

Dear Colleagues,

Thank you for inviting me to this important conference. I am honored to have the privilege of meeting with you today to discuss these important topics and consider the current state of affairs relating to media 20 years after the beginning of the post-Glasnost transition period, which we all agree is not completed yet.

I am particularly pleased to have the opportunity to meet again with Dr. Mikhail Fedotov, our distinguished colleague and a personal friend. As many of you may know, Dr. Fedotov was a finalist for the position that I now hold as OSCE Representative on Freedom of the Media. I sincerely hope that you, Dr. Fedotov, will always consider this Institution as one where we can work jointly to strengthen and protect media freedom. I think it is appropriate that all of us recognize your work as co-author of the media law that we are here to discuss, along with your great efforts to advance our profession through your professional activities with the Union of Journalists.

I hope, Dr. Fedotov, you would agree that it is fully appropriate to take stock of where we stand today as we look back at the monumental events that started 25 years ago.

Consider the current state of the “Press and Other Media Law”, progressive as it was when adopted during the waning days of the Soviet Union. It was, and is, a law full of promise; full of hope; full of what media could and should be in a free and democratic nation.

When I think of this law, I think of the media laws of my home country, Bosnia and Herzegovina. As you know, not only Bosnia and Herzegovina, but also most of the emerging democracies in the Balkans enjoy modern and forward-looking media legislation.

But it is not that simple. If there are good laws, then why do we still face severe problems regarding media freedom; why do we stagnate and sometimes even move backwards?

Please do not misunderstand me. Laws are the codification of a society’s morals. Good laws, ones that promote democratic ideals and free expression, are essential.

But good laws are only the beginning.

Without the political will, without a fair, independent and honest judiciary and without a comprehensive understanding by all members of society of the media's role in a functioning democracy, good laws, even the best laws, are often little more than words on paper. Each person who knows, remembers or lived during the Soviet era knows this all too well.

This is where we stand today: good laws, bad results.

Apart from unmet expectations and disillusioned citizens, we all know that the consequences of politicized and misused media are very serious.

What can be done?

First, do no harm. The media law in this country is fine. In my opinion, it should not be changed substantially, whatever the pretext. To do so would be to backslide into ambiguity which could provide a convenient excuse to those who find the laws incongruous with their political goals.

Second, it is essential that there are vibrant professional associations of journalists representing all forms of media that are competent to carry forth the message to all elements of society that an independent media is essential to a truly functioning democracy. Media is part of civil society. Free expression and a free media is the essential touchstone upon which all other freedoms are based, as eloquently stated in Article 19 of the Universal Declaration of Human Rights. Media must, therefore, work with all of civil society's actors, including NGO's, in defense of this basic human right.

Journalists are, and should be, responsible members of society. But it is for journalists themselves, and not governments, to assist in the development of standards and ethics. Along that line, I firmly believe that the best regulation is the least regulation and the best regulations come from professionally administered complaint bodies, often called press councils, which provide aggrieved parties the right to be heard. It is here again that I compliment Dr. Fedotov for initiating the creation of the Union of Journalists' Grand Jury, which works both as a complaints commission and a self-regulation body. The appearance of the Grand Jury in 1998 was certainly a landmark in the history of post-Soviet media.

Third, the Government. One of the basic Helsinki commitments is a safe working environment for journalists. As with all aspects of security, this is foremost a duty of the state, not only for journalists, but for all citizens. However, journalists in their professional work represent the public's right to know; they are a scrutinizing and investigative force to hold governments

accountable, including their performance on security issues. And here, I feel, is the greatest shortcoming today, despite the fact that the media law is a good piece of legislation.

Without the creation of a safe environment for journalists to do their work, and without true commitment by the state to ensure members of the media the ability to write freely, our attempts to further the professionalism of our members rings hollow.

I must raise the issue that cannot be ignored; the increasing use of violence against those members of the media profession.

The Russian Federation remains the OSCE participating State where most members of the media are killed. **Paul Klebnikov** (Forbes Russia), **Anna Politkovskaya** (Novaya Gazeta), **Anastasia Baburova** (Novaya Gazeta), are the most reported about, but let us also remember **Magomed Yevloyev** (ingushetiya.ru), **Ivan Safronov** (Kommersant), **Yury Shchekochikhin** (Novaya Gazeta), **Igor Domnikov** (Novaya Gazeta), **Vladislav Listyev** (ORT), **Dmitry Kholodov** (Moskovsky Komsomolets) and many others.

Ever since it was created in 1997, my Office has been raising attention to the alarming increase of violent attacks against journalists. Not only is the high number of violent attacks against journalists a cause for concern. The almost abject failure of police and prosecutors to find, bring to justice and convict those who have killed journalists breeds an atmosphere of passive acceptance to this violence.

Murder has become an occupational hazard of reporting the news.

I hope I can close today with an upbeat thought. You are not alone. Let's never underestimate the power of international opinion. The Office I head has a job: to ensure that the 56 participating States of the OSCE live up to their solemn commitments regarding free media. I intend to do so.

Please recall, the Office I head grew out of the 1975 Helsinki Accords. It was through that long, sometimes arduous Helsinki Process, that many of the commitments we have today were first expressed. While I firmly believe that democracy can only grow from within, the international community has a role to play by giving support whenever possible to those on the front lines of the struggle.

Thank you for the honor of having me here today.

