

**CSCE
OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN
RIGHTS**

**CSCE HUMAN DIMENSION SEMINAR ON FREE MEDIA
CONSOLIDATED SUMMARY**

WARSAW, 2-5 NOVEMBER 1993

CONSOLIDATED SUMMARY OF THE CSCE
HUMAN DIMENSION SEMINAR ON FREE MEDIA

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I. INTRODUCTION

The CSCE Human Dimension Seminar on Free Media took place in Warsaw 2-5 November 1993. The seminar was organized by the Office for Democratic Institutions and Human Rights, the CSCE institution responsible for furthering human rights, democracy and the rule of law.

The 4-day seminar was fourth in a series of specialized meetings organized by the ODIHR "to address specific questions of particular relevance to the Human Dimension and of current political concern", in accordance with the decision of the CSCE follow-up Meeting in Helsinki 1992. The previous seminars were devoted to: Tolerance (Nov 1992), Migration, Including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues, Positive Results (May 1993).

The topic of the fourth seminar was Free Media, including: legal foundations and political climate that encourages free and democratic media; journalistic freedom and responsibility; free media and the free market.

The seminar was not mandated to produce negotiated texts, but summary reports prepared by the moderators of the three discussion groups were presented in the final plenary meeting.

II. AGENDA

1. Formal opening of the Seminar.
Opening statement by the Director of the ODIHR.
2. Discussion on free media, including: legal foundations and political climate; journalistic freedom and responsibility; free media and the free market.
3. Summing up.
4. Closure of the Seminar.

II. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES

1. The Seminar will open on Tuesday, 2 November 1993 at 10 a.m. in Warsaw. It will close on Friday, 5 November 1993.
2. All Plenary meetings and the Discussion Group will be open.
3. Agenda items 1, 2, 3 and 4 will be dealt within the Plenary. In addition, the closing Plenary, scheduled for Friday afternoon, will focus on discussion and debate on practical suggestions for dealing with the issues and problems raised during the Discussion Groups.
4. Agenda item 2 will be dealt within the Plenary, as well as in the three Discussion Groups.

DG1: Creating Legal Foundations and a Political Climate encouraging Free and Democratic Media

Topics may include:

- Constitutional and legal frameworks that protect the free flow of information;
- Progress in adopting new media laws in the new democracies and new States, including deregulation of the media;
- Regulations between the government and the media, including regulation and deregulation; justification of restrictions, if any; obscenity, expression of hatred; media access during elections; protection of journalists.

DG2: Journalistic Freedom and Responsibility in a Democratic Media System

Topics may include:

- The role of journalists in a free society;
- Impartiality and objectivity. Also, the media's reflection of society's full diversity and differing political views;
- Media responsibility and the public's right to know. Also, a reporter's right to access to documents, places, persons and governmental confidentiality, including national security arguments; the protection of a reporter's sources; the right to privacy; the protection of citizens (e.g. libel laws).

DG3: Free Media and the Free Market; Economic and Management aspects of Free Media

Topics may include:

- Freedom and autonomy of the media in an often challenging market economy; availability of newsprint and printing facilities, availability of transmitters, systems for distribution of newspapers and magazines (especially in recently changed political/economic systems), taxation;
- The role of advertising and commercial language;
- Media conglomerates, global broadcasters and the international media market.

5. Meetings of the Plenary and Discussion Groups will take place according to the attached work programme.
6. An ODIHR representative will chair the Plenary sessions.
7. The ODIHR will invite the Moderators to guide discussion and debate in the Discussion Groups. ODIHR representatives will assist the Moderators.
8. Standard CSCE rules of procedure and working methods will be applied at the Seminar.

III. PARTICIPATION

There were a total of **253 participants**. Representatives of **41 CSCE participating States** took part in the Seminar. Among the participants were also delegations from an Observer State, the Former Yugoslav Republic of Macedonia; a non-participating State, Japan; and 2 Mediterranean non-participating States, Egypt and Morocco.

In addition, **4 international organizations** were represented (the Council of Europe, United Nations High Commissioner for Refugees, United Nations Development Programme, and UNESCO), but also about **45 press and media representatives**, and **39 non-governmental organizations**

IV. SUMMARY OF PROCEEDINGS

The seminar was opened by the Director of the ODIHR, Ambassador Luchino Cortese. The keynote address was delivered by Dr. Karol Jakubowicz (Poland), an expert at the National Broadcasting Council of Poland; a chairman of Electronic Media Group, Council for the Media and Information appointed by the President of Poland; and a lecturer at the Institute of Journalism, Warsaw University.

Opening statements were made by 12 national delegations, followed by statements of the Council of Europe, UNESCO, and representatives of non-governmental organizations.

During the course of the week, three discussion groups met for four half-day sessions. Each group was led by a Moderator, assisted by the ODIHR Representative, whose function was to facilitate the discussion and to report to the final plenary. The topics were divided as follows:

DG1 - Creating Legal Foundations and a Political Climate Encouraging Free and Democratic Media;

(Moderator: Jock Gallagher (U.K.), Executive Director of the Association of British Editors)

DG2 - Journalistic Freedom and Responsibility in a Democratic System;

(Moderator: Joseph Fitchett (USA), Journalist, International Herald Tribune)

DG3 - Free Media and the Free market in a Democratic System

(Moderator: Dr. Richard Dill (Germany), Foreign Programme Coordinator, ARD Programme Department, Member of the German National Commission for UNESCO)

Closing plenary session was chaired by Mr. Michael Cobden, University of King's College, Halifax (Nova Scotia, Canada) who also delivered a summing up address.

V. OPENING PLENARY - KEY-NOTE ADDRESS - DR. KAROL JAKUBOWICZ (POLAND)

Mr. Chairman,
Ladies and Gentlemen,

The CSCE is, in its own words, "a forum for dialogue, negotiation and co-operation, providing direction and giving impulse to the shaping of the new Europe". As we all know, the field of information and communication was for a long time an area of intense political confrontation, so progress from inevitably modest beginnings was slow. Let me just recall that in the Helsinki Final Act participating states agreed among other things to encourage competent firms gradually to increase the sales of foreign newspapers and publications. They also said they would examine requests from journalists for visas "in a favorable spirit." Clearly some interpreted that phrase in their own way, because during the 1980 Follow-up Conference in Madrid participating states pledged to re-examine "within a reasonable time frame" visa applications which had been refused. They also undertook to facilitate travel by foreign journalists on their territory, but at the same time to "inform them in advance, whenever possible, if new areas were closed for security reasons."

By the time of the 1986 Follow-up Meeting in Vienna, there was already talk of live telebridges between CSCE countries. However, the Concluding Document also contains an undertaking that official press conferences would be open to foreign journalists. Clearly, some were not.

It would be easy today to scoff at the limited scope of these pledges and promises. At the time, however, they marked important advances in extending the limits of the possible in Central and Eastern Europe. Still, genuine recognition of freedom of speech and freedom of the press had to await the collapse of the communist system. The 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE could finally affirm, in the language of the 1948 Universal Declaration of Human Rights, that everyone would have the rights to freedom of expression, including the rights to communication, and to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. It took Europe 42 years to agree on that.

Mr. Chairman,

Central and Eastern European countries are today at work on creating media systems that are to be open, giving access to the media to all who want it, and plural, involving a wide variety of independent and autonomous media, permitting the reflection of a diversity of ideas and opinions. Great strides have already been made in this respect. New and unexpected problems loom large, however. Available evidence suggests, for example, that unstable governing coalitions, shifting political alliances and the existence of scores of small parties desperate for publicity are not conducive to full respect for media autonomy, whatever the new media laws may say. Therefore, we deduce that conditions for this will not be created until there is a social consensus on the shape of the political and economic system and a stable system of strong parties and state authorities secure in their backing by important social constituencies. Clearly, that will be a long time coming.

Some journalists are surprised to find that they are expected, in the interest of impartiality, to refrain from exercising freedom of speech in declaring their own political preferences and from

promoting the parties and politicians they support. Or they go overboard in repudiating their old propagandistic role and refuse to engage in analysis and interpretation of events, therefore failing in their duty to explain to audiences the processes which are reshaping their lives. Some believe that in order to demonstrate their independence they should be viciously critical of everyone and that though, muckraking journalism is synonymous with freedom to engage in libel. Journalists are dismayed to discover that their former colleagues who have become publishers and owners of newspapers now have quite different interests and do not hesitate to exploit them. And as we fully rejoin the international community and become aware of the globalization of political and economic processes, we begin to wonder which media are capable of performing the watchdog role vis-a-vis the global decision-makers.

Above all, however, we are discovering the obvious: that it takes a great deal of money to launch a newspaper or a radio or television station, and even more for them to survive in a competitive market. And therefore, we find that demonopolization and lack of legal and administrative barriers to entry into the media marketplace do not really guarantee media pluralism and everyone's ability to add their voices to the public debate. At the CSCE Seminar of Experts on Democratic Institutions, held in Oslo in 1992, it was pointed out that State intervention could sometimes be necessary in order to protect the diversity of the press. Also in Western European countries - which face many of the some problems - suggestions are sometimes made that public institutions and money should be used to ensure equality in communications. However, state or public interventionism in a mass communications does not enjoy much of a reputation in Central and Eastern Europe.

Mr. Chairman,

For obvious reasons, the CSCE and other international organizations concentrated until recently on ways of removing constraints on freedom of speech and of the press. For this reason, when we look to CSCE and other international documents for pointers on how to solve the dilemmas which become apparent only once freedom had been won, we find fewer answers than we hope for. It is clear, however, that CSCE participating states can only now for the first time engage in a full, substantive and nuanced discussion of these issues, free from ideological posturing or an undercurrent of defensiveness, suspicion and hostility. This gives us a chance to see how definitions and criteria of the right to communication, freedom to hold and impart information and opinions, media independence and pluralism and democratic social communication could be further elaborated and how these ideals could be more fully put into practice. It is up to all of us gathered here today to seize that chance.

That is a formidable task, but whatever progress this seminar makes in this regard will, I believe, constitute a major contribution to the democratic development of Europe. This is what makes this seminar so special and important.

Thank you, Mr. Chairman

VI. MODERATORS CONCLUDING SUMMARIES

6.1. DISCUSSION GROUP 1 - MR. JOCK GALLAGHER (U.K.)

Creating legal foundation and a political climate encouraging free and democratic media

Because we have not sought to produce a negotiated agreement nor any follow up programmes as a result of the seminar, I hope these personal comments will be accepted as no more and no less than an honest reporter's reflection on many hours of discussion.

The Helsinki Document setting up the seminar set the goal "to encourage the discussion, demonstration, establishment of contacts and exchange of information between government representatives and media practitioners."

I believe we have met that goal.

We have encouraged discussion... not only in the formality of the discussion group and the semi-formality of the corridors of the conference centre but also in smoke-filled rooms and hotel bars all over Warsaw.

We have encouraged demonstrations... with many colleagues showing their "know how" to those who may - or may not - need it.

We have encouraged the establishment of contacts... again as often outside the meeting as within it... and my collection of business cards and telephone numbers is evidence of that.

We have encouraged the exchange of information between government representatives and media practitioners... although it has to be said, it was often a one-way flow from government to media! It is, perhaps, a pity that this is not the norm in some member states, where so-called government information is jealously guarded and sometimes even protected by a hostile array of anti-media regulations.

While we reached that first goal, I have to report that we were less successful in determining clearly how to achieve the longer-term aims... of creating legal foundation and a political climate encouraging a free and democratic media.

I make no apology for that because we had first-hand reports which provided evidence, sometimes chilling, that the problem is both serious and complex. There is much work to be done in certain areas of Europe, especially in those countries beset by unrest. When we hear that in our so-called civilized society that journalists are killed because they are journalists, it underlines the enormity of the task we face.

Where and how do we begin?

The logical approach failed.

We were hopelessly unsuccessful in trying to determine an adequate definition of what constitutes a free press. Like beauty, it seems to be in the eye of the beholder.

So if we don't know what it is, how can we hope to secure it across our continent?

First, I would suggest, by being more understanding about the chaos and confusion created by rapid change.

When asked the question directly working journalists in the new democracies said that what they need most from Western colleagues is moral support. "We ask you to understand that our nation is on the move and so are its journalists," said one delegate. He went on to ask that he and his fellow professionals should not be pilloried for the slowness of the move towards achieving a properly free media (whatever it is!).

I was personally moved by the honesty of that appeal and I hope all delegates will show their unanimity by making the first signal we send from this seminar a clear unambiguous message: that they do have and will continue to have our unflinching support.

We must, of course, do much more than that and during the discussions there were a large number of both practical and imaginative ideas that might point us in the right direction.

For example, it is clear that there is more financial, political and professional help available than previously thought. I quote the Council of Europe, the European Union, the agencies of the US government and a wide range of NGOs. There is, however, a serious danger of overlap leading to an unhelpful duplication of activities and therefore a waste of precious resources.

Here, Mr Chairman, I hope you will forgive me if I abandon coded language at this point and say quite bluntly that I would urge western colleagues on both sides of the Atlantic to settle any spurious national or professional differences in the interest of working together. I think tremendous work is being done by what, at present, I can only describe as both sides. Imagine what will be possible once we accept that we're all actually on the same side and genuinely work together.

As the most representative body in the field, it would be helpful if the CSCE was to strengthen its role as a clearing house for all such information.

At the same time, there appears to be a dearth of reliable data about the fast-changing situation across Europe and the CSCE might consider encouraging one or more of the NGOs to conduct regular media audits. We saw excellent examples of how this might be presented in documents presented by the Trans Atlantic Dialogue on European Broadcasting and by the Association of British Editors.

If information is power, we need such information to give us the power to develop both the political climate and a legal framework in which media freedom can be developed.

Towards creating the political climate in which the journalist and the politician can respect each other's responsibilities within a democracy, more training - formal and informal - is needed.

A co-ordinated approach to professional training of journalists is urgently needed in some countries. This is comparatively straight forward and in urging the NGOs to redouble their efforts in this area, we should also congratulate them on the work they are already doing.

Less easy and, therefore, something the CSCE may consider is some form of training for parliamentarians and jurists.

There was a strong and clear demand for formal constitutional safeguards for media freedom and it seems logical that the key people in framing and administrating laws should have a proper dialogue with those most affected by them.

I was much impressed by a proposal from the International Association for Mass Communication Research and I commend it to the ODIHR directorate for consideration. The suggestion is that a judicial colloquium be convened, perhaps on a similar basis to a series recently held under the auspices of the British Commonwealth Secretariat. This could also serve to reinforce the commitment of CSCE members to the rule of law, by incorporating the senior judiciary into the CSCE process.

The editorial voice also needs to be reinforced within the vital area of continuing dialogue. The proprietors and trade union interests are already well-served by FIEJ and the IFJ but when one looks at the necessary mechanisms for achieving self-regulation much supported throughout the seminar, the gap can be seen quite clearly. Who will police self-regulation? It should, in my submission, be editors and I would commend the formation of national groups linked under the umbrella of a pan-European association.

I know my own association of British Editors and the Association of European Journalists would be happy to work with any other organization to make that possible and I hope the CSCE might also use its influence in this area.

Although most delegates are confident that the historical use of the term "press freedom" applies to all media, this needs to be underlined and, in view of the explosion of new technologies, we ought to consider developing the use of "media freedom" as a more appropriate term. In doing so, we should also recognize that there are additional problems for radio and television professionals.

A combination of economics and the regulated system of signal distribution make it unlikely that television stations in the eastern European countries will be able to take short-term advantage of the new technology.

A colleague from Slovakia appealed for help in the creation of some form of sustaining service to be available to all countries across the region. This provoked much discussion about national and regional identity and some scepticism about the feasibility.

However, our Washington colleague, David Webster, who has been working on the idea for some time asserts that it is technically possible but - and I quote - "It will need political will and a leap of the imagination to make it happen with a mix of public and private finance." Whether or

not that will exist or can be stimulated remains to be seen. I hope the CSCE and interested NGOs might make a serious study of the possibilities. I know Mr. Webster will be more than ready to cooperate.

One of the special features of this seminar has been the quality and range of written material submitted by a sometimes bewildering array of individuals and organizations. I suspect the volume is such that it will take some weeks to properly digest the information the documents contain but I do strongly commend them to delegates and urge the ODIHR to consider publishing them in some form. Within them are solutions to many problems and that allows this report to be much briefer than would otherwise have been necessary. Please, fellow delegates, use these papers to light your imaginations rather than your bonfires!

I am indebted to a colleague from Norway who reminded us that freedom - and in our context that means media freedom - must be put to the test every day if it is not to vanish. I cannot think of a better watchword for journalists throughout the world.

Thank you for your patience, Mr. Chairman and thank you fellow delegates for a stimulating if exhausting 4 days.

6.2. DISCUSSION GROUP 2 - MR. JOSEPH FITCHETT (USA)

Journalistic Freedom and Responsibility in a Democratic System

Our topic was journalistic freedom and responsibility in a democratic media system - a Janus-like formulation that is the hallmark of any good-faith effort to discuss the topic of contending claims in the constant clash known as democracy. Ambivalence ran through our exchanges: freedom versus responsibility, democracy versus system, the rights of individuals as journalists or as citizens. This dynamic is inherent in the media's role in democracy, where press freedom is always a process, never an end state. Like the vote, it can never be captured permanently. If it is constricted by over-zealous regulation, the media will re-invent itself - but in underground forms less to function in the daylight of democratic give and take. Shooting the messenger because one does not like the message is a powerful temptation: no matter how many times this error is gravely chastised by historians, it continues to be strongly appealing to groups in all our societies who want to vent their wider frustrations on alleged excesses by "the press."

Spirited discussion of the interplay between media and society reminded us that educating our systems about the media's role in democracy's functioning is vital, too - alongside the constant re-examination to ensure that media continue serving our democracies' evolving needs. Amid our group's consensus that history has shown that media are an indispensable part of the solution, not part of the solution, the different tonalities in our talk showed that this lesson needs to be constantly studied in new contexts.

Striking testimony constantly emerged during DG2 discussions about the vast discrepancy between the working environments of media in the emerging democracies and those in better-off CSCE countries. Ultimately, this disparity is less important than the shared desire and need of

people in all these countries for a free, pluralistic media. But the material difficulties of new media are drastic: acute shortages of newsprint and no advertising revenues, barriers to distribution and to prime-time transmission, lack of professional journalists and professional spokespeople, intimidation and corruption. Citing these daunting obstacles, several participants cited the efforts by governments in the new democracies to promulgate more liberal attitudes toward the media and blamed major international media for compounding local difficulties by reporting on negative developments in their countries.

Journalists from the developing democracies, however, stressed the need for reporting that laid bare problems instead of soft-pedaling or covering up. "There are minorities in our country whose existence we never knew of officially," one journalist said to underscore the point that discussion of ethnic minorities was the way forward, not official control. It is precisely the controls and the denial of such discussion in the past decades that injected such virulence into the ethnic tensions finally surfacing now.

There appeared to be unanimity, among the journalists and NGO's from all CSCE countries in Group 2, that the emerging democracies do not see themselves as developing countries in the sense of that word in the 1950s. Instead of seeking some way of their own, they aspire to a Western political model, and, however great their economic problems, they aspire to press freedom along the lines that the West has defined as part of our core values. But just because the Cold War is over, the fundamental rules must not be allowed to blur - not at least if we want to succeed in least expanding the area of press freedom in Europe as part of greater transparency that could protect peace against a return to the old demons. As is widely acknowledged now in the wake of the Communism's demise, ignorance and prejudice, not media reporting or even propaganda, have been the source of racism and conflict in our century. And the vigor of the media in neighboring nations as well as our own is a basic guarantee of the ability of all of us to live in more open societies.

Our participants made plain their feeling that there is no room for complacency or facile assumptions that democracy produces press freedom instead of the other way around. Censorship is manifested in several CSCE countries - indeed, openly practiced in several major member states, albeit with promises that it will be only temporary. Every session of the seminar in Group 2 discussed the need for CSCE missions to investigate and report on conditions interfering with the free press and free expression in CSCE countries as a priority in accomplishing the organization's mission. This reminder about the need for vigilance was typical of a major theme in our discussions: that first principles apply always, even in the early days of fragile democracies whether in 18th-century post-colonial America or in 20th-century post-communist Russia. No country has a perfect record, but neither should any country be extended a permanent waiver from respecting the rights of expression.

Constantly, too, participants stressed the need and opportunities for continued, more and better cooperation. A particular illustration of this general point emerged in the complaints by journalists from developing democracies about the lack of trained spokespeople at every level of authority in their countries. This point triggered some debate among participants from these countries, with governmental representatives pointing to formal and real steps taken to expand media access to officials. That discussion seemed to convey the texture of real frustrations about getting real information - even on quite ordinary subjects such as water supplies in a city - that are

at the heart of the media's function. Without it, the media is prone to speculation - even sensationalism - that undermines its own credibility in the long run. Without credible media, the authorities will find it harder to maintain genuine public support. Of course, the explanations for the lack of spokespeople are totally understandable in countries where vast numbers of trained people have been swept away by the anti-Communist earthquake: the current practitioners come mostly either from the tiny number of survivors (still marked by authoritarian reflexes despite their new professed credos) or from the masses of untrained recruits hired in the wake of purges. But the concrete discussion pointed to a perhaps-overlooked need to ensure training for people to help their institutions deal with the media for the greater good of all.

It was a small example of the much direr disparities that emerged in our discussions - the lack of material means, the need for time for new reflexes to take hold, the need for overall economic change to produce a real media market. In such conditions, press diversity - the ultimate guarantee of media responsibility is minimal. In such circumstances, few journalists can afford to weigh the virtues of independence, especially in Europe's most troubled countries. Much dedicated work has gone into helping the new media in the form of aid and training. In this context, many imaginative initiatives have been taken to harness new technologies for these new conditions: for example, satellites are enabling Western broadcasters to provide their foreign-language programs to local stations as a core of material around which they can develop their own audiences and markets. Acknowledging the benefits of assistance that has been received, our group's participants also underscored the point that recipients' ability to make productive use of help is also expanding - and also, inevitably, having to compete with the requirements of all the other social sectors for talent and help. All our countries face the unending educational job of building the image of the press, often tarnished by the experiences and also the ideological wars of the last decades along with the material struggle to construct a professional media in the developing democracies.

So, it was a clear outcome of the debate that it will remain vital for governments and organizations such as the CSCE, as well as NGOs and foundations, to continue aid to media-deprived countries - for years to come.

Thus far, several participants from recipient countries noted, a substantially larger proportion of help for media in the developing democracies has come from public and private sources in the United States than from all other donors combined.

In our discussion of professional difficulties in the developing democracies, the point was powerfully made by participants in different ways that the situations where help is most needed are often those where it is most difficult to provide it effectively. Where could the media matter more than in the war zones inside the CSCE area - for example, among Bosnia, Croatia and Serbia and the neighboring area? In war time, it is naive to expect too much of journalism, but media clearly can have an impact in periods of pre-war tension, at turning points in capitals - and in consolidating a tentative peace. International benefactors have recognized that information has a powerful role to play in such crises, but in many instances attempts by outsiders to help media have been frustrating. Supply convoys have been hijacked. Locally based radio stations are overwhelmed by large, state-owned broadcasting. Even the initiative of a ship broadcasting impartial news from international waters has encountered technical problems and some complaints that it engulfed too big a share of the prospective aid pool.

But these frustrations in helping media in zones of tension have made it plainer - for the future - what the hurdles are and what some solutions might be. Clearly, there is no substitute for helping local journalists. They have the audience, they have the responsibility, they have the professional will to get independent information and diffuse it objectively. New technologies offering cheaper more deliverable information can help. Internet, for example, might be a way of getting data into the hands of journalists denied access to printed materials. More imagination is needed in pursuing this new goal: waging information wars to stabilize regional crises. This objective implies changes in powerful Western media practice, too: as media cut back their budgets, there is a growing tendency for freelancers to be the only source of our information in some dangerous crises because they alone will run the risks. To protect this asset, media groups within the CSCE might envisage a common insurance fund for journalists with no institutional protection for them in the course of covering dangerous stories, participants said. In coping with these new regional crises, the group insisted that more imagination is needed where the media are concerned.

In the group's overall discussion and arguments about media's responsibility, a term seemed to encapsulate journalistic aspirations and to provide a watchword for standards: "professionalism." This seemed to convey the journalists's right to human error as in all professions. It also underlined the consensus among journalists in the group that there are clear ideals for the media shared by the best practitioners from all the democratic nations. But these ideals sometimes are grasped in abstract terms better than in daily practice. Yet, getting it done right is as important as having the material means to do it. So that conclusion of the group pointed to opportunities for much more journalist-to-journalist, media-to-media cooperation. These needs run the gamut from management skills to basic journalistic techniques. The technique of writing a story to ensure that it reflects the full diversity of relevant viewpoints is a professional skill that includes an object-lesson in tolerance. At the more sophisticated end of the scale, there are opportunities for trans-border cooperation on journalistic targets. For example, transparency about arms transfers was central in the CSCE's initial attempts to reduce military tensions in Europe: Today, media in the CSCE nations could work together to illuminate the current state of weaponry in Europe. There were other suggestions that media work together at lobbying CSCE governments for help in preventing persecution of journalists and achieving other joint goals - for example helping prevent legal prosecution or other forms of harassment of whistle-blowers who leak secrets to defend the public interest.

To follow up on suggestions for professional cooperation, several delegations suggested that the interested parties should seek to organize another meeting under CSCE auspices - perhaps with funding from media organizations and NGOs - to explore the practical modalities of matching recipients' needs with expertise. What is needed is a flexible Western donors clearinghouse among media, an evolving system that reaches beyond the professional grantsmen at both ends of the aid conveyor belt. CSCE blessing could encourage private benefactors to pursue this new facet of modernizing the media in Europe's new democracies. Participants expressed pleasure at the opportunities for unfettered professional exchanges at the Warsaw seminar - an un-bureaucratic occasion that seemed to reflect an open-ended, inventive CSCE approach to international cooperation.

What appeared to matter most to the group was for any follow up launched in pursuit of the practical suggestions that emerged in our discussion to go forward in the hands of media professionals and avoid being captured by ideologies or apparatchiks of any persuasion.

The discussion and arguments in Group 2 also explored a wider context: where we stand with regard to the media in our various countries as the Cold War's black-and-white values start fading into gray areas and some governments start putting forward under new guises old attempts to discredit the value of freedom of the press.

On this point, our discussion sometimes suggested a three way cleavage of priorities among CSCE regions, specifically North Americans and western Europeans pressing new democracies to pursue higher standards, North Americans and the new democracies pressing the wealthier Europeans to provide more help, and the Europeans seeking acceptance of government pressures for rights to curb the media. The strength of feeling behind these shifting tactical alliances emerged as complaints that some delegations sounded "patronizing" or "condescending" and lacked "cultural sensitivity" and "realism." These characterizations seemed to emerge mainly from governmental representatives or quasi-political participants as part of wider institutional rivalries. In contrast journalists from all the CSCE countries seemed to reflect convergent notions in their views of the media. A frequent note in continuing discussions off the conference floor - was mutual admiration among journalists about how well their colleagues in different countries managed to do the job. Striving to get the story and publish it, whatever the circumstances, is the common obsession of the media, the journalists said.

Similarly, any suggestions that the CSCE countries are unequal in their ability to sustain press freedom were vehemently rejected by journalists in Group 2. Coming as they did from all the main CSCE regions, the journalists reflected a strong professional consensus, based on experience, that proposal to "protect" the media by special regulations invariably reflect governments' own purposes and objectives, including hopes of limiting journalists' ability to operate freely. Specifically, journalists from both sides of the Atlantic rejected suggestions by some governmental representatives that media in European countries have become widely unpopular because of journalistic excess and therefore need some form of regulation for their own protection.

European journalists quite specifically rejected these suggestions by governmental spokespeople from their countries. The journalists maintained, to the contrary of such suggestions, that media have continuing proof of strong, even growing public support - in contrast to mounting problems for governments' own general authority in the face of public skepticism. Specifically, several participants traced the government-press tensions partly to the pattern of scandals exposed in recent years by the press in European countries. Such major revelations have become easier with the weakening of national security constraints since the Cold War's end, and European journalists said that politicians might be trying in some cases to scapegoat the press in an effort to distract attention from their own difficulties.

In a more sophisticated guise, new proposals legitimizing government interference with the media often amount to new versions of the old efforts to discredit the value of a free press that were defeated during the Cold War.

To situate the current debate, we might recall where we stood on press freedom a decade ago:

"The freedom of the news media is a fundamental pillar of a free society. Press freedom may be defined as independence from ownership, control or influence by the government; or, even if a medium such as a broadcast facility is government owned, the independence of the

communicators to provide balanced programs reflecting more than an official viewpoint. Press freedom permits the independent media to be wrong or biased. Professional ethics, a sense of social responsibility and diversity of views and reports provide the correctives."

The most controversial point in that definition - that freedom includes the right to error and even to bias - sparked no dissent from journalists in our group. Just as democracy prefers freeing the guilty to executing the innocent, it believes that the striving by independent journalists for ideals such as objectivity and for scoops in the sense of revelations are what matters. The idea that anyone has omniscience - journalists, ombudsmen, governments - has failed: let us not revive it surreptitiously in the name of fixing a media that is not broken.

That definition of press freedom was written by Leonard Sussman in 1985 at the height of the ideological wrestling in the Unesco fora. Today, press freedom is the creed of all the CSCE nations, but there are efforts to challenge it. As noted by a participant from an emerging democracy, it is foolish to imagine that any of us is exempt from the Bolshevik temptation - the idea that greater efficiency can be obtained by leaving control to an enlightened few with inside knowledge or superior wisdom. In the developing democracies, officials offer the old third world rationalization that their fragile condition makes it impossible for them to have a free press. Even in Western Europe, the combination of exponential improving technologies and weakening governmental authority seems to be generating a bogeyman of "mediaized society" - meaning that the media somehow usurp the place of politicians in influencing public behavior. That, the journalists replied in our group, is a leadership failure, not arrogance of media power.

Yet, officials and journalists alike acknowledged, the 1960s and the 1970s may have marked the highwater point for press freedom, including journalists' rights of access to information. The twin explosions of the 1960s - upheavals, often student-led, right across the CSCE countries and the sudden realization that all these societies had become permeable to powerful, worldwide media - have driven North America toward more openness and Europe toward uncertain hesitation between theoretical openness and attempts in many cases to find new means of indirect censorship. The same divergence can be seen in the related field of the explosion of personal data, with claims of protecting privacy often screening the reality of only governments having access to protected data about citizens. Although more sunshine laws are on the books than ever before in CSCE countries, they rarely seem to have been translated by court verdicts into wider actual access, at least not within the European Union. In fact, the zone of privacy is expanding in most western European countries as governments response to the growing power of automated data processing - and widening fears about its possible abuse - by legislating greater protection for individuals. In theory, this is for the betterment of all; in practice, it is often more leverage for the powerful. Similarly, amid the triumph of capitalism, privatization could actually have the effect of removing data of great social significance from the government sphere, where it theoretically at least belong to all citizens, and placing it in private hands where it may be hidden in the name of proprietary interests.

The conclusion of the group was that, at a minimum, journalists' right to seek information must not be imperiled and the right of governments - and any other entity with authority - to withhold information in the name of national security or commercial value must be constantly and clearly justified. In democracies, the people's right to information is immutably primary. The corollary requirement is for the media to constantly and clearly explain the limitations on their own

ability to fully know and evaluate evidence in an unfolding story - particularly on the breaking story with global implications and almost instantaneous worldwide distribution.

Specific claims were made to the effect that the chances for democracy might be enhanced if press freedoms were restricted in perilous zones and times of tension. For example, several governmental representatives said, it was proper to try to prevent racist propaganda in situations of ethnic tension. Even facts - as distinct from opinion - may become incitements to escalation, some participants said. International media, by carelessness or ignorance, may fuel strife, so there can be motives for restricting its distribution. International broadcasting, by its intrusiveness, can be destabilizing, so there is a need for regulation that is equally international in scope. Some critics said that the developing democracies were vulnerable to the media's power to color the international environment, so some way needed to be found of redressing this imbalance. Other critics described the media's technological and financial power as going too far now in confronting democratic governments. These challenges by the Western media to foreign nations and their own governments promoted a common defense among several official participants and some intergovernmental bodies for the principle of media regulation. Rather than putting forward specific press curbs, this current seemed to reflect a mood among authorities that they need to reaffirm the legitimacy of their power, notably to protect secrecy and restrict the media where national security is at stake. This was the operative thrust which emerged from the broader general claim described earlier, that there are different cultural traditions of media between, broadly speaking, North America and the European members of CSCE. Some humility was incumbent on all parties, it was said, because every CSCE nation had lessons to teach the others. The end of political antagonism and advent of general reconciliation in Europe, the argument implied, meant that the old absolutes of press freedom were relics of a bygone ideological era.

This view - a version of the-end-of-history fallacy - was systematically opposed by journalists from CSCE countries in our debate. While admitting difficulties of performing flawlessly, the journalists in our group sounded strikingly similar in their professional objectives. Journalists in Central Asia want to get the story as much as their American counterparts. American journalists recalled the agonizing and often dangerous involvement of their media covering the racial violence during the civil rights movement in the 1950s and 1960s - parallel to situations in Eastern Europe today. While journalists often differ about the next right step in improving their own work, they displayed consistent agreement on the basics of journalism: access to information, the right to express opinion as well as facts, the need for diversity of media, the rights to publish without hinderance, protection from excessive reprisals that breed self-censorship.

Reflecting this communality views journalists from the CSCE area present at the meeting opposed any regulation of the media by outside bodies, however well-intentioned. Advocates of the ombudsman system - self-regulation, defended as a lesser evil than press laws which be twisted to censorship - agreed that it was nonsense contemplate a pan-European ombudsman who would be expected to function in different cultural context. If any expected judicial powers were associated with such an initiative, it would be an invitation to pernicious national practices.

In this regard, participants involved in work to elaborate journalists' manifestos of press freedom - several of which were circulated and discussed - reached agreement, apparently for the first time that all these efforts are still at the stage of refining their views and coordinating the wording in their texts. At this stage, the Charter for a Free Press, advocated by some groups,

seemed to enjoy at least near-consensus as a minimum statement of the requirements for media to function in democratic conditions. Other still-evolving manifestos were described as seeking to provide more detailed answers to some specific restrictive threats to press freedoms and to expand the area covered in such statements to include working conditions for the media, including the economic security of journalists.

Behind all these charters lies a shared conviction, according to journalists present in the group, that a multiplicity of media is the best guarantee of freedom of opinion; that censorship is too high a price to pay for restricting the information flow; that more information, not less, is the only formula for social maturing. There was absolutely no dissent from this view among journalists within a news story, it is essential to present all view points, there must be enough media - large and small, neutral and partisan, mainstream and highly specialized - to nourish debate. Once the media scene is rich enough, academic arguments about media bias tend to disappear.

A common thread in all the discussions on these questions was a recognition that, by nature, the media make democratic authorities uncomfortable. This dynamic helps keep democracies from falling into a comfortable smugness that is bad for both voters and their leaders. The slope to authoritarianism emerges when people and government are ready to retreat from the stress of coping with the messiness of democratic decision-making. In this sense - and it is another example of the way fundamentals apply in all the nations in the CSCE - the relations between democratic media and the authorities is bound to be conflictual most of the time, participants concluded.

This healthy jousting is what jurists have in mind when they describe press freedom as a process. Journalists tend to describe it as an endless campaign in which battles are won and lost, but the struggle goes on. It is a dynamic that the best policy makers always keep in mind and even the worst must realize some of the time. Mistakes by the media are inevitable - they have been made, are being made, will be made - but that more invalidates the process than judicial errors destroys the need for courts or medical errors, for medicine.

Media accountability needs expansion, the group agreed, with several participants calling for more pressure for media accuracy and fairness by consumer groups, both readers and advertisers. The ultimate sanction is the ability of the disenchanted to start their own media, a possibility that seems likely to become easier to put into practice with each new generation of technology. While concentration increases among major media, the impact of minor media seems to be growing, too.

A general overview of the journalists' perspective as it emerged in our group might be this; Let the history books dwell on our governments' successes and how our nations got things right. Let the press recount these successes when we see them, but above all let the press goad our publics about the possibility that the powers are getting things wrong - in time to do something about it.

I the idea seems to be heart of the media's role, it also seems central to the CSCE process. That is perhaps why it felt right, among journalists in our discussion, for the CSCE to remain seized with the issue of press freedom. The search to expand it is part of our quest for liberty, the only foundation for peace

6.3. DISCUSSION GROUP 3 - DR. RICHARD DILL (GERMANY)

Media and Market - the Management of Change

1) A personal remark of the moderator at the start.

As a child I have witnessed the hot war and then for more than forty years the cold one. It is therefore still a special experience for me to discuss in this city, in this building with colleagues from East and West about the future of democratic societies and of democratic media. From the fact that I have seen the disappearance of two dictatorships from my own country - one bloody, one anemic - I have personally drawn two conclusions. The first: that change, even fundamental change, is possible and sometimes nearer than one would expect. The second: that you should compare the pains of growth of the present not only with the utopia of perfection of tomorrow but also with the dejection of yesterday.

2) Discussion Group III (DG III) recognizes the historical contribution of the CSCE to the process of change in the countries of the former Warsaw Pact. Making use of the experiences and instruments of cooperation developed during that period the CSCE is now eager to participate in the future process of democratic development and has created to that end new structures serving the Human Dimension and, under that heading, the development of media. DG III welcomes this engagement.

3) The presentation of activities and discussion in DG III demonstrated that many bodies and institutions, governmental and intergovernmental, public and private, are actively engaged in projects of East--West-cooperation aiming at strengthening the role of media in the establishment and extension of democracy. CSCE is urged to take note of ongoing projects, to cooperate with partners already active in the field and to define more clearly the specific contribution it may be able to add. Cooperation is recommended especially with UNESCO and the European Institutions, notably the Council of Europe, and, for all questions related to broadcasting, with the European Broadcasting Union EBU.

4) The two distinctive features of the CSCE capable of making a special contribution are the participation of the United States and Canada on one hand and the membership of all former members of the Soviet Union on the other hand. This membership - smaller than that of UNESCO, larger than that of the European institutions - may create a new and stimulating forum for discussion and action not available elsewhere.

5) Participation in the Warsaw conference showed the need of a better balance of delegates from East and West. Some Eastern countries were unable to participate, many were only represented by government institutions. The Conference therefore asks the ODIHR secretariat to analyze why Eastern participation was limited and through what measures this participation could be extended and diversified in future meetings. Measures to assist certain CSCE members by paying their travel and subsistence should be studied. The Group notes the efforts of the US to finance participation for a number of Eastern journalists and invites other governments and institutions to join in a coordinated effort to make more voices from the East heard at future conferences.

6) Since the presentation of western views and experiences can take place on many other occasions, DG III received with special attention the reports and questions from representatives of the new democracies. A colleague from Uzbekistan reminded us of the fact that freedom of the press is dependent on many factors: the existence of a trained journalist, having a (heated) room to work, a typewriter or computer terminal, printing paper, and, hopefully, an adequate salary. In his country, he said, the existence of many newspapers is threatened and journalists committed to the freedom of information may risk their lives. Another colleague from Estonia admonished the western colleagues not to adopt the teacher - pupil or father - son- attitude when working in and for Eastern countries.

7) From these and other testimonies the group concluded that there was need for help - not always exclusively financial but that this help should not take the character of spoon-feeding. Paternalism is unwelcome, especially when disguised as freedom of the market. We have not liberated us from internal dictatorship of programming to subject ourselves now to a new dictatorship of programming from abroad" stated one delegate from Romania. The aim of programme assistance must be the strengthening of national and local production and programming.

8) A free market in itself is not capable to satisfy all needs of a free and democratic society. While the commercial option can provide important elements of free media and free information, other methods of financing media must be analyzed and used. The Western European model of public broadcasting systems was quoted as highly qualified to foster democracy. Doubts were, however, raised, whether the state machineries of the East could be transformed into genuine public service systems independent from their governments.

9) The group noted that for a long time to come media in many countries of the East could not survive without government subsidies. Examples how such subsidies can be organized without making media the tool of the government were presented by a number of Western delegates, i.a. from Sweden, Germany, Canada and the United States.

10) The group remarked positively that the CSCE underlines the need for the right to communicate as a part of the freedom of information and media. Freedom of information does not only serve publishers and journalists, but first of all the citizen wishing to receive and to impart information. Not only the freedom of the press must be protected but also the diversity and plurality of information, the right of minorities and national cultural identity. It was very helpful for the discussion that this point of view was not only supported unequivocally by Canadian delegates but also accepted by experts from the United States.

11) In most Eastern countries media systems are needed which permit the peaceful coexistence of conflicting interests, such as the conflict between central and regional authorities, between the center and the periphery, between majority and minority interests, between members of different religions and cultures. Free market mechanisms alone normally do not create and sustain such balancing.

12) Content-wise DG III tackled the complex relations between freedom and the necessary means of achieving, exercising and safeguarding it, between matter and spirit, or in a marxist sense, between (the material) basis and (the ideal) superstructure. A report provided by the Trans Atlantic

Dialogue on European Broadcasting and describing the current media situation in 28 states of Eastern Europe and the former Soviet Union made it unmistakably clear that there are still many material and economic obstacles standing in the way of genuine and lasting media independence. DG III felt that plain and unbiased information about national media developments is the basis of all cooperation projects and asks CSCE to collaborate with competent bodies to assemble, publish and update - preferable on an annual basis - a concise status report on media in developing CSCE countries.

13) DG III felt the urgent need of a clearing house where information about ongoing projects in the field of East-West technical assistance, programme cooperation and training can be both deposited and obtained. Such clearing-house functions should be carried out by existing organizations - such as the EBU in the field of broadcasting - enabling, however, other interested and competent organizations to supply and receive information.

14) A special study was proposed by the representative of the Trans Atlantic Dialogue. Pointing to the need of many smaller and local stations in the East for a sustaining TV signal to accompany and enlarge locally produced programmes, he proposed an international consortium to create a multi-origin-programme-package, to be jointly provided by commercial and public services to such local stations. Such a programme, provided via satellite, would enable local stations to opt in and out at will, depending on their local production power. Feasibility, structure and cost of such a project could be established through a feasibility study under the auspices of CSCE.

15) During the discussions a number of suggestions were made (and received by the ODIHR secretariat) concerning the topics of future studies and meetings. DG III, considering the present seminar an important first step in the development of continuous discussion platforms between East and West, endorses the idea of the CSCE Human Dimension forum and encourages ODIHR to actively pursue the preparation and organization of follow-up activities to some of the points raised and identified in the seminar.

VII. CLOSING PLENARY - SUMMARY ADDRESS BY MR. MICHAEL COBDEN (CANADA)

I want to begin by quoting one of the many moving pleas we heard this week from people of Central and Eastern Europe. It came from Daniela Rozgonova of the Slovak Republic.

"On the road to a new, integrated Europe she said, "it is no longer politically necessary nor advisable to divide countries into the 'good' and the 'bad' ones. The road to an integrated Europe will be easier and faster not by criticism and exaggeration of faults but by co-operation, by pooling of resources and forces able and willing to address the existing problems.

I wish her words had been printed on all the material we received leading up to the conference. They would have concentrated our minds on the challenge before us -- and when I say "us" I address myself too and speak as one of what I shall call the Western countries. The challenge is to help people in Central and Western Europe and in the former countries of the USSR -- the journalists and the people -- establish free media in places that for a long time were not free.

I wish that we had all come to this conference more ready to cooperate and less concerned to score points. I wish we had shown ourselves more open-minded, and especially more open-hearted - I wish we had been a little more modest about our accomplishments and a lot more encouraging to our fellow journalists in the new democracies.

If we came to Warsaw hoping to persuade them to see freedom of the press the way we do - - and clearly we in the West do not agree among ourselves on how we see it -- we would have been far more likely to succeed if we had started out not from where we are but from where they are. "Start from where the client is," social workers say. It's an inelegant phrase, but it's wise.

Dr. Karol Jakubowicz gave us the cue in his key-note speech and again whenever he spoke in the discussion groups. "It is clear " he said, "that CSCE participating states can only now for the first time be engaged in a full, substantive and nuanced discussion of the dilemmas they face," "free from ideological posturing or an undercurrent of defensiveness, suspicion and hostility. " This gives us a chance, he said, to see how the ideals of free media could be more fully put into practice. "It is up to all of us gathered here today, " he said at the start of the seminar, "to seize that chance. "

We didn't, and we are disappointed. But I hope we will next time we meet. And we will meet again. What happened this week had to happen. We had things, as we say in English, that we needed to get off our chests in public. It is good for the soul, and it clears the mind: I hope that next time we meet we will, therefore, be able to concentrate our minds on practical solutions to the problems that journalists face in central and eastern Europe and set up further initiatives -- to add to those already taken by many European and U.S. organizations -- to offer practical help. But if we are going to do that, we will need to try harder than we have this week to understand the client.

"As you look out the window," Dr. Jakubowicz said in one of the groups, "you see a society reinventing everything. That," he said, "takes time."

Yes, and patience, especially when we see journalists in these countries reinventing their worlds in ways we don't think perfect. If we are interested in helping countries like Poland reinvent themselves, if we are interested in influencing the way they do it, we have to let them approach it in their own way. We have to let them determine the priorities. In the delightful words of a Norwegian delegate, "We can bring know-how on how democratic institutions are built and function. But beneficiary countries must do the plumbing."

I want to suggest that next time we meet under these auspices we focus the debate on practical considerations. In the words of my colleague Keith Spicer, "These guys need help now." What they need is keep in modernizing their media. They need a pool of resources matched with a directory of needs. This could be a role for the CSCE, to bring people together to set up a sort of clearing house where those who need help and those who would like to help can come together.

Before we meet again, we should determine -- by asking the journalists of central and eastern Europe -- what their priorities are and then come prepared to help them meet those priorities by working with them in tightly focussed groups, one on training, one on regulations, one on technical matters, and so on as required. We might begin (this is Mr. Spicer's suggestion) by circulating papers in advance outlining eastern and central European countries' needs, so that we could come

and needs so that we could come together ready to achieve something. And I suspect that it would not only be a matter of west helping east -- not for long, anyway. Anyone who believes that we in the west have nothing to learn from countries in the east is plain silly.

And yes, if they want it, by all means let's have a working group focussing on how journalists in these new democracies can assert freedom of the press. If this is what they want, let's come to Warsaw next time ready to help those who are lagging behind, those who are drafting new legislation, those who are developing existing laws. Let us understand (as Mr. Jakubowicz has urged) that freedom of the press is part of an ongoing and lengthy process of renewal and that there is no perfect quick fix.

But let's have no more lecturing eastern and Central Europe on press freedom. And let us be done with merely cataloguing ways in which freedom of the press is violated. Let's work with the journalists concerned to define what freedom of the press means and whether what they really want (and what we too might benefit from) is a democratic press, and what they can do when there's a violation. When we next come together, let's make sure there is some hope of results.

And here I have to say what others have said (some in more diplomatic terms than others) that a conference -- even if it is called a seminar -- cannot sensibly have a goal of doing nothing except talking. This is absurd -- certainly for journalists.

And when we come together next time, let's leave behind the disputes between the U.S. and Europe on the relation between the press and government. Not that this isn't a lively subject for debate. But not in a forum like this.

I happen to share the view of the Americans and others that journalists have to stand in opposition to anyone who exercises power over others, whether he is the prime minister or the head of the opera guild. I agree with Jock Gallagher here that we've got to make journalists believe that they can argue with the politicians; but this is easier to learn in England or the U.S. or Canada than it is in many countries where a free press is a new phenomenon and where the government may be seen by journalists as a blessed relief from totalitarianism.

But North Americans must understand - - which I'm afraid we did not always show ourselves willing to do this week -- that Europe comes from a more authoritarian tradition than we do and takes for granted a degree of public or government interventionism which we may find - on an ideological level -- anathema.

All that said, I did notice a tendency this week for some central and eastern European delegates to say at once how much things have improved in their countries and how not too much improvement should be expected of them too quickly. This reminded me of Canadian governments' tendency to blame the previous government for their inability to keep their promises.

I noticed, too, this week how difficult some delegates from western countries find understanding the commitment some eastern and central European journalists feel to the national or ethnic cause. Again, I am reminded of Canada, where many Quebec journalists feel an excitement in being a Quebecker that other Canadian journalists don't feel.

Absent from our deliberations, it seemed to me, was any analysis of what drives western journalists and media owners and managers, and how journalists in a free society do their work. As often as is the case with other human beings, I suggest without any cynicism, it is greed and vanity that drives journalists in free countries like mine. They want to get the story as much as assert freedom of the press, or opposition to -- or scrutiny of -- government.

Let's admit, too, that a free press does not guarantee an exemplary press. Much of what passes for news and journalism in countries with wonderfully free presses is fluff, pap, gossip, garbage. Moreover, the west does not have a perfectly free press. Documents distributed at the conference this week show that freedom of expression is being undermined most everywhere.

Well then, you have heard the moderators' reports of what we learned from the conference that could be used to help the journalists of eastern and central Europe. I want to point to just two initiatives that I found interesting. One was Sweden's newspaper subsidy program; the other its ombudsman's office. Notwithstanding some delegates' distaste -- scorn, even -- for these initiatives, they might well be of interest to journalists in the new democracies. It is true, they may be at odds with one's ethos of news media, but to denounce them as worthless and worse seems to me dogmatic.

A Finnish delegate said: "The better the journalists perform their tasks, the better for the people and the entire society." That strikes me as a clear understanding of the importance for freedom of the press and democracy of helping journalists do a good job. If the Scandinavians find that initiatives like state subsidies for struggling newspapers and the institution of ombudsman to represent the public's interest in newspapers help journalists do their jobs better, we should surely welcome them.

Hodding Carter makes the point that his country's wonderfully muscular First Amendment was enacted at a time when the American press was in many ways disreputable. Enacting it was enlightened, to be sure. But Mr. Carter knows better than I can ever know the way things change, and that what served the Americans 200 years ago may not work in other countries today. "We boil at different degrees," Shakespeare said.

It remains for me to thank Poland for having us, to thank Warsaw for all its charms (which we have had no time to enjoy), to thank the ODIHR for hosting this seminar and standing ready to host another one when we are ready, to thank the interpreters for their truly remarkable skill and staying power, to thank those who sponsored delegates and to thank the delegates who made financial sacrifices to be here.

VIII. CONCLUSION

The CSCE Seminar on Free Media, gathering together representatives of CSCE participating States, international organizations, non-governmental organizations, including the media, generated discussion of many difficult human dimension challenges with respect to media issues.

The seminar provided the participating States with many new ideas, but also with specific recommendations for an improved implementation of CSCE commitments and standards. The four productive days allowed the participants to engage in a dynamic and free exchange of opinions and experiences, in addition to providing them with contacts, tools, and a range of information to work on these problems together, at the local level and over the long term.

It is believed that a Free Media seminar represents a successful use of CSCE resources. The ODIHR is now looking forward to the next seminars on Migrant Workers and on Local Democracy tentatively scheduled for the first half of next year.

ANNEX 1

**INDEX OF DOCUMENTS DISTRIBUTED THROUGH THE ODIHR SECRETARIAT
TO THE PARTICIPANTS OF THE CSCE SEMINAR ON FREE MEDIA**

- GERMANY Die Umstrukturierung Der Medien In Der Ehemaligen DDR

 Discussion Group 1
- AUSTRIA Discussion Paper on Media Legislation
- AZERBAIJAN Statement by Mr. Rovshan Djamshidov
 Head of the Press Centre, Ministry of Foreign Affairs
- BELGIUM/
EUROPEAN UNION Discours d'ouverture de l'Union Europeenne

 Activities of the European Community in the Field of Free Media
 Commission Working Paper, 29 Oct. 1993
- CANADA Information Kit,
 Canadian Radio-television and Telecommunications Commission
- CROATIA Media in the Republic of Croatia
 (prepared by the Ministry of Foreign Affairs
 of the Republic of Croatia)
- USA The Role of Free Media in Democracy
 Statement of Mr. John Shattuck, Assistant Secretary, Bureau of Human
 Rights and Humanitarian Affairs, U.S. Department of State

 Food for thought - Follow-up to CSCE Free Media Seminar, CSCE
 Human Dimension Implementation Meeting
- UNITED
KINGDOM Newspaper and Magazine Publishing in the UK
 Code of practice (Ratified by the Press Complaints Commission 30th
 June 1993)
- FINLAND Statement by Mr. Jan-Anders Ekstrom

	Statement by Mr. Petri Tuomi-Nikula Head of the delegation of Finland
NORWAY	<u>Code of Ethics of the Norwegian Press</u>
POLAND	Keynote speech by Mr. Karol Jakubowicz
ROMANIA	Opening statement <u>The Role of Journalists in a Free Society</u> , Andrei Alexandrou, mass-media expert <u>Legislation Roumaine, Loi sur l'Audiovisuel</u> , Volume 3 (Edition bilingue), Le Parlement de la Roumanie, Bukarest 1992
RUSSIAN FEDERATION	Opening statement
SLOVAK REPUBLIC	Statement by Ms. Daniela Rozgonova, Section Director for Press, Information and Cultural Affairs, Ministry of Foreign Affairs Position on the report of the Commission for Security and Cooperation in Europe (Helsinki Commission) at the Congress of USA entitled <u>Human Rights and Democratization in Slovakia</u> Published in the Series Implementation of the Helsinki Accords in September 1993
SWEDEN	Address by Ambassador Harald Hamrin, Head of the Press and Information Department, Ministry of Foreign Affairs <u>Policies to Maintain Newspaper Diversity - the Case of Sweden</u> Presentation by Prof. Karl Erik Gustaffson, University Goteborg
TURKEY	Opening statement
COUNCIL OF EUROPE	Letter of Mrs. Catherine Lalumiere, Secretary General Strasbourg, 27 Oct. 1993) to Mr. K. Prescott Law, , International Federation of Journal Editors (Paris)

- * Recommendations and resolutions adopted by the Parliamentary Assembly of the Council of Europe in the media field
- * Recommendations adopted by the Committee of Ministers of the Council of Europe in the media field

Resolution and recommendation of the Parliamentary Assembly of the Council of Europe on the ethics of journalism, July 1, 1993

- * Case-law concerning Article 10 of the European Convention on Human Rights
 - * European ministerial conferences on mass media policy: texts adopted
- Reply from the Committee of Ministers to Written Question No. 354, by Ms. Fischer
- * Council of Europe co-operation and assistance programmes in the media field for the Central and East European countries
 - * The Council of Europe and media freedom
 - * Council of Europe activities in the media field
 - * Programme
The media in situations of conflict and tension

EGYPT Statement

MOROCCO Intervention de Melmajid Elalem, Head of Delegation

UNESCO Opening Statement

UNESCO and the Media, For the Freedom, Independence and Pluralism of the Press, for Greater Democracy

INTERNEWS Memo by Annette Makino to Delegates to the CSCE Seminar on Free Media regarding INTERNEWS Works to Support Free Media

THE ASSOCIATION OF
JOURNALISTS

A Charter for Journalism (fifth draft version EUROPEAN
dated 21 September 1993)

INTERNATIONAL LESBIAN
AND GAY ASSOCIATION

Statement by Mr. Tom Lavell

Correction to Statement

FIEJ

News release, Paris, 5 October 1993

BORBA

Statement by Mr. Mirko Klarin

THE TRANS ATLANTIC DIALOGUE
EUROPEAN BROADCASTING

A Report on Freedom of the Media in Eastern
Europe & in the Countries of the Former Soviet
Union, "A Work in Progress",
Nov. 1993

Address by Mr. David Webster

WORLD PRESS
FREEDOM COMMITTEE

** Charter for a Free Press (Inf. Brochure)

Statement by the European representative of World Press Freedom
Committee

INTERNATIONAL
CENTRE AGAINST

** The Article 19, Freedom of Expression Handbook
International and comparative law, standards and
CENSORSHIP procedures (Inf. Brochure)

** Press Law and Practice

A comparative study of press freedom in European and
other democracies (Inf. Brochure)

Statement to CSCE Human Dimension Seminar on Media,
Warsaw 2-5 November 1993

INTERNATIONAL HELSINKI
FEDERATION FOR HUMAN

Freedom of Expression, Report on Violations of
Freedom of Expression and Opinion in Some RIGHTS
CSCE Participating States, Nov. 1993

BALTIC MEDIA CENTRE

Information brochure

- RADIO FREE EUROPE/ ** Radio Liberty's Coverage of the Crisis in Moscow -
- RADIO LIBERTY The 31 hours, 11 October 1993
Broadcast Analysis Division
- HELSINKI WATCH Humans Rights Watch/Helsinki Watch cites "Disturbing developments" in European press
- Threats to Press Freedoms, A Report Prepared for the Free Media Seminar, Vol. 5, Issue 21, Nov. 93
- INTERNATIONAL SOCIETY Letter by Mr. Robert Chambers, Secretary General, FOR HUMAN RIGHTS International Secretariat, to the participants in CSCE Seminar on Free Media; attached a list of political arrests in Georgia, including names of journalists, reporters and writers (October 29, 1993)
- DROIT DE PAROLE Soutien aux Medias Independants en Ex-Yougoslavie
Radio-Bateau Emetteur en Mer Adriatique
- INTERNATIONAL FEDERATION Manifesto for a Democratic Media Culture
As adopted by Journalists' Union from 64 countries at OF JOURNALISTS the 21 Congress of the IFJ, Montreal, Canada, June 8/12, 1992
- INTERNATIONAL HUMAN RIGHTS LAW GROUP Letter addressed to Mr. John Shattuck, Assistant Secretary of State for Human Rights and Humanitarian Affairs, U.S. Department of State from Reed Brody, Executive Director
- ** Romanian Law on the Protection of the State Secret
(unofficial translation)

OTHER DOCUMENTS:

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- Koven, Ronald
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- European Journalism Review; Do we need it? Can we do it?
Mr. Heikki Loustarinen, Department of Journalism and Mass Communication,
University of Tampere, Finland
- Discussion Group 1: Creating foundations and a political climate encouraging free and democratic media, Moderator, Jock Gallagher
- Discussion Group 2: Journalistic freedom and responsibility suggested working approach, Moderator Joe Fitchett
- Discussion Group 3: Management for change in modern media, Moderator Dr. Richard W. Dill

CSCE ODIHR List of Participants

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ANNEX 2

EXCERPTS OF RELEVANT CSCE COMMITMENTS WITH RESPECT TO MEDIA ISSUES (in chronological order)

Conference on Security and Co-operation in Europe Final Act Helsinki, 1975

Basket III

CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS

2. Information

a) Improvement of the circulation of, access to, and exchange of information

(...)

(ii) Printed information

To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other participating States. For this purpose:

they will encourage their competent firms and organizations to conclude agreements and contracts designed gradually to increase the quantities and the number of titles of newspapers and publications imported from the other participating States. These agreements and contracts should in particular mention the speediest conditions of delivery and the use of normal channels existing in each country for the distribution of its own publications and newspapers, as well as forms and means of payment agreed between parties making it possible to achieve the objectives aimed at by these agreements and contracts;

where necessary, they will take appropriate measures to achieve the above objectives and to implement the provisions contained in the agreements and contracts.

- To contribute to the improvement of access by the public to periodical and non-periodical printed publications imported on the bases indicated above. In particular:

they will encourage an increase in number of places where these publications are on sale;

they will facilitate the availability of these periodical publications during congresses, conferences, official visits and other international events and to tourists during the season;

they will develop the possibilities for taking out subscriptions according to the modalities particular to each country;

they will improve the opportunities for reading and borrowing these publications in large

public libraries and their reading rooms as well as in university libraries.

They intend to improve the possibilities for acquaintance with the bulletins of official information issued by diplomatic missions and distributed by those missions on the basis of arrangements acceptable to the interested parties.

(iii) Filmed and broadcast information

- To promote the improvement of the dissemination of filmed and broadcast information. To this end:

they will encourage the wider showing and broadcasting of a greater variety of recorded and filmed information from the other participating States, illustrating the various aspects of life in their countries and received on the basis of such agreements or arrangements as may be necessary between the organizations and firms directly concerned;

they will facilitate the import by competent organizations and firms of recorded audio-visual material from the other participating States.

The participating States note the expansion in the dissemination of information broadcast by radio, and express the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth by this conference.

b) Co-operation in the field of information

- To encourage co-operation in the field of information on the basis of short or long term agreements or arrangements. In particular:

they will favour increased co-operation among mass-media organizations, including press agencies, as well as among publishing houses and organizations;

they will favour co-operation among public or private, national or international radio and television organizations, in particular through the exchange of both live and recorded radio and television programmes, and through the joint production and the broadcasting and distribution of such programmes;

they will encourage meetings and contacts both between journalists' organizations and between journalists and between journalists and participating States;

they will view favourably the possibilities of arrangements between periodical publications as well as between newspapers from the participating States, for the purpose of exchanging and publishing articles;

they will encourage the exchange of technical information as well as the organisation of joint research and meetings devoted to the exchange of experience and views between experts in the field of the press, radio and television.

c) Improvement of working conditions for journalists

The participating States, desiring to improve the conditions under which journalists from one participating State exercise their profession in another participating State, intend in particular to:

- examine in a favourable spirit and within a suitable and reasonable time scale requests from journalists for visas;
- grant to permanently accredited journalists of participating States, on the basis of arrangements, multiple entry and exit visas for specified periods;
- facilitate the issue to accredited journalists of the participating States of permits for stay in their country of temporary residence and, if and when these are necessary, of other official papers which it is appropriate for them to have;
- ease, on a basis of reciprocity, procedures for arranging travels by journalists of the participating States in the country where they are exercising their profession, and to provide progressively greater opportunities for such travel, subject to the observance of regulations relating to the existence of areas closed for security reasons;
- ensure that requests by such journalists for such travel receive, in so far as possible, an expeditious response, taking into account the time scale of the request;
- increase the opportunities for journalists of the participating States to communicate personally with their sources, including organizations and official institutions;
- grant to journalists of the participating States the right to import, subject only to its being taken out again, the technical equipment (photographic, cinematographic, tape recorder, radio and television) necessary for the exercise of their profession;
- enable journalists of the other participating States, whether permanently or temporarily accredited, to transmit completely, normally and rapidly by means recognized by the participating States to the information organs which they represent, the results of their professional activity, including tape recordings and undeveloped film, for the purpose of publication or of broadcasting on the radio or television.
- The participating States reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons for this act and may submit an application for re-examination of his case.

Concluding Document of the Madrid Meeting 1980 of the representatives of the participating States of the Conference on Security and Co-operation in Europe, held on the basis of the Provisions of the Final Act relating to the Follow-up to the Conference

BASKET III

CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS

Information

The participating States will further encourage the freer and wider dissemination of printed matter, periodical and non-periodical, imported from other participating States, as well as an increase in the number of places where these publications are on public sale. These publications will also be accessible in reading rooms in large public libraries and similar institutions.

In particular, to facilitate the improvement of dissemination of printed information, the participating States will encourage contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements and contracts designed to increase the quantities and number of titles of newspapers and other publications imported from other participating States. They consider it desirable that the retail prices of foreign publications are not excessive in relation to prices in their country of origin.

(...)

They will favour the further expansion of co-operation among mass-media and their representatives, especially between the editorial staffs of press agencies, newspapers, radio and television organizations, as well as film companies. They will encourage a more regular exchange of editorial staff for better knowledge of respective practices. On the basis of reciprocity, they will improve the material and technical facilities provided for permanently or temporarily accredited television and radio reporters. Moreover, they will facilitate direct contacts among journalists as well as contacts within the framework of professional organizations.

They will decide without undue delay upon visa applications from journalists and re-examine within a reasonable time frame applications which have been refused. Moreover, journalists wishing to travel for personal reasons and not the purpose of reporting shall enjoy the same treatment as other visitors from their country of origin.

They will grant permanent correspondents and members of their families living with them multiple entry visas valid for one year.

The participating States will examine the possibility of granting, where necessary on the basis of bilateral arrangements, accreditation and related facilities to journalists from other participating States who are permanently accredited in third countries.

They will facilitate travel by journalists from other participating States within their territories, *inter alia* by taking concrete measures where necessary, to afford them opportunities to

travel more extensively, with the exception of areas closed for security reasons. They will inform journalists in advance, whenever possible, if new areas are closed for security reasons.

They will further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources.

They will, as a rule, authorize radio and television journalists, at their request, to be accompanied by their own sound and film technicians and to use their own equipment.

Similarly, journalists may carry with them reference material, including personal note files, to be used strictly for their professional purposes.

The participating States will, where necessary, facilitate the establishment and operation, in their capitals, of press centres or institutions performing the same functions, open to the national and foreign press with suitable working facilities for the latter.

(...)

Concluding Document of the Vienna Meeting 1986 of Representatives of the participating States of the Conference on Security and Co-operation in Europe, held on the basis of the Provisions of the Final Act relating to the Follow-up to the Conference

CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS

Information

(34) They will continue efforts to contribute to an ever wider knowledge and understanding of life in their States, thus promoting confidence between peoples.

They will make further efforts to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and to improve the working conditions of journalists.

In this connection and in accordance with the International Covenant on Civil and Political Rights, the Universal declaration of Human Rights and their relevant international commitments concerning seeking, receiving and imparting information of all kinds, they will ensure that individuals can freely choose their sources of information. In this context they will

- ensure that radio services operating in accordance with the ITU Radio Regulations can be directly and normally received in their States; and

- allow individuals, institutions and organizations while respecting intellectual property rights, including copyrights, to obtain, possess, reproduce and distribute information material of all kinds.

To these ends they will remove any restrictions inconsistent with the above mentioned obligations and commitments.

(35) They will take every opportunity offered by modern means of communication, including cable and satellites, to increase the freer and wider dissemination of information of all kinds. They will also encourage co-operation and exchanges between their relevant institutions, organizations

and technical experts, and work towards the harmonization of technical standards and norms. They will bear in mind the effects of these modern means of communication on their mass media.

(36) They will ensure that official information bulletins can be freely distributed on their territory by the diplomatic and other official missions and consular posts of the other participating States.

(37) They will encourage radio and television organisation, on the basis of arrangements between them, to broadcast live, especially in the organizing countries, programmes and discussions with participants from different States and to broadcast statements of and interviews with political and other personalities from the participating States.

(38) They will encourage radio and television organizations to report on different aspects of life in other participating States and to increase the number of telebridges between their countries.

(39) Recalling that the legitimate pursuit of journalists' professional activity will neither render them liable to expulsion nor otherwise penalize them, they will refrain from taking restrictive measures such as withdrawing a journalists' accreditation or expelling him because of the content of the reporting of the journalist or of his information media.

(40) They will ensure that, in pursuing this activity, journalists, including those representing media from other participating States, are free to seek access to and maintain contacts with public and private sources of information and that their need for professional confidentiality is respected.

(41) They will respect the copyright of journalists.

(42) On the basis of arrangements between them, where necessary, and for the purpose of regular reporting, they will grant accreditation, where it is required, and multiple entry visas to journalists from other participating States, regardless of their domicile. On this basis they will reduce to a maximum of two months the period for issuing both accreditation and multiple entry visas to journalists.

(43) They will facilitate the work of foreign journalists by providing relevant information, on request, on matters of practical concern, such as import regulations, taxation and accommodation.

(44) They will ensure that official press conferences and, as appropriate, other similar official press events are also open to foreign journalists, upon accreditation, where it is required.

(...)

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990

(7.8) [To ensure that the will of the people serves as the basis of the authority of government, the participating States will] provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

(9.1) [The participating States reaffirm that] everyone will have the right to freedom of

expression including the right to communication. This right will include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright.

Report of the CSCE Meeting of Experts on National Minorities
Geneva, July 1991

(VII . 2) In access to the media, they [the participating States] will not discriminate against anyone based on ethnic, cultural, linguistic or religious grounds. They will make information available that will assist the electronic mass media in taking into account, in their programmes, the ethnic, cultural, linguistic and religious identity of national minorities.

Document of the Moscow Meeting of the Conference on the Human Dimension
of the CSCE, October 1991

(34) The participating States will adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and will co-operate to that effect. These measures will include tracing missing journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.

CSCE Seminar of Experts on Democratic Institutions, Report to the CSCE Council
Oslo, November 1991

(II . 26)It was emphasized that a democratic form of government requires freedom of speech, without which its citizens cannot obtain the information necessary for participation in political and public life. A diverse and independent press and broadcasting system has a vital role to play in any democracy. The question of imposing certain regulations on the media was discussed. It was pointed out that some protection was required against excesses of the press. At the same time, it was underlined that freedom of expression should only be subject to such restrictions as are prescribed by law and are necessary in a democratic society. Some participants pointed to the need for high ethical standards in the media and related this to the system of recruitment and training of journalists. It was, however, underlined that both elitist and popular newspapers had the right to exist.

(II . 27)Ideally, economic conditions should guarantee complete editorial independence. It was, however, pointed out that State intervention could sometimes be necessary in order to protect the diversity of the press. In this context, it was mentioned that one should also take into account that the press and broadcasting systems are parts of the cultural identity of a country.