



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Statement at the Permanent Council
(Review of Current Issues)

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Mr. Chairman, Ladies and Gentlemen,

Today I would like to draw your attention to an important argument which the Turkish president used on Monday when he refused to sign the law which I was mentioning in my last statement to the Permanent Council: President Sezer underlined the international obligations of the Turkish Republic regarding freedom of the media and in particular the Internet clause which would "restrict freedom of expression."

My main concern today deals as well with the international obligations of our participating States in media matters. I am speaking about concerns regarding the central task of my mandate: the concentration of control of TV media in the hands of a democratically elected government. I refer to the new government in Italy. The result of the announced separation of the influence of Silvio Berlusconi on private TV-media from his obligations as Prime Minister will concern the work of my office in our participating States.

Its result can be a very good and future-oriented example of how to separate the executive role of the state from the independent tasks of a free media, or it can be a real challenge to the democratic media landscape in all OSCE regions, let alone in the family of the European Union.

I stressed on numerous occasions the importance of a constitutional distance for freedom of expression from government control. I did this with reference to my mandate and to the wording in article 10 of the European Convention on Human Rights: "To hold and impart ideas without interference by public authority," which was attached to my mandate by the a majority of the Council of Europe member-states including the fifteen EU/states.(5 November 1997).

Free journalistic media are considered the fourth estate, separate from the three constitutional branches of power: the executive, legislative and judicial. The clear separation between media and politics is a major and crucial element of the constitutional traditions common to the cultural and democratic history of Europe, and, in particular, of the European Union.

Therefore, on 23 May I issued a statement calling on the new Italian Government to ensure a clear and transparent separation, legal and economic, of the Prime-Minister's media-business interests and his role as the Head of Government. This separation must be in line with basic principles of the OSCE. I asked for such a separation to be done in an unambiguous way.

This separation between political power and freedom of media was for over a century a basic legal principle of the European constitutional culture. It is very clearly expressed in Article 21 of the Italian Constitution.

I am certain that the European institutions in the future will follow Article 6 and the newly revised Article 7 of the consolidated version of the Treaty on the European Union, as well as be in compliance with Article 11 of the Charter of Fundamental Rights of the European Union which does not allow "Interference by public authority" into the work of the media.

A good and acceptable solution in Italy could become an important example in the future of how to disentangle government control and the independence of media for all participating States. A unacceptable half-way solution which might be interpreted as a hidden none-separation might allow leaders in some of the newly emerging democracies to misuse the example of Italy so as to insist on at least partially controlling the media. This would make the work of the OSCE Representative on Freedom of the Media even more difficult than it is already.

I do hope that Italy will not seek the wrong solution of setting up a trust that is run by personalities very close to the former owner. This would not solve the situation, but only show some countries an easy way out instead of dealing with the problem directly.

I am therefore convinced that the constitutional branches of power in Italy will find an acceptable solution-acceptable to the values of modern Europe-this can then become a positive model for the new democracies, thus showing them the difficult road forward.