a liberal stance with regard to the media is surprising, given its difficult geopolitical situation. It is a small, resource-poor country, bordering on China, Kazakhstan and Uzbekistan, countries with poor human rights records. Because it needs to import the majority of its basic supplies such as oil and natural gas, the Kyrgyz Republic is highly indebted to its neighbors and relies on international aid for support. This makes it vulnerable to pressure both from the near abroad and Western countries.

Despite wavering at times, President Akaev has successfully maintained a skillful balance with the contradictory interests of these countries.

Akaev has been no less skillful domestically. He has maintained peace and stability in an ethnically diverse country, geographically divided by high mountains. Serious differences between the historically nomadic north and the long settled southern region have fractured domestic politics. Nationalists have frequently clashed with ethnic minorities. Influential people, including several parliamentary deputies, have urged the president to rein in the press, after the media described them in a negative light. Yet, the country has managed to develop and follow a relatively liberal domestic policy.

This report finds that:

- *The atmosphere for the media has improved greatly since the 1997 criminal libel trials.*
- *Overt political pressure is rare and the government is generally accountable to the media.*
- *Although violations of press freedom continue to occur, they are declining in seriousness and frequency. They are resolved quickly, usually with high-level intervention.*
- *Self-censorship amongst independent journalists is decreasing and journalistic responsibility is increasing.*

Despite the government's favorable policy toward the media, important problems still exist. The most important challenge facing the Kyrgyz Republic in the next few years will be the institutionalization of freedom of the press. Measures need to be taken to ensure the irreversibility of press freedom. Currently, there are very few limitations on the power of the president. Akaev names and

removes judges, the heads of government media, and the *oblast'* governments. The parliament is comparatively weak with respect to the executive branch, and recent internal disagreements within the parliament have slowed its activities. It is clear that the extensive freedoms that the media enjoy today are clearly a result of an active presidential policy. This is beneficial while the president supports press freedom, but should this president change his opinion or should a hard-liner prevail in the 2000 elections, these gains could quickly be reversed.

Overview. As of January 1999, there were more than four hundred newspapers registered with the Ministry of Justice and twenty-five broadcast stations. At any given time, only about one hundred newspapers actively publish. Of those, approximately twenty publish in Bishkek, the capital. The national government owns four newspapers. Two of those, *Slovo Kyrghyzstan* and *Nasha Gazeta*, are Russian-language newspapers. The others, *Erkin Too* and *Kyrghyz Ruuhuu*, are in Kyrghyz. Local governments and other government agencies also publish their own newspapers. The national government owns and operates a news service, *Kabar*.

The majority of independent newspapers publish in Bishkek. There are several large, Russian-language newspapers, including *Vecherny Bishkek*, *Utro Bishkek*, and *Delovoy Numer*. *Vecherny Bishkek* has the largest circulation at between fifty and eighty thousand copies. There is also one weekly, Russian-language journal on political and economic topics, *AKI Kyrghyzstan*. Major independent, Kyrghyz-language newspapers include *Asaba*, *ResPublica*, *Kyrghyz Ruuhu*, and *Aalam*. Kyrghyz language newspapers tend to be more vocal in criticizing the government. *Asaba* has the highest circulation of the Kyrghyz newspapers, at approximately 40,000 copies.

Vecherny Bishkek and *Asaba* have limited distribution throughout the country, although in winter, distribution to some of the regions is not reliable due to impassable mountain roads. They do have correspondents in each of the other Kyrghyz cities and some other Central Asian cities. Independent newspapers outside of Bishkek are virtually nonexistent, mainly because outside the capital, the economy cannot support them. One exception is the southern newspaper, *Osh Park*. A small number of newspapers publish in English (notably, the *Central Asian Post*), and other languages.

Fourteen independent television stations and nine independent radio stations operate in the Kyrghyz Republic. Four of the television stations broadcast from Bishkek, as do seven of the radio stations. One television station broadcasts in *Karakol*, one in *Naryn*, four in *Osh*, four in *Jalal-Abad*, and zero in *Talas*. In addition, a semi-independent television station, *Koort*, began operating in 1998 in Bishkek. Although it considers itself independent public television, it is for profit and is believed to have close ties to the current government. This company won a coveted VHF channel and the rights to sell national and local

advertising on the two Russian networks, RTR and ORT.

The national government owns one television station (KTR) and two radio stations. Each *oblast'* government also operates its own television station, although these stations broadcast only a few hours per week. Local governments generally use these stations to buffer their own images and to criticize their neighbors.

Currently, only the national government has the technical capability to broadcast throughout the republic. Several independent stations have formed a rudimentary cooperative for the exchange of news and information. However, timely exchange of footage is nearly impossible, as this requires trading video tapes by commercial ground or air transportation. The largest independent broadcaster, Pyramida Television and Radio Corporation, now broadcasts in three of the six Kyrgyz oblasts using the government's network of communication lines.

Media Legislation. The constitution was adopted in May 1993 and guarantees the right to freedom of the press. Article 36 of the constitution obligates the state to "create the necessary conditions for the development of mass media." A constitutional amendment adopted by national referendum in October 1998 prohibits the passage of legislation limiting freedom of the press, although because freedom of the press was already guaranteed by the constitution, this was a mostly symbolic move.

Despite substantial discussion of media regulation in the parliament and presidential administration, there is remarkably little legislation governing the activities of the media. The legislation that does exist is generally vaguely worded, duplicative, and unenforceable. This lack of clear guidelines has led to a protracted struggle to define the rights and responsibility of the media. It has not inhibited the media from operating more or less freely.

Law on Mass Media. A 1992 Law on Mass Media is the foundation of media regulation. The law explicitly prohibits censorship of the mass media in article one. Article eight states that the "activities of a mass media can be stopped only by decision of the founders or by a decision of the court."

Other articles give government bodies, non-governmental organizations, and other responsible officials the right to provide information to the press and the press the right to receive and distribute information. The law includes a provision on author's rights (article sixteen) and forbids the press from publishing information that advocates war, violence, religious extremism or intolerance towards other nationalities. It bans the desecration of national symbols and prohibits pornography (article 23).

According to this law, all mass media must register with the Ministry of Justice (article 6). A person or group of persons wishing to open a newspaper or station must first apply to the ministry as an organization and then as a mass media. Although the process is not complicated, it lengthens the time it takes to regis-

ter, increases the expense of starting a mass media company, and gives the ministry the power to delay or refuse an application from an undesirable source.

The registration process creates a conflict with article eight of the media law, as it gives the ministry the power to nullify the registration of media companies for violations of the law, effectively stopping their activities. An alternative to media registration is a “declaration of intent to work as a mass media.” This declaration would not require approval from the ministry and could the ministry could not refuse or cancel this declaration.

Other legislation. Two other laws, on Access to Information and on Protection of the Professional Activities of Journalists, passed in November 1997. The Law on Access to Information has two important provisions. The first theoretically requires government authorities to make information available to the public, generally within ten days (article 6). The regulations laid out in this law are vague and not universally applied. Both high and low level officials violate this law regularly. Regulations at lower levels frequently contradict and supercede it. Information is often prohibitively expensive for journalists to obtain. Certain information is available over the Internet, including Toktum, a searchable database of Kyrgyz legislation.

This law does contain an important provision protecting journalistic sources of information. Article nine states, “Mass media shall not disclose the source of information or the pseudonym of the author without their express permission. The source of the information and the name of the author may be disclosed only by a court decision.”

The Law on Protection of the Professional Activities of Journalists simply restates the rights of journalists and duplicates parts of the mass media law. It officially prohibits prior restraint of the mass media.

Libel. That there is a provision for libel included in the criminal code. Defamation of character is punishable by a prison sentence of up to five years. Despite amendments proposed to the criminal code by both parliament and the president, libel has not been decriminalized and this continues to be an issue.

Broadcast regulation. Despite several drafts, a Law on Television and Radio Broadcasting has not been adopted nor is there a standard code of practice for broadcast media. Licensing of television and radio stations is governed by a 1998 Law on Telecommunications, the 1997 Law on Licensing and various other licensing regulations adopted. The National Agency on Communications (NAS) is directly subordinate to the president and controls all activities that require use of the frequency spectrum. NAS has drawn up and registered the frequency distribution map for the Kyrgyz Republic and has registered it with the International Telecommunications Union. The distribution of frequencies is available to the public through NAS.

The National Agency on Communications gives out licenses on a case by

case basis without a tender process. A commission within NAS decides conflicts over free channels. So far, no channels have been officially contested. Stations that own transmitters must receive both permission to broadcast and a license to use a frequency. This process seems duplicative and unnecessary, as one is impossible without the other. Oddly, stations broadcasting on the government channel are not required to receive either broadcasting license. All broadcasters must register with the ministry of justice as both an organization and a mass media.

Stations are eligible to receive licenses for a period of between three and seven years. The pricing scheme for receiving a license is based on a complicated formula, and varies widely among stations. The pricing scheme is concerning to stations as it seems arbitrary. NAS requires stations to broadcast in Kyrgyz, but the percentage of airtime that must be in Kyrgyz varies from ten to seventy-five percent. The application process requires all equipment to be certified by NAS. NAS has requested certification for even non-broadcast equipment, such as television cameras and VCRs. NAS occasionally requires university diplomas for all station employees, ostensibly to prove that the station is capable of operating professionally.

To date, ten stations in Bishkek and one station in Karakol have received licenses. No stations in the south of the country have received licenses yet. This is probably due to the lengthy process of settling frequency distribution with Uzbekistan.

History of press freedom. Though the Kyrgyz Republic was founded on the principle of freedom of the press, that has not always been the reality in its seven years of independence. President Akaev announced during his first speech accepting the presidency of the Kyrgyz Republic, that “the Kyrgyz Republic means the freedom of speech.” During the first years of independence, independent newspapers such as Svobodnye Gory and ResPublica opened and began openly criticizing the president.

In 1993, the Kyrgyz leadership began to chafe under the intense criticism, but did not act. Following a spring of intense personal criticism, the president issued a decree creating a commission on the activities of the mass media in the summer of 1994 which was designed to implement press restrictions. In July, Akaev supported the closing of two independent newspapers, Svobodnye Gory and Politika.

Relations between the government and the media continued to deteriorate and in 1995, the president initiated a series of defamation trials against independent journalists. In March 1995, the independent newspaper, ResPublica, printed an article that claimed President Akaev had homes in Switzerland and Turkey. President Akaev personally sued for libel. As a result, the journalist, Tamara Slasheva and ResPublica editor, Zamira Sydykova were sentenced to

prison and prohibited from working as journalists for one year. Sydykova was released for time served in 1996.

During spring and summer 1997, press freedom in the Kyrgyz Republic arguably reached its lowest point. ResPublica was on trial again for libel and defamation. The head of the national gold company, Dastan Sarygulov, sued three journalists and Sydykova over articles published about him between 1994 and 1996. In June 1997, Sydykova and journalist Aleksandr Alianchikov were sentenced to prison, and the other two journalists were banned from practicing journalism for three years. At the same time, another ResPublica journalist, Yrysbek Omurzakov, was on trial in a separate case. A private factory owner accused him of libel for depicting working conditions in his factory as horrific. Worse still, the government held Omurzakov in prison while awaiting trial.

During the 1997 trials, President Akaev was condemned for the incident by all sides. Domestically, local journalists demonstrated against Sydykova's trial and went on a hunger strike in front of the Kyrgyz White House. International human rights organizations organized letter writing campaigns and protests. This was highly embarrassing for a liberal-minded president who had sold his country as an island of democracy. Perhaps most importantly, foreign governments, especially the United States, appeared to link this issue to aid money. During meetings with Congressmen during a July 1997 visit to the United States, President Akaev was constantly asked about the problems journalists were having in his country.

Immediately after his return, the courts reheard the Sydykova case. They acquitted Alianchikov and found that Sydykova had served enough time in 1995 that she could be released as well. Omurzakov was also freed pending trial. Although the court convicted Omurzakov of libel in September and sentenced him to two and a half years in prison, he was quickly released under an amnesty order the president issued for all persons convicted of criminal libel. Hillary Clinton's November visit resulted in more concessions for the media, including the passage of laws on Access to Information and Protection of the Professional Activities of Journalists. In addition, prior to Clinton's arrival, President Akaev spoke out for the first time in favor of removing libel from the criminal code and submitted the proposed amendments to parliament. The parliament did not adopt these amendments.

Throughout the spring of 1998, the president worked to improve the environment in the Kyrgyz Republic for the press. The presidential administration forwarded to parliament new, libel legislation for the mass media. The parliament vetoed it, under pressure from journalists opposed to any sort of increased media legislation. The president also vetoed several pieces of legislation that would have further inhibited freedom of the press. These included amendments to the law on mass media that removed article eight, the article that limited the

ability to shut down media companies. President Akaev repeated his call for the decriminalization of libel in June, shortly after an OSCE conference on human rights and libel. In May and June 1998, television and radio stations in Bishkek and Karakol finally received licenses to broadcast. In October, Akaev included a constitutional amendment on freedom of the press in the referendum.

Since summer 1997, journalists have continued reporting various problems with the government. It now appears that they are caused by officials acting without the president's support. Once brought to the attention of the president's advisors, the problems are often rapidly and satisfactorily resolved. One example of this tendency is the licensing problems which occurred in winter 1998. On January 8, the head of NAS, Orozbek Kaikov, declared all permissions to broadcast issued by its predecessor invalid, and announced that all television and radio stations in the country had to apply for frequency licenses. Between January and March, NAS ordered five out of nine existing radio stations and ten out of fourteen television stations to cease broadcasting for technical or administrative reasons. However, Kaikov made it clear that the stations had displeased him in one way or another.

The media were slow to respond to the closures. Though NAS closed some stations months earlier, the Association of Independent Electronic Mass Media (ANESMI) did not respond until March. When they finally acted, they wrote an open letter to the president, which expressed the concerns of the closed stations. ANESMI also appealed to international organizations, such as the Committee to Protect Journalists, the Kyrgyz-American Human Rights Bureau, and foreign embassies in Bishkek to support their plea. Akaev responded by ordering the head of NAS to answer ANESMI's questions and resolve the issue immediately. At a March 10 meeting with station owners and ANESMI, Kaikov promised to issue new licenses by summer and permitted all stations to begin broadcasting again until they received a license. In an effort to introduce transparency into the actions of the NAC, an ANESMI member was included on the licensing commission.

Although the problem was favorably resolved, it demonstrated the detrimental effects of the ResPublica trials on the assertiveness of the mass media. None of the other media organizations was willing to speak out against the station closures. The stations that continued broadcasting distanced themselves from the stations that NSA shut down. The director of ANESMI resisted acting on their behalf. Not a single newspaper printed stories about the closures or the open letter to the president. Leading members of the journalistic community were either openly hostile towards the stations or remained silent. This was in sharp contrast to the Sydykova case, during which several newspapers and at least one radio station covered the trial. The conviction and imprisonment of Zamira Sydykova and Yrysbeek Omurzakov had left a lasting impression.

The positive resolution of the licensing problem and the president's con-

cessions to the mass media helped to increase the willingness of journalists to cover stories that touched topics potentially embarrassing to the government. Most notably, Vecherny Bishkek published a highly controversial story about an accident caused by Kumtor, the leading gold company. A speeding truck crashed off a bridge, spilling cyanide into river near Lake Issyk-Kul. Although the accident had happened several days before, the government had not released any information about it. This incident embarrassed high-ranking government officials and nearly resulted in Kumtor's closure. The public's angry response forced the Canadian director to resign. Later, the same newspaper broke the news about illegal arms shipments from Iran to Afghanistan, which were driven through Osh with the alleged consent of Kyrghyz officials. The government risked important foreign ties with Iran when it shipped the arms back to Teheran. Neither the journalists nor the newspapers reported any significant political pressure resulting from the publication of these stories.

Referendum and the Committee on Morals. In spite of the president's recent support of the media, an October 1998 referendum demonstrated that these gains are easily retractable. There exists a significant danger is that the gains made recently will be lost during the run up to presidential and parliamentary elections in 2000. During the weeks leading up to the referendum, most newspapers filled their pages with articles from politicians, educators, and economists supporting the referendum, reportedly at the request of government officials. Government newspapers and most of the Russian-language newspapers published little or no dissenting information. Independent television stations aired only official news. The day of the vote, both government and independent stations aired interviews with voters, nearly all of which claimed to have supported the referendum.

Some opposition newspapers, including ResPublica, Asaba and journal AKI the Kyrghyz Republic, actively protested against the referendum. The day before the referendum, the government printing house did not distribute Asaba to Jalal-Abad or Osh, two regions where anti-referendum sentiment was at its highest. The edition, which ran the headline "Vote No on the Referendum," was not available in these areas until the next Monday.

On October 6, the Minister of Justice formed a Committee on Morals. The committee was created to advise the Minister on the activities of the mass media. It also seemed designed to intimidate the opposition newspapers. The week following the referendum, the committee found that the newspapers Limon, a profitable subsidiary of AKI Kyrghyzstan, and Paishamba owned by Asaba, guilty of "publishing pornography, vulgar and unnatural scenes that are harmful to human dignity and the religious feelings of citizens, and promoting violence and aggression." The committee recommended that the Minister take action to shut the newspapers down, which then initiated criminal proceedings

against the papers. While the Kyrgyz must decide for themselves what is permissible to print in their country, the owners of these newspapers felt that they had been singled out for closure because of their criticism of the referendum. The committee also decided that ResPublica had illegally published a photograph of Akaev's head on the body of a bear. This was determined to be defamation of the president's character and aspersion of a national symbol.

All three cases were settled out of court. Limon and Paishamba agreed not to print similar articles in the future, and the ministry dropped its case. The president refused to support the libel suit, and the matter was closed. Before a recent trip to meet with OSCE officials in Vienna, the president ordered the dissolution of the Committee on Morals.

Media and the Courts. The president has the power to name and remove judges, giving him a significant measure of authority over the judicial system. It is difficult to say how often or how overtly he exercises this. The president's influence was clearly involved in the final resolution of the Sydykova case immediately following Akaev's July 1997 trip to the United States.

It is probably his influence as well, perceived or direct, that inhibits the courts from ruling against the media. Since the courts convicted Sydykova and the ResPublica journalists, the media has prevailed in nearly every case heard by the courts. One example is the case against Irina Stepkicheva, a journalist with the government newspaper *Nasha Gazeta*. In 1997, she wrote an investigative report entitled "How shall we call you," in which she alleged that the attorney general abused his authority and illegally avoided prosecuting a case against his son's company. The attorney general sued her for libel and insisted that the case be transferred to court where he apparently had some influence. Stepkicheva appealed to the Constitutional Court. In January 1999, the constitutional court ruled against the attorney general and ordered the case heard in an independent jurisdiction.

More often, however, they simply avoid hearing the case, as with suits brought against Vecherny Bishkek by parliamentary deputies Omurbek Tekebaev and Duranbek Sadyrbaev in 1997-98. Other cases have been dropped before they made it to trial, or have been decided out of court. This was the case with the Limon and Paishamba pornography cases, the suit against ResPublica for the Akaev bear, and several others.

Print Media vs. Electronic Media. The independent print media developed much more quickly than the electronic mass media, in terms of both numbers and content. By 1993, there were nearly one hundred independent newspapers, but only three independent television stations. This is mainly because it takes vastly more investment to open a television or radio station than to start a newspaper. This is also because television and radio stations are by their nature more dependent on the good will of the government. A station must acquire

permission to use a channel, which is often easily retractable.

For this reason, newspapers have historically covered more controversial topics than the broadcast media has. The newspapers at times have seemed willing to print virtually anything, regardless of the truth or newsworthiness of the story. Far from censoring themselves, print journalists have gone after the most sensationalist stories to attract readers. By contrast, broadcast media censored themselves to the point where they were willing to cover only official news, press conferences, and seminars held by international organizations. Evidence of this is that whereas hundreds of libel suits have been brought against newspapers, only one has been brought against a television or radio station. Occupying their respective extremes, neither print nor broadcast media could be considered examples of responsible journalism.

This situation is slowly improving. In January 1999, the leading opposition newspaper Asaba pledged not to violate the current law on mass media, to cover news objectively and to give equal space in their newspaper to differing opinions. It is too early to tell whether this is an accurate statement of Asaba's future policies. The Association of Journalists (AJ) also has plans to ask members to adopt and follow a code of ethics during a conference on media law in June.

On the other hand, during the second half of 1998, broadcasters have become more inclined to air controversial topics. In August 1997, Adyl Biinazarov, the owner of Pyramida television and radio stated in an interview, "Our policy is not to get involved in politics. We only do information and entertainment programs." Yet, in October 1998, Piramida produced a series of television debates on proposed amendments to the constitution prior to the referendum. The minister of justice and the chairman of the election commission along with two parliamentary deputies heatedly debated controversial issues of private land ownership and parliamentary immunity for over three hours. The station was surprised by the favorable reaction they received both from members of the government and parliament, and also from their audience, and decided to devote more airtime to them than they had originally planned.

Following the Pyramida debates, another television station did a similar series of debates on regional aspects of the referendum. This production is an even better indication of freedom of the media as it took place in the conservative southern city of Osh, was aired live, and was produced by the controversial Uzbek station, Osh TV. Although the station owner was very concerned about the government's reaction to the debates, the owner reported only positive feedback. News production and content has also improved. The two largest independent television stations covered stories this fall on pensioners' demonstrations, the closing of Paishamba and Limon newspapers, and a highly controversial trial of ethnic Uighurs. These stations report that they do not experience political pressure, and Independent Bishkek Television director Tal-

gat Asyrankulov recently claimed that he would broadcast any genuine news story even if it is critical of the current government.

Government Media. The president has direct control over Kyrgyz national mass media and has the power to appoint and dismiss the editors of the four national government newspapers and the head of the government television station (KTR). He does not seem to have a consistent policy regarding editorial control. The editor of *Slovo Kyrgyzstan* is a respected veteran journalist and the newspaper seems to have achieved a measure of editorial independence. By contrast, KTR is run by a former Soviet ideologist and airs strictly government propaganda. Journalists at KTR have complained about censorship and political interference, and called for his removal.

Economy and Development of the Mass Media. The impoverished economy has stunted the growth of both print and broadcast media. Only the largest Bishkek newspapers and television and radio companies are financially independent. Most advertising comes from international companies, such as Coca-Cola. There is negligible foreign investment in the media, and because of extremely high interest rates, borrowing money is nearly impossible. Taxes on income, advertising, import and export, and the VAT take between forty and seventy percent of companies' earnings.

The economic situation sharply worsened during the economic crisis this fall. After the August Ruble crisis, many advertisers cut back or cancelled their contracts. This is having several effects. First, although the strongest media companies have and will continue publishing, the number of smaller independent media companies is falling. Since smaller newspapers often represent minorities, the economic crisis is likely to have a detrimental affect on diversity of opinions. Second, the quality and quantity of news available has decreased. *Utro Bishkek* halted publication for several days after the crisis began, *Vecherny Bishkek* decreased the length of its daily newspaper. Some newspapers were forced to temporarily stop paying their employees or to layoff journalists. Third, it has made the press more vulnerable to political pressure. Journalists who are not paid are more open to bribery and owners are more inclined to "sell their news." This is a widespread and openly acknowledged problem in the Kyrgyz Republic. International organizations commonly "purchase" articles to publicize their activities.

Minority Ownership of the Mass Media. The Kyrgyz Republic has a mixed record with regard to media owned by ethnic minorities. In the summer of 1996, a Uighur-owned newspaper, Ittipak was shut down by the government, under pressure by the Chinese to crack down on Xinjiang separatists. In 1997, the Ministry of Internal Affairs denied journalists from an Uighur-owned newspaper access to a press conference on the arrests of several ethnically Uighur citizens of China. Programs in minority languages, such as Dungan,

Karakalpak and Tajik do air on government radio and television.

Minority-owned media, in the south of the country more frequently report difficulties with the local administrations and national government, especially those media owned by ethnic Uzbeks. Relations between the Uzbeks and the Kyrgyz have been tense since summer 1990, when disputes over land distribution erupted into war. Several hundred people were killed and thousands of buildings were destroyed. The Soviet military was called in to suppress the conflict. Though the region has since remained peaceful, interethnic problems remain difficult. It is thus noteworthy that of the four independent broadcasters in Osh, two of them, Mezon TV and Osh TV, are owned by ethnic Uzbeks. One of these, Osh TV, is the only independent station that broadcasts on a VHF channel and enjoys wide support in the local community.

Both Uzbek stations report minor on-going problems with both local and national authorities. One of the more serious problems involves the distribution of frequencies. In November 1997, shortly after its creation, the National Agency of Communications annulled Uzbek-owned Mezon TV's permission to use the other free VHF channel in the Osh region. This occurred despite the fact that Mezon TV had already purchased a transmitter and had begun to broadcast. Although NAS stated that the channel could not be used for technical reasons, the station's owners believed that the government was concerned about the implications of Uzbek stations broadcasting on the only two available VHF channels. The two independent Kyrgyz broadcasters had yet to acquire enough capital to purchase transmitters and were each still broadcasting only a few hours a week. A Russian network (RTR), Kyrgyz National Television (KTR), and two stations broadcasting from inside Uzbekistan use the other VHF channels.

Osh TV also had a series of conflicts with the government including being nearly shut down by NAS in February 1998. Although NAS ordered the station closed because of problems with its licensing application, the head of NAS told station owner Halilzhan Hudaiberdiev that he did not believe that an ethnic Uzbek should own a station in the Kyrgyz Republic. After repeated warnings to stop broadcasting, which Osh TV ignored, NAS sent an employee to the station to physically turn the station off and to confiscate their equipment. The station director was in Bishkek at the time, trying to find support against NAS. Journalists at the station refused to stop broadcasting and cited article eight of the law on mass media. However, a scuffle ensued between the NAS representative and the journalists and some equipment was destroyed. The NAS representative left, promising to return with the police. The journalists contacted influential members of the Uzbek community, and a crowd soon gathered at the station. Realizing the volatility of the situation, NAS retracted its order to stop broadcasting.

Although Osh TV and Mezon TV continue to report occasional problems

with local officials, both claim to broadcast more or less independently of political pressure. Hudaiberdiev admits that he is careful to maintain objectivity in his news stories, especially with regard to other nationalities. He also ensures that he hires a mix of both Kyrgyz and Uzbek employees, and gives them equal opportunities to attend training and cover important stories. Both stations broadcast in Russian, Kyrgyz, and Uzbek.

Local Organizations. Until very recently, journalists in the Kyrgyz Republic were opposed to forming any type of journalist's association. Many journalists believed that an association was unnecessary and ineffective. If they were to have problems with the government, international organizations would defend them. Many had also attended meetings for various associations that had not resulted in anything tangible. They further believed that forming an association would earn them the label "oppositional," making them a target for governmental pressure and creating problems with their editors. Leading journalists also refused to work together because of historic personal and political differences. Although several associations exist, they have played a relatively minor role in the development of press freedom in the Kyrgyz Republic. The following media organizations are registered in the Kyrgyz Republic.

Association of Independent Electronic Mass Media (ANESMI). ANESMI is a pan-Central Asian organization that originally started with a grant from UNESCO. Its headquarters is located in Almaty, Kazakhstan, with a local director in every country. There is no membership application or requirements. ANESMI considers every electronic mass media a member, whether or not they participate in ANESMI meetings or support ANESMI activities.

In the Kyrgyz Republic, ANESMI has also registered under another name, Electronic Mass Media in the Kyrgyz Republic (ESMIK). ESMIK received grants from USIS to hold a television festival and the Eurasia Foundation to publish a monthly bulletin about events concerning mass media in the Kyrgyz Republic. Aside from a letter to the president during the 1998 closures, the organization avoids involvement in political issues.

Journalists Union of the Kyrgyz Republic (JUK). The Journalist's Union of the Kyrgyz Republic is a pseudo-government organization, created during the Soviet era. Members ostensibly include over 1300 governmental and independent journalists from throughout the republic. Real membership is difficult to judge because there is no application process. Every journalist in the country is a member by default. Some journalists do not even know that they are members or understand what benefits membership brings them. The JUK recently received a grant from the Eurasia Foundation to hold seminars for journalists.

Association of Journalists (AJ). The Association of Journalists registered only

in December 1998. The association formed after the Committee on Morals brought criminal suits against the Paishamba and Limon newspapers. Its members include both governmental and non-governmental journalists. Thus far, only approximately fifty journalists have completed the application and paid the hundred-som fee (about five dollars). Director Kuban Mambetaliev hopes to increase membership to five hundred journalists during 1999. The association plans to take an active role in politics. The organization has lobbied against the Committee on Morals, urged the President to make the media exempt from the VAT, and is representing television stations in the south in the National Agency of Communications with licensing problems.

Conclusions. The media landscape compared to the other countries in the region is favorable. This is due mostly to President Akaev's liberal policies towards the media and international influence. Associations of journalists and other local organizations have played a relatively minor role in influencing governmental policy or in defending freedom of the press. For that reason, the media in the Kyrgyz Republic continue to be at risk.

Visits and Interventions

February 1998 - February 1999

The Office of the Representative on Freedom of the Media visited or corresponded with the following Participating States of the OSCE :

Albania

Visit

- Participation of Advisor Stanley Schrager at a conference, March 12 and March 13, on "Media Development and International Institutions"

Intervention

- 9 April to Foreign Minister Pascal Milo summarizing visit of office Advisor Stanley Schrager in March, 1998, commending recent efforts of the Government of Albania to promote freedom of the media.

Azerbaijan

Visit

- Freimut Duve paid an official visit to Baku, 23 - 24 February 1999, which included two days of visits with government officials and journalists. Mr. Duve also was received by President Aliyev.

Interventions

- 5 February 1998 to Foreign Minister Hasan Hasanov regarding concern over new development which requires a secondary license for the print media.
- 5 May 1998 to Foreign Minister Tofiq Zulfugarov regarding recent halting of local rebroadcast of Radio Liberty.
- 7 August 1998 to Foreign Minister Tofiq Zulfugarov commending recent decree to abolish censorship.
- 1 October 98 to Foreign Minister Tofiq Zulfugarov announcing the visit to Baku of Advisor Stanley Schrager.
- 19 November 1998 to Foreign Minister Tofiq Zulfugarov summarizing visit of Advisor Stanley Schrager.
- 25 November 1998 to Foreign Minister Tofiq Zulfugarov on recent libel suits filed against journalists and the lack of licensing of independent television stations.
- 14 December 1998 to Foreign Minister Tofiq Zulfugarov on reports of recent beatings and harassment of Azerbaijan journalists.
- 18 January 99 to Foreign Minister Tofiq Zulfugarov on recent series of high libel suits directed against Azerbaijan journalists and the lack of licenses granted to independent television stations.
- 9 February 1999 to Foreign Minister Tofiq Zulfugarov announcing his planned visit Feb. 22-25.

Belarus

Visit

- Freimut Duve paid an official visit to Minsk, 29- 30 April 1998, including talks with Foreign Minister Antonovitch and participation in the seminar “Structures of Pluralistic Democracies” organized by the OSCE Advisory and Monitoring Group.

Interventions

- 28 April 1998 to Foreign Minister Antonovitch on the cases of Pavel Sheremet, Yurii Khashchevatsky and on executive discrimination of independent media
- 12 November 1998 to Foreign Minister Antonovitch on licensing the dissemination of legal information and the robbery of equipment in the offices of the independent newspaper “Naviny”.

Bosnia and Herzegovina

Visit

- Participation of adviser Alexander Ivanko at the OSCE Inter-Entity Conference of Journalists in December 1998 in Sarajevo.

Interventions

- 24 September 1998 to Milorad Dodik, Prime Minister of Republika Srpska, voicing concern regarding the harassment of journalists from RTVBiH in Banja Luka.
- 7 October 1998 to Enes Musabasic, Director of the School of Journalism in Sarajevo, congratulating her on the initiation of the school.
- 14 December 1998 to Ambassador Robert Barry, Head of the OSCE Mission in Bosnia and Herzegovina, congratulating him on the activities of the OSCE Media Experts Commission and its Final Report.
- 13 January 1999 to Senad Pecanin, editor-in-Chief of Dani Magazine, congratulating him on being awarded the 1998 Olof Palme Prize.
- Appointment of Freimut Duve in September 1998 as Chairman of the Council of the Independent Media in Bosnia and Herzegovina.

Bulgaria

Visit.

- *Visit* by Advisor Stanley Schrage 24-27 September 1998 to participate in a conference sponsored by the International Press Institute on “The Media in Transition.”

Interventions

- 11 June 1998 to Foreign Minister Nadjezhda Mihaylova urging Bulgaria to abolish statutes from the Penal Code which criminalizes the libel prosecution of journalists.

- 5 August 1998 to Foreign Minister Nadjehzda Mihaylova regarding recent decision of Bulgarian Constitutional Court to not rescind statutes punishing journalists with imprisonment for criminal libel.
- 7 August 1998 to Foreign Minister Nadjehzda Mihaylova on recent assault on Bulgarian journalist.
- 1 October 1998 to President Peter Stoyanov summarizing recent visit of Advisor Stanley Schrager and raising concern about the proposed Radio and Television Law.
- 27 January 1999 to Foreign Minister Nadjehzda Mahaylova on investigation opened by Public Prosecutor against journalist Tatiana Vaksberg for “attacking the honor and dignity” and “insulting the authority of the State.”

Canada

Visit

- Freimut Duve paid an official visit to Canada on 7-8 October where he held consultations with the Canadian Government, Members of Parliament and met with Canadian NGO's, in particular with the international NGO network dealing with freedom of expression issues.

Croatia

Visits

- Participation by Freimut Duve on 21-22 May 1998 in a Seminar on the Media in Croatia hosted by the OSCE Mission.
- Participation by Freimut Duve in meetings on 9 February 1999 with Franjo Tudjman, President of Croatia, Prime Minister Zlatko Matesa, other senior Croatian government officials.

Interventions

- 11 June 1998 to Dr. Mate Granic, Foreign Minister of Croatia, voicing his concerns regarding certain legislative issues in the media field.
- 16 December 1998 to Dr. Mate Granic drawing the Minister's attention to charges filed by the weekly Nacional against the Interior Ministry for allegedly illegally spying on them.
- 13 January 1999 to Victor Ivancic, Executive Editor of Feral Tribune, congratulating him on being awarded the 1998 Olof Palme Prize.

Czech Republic

Visit

- Freimut Duve paid a first official visit to Prague on 21 September. Mr. Duve met with the First Deputy Foreign Minister Professor Pick and with Czech journalists. Mr. Duve also visited the OSCE Office in Prague to discuss information technology support for the OSCE web page.
- meeting with journalists

France

Visits

- Freimut Duve had talks in Paris, 9-10 March 1998, at the Ministry for Foreign Affairs, with the Chairman of the Foreign Affairs Committee of Parliament followed by meetings with non-governmental organizations and journalists attending the editor conference of "Le Monde".
- Freimut Duve took part in the celebration of the 50th anniversary of the UN Declaration on Human Rights, 7 December 1998.

Georgia

Visit

- *Visit* to Tbilisi by Advisor Stanley Schrager to deliver an address at the OSCE Parliamentary Assembly and meet with government officials and journalists.

Interventions

- 30 September 1998 to Foreign Minister Irakli Menagarishvili regarding two reputed cases of recent violence directed against journalists.
- 27 October 1998 to Foreign Minister Irakli Menagarishvili summarizing the visit of Advisor Stanley Schrager, requesting information on reports of journalists beaten during a demonstration, and urging the Georgian Government to move expeditiously on the drafting of a new Freedom of Information act..

Germany

Visits

- Freimut Duve gave a keynote speech at a conference of the German-Russian Forum in Bonn, 10 September 1998, dedicated to current media issues in the Russian Federation.
- Freimut Duve met Foreign Minister of Germany, Joseph Fischer, in Bonn, 19 November 1998.
- Adviser B. Maeder-Metcalf took part in a panel on the occasion of the 50th Anniversary of the UN Declaration on Human Rights, Frankfurt, 5 December 1998
- various public lectures on Media Ethics and his OSCE function by Freimut Duve

Greece

Interventions

- 27 January 1999 to Foreign Minister Theodoros Pangalos on reports of verbal attacks by a member of the Government officials against journalists.

Italy

Visit

- Freimut Duve had talks in Rome, 12 May 1998, at the Farnesina followed by meetings with non-governmental organizations and with the press.

Kazakstan

Interventions

- 29 June 1998 to Foreign Minister Kasymzhomart Tokaev concerning an investigation into publications for allegedly defaming a high personality of Kazakstan.
- 6 August 1998 to Foreign Minister Kasymzhomart Tokaev commending the government on the abolition of the VAT for print media.
- 1 October 1998 to Foreign Minister Kasymzhomart Tokaev concerning information about the shutting down of a leading daily newspaper by Kazakstan authorities.

Kyrgyzstan

Visit

- *Visit* to Bishkek 12-14 November 1998 by Advisor Stanley Schrager resulting in favorable impression of a country committed to freedom of the media.

Intervention

- 19 November 1998 to Foreign Minister Imanaliev Muratbek summarizing recent visit of Advisor Stanley Schrager and commending the government on recent actions to guarantee the independence of the media.

Former Yugoslav Republic of Macedonia

Visit

- Freimut Duve visited the Former Yugoslav Republic of Macedonia (FYROM) on 14-17 April 1998 where he met with Prime Minister Branko Crvenkovski, other senior government officials, journalists, university students and professors, NGO's.

Interventions

- 17 April 1998 to Pande Kolemishovski, General Manager of Nova Makedonija, regarding the hunger strike by journalists of the newspaper Flaka e Velazerimit.
- 26 August 1998 to Blagoj Handzhiski, Foreign Minister of FYROM, concerning the high capitalisation fees for electronic media.

Romania

Intervention

- 7 August 1998 to Foreign Minister Andrei Gabriel Plesu on recent sentence of Romanian journalist to one year imprisonment for defamation..

Russian Federation

Visit

- Official visit by Freimut Duve to Moscow, 2-3 April 1998, including talks with Deputy Foreign Minister Afanassiewski, at the State Duma, with state media officials, independent media and with non-governmental organizations.
- Lecture to the students of journalism

Interventions

- 2 July 1998 to Foreign Minister Primakov concerning the killing of the journalist Larissa Youdina
- 22 July 1998 to Foreign Minister Primakov concerning assaults on several journalists and editors
- 5 August 1998 to Foreign Minister Primakov concerning the Grigori Pasko
- 17 November 1998 to the Chairman of the State Duma of the Russian Federation, Gennadi Seleznyev, on statements of Duma Deputy Makashov
- 23 November 1998 to the Chairman of the State Duma of the Russian Federation, Gennadi Seleznyev, on the killing of Galina Starovoitova

Slovak Republic

Visit

- Freimut Duve paid a first official visit to Bratislava , 20 May 1998 including talks at the Ministry for Foreign Affairs and a public lecture on “Democracy and free media” organized by the Friedrich Ebert Stiftung and the Slovak Foreign Policy Association.

Interventions

- 8 May 1998 (together with the Director of ODIHR) on media related issues of amendments to the electoral law.
- 22 June 1998 to Foreign Minister Zdenka Kramplova on comparative media related provisions.
- 13 July 1998 (together with the Director of ODIHR) to Foreign Minister Zdenka Kramplova on recommendations for electronic media during election campaign.

Spain

Intervention

- 15 June 1998 to Foreign Minister Don Abel Matutes Juan on reports of death threats to two Spanish journalists.

Tajikistan

Interventions

- 8 July 1998 to Foreign Minister Talbak Nasarov on murder of journalist killed by unknown assailants 8 June 1998.
- 6 August 1998 to Foreign Minister Talbak Nasarov on withdrawal of accreditation for Russian reporter in Tajikistan..

Turkey

Visit

- Freimut Duve with Advisors Stanley Schrage and Beate Maeder-Metcalf visited Ankara and Istanbul, 24-27 May 1998, during which he had discussions with government officials, parliamentarians journalists, and NGOs.

Interventions

- 5 May 1998 to Foreign Minister Ismail Cem regarding alleged beating by police of journalists covering a trial in Aydin, Turkey.
- 11 June 1998 to Foreign Minister Ismail Cem summarizing recent visit to Turkey and expressing concern about the Radio and Television Bill being considered by Parliament. (The Bill was not passed by the Turkish Parliament)
- 18 June 1998 to Foreign Minister Ismail Cem on arrest of several journalists urging legal options to rescind court rulings against these journalists.
- 1 September 1998 to Foreign Minister Ismail Cem on recent actions by Turkish authorities against journalists.
- 18 December 1998 to Foreign Minister Ismail Cem expressing concern on provisional release from prison of five policemen who had been sentenced for murder of journalist Metin Göktepe in January, 1996.

Turkmenistan

Interventions

- 8 July 1998 to Foreign Minister Boris Shikhmuradov on reports of harassment, imprisonment and intimidation of Radio Liberty journalists.
- 29 October 1998 to Foreign Minister Boris Shikhmuradov announcing a visit early in 1999.

Ukraine

Visits

- Assessment trip to Kiyv by advisers Beate Meader-Metcalf and Alexander Ivanko on 12-14 October 1998.
- Meeting between Freimut Duve and Borys Tarasyuk, Foreign Minister of Ukraine, on 15 October 1998.
- Meeting between Freimut Duve and Borys Tarasyuk on 2 December in the margins of the 7th OSCE Ministerial Council Meeting in Oslo.

Interventions

- 16 February 1998 to Hennadiy Udovenko, Foreign Minister of Ukraine, concerning the closure of the newspaper Pravda Ukrainy.
- 7 August 1998 to Borys Tarasyuk concerning an attack on journalist Sergei Odaritch and regarding a five year ban from working as a journalist issued by the Donetsk Court against journalists Igor Alexandrov.
- 16 December 1998 to Borys Tarasyuk regarding the annulment of the registration of the newspaper Polityka.

United Kingdom

Visit

- *Visit* by Freimut Duve to London, 4-5 March 1998 including talks at the Foreign and Commonwealth Office (UK being in charge of the Presidency of the European Union) and meetings with non-governmental organizations and the press.

United States

Visit

- Official visit of Freimut Duve to Washington in March, 1998, to meet with U.S. Government officials and NGOs to brief them on the establishment of the new office.
- Discussion with "Washington Post"

Uzbekistan

Interventions

- 22 July 1998 to Foreign Minister Abdulaziz Kamilov concerning the decision to sentence a reporter to an eleven year prison term for defamation and extortion.
- 15 September 1998 to Foreign Minister Abdulaziz Kamilov concerning allegations of pressure exerted against Association of Independent Electronic Media of Uzbekistan.

Federal Republic of Yugoslavia

Visits

- Freimut Duve met on 27 October 1998 in Budapest with journalists from Serbia/Vojvodina and with Nenad Canak, the President of the League of Social-Democrats of Vojvodina.
- Adviser Alexander Ivanko participated in a one-day Conference 'Opening Up Serbia's Media' organised in Prague by Radio Free Europe / Radio Liberty on 20 November 1998. Ten prominent Serbian editors took part in the Conference.
- Freimut Duve gave a lecture at the Council of Europe-sponsored Conference 'Media for a Democratic Society' in Belgrade on 4-5 December 1998.

Interventions

- 5 May 1998 to Zivadin Jovanovic, Foreign Minister of the Federal Republic of Yugoslavia, concerning the closure of local independent TV station TV PIROT.
- 4 June 1998 to Zivadin Jovanovic regarding the Government's decision to deny licenses to a large number of media outlets.
- 10 July 1998 to Zivadin Jovanovic concerning the closure of Radio Kontakt in Kosovo.
- 27 July 1998 to Zivadin Jovanovic regarding the denial of visas to journalists from the Polish newspaper Gazeta Wyborcza.
- 28 July 1998 to Zivadin Jovanovic regarding the jamming of the signal of Belgrade's Radio INDEX.
- 5 August 1998 to Zivadin Jovanovic concerning the accusations levelled by the official press agency Tanjug against two journalists from German TV

station ZDF that they were acting as spies for foreign secret services.

- 18 August 1998 to Zivadin Jovanovic regarding the expulsion of a number of foreign journalists from the country.

- 28 August 1998 to Zivadin Jovanovic regarding points made on different media issues by Yugoslav Ambassador Dobrosav Veizovic.

- 17 September 1998 to Zivadin Jovanovic concerning the denial of Yugoslav entry visas to a BBC World Service team.

- 30 September 1998 to Zivadin Jovanovic regarding comments made by Serbian Deputy Prime Minister Vojislav Seselj and the denial of entry visas to the participants of the Conference "Broadcasting for a Democratic Europe."

- 23 October 1998 to Zivadin Jovanovic on a number of issues related to media freedom, including the disappearance of some Serbian journalists in Kosovo, denial of a visa to a Swiss journalists, the recently-adopted Serbian Law on Public Information and statements attributed to Vojislav Seselj.

- 4 November 1998 to Zivadin Jovanovic informing the Minister of a letter Duve sent to the Contact Group states regarding the case of two Serbian journalists sentenced to imprisonment by the so-called Kosovo Liberation Army.

Mr. Duve or his advisors participated in the following OSCE and other international meetings and conferences : (in chronological order)

OSCE meetings:

- OSCE Ministerial Troika, Warsaw, 8 April 1998
- OSCE Heads of Mission Meeting, Vienna, 23 June 1998
- OSCE Parliamentary Assembly, Annual Meeting, Copenhagen, 7-8 July 1998
- OSCE Ministerial Troika , Oslo, 21 October 1998
- OSCE Human Dimension Implementation Meeting, Warsaw, 26 October - 5 November 1998
- OSCE Parliamentary Assembly Seminar in Georgia, Tbilisi, 6 October 1998
- OSCE Seminar on Human Dimension Issues with Mediterranean Partners for Cooperation, Malta, 19-20 October 1998
- OSCE Ministerial Council, Oslo, 2 -3 December 1998
 - OSCE Ministerial Troika Meeting, Vienna, 20 January 1999
 - OSCE Heads of Mission meeting, Oslo, 3 February 1999

Other Institutional meetings and conferences:

- Tripartite meeting OSCE-UN-Council of Europe, Geneva, 23 January 1998
- Consultations with Council of Europe on future cooperation, Strasbourg, 3 March 1998
- Consultations with Commission of the European Union, Bruxelles, 16 June 1998
- EU - CFSP Working Group on OSCE, Bruxelles, 17 June 1998
- EU - CFSP Working Group on Central Europe, Bruxelles, 8 October 1998
- Conference on European Educational Cooperation for Peace, Stability and Democracy/ Joint meeting with the EU "Process on Stability and Good-Neighbourliness in South-East Europe", Graz, 16 November 1998
- Council of Europe: Participation in the Steering Committee on Mass Media, 1-4 December 1998
- 2+2 Ministerial Meeting OSCE and Council of Europe, Strasbourg, 26 January 1999
- Consultations with Commission of the European Union, Bruxelles, 27 January 1999
- Tripartite high level meeting OSCE-UN-Council of Europe, Strasbourg, 12 February 1999

This is a selected short list of our activities during the year. The extensive programmes of the visits are not included.

V. Where to find those who help the Media NGOs in the OSCE World

Note: This is a list of NGOs with which we have established contact or whose materials have proven useful to our work during the past year. However, this list is not an exhaustive one of all those NGOs who are doing valuable work on freedom of media issues in the OSCE region.

Accuracy In Media (AIM)

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<i>Fax:</i>	(202) 364-4098
<i>Email:</i>	info@aim.org, ar@aim.org
<i>Website:</i>	www.aim.org
<i>Topical focus:</i>	Mass media.

Self description: AIM (Accuracy In Media) is a non-profit, grassroots citizens watchdog of the news media that critiques botched and bungled news stories and sets the record straight on important issues that have received slanted coverage.

We encourage members of the media to report the news fairly and objectively—without resorting to bias or partisanship. By advising them of their responsibility to the public, whom they claim to serve, AIM helps to nudge the members of the news media into greater accountability for their actions.

AIM publishes a twice-monthly newsletter, broadcasts a daily radio commentary, promotes a speaker's bureau and syndicates a weekly newspaper column—all geared to setting the record straight on important stories that the media have botched, bungled or ignored. We also attend the annual shareholders' meetings of large media organisations and encourage our members to bombard newsrooms with postcards and letters about biased and inaccurate news coverage.

Alternativna Informativna Mreza (AMI)

<i>Address:</i>	AIM, 17 rue Rebeval, F-75019 Paris
<i>Country:</i>	Former Yugoslavia
<i>Language:</i>	Serbian, Croatian, Bosnian, English, Albanian
<i>Email:</i>	admin@aimpress.org
<i>Website:</i>	www.aimpress.org
<i>Topical focus:</i>	Mass media.

Self description: AIM is a project of independent journalists from former Yugoslavia and the European Civic Forum. AIM was established in 1992 and its network of journalists nowadays covers all the states of former Yugoslavia and Albania. The main objective of AIM is penetration through the information blockade and offering unbiased high-quality professional information. AIM engages independent journalists enabling them to remain in the profession and to inform readers of independent media about devel-

opments in their environment. AIM helps independent media by offering them objective information from the entire region free of charge. AIM encourages foundation of new independent media providing them with a reliable source of information.

AIM is not a classical news agency since its production is oriented towards analytical articles, reportage, commentaries and interviews aimed at preventing manipulation with information, offering a comprehensive picture and background of an event. AIM supports all initiatives leading to strengthening of democratic processes in the region. In its editorial policy, apart from current political and economic topics, AIM devotes most of its attention to topics connected with civil society, human and minority rights, position of refugees, etc.

AIM operates on the principle of a mail-box system. Information are exchanged via a central computer located in Paris. AIM now has editorial offices in Bosnia & Herzegovina (Sarajevo and Banja Luka), Croatia (Zagreb), Yugoslavia (Belgrade, Podgorica, Pristina), Macedonia (Skopje), Slovenia (Ljubljana) and Albania (Tirana). Apart from the main project, AIM also has two special services which it offers to its users: BALKAN PRESS, a weekly press review which refers to the issue of Kosovo, and IZBORBIH, a service which offers short information, news, commentaries, analytical texts, interviews and reportage from the entire space of Bosnia & Herzegovina.

American Society of Newspaper Editors (ASNE)

Contact:	Lee Stinnett, Executive Director
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Language:	English
Tel.:	703/453-1122
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Email:	stinnett@asne.org
Website:	www.asne.org
Topical focus:	Mass media.

Self description: The ASNE Editors is dedicated to the leadership of American journalism. It is committed to fostering the public discourse essential to democracy; helping editors maintain the highest standards of quality, improve their craft and better serve their communities; and preserving and promoting core journalistic values, while embracing and exploring change. ASNE's priorities are: To protect First Amendment rights and enhance the free flow of information; To drive the quest for diversity and inclusion in the workplace and newspaper content; To promote the newspaper's role in providing information necessary to the informed practice of citizenship; To encourage innovation and celebrate creativity in newspapers; To respect and encourage the involvement of all its members.

Association of Independent Electronic Media (ANEM)

<i>Contact:</i>	Veran Matic, ANEM Chairman, Editor in Chief Radio B92,
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<i>Email:</i>	matic@b92.opennet.org, marija@b92.opennet.org, anem@opennet.org
<i>Website:</i>	www.b92.net/; www.anem.opennet.org
<i>Topical focus:</i>	Mass media.

Self description: In 1993 a group of local independent broadcast media in Serbia and Montenegro — Radio B92, Radio Bum 93, Radio Antena M, Radio Bajina Basta, Radio Smederovo, and NTV Studio B — founded the Association of Independent Electronic Media (ANEM). Today that network collectively reaches 80% of Yugoslavia's population and the membership has increased to 32 radio and 17 Tv-stations. ANEM's membership criteria is that any station that expresses interest in joining it and proves that its editorial policy is independent may join as an affiliate member. ANEM also belongs to the Committee to Protect Independent Media in FR Yugoslavia — Free 2000.

From the outset, ANEM's overarching aim has been to build a network of professional broadcast media across Yugoslavia which is equipped to provide citizens with timely, accurate and balanced news, political analysis and public information. This has been achieved through providing local stations with in-country and international networking options to enhance the quality of programming, by coordinating the efforts of member stations to acquire, produce, and distribute programs to establish higher journalistic standards. In addition, a key goal of the Network is to build solid commercial management structures for self-sustainability. ANEM also provides regular journalism skills training, a production facility for in-house training, equipment aid, free legal support and political defence for all affiliate members. The member stations are all united by a shared commitment to the fundamental principles of professional journalistic ethics and standards, democracy, respect for human rights and tolerance.

Amnesty International

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<i>Country:</i>	UK

<i>Language:</i>	English
<i>Tel.:</i>	0044171-413 55 00
<i>Fax:</i>	0044171-9561157
<i>Email:</i>	username@amnesty.org
<i>Website:</i>	www.amnesty.org
<i>Topical focus:</i>	Human rights

Self description: Amnesty International was founded in 1961 in London and is a worldwide voluntary human rights movement that works impartially for the release of prisoners of conscience and an end to torture, “disappearances”, political killings and executions. Amnesty International campaigns to stop anyone being returned to a country where they would be in danger of these abuses. The organisation is financed by its million-plus members and supporters around the world and accepts no money from governments.

The Andrei Sakharov Foundation (ASF)

<i>Contact:</i>	Ed Kline, President Alexey Semyonov, Vice President
<i>Address:</i>	65 Park Ave, 5D, New York, NY 10128, USA; 57 Zemlyanoy Val Street, bld 6 Moscow, Russia
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<i>Tel.:</i>	1-212-369-1226 (NY, USA); 703-569-2943 (Wash., USA); 7-095-923-44-01 (20) (Moscow, Russia)
<i>Fax:</i>	1-212-722-0557 (NY, USA); 7-095-917-26-53 (Moscow, Russia)
<i>E-mail:</i>	anls@mail.wdn.com (Alexey Semyonov)
<i>Website:</i>	www.wdn.com/asf
<i>Topical focus:</i>	Work with archives of Andrei Sakharov and other historic documents related to Soviet Union, building democratic society, general human rights, humanitarian assistance.

Self description: The Andrei Sakharov Foundation is closely related to several organisations in the United States and Russia, all of them dedicated to the preservation of the memory of Andrei Sakharov, promotion of his ideas and the defence of human rights.

The Sakharov Foundation(Russia)/Public Commission was organised shortly after his death on December 14, 1989. The Andrei Sakharov Foundation (USA) was organised in 1990 in order to support the Russian Commission. Elena Bonner,

Sakharov's widow is chair of the Andrei Sakharov Foundation. The Andrei Sakharov Foundations have sponsored missions to Nagorno-Karabakh and to Ingushetia to facilitate peaceful settlement of ethnic conflicts. The Sakharov Foundations have also assisted the resettlement of refugees in the successor states of the former Soviet Union, sponsored the first visit of Kirgizstan's President Askar Akaev to the United States, and defended the rights of scientists persecuted for their political opinions.

ARTICLE 19

<i>Contact:</i>	Ilana Cravitz, press officer
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<i>Website:</i>	www.gn.apc.org/article19
<i>Topical focus:</i>	Freedom of expression issues.

Self description: ARTICLE 19 (The International Centre Against Censorship) takes its name and purpose from the nineteenth article of the United Nations' Universal Declaration of Human Rights, which states "Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

ARTICLE 19 defends the human right when it is threatened, opposes government practices which violate it and works to identify and expose censorship in all countries.

ARTICLE 19's mandate is to promote and defend freedom of expression, to combat censorship and to encourage action and awareness at national and international levels. The organisation's program addresses censorship in its many forms and involves research, campaigning, education and outreach. In particular, ARTICLE 19 has active regional programmes in Africa, Asia, Middle East and North Africa, and Central and Eastern Europe. Wherever possible, these programmes are implemented in close collaboration with local partner organisations.

Its law programme is engaged in international litigation in favour of freedom of expression, and the organisation also focuses on key policy issues affecting freedom of expression, such as "hate speech", the right to privacy; restrictions based on grounds of national security, and the role of public service broadcasting during election campaigns.

Association Mondiale des Radiodiffuseurs Communautaires (AMARC)

<i>Contact:</i>	Sophie K. Ly (Secretary general)
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<i>Fax:</i>	(1-514) 849-7129
<i>Email:</i>	amarcho@amarc.org
<i>Website:</i>	www.amarc.org
<i>Topical focus:</i>	Cultural diversity, environment, SIDA, racism and youth.

Self description: AMARC is an international non-governmental organisation serving the community radio movement. Its goal is to support and contribute to the development of community and participatory radio along the principals of solidarity and international cooperation. AMARC's international secretariat is located in Montreal, Canada. AMARC's regional offices play an essential role providing training and other services and coordinating exchange projects. The Latin America office located in Quito (Ecuador) offers on-site courses and evaluation for community radio projects and maintains regular contact with the region's 300 members. An European office has been set up in cooperation with the Community Radio Association in Sheffield, England. One of the offices current project is Open Channels, an exchange program between broadcasters of western, central and eastern regions of Europe. A regional office for Africa was opened in 1996 in Johannesburg, reflecting the growing presence of community radio on the continent.

— InteRadio is a magazine dedicated to community radio. Published bi-annually in French, English and Spanish, it features news and analysis on issues of concern to those interested in community radio and the democratisation of communications. It is distributed to AMARC members and to a total of four thousand individuals and organisations around the globe.

— AMARC-Link is a newsletter about AMARC's projects and activities. It includes news from the international secretariat, regional offices, the Women's Network, the Solidarity Network and more. AMARC-Link is published every two months in French, English and Spanish and is distributed free to AMARC members.

— AMARC has published a number of studies, conference reports, amides as well as a book featuring the stories of 21 community stations from around the world. Many of AMARC's publications are available in French, English and Spanish.

— Lobbying: AMARC represents the community radio sector at certain international forums dealing with issues ranging from the right to communicate to digital audio broadcasting (DAB).

— AMARC's Solidarity Network exists to mobilise the worldwide community radio movement in solidarity with community radio broadcasters whose right to freedom of speech is threatened. The Solidarity Network's Regional and National Coordinators, distribute Radio Action Alerts and overall coordination of the Network is provided by AMARC's secretariat.

— The women's network: AMARC's Declaration of Principles makes specific recognition of the "Role of Women in establishing new communication practices". Its objective is to promote exchange and solidarity among women working in alternative radio projects. The Network has published a directory of women working in community radio. The Women's Network has made a project "Starting point", which is a series of radio programs produced by Women on multiple social themes.

— AMARC has established a network of skilled professionals who can provide training and consultation in all aspects of community radio.

— AMARC organises regional and global conferences and seminars on community radio and the democratisation of communication.

Canadian Civil Liberties Association (CCLA)

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<i>Fax:</i>	(416) 861-1291
<i>Email:</i>	ccla@ilap.com
<i>Website:</i>	www.ccla.org
<i>Topical focus:</i>	Fundamental human rights and civil liberties.

Self description: The CCLA was constituted to promote respect for and observance of fundamental human rights and civil liberties and to defend, extend, and foster the recognition of those rights and liberties. The major objectives of the CCLA include the promotion of legal protections for individual freedom and dignity against unreasonable invasion by public authority and the protection of fundamental rights and liberties. CCLA performs a wide range of law and polity reform work, including court interventions, submissions before legislative committees and other public bodies, public speaking and education, and media work. CCLA is not a service agency however, and, as a general matter, does not provide members of the public with legal advice.

Canadian Committee to Protect Journalists

<i>Contact:</i>	Wayne Sharpe, Executive Director
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<i>Email:</i>	ccpj@ccpj.ca
<i>Website:</i>	www.ccpj.ca
<i>Topical focus:</i>	Freedom of expression and press freedom, media ownership concentration, journalists' training, access to information.

Self description: The Canadian Committee to Protect Journalists works to promote freedom of expression worldwide and circulates information to its members and the media in Canada about violations that take place in Canada and the rest of the world. It runs training programs for journalists worldwide and lobbies Canadian and foreign governments to take action against freedom of expression violations in Canada and internationally. The CCPJ manages the International Freedom of Expression eXchange (IFEX) Clearing House on behalf of more than 30 IFEX members, which circulates freedom of expression news worldwide. CCPJ also provides journalism training worldwide and operates a Journalists in Distress Fund. In addition, CCPJ offers an International Press Freedom Award annually.

Committee to Protect Journalists

<i>Address:</i>	Committee to Protect Journalists, 330 7th Avenue, 12th Floor, New York, NY 10001, USA
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<i>Tel.:</i>	(212) 465-1004
<i>Fax:</i>	(212) 465-9568
<i>Email:</i>	info@cpj.org, europe@cpj.org (Central and Eastern Europe)
<i>Website:</i>	www.cpj.org
<i>Topical focus:</i>	Mass media

Self description: The Committee to Protect Journalists is a nonpartisan, nonprofit organization founded by a group of U.S. journalists in 1981 to monitor abuses against

the press and promote press freedom around the world. CPJ depends on private donations from journalists, news organizations, and independent foundations.

By publicly revealing abuses against the press and by acting on behalf of imprisoned and threatened journalists, CPJ effectively warns journalists and news organizations where attacks on press freedom are likely to occur. CPJ organizes vigorous protest at all levels, ranging from local governments to the United Nations, and, when necessary, works behind the scenes through other diplomatic channels to effect change. CPJ also publishes articles and news releases, special reports, a quarterly newsletter and the most comprehensive annual report on attacks against the press around the world.

Through its own reporting, CPJ has full-time program coordinators monitoring the press in the Americas, Asia, the Middle East, Africa, and Europe. They track developments through their own independent research, fact-finding missions and firsthand contacts in the field, including reports from other journalists. CPJ shares information on breaking cases with other press freedom organizations worldwide through the International Freedom of Expression Exchange (IFEX), a global E-mail network.

Using local contacts, CPJ can intervene whenever foreign correspondents are in trouble. CPJ is also prepared to immediately notify news organizations, government officials, and human rights organizations of press freedom violations.

Czech Helsinki Committee

<i>Contact:</i>	Martin Palous, Chairman; Jana Chrzova, Executive Director
<i>Address:</i>	Jeleni 5, P. O. Box 4, 11901 Praha 012 - Hrad, Czech Republic
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<i>Tel.:</i>	420-2-24 37 23 34
<i>Fax:</i>	420-2-24 37 z3 35
<i>Email:</i>	mpalous@beba.cesnet.cz; chrzova@helsincz.anet.cz
<i>Website:</i>	www.helcom.cz
<i>Topical focus:</i>	Human rights in general.

Self description: Czech Helsinki Committee is an NGO running the following centres and programs: Counselling Centre for Refugees: asylum seekers coming to CR; Citizenship Counselling Centre: the stateless, former citizens of CSFR; Human Rights Documentation And Information Centre: human rights library/international focus; Monitoring of legislation and human rights situation/CR; Educational programs: publishing activities, organisation of seminars and conferences; International programs of cooperation.

Commonwealth Press Union (CPU)

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<i>Email:</i>	106156.333@compuserve.com

Derechos Human Rights

<i>Contact:</i>	Margarita Lacabe
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<i>Language:</i>	English and Spanish are the main languages, also Italian, French, Dutch and German.
<i>Tel.:</i>	510-528-7794
<i>Fax:</i>	510-528-7794
<i>Email:</i>	rights@derechos.org
<i>Website:</i>	www.derechos.org
<i>Topical focus:</i>	Human Rights in general.

Self description: Derechos Human Rights is an Internet-based organisation that works to promote respect for human and civil rights, including the right to freedom of speech and the press, all over the world. We also work for the right to privacy and against impunity for human rights violations. Derechos understands human rights as those considered as such under international law-but does not accept limitations to fundamental rights imposed by international law.

Electronic Frontier Canada

<i>Contact:</i>	Jeffrey Shallit, Vice President
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<i>Website:</i>	www.efc.ca
<i>Topical focus:</i>	Free speech

Self description: Electronic Frontier Canada is a small, all-volunteer non-profit organisation devoted to the preservation of “Charter” rights and freedoms in cyberspace. It conducts educational and research regarding application of Canada’s “Charter of Rights and Freedoms” to the Internet and other computer and communications technologies.

European Alliance of Press Agencies

<i>Contact:</i>	Rudi V. De Ceuster, Secretary General
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<i>Tel.:</i>	00322 743 1311
<i>Fax:</i>	00322 735 1874
<i>Topical focus:</i>	Mass media.

European Institute for the Media

<i>Contact:</i>	Francisco Pinto Balsemão, President; Ina Navazelskis, Director of Projects, East-West Cooperative Program
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<i>Tel.:</i>	49 211 90104-0
<i>Fax:</i>	49 211 90104-56
<i>Email:</i>	info@eim.org
<i>Website:</i>	www.eim.org
<i>Topical focus:</i>	Mass media

Self description: The European Institute for the Media (EIM) was established in 1983, in Manchester, in co-operation with the European Cultural Foundation in Amsterdam. In June 1992, the EIM moved to at the invitation of the Government of North Rhine-Westphalia and the city of Düsseldorf, and is now located in the Düsseldorf media-area.

The European Institute for the Media was created to give expression to the growing interdependence of European countries in the field of communication. The EIM’s main activities are:

the documentation and comparative analysis of developments in the European media
the provision of a forum for exchange of information and opinions on media issues.

Fairness & Accuracy in Reporting

<i>Contact:</i>	Peter Hart
<i>Address:</i>	130 W. 25th Street New York, NY 10001, USA
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<i>Fax:</i>	(212) 727-7668
<i>Email:</i>	PHart@FAIR.org (Peter Hart)
<i>Website:</i>	www.fair.org
<i>Topical Focus:</i>	Media bias, censorship, corporate ownership and domination of mainstream news outlets, conservative bias in the news.

Self description: FAIR is the national media watch group offering well-documented criticism in an effort to correct bias and imbalance. FAIR focuses public awareness on the narrow corporate ownership of the press, the media's allegiance to official agendas and their insensitivity to women, labour, minorities and other public interest constituencies. FAIR seeks to invigorate the First Amendment by advocating for greater media pluralism and the inclusion of public interest voices in national debates. FAIR's major activities include media analysis & research, outreach, lectures, magazine (EXTRA!) and radio program (CounterSpin).

Feminists for Free Expression

<i>Contact:</i>	Joan Kennedy Taylor
<i>Address:</i>	2525 Times Square Station, New York, NY 10108, USA
<i>Country:</i>	USA
<i>Language:</i>	English
<i>Tel.:</i>	(212) 702-6292
<i>Fax:</i>	212) 702-6277
<i>Email:</i>	reedom@well.com
<i>Website:</i>	www.well.com/user/freedom
<i>Topical focus:</i>	Freedom of expression issues, stressing the dangers censorship holds for women.

Self description: Feminists for Free Expression is a group of diverse feminist men and women working to preserve the individual's right to read, hear, view and produce materials of her choice without the intervention of the state "for her own good." FFE believes freedom of expression is especially important for women's rights. While

messages reflecting sexism pervade our culture in many forms, sexual and non-sexual, suppression of such material will neither reduce harm to women nor further women's goals. Censorship traditionally has been used to silence women and stifle feminist social change. It never has reduced violence; it led to the imprisonment of birth control advocates Margaret Sanger and the suppression of feminist writings. There is no feminist code about which words and images are dangerous or sexist. Genuine feminism encourages individuals to choose for themselves.

Freedom Forum

<i>Contact:</i>	Chris Wells, Senior Vice President/International; John Owen, European Director
<i>Address:</i>	The Freedom Forum European Centre, Stanhope House, Stanhope Place, London W2 2HH, UK; US headquarters: 1101 Wilson Boulevard, Arlington, VA 22209, USA
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<i>Fax:</i>	001 703 284 3529
<i>Email:</i>	news@freedomforum.org
<i>Website:</i>	www.freedomforum.org
<i>Topical focus:</i>	Mass media

Self description: The Freedom Forum was established in 1991 under the direction of Founder Allen H. Neuharth as successor to the Gannett Foundation, which was created by Frank E. Gannett in 1935. It is a nonpartisan, international foundation dedicated to free press, free speech and free spirit for all people. The foundation pursues its priorities through conferences, educational activities, publishing, broadcasting, online services, fellowships, partnerships, training, research and other programs. Operating programs are the Newseum at The Freedom Forum World Centre headquarters in Arlington, Va., the First Amendment Centre at Vanderbilt University in Nashville, Tenn., the Media Studies Centre in New York City and the Pacific Coast Centre in San Francisco. The Freedom Forum also has operating offices in Cocoa Beach, Fla., Buenos Aires, Hong Kong, Johannesburg and London.

Freedom House

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<i>Website:</i>	www.freedomhouse.org
<i>Topical focus:</i>	Political rights, civil liberties, human rights, press freedom, democratisation.

Self description: Freedom House is a clear voice for democracy and freedom around the world. Founded nearly sixty years ago by Eleanor Roosevelt, Wendell Willkie, and other Americans concerned with mounting threats to peace and democracy, Freedom House has been a vigorous voice for democratic values and a steadfast opponent of dictatorship of the far left and far right. Non-partisan and broad-based, Freedom House is led by a Board of Trustees composed of leading Democrats, Republicans, and Independents; business and labour leaders; former senior government officials, scholars, writers and journalists. All are united in the view that American leadership in international affairs is essential to the cause of human rights and freedom. Over the years, Freedom House has been at the Centre of key issues in the struggle for freedom. We were outspoken advocates of the Marshall Plan and NATO in the 1940s, of the US civil rights movement in the 1950s and 1960s, of the Vietnamese boat people in the 1970s, of Poland's Solidarity movement and the Filipino democratic opposition in the 1980s, and of many democracies that have emerged around the world in the 1990s. Freedom House has vigorously opposed dictatorships in Central America and Chile, apartheid in South Africa, the suppression of the Prague Spring, the Soviet invasion of Afghanistan, genocide in Bosnia and Rwanda, and the brutal violation of human rights in Cuba, Burma, China and Iraq. We have championed the rights of religious believers, trade unionists, journalists, and free-market entrepreneurs. Today, we are a leading advocate of the world's young democracies that are coping with the debilitating legacy of statism, dictatorship and political repression. We work through an array of U.S. and overseas research, advocacy, education, and training initiatives that promote human rights, democracy, free market economics, the rule of law, independent media, and US engagement in international affairs. Through our work at home and abroad, with support foundations, labour unions, corporations, private donors, and the US government, Freedom House gives impetus to the remarkable expansion of political and economic freedom that is transforming the world at the dawn of a new millennium.

Free 2000

Self description: Because of continued and mounting pressure on free media in Yugoslavia, the Association of Independent Electronic Media (ANEM) initiated the establishment of the International Committee to Protect Free Media in Yugoslavia - FREE 2000. Established in August 1998, FREE 2000 currently gathers individuals from 17 international and six local non-governmental organisations engaged in the protection of human rights.

The aims of FREE 2000 are: To help institutionalise successful defence and protection of independent media in FR Yugoslavia; To initiate continuous work to protect independent media in FR Yugoslavia against systematic repression; To insist on the democratisation of local information- and telecommunications-related jurisdiction, in keeping with the international standards; To encourage governments of the countries participating in the resolution of the Balkans problems to bring sufficient diplomatic attention on authorities jeopardising independent media to stop doing so; To take part in direct actions initiated by independent media and associations in FR Yugoslavia; To encourage local journalists in their effort to make their work professional; To aid the flow of information between media and journalists in the countries of the former Yugoslavia, which makes an important element for successful implementation of peace in Bosnia-Herzegovina but also for resolution of the Kosovo crisis and a lasting peace in the region.

Glasnost Defence Foundation

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<i>Website:</i>	www.internews.ras.ru/GDF
<i>Topical focus:</i>	Legal protection and training for journalists.

Self description: The Glasnost Defence Foundation (GDF) is one of the oldest and best organised non-profit media watchdogs in the former USSR. Its roots go back to 1991 when a decision by the USSR Confederation of Cinematographers Union gave birth to GDF. At that time it was a source to which any journalist could turn to find solace and support.

The activities of GDF follow several fundamental paths. We provide legal assistance to journalists and media involved in any kind of conflict in which the power structure or any other influence-wielding body meddles with the legitimate work

of the press. GDF monitors violations of the Russian Constitution and press law, providing legal consultations and staying up to date on all legislation concerning the mass media. We provide humanitarian aid to those who need it. We try to assist families of journalists killed on the job, our colleagues who find themselves out of work because of political motives and even newspapers struggling to stay afloat. GDF, with the help of other human rights organisations, leads campaigns in defence of our colleagues in need. We organise press conferences, issue press releases, take part in pickets and make appeals to the government. GDF leads seminars and conferences designed to make journalists more familiar with the law. In cooperation with the Russian Prosecutor's Office we started a series of seminars to provide participants with specialised knowledge of how the law and mass media interact in society.

We have a team of qualified experts trained in media law, ready to travel to any region of Russia and the CIS. It's a sort of "Rescue Squad" for journalists in trouble. These consultants work to inform persecuted journalists of their legal rights and help mediate conflicts. GDF has a regional network in 10 regions of the Russian Federation which help to monitor press law violations in the territory of the Russian Federation. Our experts have produced a number of useful publications that we distribute free of charge to journalists or anyone who needs them.

With the assistance of our colleagues we started publishing *Dosje na Censuru*, the Russian version of the British publication *Index on Censorship*. The Russian version contains several articles concerning censorship in the USSR and in Russia, pressure on journalists and the media, memoirs of writers and journalists and human rights activists.

We are now conducting scientific and practical research into Mass Media and Judicial Power designed to show the main tendencies in court, its reflection in mass media, journalists and public opinions about the courts, to determine some possible steps to improve the legal system of the Russian Federation and the understanding between two professional groups - journalists and judges.

Global Internet Liberty Campaign

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<i>Email:</i>	info@gilc.org
<i>Website:</i>	www.gilc.org
<i>Topical focus:</i>	Internet policy, encryption policy, freedom of expression on the Internet.

Self description: The Global Internet Liberty Campaign was formed at the annual meeting of the Internet Society in Montreal. Members of the coalition include the American Civil Liberties Union, the Electronic Privacy Information Centre, Human Rights Watch, the Internet Society, Privacy International, the Association des Utilisateurs d'Internet, and other civil liberties and human rights organisations.

The Global Internet Liberty Campaign advocates: Prohibiting prior censorship of on-line communication; Requiring that laws restricting the content of on-line speech distinguish between the liability of content providers and the liability of data carriers; Insisting that on-line free expression not be restricted by indirect means such as excessively restrictive governmental or private controls over computer hardware or software, telecommunications infrastructure, or other essential components of the Internet; Including citizens in the Global Information Infrastructure (GII) development process from countries that are currently unstable economically, have insufficient infrastructure, or lack sophisticated technology; Prohibiting discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; Ensuring that personal information generated on the GI for one purpose is not used for an unrelated purpose or disclosed without the person's informed consent and enabling individuals to review personal information on the Internet and to correct inaccurate information; Allowing on line users to encrypt their communications and information without restriction.

Greek Helsinki Monitor & Minority

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<i>Fax:</i>	+30-1-807 57 67
<i>Email:</i>	office@greekhelsinki.gr
<i>Website:</i>	www.greekhelsinki.gr
<i>Topical Focus:</i>	Religious, linguistic, ethnic or national minorities' rights in the Balkans.

Self description: Minority Rights Group — Greece was created as a Greek affiliate of Minority Rights Group International in January 1992. Its members founded Greek Helsinki Monitor in late 1992, following the encouragement of the International Helsinki Federation for Human Rights (IHF). A year later, in December 1993, the latter's General Assembly accredited it as its Greek National Committee with an observer status; in November 1994, the General Assembly elevated Greek Helsinki Monitor to full membership. In April 1998, Greek Helsinki Monitor also became member of the International Freedom of Expression Exchange (IFEX). In 1994, Greek

Helsinki Monitor launched a project to prepare detailed reports on all national, ethnolinguistic and major religious minority communities in Greece (Macedonians and Turks; Arvanites, Pomaks, and Vlachs; Catholics, Jehovah Witnesses, Protestants, and New Religious Movements), as well as the Greek minorities in Albania and Turkey, and the Albanian immigrants in Greece. Besides the usual monitoring of human rights violations and human rights related trials, the issuing of public statements, alone or along with other NGO's, and the monitoring of Greek and Balkan media for stereotypes and hate speech, Greek Helsinki Monitor started in 1997 a Roma Office in cooperation with the European Roma Rights Centre.

Human Rights Center of Azerbaijan

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<i>Email:</i>	eldar@hrcenter.baku.az
<i>Website:</i>	www.koan.de/eldar
<i>Topical focus:</i>	Political prisoners, freedom of expression, refugees.

Self description: The Human Rights Center of Azerbaijan is non-governmental, non-political, non-registered, non-profit organisation created on 29 April, 1993 by freelance journalist and human rights activist Eldar Zeynalov. The main motives of that were the disagreement with the restored political censorship in Azerbaijan, which blocked the publications about the human rights violations in the country, and the necessity of the permanent information of local and global organisations on the human rights situation in the country. The main form of the work of HRCA is the monitoring of the human rights situation with the publication of the information bulletin, thematic reports, lists of prisoners etc. Other direction of its work is the re-printing the human rights reports of other organisations with translation to the local languages. HRCA propagates also the electronic mail in the information exchange in the human rights field. It provides some local NGO's by the e-mail link with Western colleagues.

The programs carrying out by HRCA, are the following ones: Monitoring the human rights situation in Azerbaijan; Monitoring the forced migration in Azerbaijan; Monitoring of prison conditions; Monitoring of women's rights; Free translation office for local e-mail network of NGO's.

The weekly bulletin of HACA covers the current human rights situation in Azerbaijan. Since December 1996, it is divided into two parts: Part 1 contains the information on struggle for the power; problems of press and telecommunications; arrests and trials; meetings; strikes; social problems. Part 2 includes ethnic problems; religion; war and peace issues; refugees and humanitarian aid; environmental problems.

Human Rights Watch

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<i>Tel.:</i>	(212) 290-4700 (US); (171) 713-1995 (UK); (2) 732-2009 (Belgium)
<i>Fax:</i>	(212) 736-1300 (US); (171) 713-1800 (UK); (2) 732-0471
<i>Email:</i>	hrwnyc@hrw.org;hrwatchuk@gn.apc.org; hrwatcheu@gn.apc.org
<i>Website:</i>	www.hrw.org
<i>Topical focus:</i>	Human rights.

Self description: Human Rights Watch is dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.

Index on Censorship

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<i>Email:</i>	contact@indexoncensorship.org, ursula@indexoncensorship.org, michael@indexoncensorship.org
<i>Website:</i>	www.indexoncensorship.org
<i>Topical focus:</i>	Mass media

Self description: Index on Censorship, the bi-monthly magazine for free speech, widens the debates on freedom of expression with some of the world's best writers. Through interviews, reportage, banned literature and polemic, Index shows how free speech affects the political issues of the moment.

International Center for Journalists

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<i>Website:</i>	www.icfj.org
<i>Topical focus:</i>	Mass media

Self description: The International Center for Journalists (ICFJ) was established in 1984 to improve the quality of journalism in nations where there is little or no tradition of independent journalism. ICFJ believes that a vigorous, independent press is one of the most powerful weapons available in the struggle for freedom and civil rights. ICFJ believes that working with our colleagues overseas — providing journalistic, media management and technical expertise as well as information and support services — is critical to the development of an effective, independent press that is ethically grounded and financially stable.

The ICFJ provides professional development programs that promote excellence in news coverage of critical community and global issues. The Center offers many fellowships and exchanges, conducts a variety of training seminars, workshops and conferences, and provides a range of consulting services.

International Consortium of Investigative Journalists

(a project of the Center for Public Integrity)

<i>Address:</i>	ICIJ at The Center For Public Integrity, 910 17th St, NW, 7th Floor, Washington, D.C. 20006, USA
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<i>Tel.:</i>	1-202-466-1300/3519
<i>Fax:</i>	1-202-466-1101
<i>Email:</i>	info@icij.org
<i>Website:</i>	www.icij.org
<i>Topical focus:</i>	Mass media

Self description: Founded in September 1997 and headquartered in Washington, D.C., at the Center for Public Integrity, its parent organization. It is a working network of the world's leading investigative reporters. Its mission is to conduct investigative reporting projects across nation-state borders on the premise that an enlightened populace is an empowered one. It identifies international investigative reporters and linking them via the Internet, conferences and through an institutional support structure.

International Federation for Information and Documentation (FID)

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<i>Website:</i>	fid.conicyt.cl:8000/who1.htm
<i>Topical focus:</i>	Information

Self description: Since 1895 FID Members, representing organizations and individuals in over 90 nations, have promoted best management practice of information as the critical resource for all society. FID aims to: advance the frontiers of science and technology; improve competitiveness of business, industry and national economies; strengthen possibilities for development and enhance the quality of life wherever possible; improve the ability of decision-makers to make appropriate decisions; stimulate educational strategies and life-long learning; make expression possible in all sectors of the Information Society including the arts and humanities and will strive and continue to be at the leading edge of the development of the management of information.

The International Federation of Journalists

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<i>Email:</i>	ifj.safety@pophost.eunet.be, ifj.projects@pophost.eunet.be
<i>Website:</i>	www.ifj.org
<i>Topical focus:</i>	Mass media

Self description: The International Federation of Journalists is the world's largest organisation of journalists. First established in 1926, it was relaunched in 1946 and again, in its present form, in 1952. Today the Federation represents more than 400,000 members in over 90 countries.

The IFJ promotes co-ordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists. The IFJ does not subscribe to any given political viewpoint, but promotes human rights, democracy and pluralism.

The IFJ is opposed to discrimination of all kinds - whether on grounds of sex, creed, colour or race - and condemns the use of media as propaganda to promote intolerance and social conflict. The IFJ believes in freedom of political and cultural expression and defends trade union and other basic human rights. The IFJ is recognised as the organisation which speaks for journalists at international level, notably within the United Nations system and within the international trade union movement. The IFJ supports journalists and their unions wherever they are subject to oppression and whenever they are fighting for their industrial and professional rights. It has established an International Safety Fund to provide humanitarian aid for journalists who are the victims of violence. The IFJ supports trade union solidarity internationally and works particularly closely with other international federations of unions representing trades related to journalism and the media industry. Its basic policy is decided by the Congress which meets every three years and work is carried out by the Secretariat based in Brussels under the direction of a ruling 20-member Executive Committee.

International Federation of the Periodical Press

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<i>Topical focus:</i>	Mass media

The International Freedom of Expression eXchange Clearing House

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<i>Website:</i>	www.ifex.org
<i>Topical focus:</i>	Mass media.

Self description: IFEX was born in 1992 when many of the world's leading freedom of expression organizations came together in Montreal to discuss how best to further their collective goals. At its core, IFEX is made up of organizations whose members refuse to turn away when those who have the courage to insist upon their fundamental human right to free expression are censored, brutalized or killed. It is comprised of nearly 40 different freedom of expression groups — located everywhere from the Pacific Islands to Europe to West Africa.

The nerve-centre of IFEX is the Clearing House, located in Toronto, Canada and managed by Canadian Journalists for Free Expression.

One of the central components of IFEX is the Action Alert Network (AAN). Member organizations report free expression abuses in their geographic region or area of expertise to the Clearing House which, in turn, circulates this information to other members and interested organizations all over the world. The AAN also provides updates on recent developments in ongoing cases and circulates important freedom of expression press releases. Email: alerts@ifex.org

Independent Journalism Center, Moldova

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Website:	www.internews.ras.ru/eng/IJC_Moldova

Self description: The Independent Journalism Center is an NGO and as a constituent part of the Open World House was opened at start of 1994. The open World House's goal is to facilitate the transition from a totalitarian regime to a democratic society by providing training and other resources in these areas. The IJC is founded on the principles of a profitable, free and open press. Its intent is to provide professional newsmen and women, journalist trainers, and journalism students with media instruction and resource materials; thus contributing to the independence of the media environment in Moldova.

The roots of the IJC lay in the field of media training. The center's two primary sources of funding are the Soros Foundation-Moldova and the Eurasia Foundation. It also has received many in-kind and program-support contributions from other organisations. The IJC is overseeing more than 30 projects for 1995-1996, many planned in cooperation with the Organization of Security and Cooperation in Europe (Warsaw), the European Journalism Network (Prague), the Freedom Forum, the PBN Company (San Francisco and Moscow), Internews (Moscow), Amarc (London) and the Journalists' Union of Moldova.

The IJC hosts a Press Club organized in cooperation with Moldovan Committee for the Freedom of Press. An independent radio station is being established and a television production studio is already functioning. Hopefully these associated training laboratories will be useful for the journalists. The IJC's activity also includes the publication of a weekly information digest for Moldovan journalists and others, as well as a bi-annual research magazine on actual media situation in the country.

The International Press Institute

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<i>Website:</i>	www.freemedia.at
<i>Topical focus:</i>	Mass media,

Self description: The International Press Institute is a global network of editors, media executives and leading journalists from newspapers, magazines, radio, TV and news agencies in over 100 nations. IPI was founded in New York in 1950 by an international group of editors from 15 countries. Today, the IPI is the world's leading organization for the defense of press freedom. Today's training activities are focused on the countries of the former Soviet Union and Eastern Europe. IPI has brought journalists together and allowed them to learn from one another.

IPI's main office is in Vienna. National committees in several countries and Committees of Experts (e.g. for public broadcasting, private broadcasting, news agencies, etc.) support its work. As an international non-governmental organization, it enjoys consultative status with the UN, UNESCO, the Council of Europe and the OSCE.

Its main objectives are: to defend and promote press freedom; to organize media campaigns against press freedom violations; to publish studies of governmental pressure on the media; to carry out on-the-spot investigations in areas where press freedom appears to be endangered; to promote the free exchange of news and the free flow of information regardless of national boundaries; to ensure the safety of journalists and to allow them to work without interference; to promote cooperation and an exchange of professional experience among its members to improve the practice of journalism.

IPI's activities include: formal protests to governments and organizations restricting the free flow of information; confidential interventions with government leaders against infringements on press freedom on-the-spot investigation by IPI observers in areas where press freedom appears to be endangered; publication of studies of governmental pressure on the media regular documentation of any attack on press freedom; conferences, seminars and roundtable meetings on human rights as well as a broad range of political, social and professional issues; publication of the quarterly "IPI Report", the annual "World Press Freedom Review" and the "Congress Report;" IPI holds a World Congress in a different country each year, thus underlining its global perspective

Journalist Safety Service

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<i>Topical focus:</i>	Mass media

Media Center Belgrade

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<i>Topical focus:</i>	Mass media.

Self description: Media Centre is a unique institution in Belgrade, founded on 1 July 1994 upon the initiative of a group of independent journalists and their associations to soon become a true meeting place for independent journalists and media in Yugoslavia. Media Center enables journalists unobstructed work including the use of the Centre's technical facilities. Foreign journalists are, in addition, offered other professional services - briefings, interviews, meetings with competent personalities, travels in the country, etc. The premises of Media Centre also house the seat of the Independent Journalists Association of Serbia (IJAS). IJAS has been the member of the International Federation of Journalists since October 1994.

Activities of Media Centre include publishing, research and education. Media Centre has a complete data base on all electronic and printed media in Serbia. Researchers of Media Center are about to complete a comprehensive project called Hate Speech which will try to give the answer to the key question of the role and importance of the media in initiating the war in the former Yugoslavia.

Educational activities of Media Center in 1996 developed through three journalist schools: a school for journalists of printed media, organized with Press Now Amsterdam (June 1996) and two schools for reporters of Yugoslav radio stations, organized with BBC World Training Service, London (June and October 1996).

In cooperation with Article 19 from London Media Center organized two seminars on media in the Balkans. In parallel, Media Center continues to fulfil its main purpose: it remains the centre of communication, information and solidarity of independent journalists, their media and associations.

Medienhilfe Ex-Jugoslawien

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<i>Website:</i>	www.medienhilfe.ch
<i>Topical focus:</i>	Mass media.

Self description: Medienhilfe Ex-Jugoslawien was founded in December 1992 by a group of journalists and other interested people who were — and still are — committed to the struggle for independent media. All the work is done on a voluntary basis.

Medienhilfe Ex-Jugoslawien financially and materially supports in all parts of former Yugoslavia independent media which contribute to this noble aim. Further we are interested in knowing our own media and how do they comment on the war. Medienhilfe Ex-Jugoslawien supports various radio- and TV-stations, newspapers and magazines. We are in close contact with journalists in former Yugoslavia and independent political experts both in Switzerland and abroad. The supported media must be independent from any governmental influence and deny the politics of war and ethnicity.

National Freedom of Information Coalition

<i>Contact:</i>	Nancy Monson, Executive Director
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<i>Email:</i>	username@airmail.net
<i>Website:</i>	www.nfoic.org
<i>Topical focus:</i>	First Amendment/Freedom of Information

Self description: A loose coalition of state groups who come together to share what's happening in their state and attempt to learn from each other. We would perhaps welcome an international component to our organisation in the future.

Norwegian Forum for Freedom of Expression

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<i>Topical focus:</i>	Mass media

Open Society Institute Network Media Program, Soros Foundation

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<i>Website:</i>	www.osi.hu/nmp
<i>Topical focus:</i>	Mass media.

Self description: The Network Media Program acts as a consultant, resource, liaison and partner for the media programs of national foundations as well as for other network entities working on media-related projects, and for various organisations working in the media field in Central and Eastern Europe and the former Soviet Union. NMP seeks to bridge information gaps in the media field, boost cooperation among national foundations, as well as between national foundations and other media institutions and donor/partner organisations, works to minimise duplication, foster cost-effectiveness and maximise recourses within the network.

NMP activities include assistance to the national foundations in shaping the strategies of their media programs, finding international partners/donors for their

projects. The Program also initiates, facilitates and supports cross-country media-related projects implemented both by the national foundations and/or other organisations. Through its activities NMP offers a possibility of support (by networking independent democratic media in the region) to the media which are working on positioning themselves in the emerging markets.

Primary concern of the Program is assistance in establishment of the environment favourable to the viability and further development of free, independent and responsible media in the region. Working towards this goal, NMP is concentrating on the projects addressing the issues of democratic media legislation, monitoring violations of media freedom, protection of journalists, establishment of media self-regulation systems and strong independent professional organisations, raising professionalism of journalists and media managers.

Press Now

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<i>Topical focus:</i>	Mass media

Self Description: Ever since April 1993 Press Now stands for the independent media in former Yugoslavia. Press Now wants: to inform politicians, press and general public on the subject-matter of media in former Yugoslavia by means of public programs and campaigns; to raise money and to gather an equipment for independent media in former Yugoslavia, and to deliver it to those places where it is needed; to officiate as an information cross-point between the media in ex-Yugoslavia, supporters in the Netherlands and Europe, and the Dutch media; to bring the media there in touch with the media here, so that the Dutch media can provide a structural support to the related newspapers and broadcasters.

Press Now supports those media in Bosnia-Herzegovina, Kosovo, Croatia, Macedonia, Montenegro, Serbia and Slovenia where it is an established fact: that they are not state-owned; that their editorial policy is not influenced by governmental structures; that they are not connected to any political party; that they do not spread propaganda; that they take a stand against war and ethnic conflicts; that they contribute to a reconstruction of democracy.

Seventeen different newspapers and broadcasters were supported. While in 1994 most help still consisted of emergency aid, more attention was given to structural investments for the independent media in 1995.

The Reporters Committee for Freedom of the Press

<i>Contact:</i>	Jane E. Kirtley, Executive Director
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<i>Topical focus:</i>	We deal exclusively with legal issues (as distinguished from journalism ethics) affecting the ability of journalists to gather and disseminate news. We do not deal with labor relations or employer/employee disputes. We do not lobby.

Self description: The Reporters Committee for Freedom of the Press was created in 1970 at a time when the nation's news media faced a wave of government subpoenas asking reporters to name confidential sources. A group of prominent American journalists formed a committee intervening in court cases. In the last two decades the Committee has played a role in virtually every significant press freedom case that has come before the Supreme Court as well as in hundreds of cases in federal and state courts. The Committee has also emerged as a major national — and international — resource in free speech issues, disseminating information in a variety of forms, including a quarterly legal review, a bi-weekly newsletter, a 24-hour hotline, and various handbooks on media law issues. Academicians, state and federal agencies, and Congress regularly call on the Committee for advice and expertise, and it has become the leading advocate for reporters' interest in cyberspace. Important as these activities are, the Committee's primary mission remains serving working journalists — 2,000 of them every year.

Reporters Sans Frontières

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<i>Topical focus:</i>	Mass media

Self description: RSF was founded in June 1985 by Robert Ménard, a journalist with Radio France Hérault to report on disasters that the established media too often ignored. So for four years, from 1985 to 1989, it paid for coverage of wars and countries that had been “forgotten” by the media. The money came from public funds (the Hérault departmental council and the Languedoc-Roussillon regional authority) and from private contributions (sponsorship by companies).

Meanwhile, throughout those years a problem underlying the initiative taken by became steadily more apparent: the difficulties faced by journalists trying to do their work in freedom. The small group supported by local charity gradually grew, broadening its contacts with similar organisations working for freedom of expression. It now has 15 permanent staff, 1,200 members in about 20 countries, 110 correspondents worldwide, six national branches (France, Germany, Spain, Belgium, Sweden and Switzerland) and desks in Istanbul and Washington. It holds consultative status with the Council of Europe, the United Nations Commission on Human Rights and UNESCO.

Its goals are: to help imprisoned journalists; to publicise violations of press freedom; to help media that are victims of repression; to encourage debate on problems connected with press freedom.

STATEWATCH

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<i>Topical focus:</i>	The State and civil liberties in the EU.

Self description: Statewatch was founded in 1991. It is a non-profit making voluntary group with a network of 34 contributors drawn from 12 European countries. It is now one of the leading source of information on justice and home affairs in the European Union, the Council of Justice and Home Affairs, The Schengen Agreement, surveillance and civil liberties. In October 1997 the Statewatch European Monitoring & Documentation Centre (SEMDOC) was launched at the UK offices of the European Parliament. Seventy individuals and organisations signed up as supporters - lawyers, MPs, MEPs, researchers, journalists, academics national and community groups from across the EU. In November 1996 Statewatch lodged six complaints with the European Ombudsman concerning access to documents on justice and home affairs against the Council of Ministers. To date the first three complaints have

been won. As a result of our complaints the right to put complaints concerning justice and home affairs was written into the Amsterdam Treaty. On 28 April State-watch's editor Tony Bunyan was presented with a Freedom Of Information Award 1998 for our work on tackling secrecy in the EU. The prize was presented by the Lord Chancellor Lord Irvine a member of the UK Cabinet.

World Association of Community Radio Broadcasters (AMARC)

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<i>Topical focus:</i>	Mass media

Self description: AMARC is an international non-governmental organization serving the community radio movement. Its goal is to support and contribute to the development of community and participatory radio along the principals of solidarity and international cooperation. All continents are represented on AMARC's Board of Directors.

World Association of Newspapers

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<i>Topical focus:</i>	Mass media

Self description: Founded in 1948, the World Association of Newspapers (ex-FIEJ) groups 57 newspaper publishers associations in 53 countries, individual newspaper executives in 90 nations, 17 national and international news agencies, a media foundation and 7 affiliated regional press organisations. In all, the Association represents more than 15,000 publications on the five continents.

The World Association of Newspapers has three major objectives: defending and promoting press freedom and the economic independence of newspapers as an essential condition for that freedom; contributing to the development of newspaper publishing by fostering communications and contacts between newspaper executives from different regions and cultures; promoting co-operation between its member organisations, whether national, regional or worldwide.

In pursuit of these objectives, the World Association of Newspapers notably: represents the newspaper industry in all international discussions on media issues, to defend both press freedom and the professional and business interests of the press; promotes a world-wide exchange of information and ideas on producing better and more profitable newspapers; opposes restrictions of all kinds on the free flow of information, on the circulation of newspapers and on advertising; campaigns vigorously against press freedom violations and obstacles; helps newspapers in developing countries, through training and other co-operation projects; channels legal, material and humanitarian aid to victimized publishers and journalists;

World Press Freedom Committee

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<i>Topical focus:</i>	Mass media

Self description: The WPFC, with 40 affiliated journalistic organisations on six continents, is in the forefront of the struggle for a free press everywhere. It emphasizes monitoring and coordination, vigorous advocacy of free-press principles and practical assistance programs. It is a watchdog for free news media at UNESCO, the UN, OSCE, Council of Europe, European Union, and at human rights and other international meetings considering free-press issues. Its Charter for a Free Press provides guideposts for press freedom wherever these are needed. It has been widely

endorsed and is available in seven languages including Russian, Chinese and Arabic. The Fund against Censorship, which WPFC administers in cooperation with other free press groups, extends self-help legal grants to help news media to fight back when governments move in. More than 150 WPFC training and related projects to date include publication of journalism manuals in Africa and in 10 Central and Eastern European languages. The WPFC implements joint activities for a Coordinating Committee of major world free-press organisations.

Authors

Tchingiz Aitmatov - a Kirghiz national born in 1928, Aitmatov was a highly prominent, established Soviet writer. He's been a member of the Supreme Soviet, a winner of the Lenin Prize for literature, a Hero of Socialist Labour, an editor of *Novy Mir*, an official correspondent for *Pravda*. Over the years he has written numerous stories, novels, and plays, among them such classics as *The First Teacher*, *The White Ship*, *The Day Lasts More Than a Hundred Years*. He is internationally renowned and many of his works have been published in Europe and the United States of America. In the past years, Aitmatov has been representing his country, newly independent Kyrgyzstan, as an Ambassador in Brussels.

Clifford G. Christians - is a Research Professor of Communications at the University of Illinois, Urbana-Champaign, where he directs the doctoral program in communications. He holds joint appointments as a Professor of Journalism and a Professor of Media Studies. He has been a member of the Executive Committee of the Program for the Study of Cultural Values and Ethics at the University of Illinois. For the PSCVE, he was a program fellow studying normativity, chaired its conference on higher education, participated in a faculty consortium on professional ethics, and lectured in its series on technology and ethics and on the one on literacy, and chaired its faculty research awards committee.

Freimut Duve - a German politician, human rights activist, writer and journalist was elected the OSCE Representative on Freedom of the Media by the OSCE Ministerial Council in December 1997. Duve was born in 1936 in Wurzburg and received his education in Modern History, Sociology, Political Science and English literature at the University of Hamburg. He worked as an Editor at the Rowohlt publishing house and was a Social-Democratic member of the Bundestag (German Parliament) in 1980-1998 representing his city Hamburg

Bronislaw Geremek - Polish politician, historian of the medieval era, university professor and scholar, Minister of Foreign Affairs of the Republic of Poland. He was born in 1932 in Warsaw. In 1955-1985 Geremek worked at the Institute of History of the Polish Academy of Sciences. In 1985 he was dismissed from the Academy for political reasons. In 1989 he was formally invited to resume his professional duties as a professor. In 1968 Geremek resigned from the Polish United Workers Party in protest against the Warsaw Pact invasion of Czechoslovakia. In 1980 Geremek became one of the senior advisors to the Solidarity trade movement. Detained after the imposition of martial law in 1981 and released a year later, he became an advisor to the underground Provisional Committee of Solidarity and a close aid to Lech Walesa. In 1989 he was elect-

ed a deputy to the Sejm (lower chamber of the Polish Parliament) and has held this seat ever since. Geremek is one of the founders of Unia Demokratyczna (later renamed as Freedom Union) and has chaired the parliamentary caucuses of the party since 1990. During 1998 in his capacity as the Foreign Minister of Poland, Mr. Geremek acted as the Chairman-in-Office of the OSCE.

Jim Hoagland - a two-time Pulitzer Prize winner, is associate editor/senior foreign correspondent for The Washington Post. Hoagland joined The Washington Post in 1966. In 1969, he was assigned to Nairobi as the Post's correspondent in Africa. For nearly two years he concentrated on the racial conflicts of Southern Africa, covering colonial wars in Angola, Mozambique and Guinea, the revolution in what was then Rhodesia and apartheid in South Africa. He was awarded the Pulitzer Prize for international reporting in 1971 for his 10-part series on apartheid. Hoagland went to Beirut as Middle East correspondent in 1972, covering the Arab world, Israel and Iran. He moved to Paris in 1976 to cover France, Italy and Spain. In 1978, he became diplomatic correspondent on the Post's national staff in Washington, and in 1979, foreign news editor. In 1991, Hoagland received a second Pulitzer Prize, this time for Distinguished Commentary. Jim Hoagland was born in Rock Hill, South Carolina.

Bei Hu - a graduate student at Princeton University, she is currently working as an intern with the Office of the OSCE Representative on Freedom of the Media.

Michael Ignatieff - a native of Canada born in 1947, holds a doctorate in history from Harvard University and has been a fellow at King's College Cambridge; Ecole des Hautes Etudes, Paris; and St. Antony's College, Oxford. Among his academic publications are *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment* and *The Needs of Strangers*, an essay on the philosophy of human needs. Since 1984, he has worked as a free-lance writer, scripting television plays, feature films, novels and works of non-fiction. *The Russian Album*, a family memoir, won Canada's Governor General Award and the Heinemann Prize of Britain's Royal Society of Literature in 1988. His second novel, *Scar Tissue*, was short-listed for the Booker Prize in 1993. He has just completed a biography of the liberal philosopher Isaiah Berlin and is now completing a 10-part history of the 20th century for BBC and CBC radio.

Alexander Ivanko - a former Russian journalist who worked for *Izvestia* Daily, a leading Moscow newspaper, in 1984-1994. Since 1994 until 1998 he was posted as the United Nations Spokesman in Bosnia and Herzegovina. Ivanko joined the Office of the OSCE Representative on Freedom of the Media as an Adviser in October 1998.

Antonin J. Liehm - a Political Observer and Journalist, born 1924 in Prague, Czechoslovakia, Founder and Editor of the European intellectual journal *Lettre internationale*, educated at Charles University in political Science. He worked as a journalist and translator, member of the editorial board of *Literarni Noviny*. Emigrated in 1969, held professorships in Paris, New York and Pennsylvania. In 1977 he was coordinator of the Biennial on Dissident Culture in Eastern Europe (Venice) and received a Guggenheim fellowship in 1972, the Theatre Library Award in 1978, the French Jean Mitry Award in 1990 and the Leipzig book award for European Understanding in 1997.

Beate Maeder-Metcalf - a senior German diplomat in the German Foreign Service since 1987. She has primarily worked on human rights issues and European security. She has a Ph.D. in Romance Languages and Philosophy. She worked on establishing the Office of the OSCE Representative on Freedom of the Media and joined it as an Adviser since its outset in early 1998.

Kaarle Nordenstreng - a Professor of Journalism and Mass Communication, born 1941, received his PhD in Psychology at the University of Helsinki, worked as journalist and editor for the Finnish Broadcasting Company (YLE). Became Professor of Journalism and Mass Communication at the University of Tampere in 1971. Member of the Board of Directors of the Finnish Institute of International Affairs, the Advisory Committee for the Conference on Security and Co-operation in Europe. He has been Vice-President of the International Association for Mass Communication Research (IAMCR) and President of the International Organisation of Journalists.

Stanley Schrager - a senior US diplomat who has been working in the diplomatic service and public affairs for 25 years. He served in Romania, Philippines, several African countries and in 1993-1996 was the US Embassy Spokesman in Haiti. He briefly served as Public Affairs Adviser to the US Mission to the OSCE before joining from the outset as an Adviser the Office of the OSCE Representative on Freedom of the Media.

Mukhtar Shakhonov - a revered Kazakh writer, poet and political leader, he was born in 1942. Starting his career as a tractor driver and mechanic, he moved to journalism and writing in 1961. Shakhonov worked for local newspapers, Kazakh Radio and Television, the State Committee for Publishing and since 1984 headed the almanac *Zhalyn*. After the country's independence, Shakhonov co-chaired the National Congress of Kazakhstan and was elected a member of Parliament. Since 1993 he is representing his country as an Ambassador to Kyrgyzstan.

