

Miklos Haraszti

FOREWORD

Pluralism of the media is the overarching value on which all media freedoms are dependent. Without pluralism we cannot have any of the positive attributes of a democratic press. If we have pluralism - i.e. a multitude of press outlets in the hands of multiple owners with the result of numerous sources of information - then we don't have to worry too much about the quality of each of them individually. We could be confident that natural development would bring about high-quality papers and high-quality broadcasters, which would act as a counter-balance to the professionally weaker ones.

Democratic governments are not expected to provide funding for new outlets, but they should provide the conditions for a pluralistic press. They should muster the necessary political will to extract their own holdings from the media, and install the necessary legal environment for pluralism. In all other respects it is self-restraint that a free press needs from governments.

Just as it happened in the case of the telegraph, the radio and the television, governments will have to acknowledge that whatever good intentions and reasons they might find for introducing regulation vis-à-vis the Internet, that enthusiasm is compatible neither with the nature of global media, nor with media freedom. Further, it is not even beneficial for the governments themselves, if they mean to influence their electorate only via channels that are compatible with democracy.

Internet pluralism is at the heart of debate everywhere in the world today. However, disputes assume a special importance in the Central Asian democracies where the Internet has become one of the main sources of pluralistic political information. While the Internet still requires basic technological and financial investment to reach more homes, close attention to the pluralism of the various media types that the Internet hosts is already essential.

We dedicated our 7th Central Asian Media Conference to the two ideas: Pluralism of the Media and Freedom of the Internet. I am encouraged at the level of interest that has been generated among the journalistic community of this region towards these issues, and about the quality of the contributions.

I hope our readers will agree.

SEVENTH CENTRAL ASIAN MEDIA CONFERENCE ALMATY

PLURALISM IN THE MEDIA AND THE INTERNET

On 13-14 October 2005, the annual Central Asian Media Conference was held in Almaty, Kazakhstan. The Conference was organized under the auspices of the OSCE Representative on Freedom of the Media, **Miklos Haraszti**, and the OSCE Centre in Almaty.

For the seventh time, 150 participants from all five Central Asian countries – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – gathered to discuss developments in the region in the media field. The participants included journalists and representatives of non-governmental media organizations, as well as officials, experts and foreign guests. As in previous years, the conference provided a unique opportunity for interaction, an exchange of views among the participants and a creation of new bonds between regional colleagues.

At the first session, participants focused on the developments in the region which have had an impact on freedom of the media. Last year's conference topics, **Libel** and **Freedom of Information**, were reviewed by international and local experts. The situation in the region has not substantially improved since that time. It is crucial that necessary reforms in libel and freedom of information, as recommended in the Dushanbe Declaration of 2004, be started.

The two main topics this year were **Pluralism in the Media** and the **Internet**.

While issues of pluralism and the Internet were specifically discussed, their interconnectivity has also become very clear in the course of the discussion.

Specifically in Central Asia, the Internet has in the last couple of years become in some countries the last resort of pluralism and an alternative source of pluralistic information compared to television and print press. In all Central Asian countries it is becoming the future of pluralistic media. International organizations like the OSCE should engage more than ever in protecting freedom of the Internet.

The Representative on Freedom of the Media has in the last years developed a whole set of publications, recommendations and „recipes“ for best practices and good governance of the Internet which hopefully will serve as guidelines for all OSCE participating States.

Almaty Declaration on Pluralism in the Media and the Internet

The debates at the Almaty Conference on Media stressed the following conclusions:

- Governments should ease state secret and other laws that unnecessarily restrict access to information. States should adopt and implement comprehensive freedom of information laws which maximize media and public access to government-held information.
- Further efforts should be made at decriminalization of offences concerning libel and defamation. The concepts of distinguishing between criticism of private and public figures should be introduced throughout punitive legislation in order to allow for vivid debate on public-interest issues.
- The fines imposed by the Courts on media enterprises should not drive them into bankruptcy.

Internet:

- Regulation of the Internet should be limited to instances where it is absolutely unavoidable.
- Internet media should enjoy the same protection by press freedom provisions as classical media.
- All acts on regulations of the Internet should be taken after necessary consultations with the Internet community.
- There should be no state regulation or registering of websites or Internet domains besides purely technical matters.
- Websites should not be obliged to be physically hosted in the country even if targeting home audiences.
- Bodies administering the country's domain name system (DNS) should be independent from the state.
- The development of the technical infrastructure of the Internet should be fostered.
- In order to improve both public and media access to information and facilitate electronic government, public bodies should publish helpful information about their structures and activities on web sites.

Pluralism in the Media:

- Providing conditions for pluralism is a state obligation; caring about the content with which the actual outlets and channels fill the information space is not a state task.
- Strategies need to be devised to help development of pluralism in all media fields from television through print media to Internet.
- Efforts should be taken to develop professional skills of journalists including training programs utilising local experts.
- Built-in, internal pluralism should be provided in state broadcasting even before official transformation into a government/independent public broadcasting institution. This means, in the first place, ensured access to state TV for all candidates running for national office during election campaigns.
- External pluralism should be promoted by both law and practice of non-political licensing for privately-owned television and radio stations.
- Starting a newspaper should become a notification process where it is still a registration process.
- Governments should acknowledge denationalization of printed media as one of their main tasks.
- Privatization of state assets within a reasonable period of time should become a legal obligation for their today's publishers.
- Initial tax exemptions should be provided for newspapers to help them survive the transition from state to private property.
- In the meanwhile, independent bodies should supervise equal access to financial resources, printing possibilities, distribution networks, advertisement revenues, etc. for both state-owned and privately-owned print press.
- Foreign or mixed ownership of all communication outlets should be allowed under anti-monopoly rules.

Almaty, 14 October 2005

WELCOMING REMARKS BY IVAR VIKKI

Dear participants,

On behalf of the OSCE Centre, let me welcome you to an important media event, and thank the OSCE Representative on Freedom of the Media for this annual initiative for Central Asia. This year's conference is dedicated to discussing two vital questions: pluralism in the media and the Internet, and the relationship between them. I assume there is no need to mention in this representative forum the important role played by information and the media in any society, and especially in developing democracies. These basic principles are embedded in a number of the OSCE's fundamental instruments and comprise an important part of our everyday work and concerns.

We are talking here not merely of pluralism in the area of politics, which is a necessary condition for democracy and stability in society, but also of the pluralism in the media and freedom of expression which promote the development of democracy. This pluralism is indispensable for the public's control over the actions of government organs; the fight against corruption, intolerance, and extremism; and the development of an informed and responsible civil society.

As was noted in the Dushanbe Declaration on the results of last year's conference, "...certain Central Asian states have taken definite steps towards ensuring freedom of information, but the main problems remain unresolved". Among the remaining challenges, we can note the need to draft media legislation in compliance with OSCE standards, decriminalize defamation, and improve access to information. In making efforts to resolve these issues, the Centre has for its part devoted considerable attention in recent years to the professional development of journalism in Kazakhstan, and to improving the information environment on the whole. We are working to broaden the opportunities for the professional growth of the young journalists who make up the country's future informational landscape, and are also working to improve media legislation.

Using this opportunity, I would like to thank the officials of Kazakhstan, and the representatives of the international community and mass media, both for their continuing co-operation in the areas mentioned above and for their taking part in the work of today's conference. I wish you all an interesting and productive discussion!

OPENING SPEECH BY RAKHAT ALIYEV

Mr. Chairman,
Ladies and gentlemen,

Let me welcome all of you cordially on the soil of Kazakhstan to such a representative regional forum held under the auspices of the OSCE. This will already be the 7th conference the holding of which had been initiated by the Office of the OSCE Representative on Freedom of the Media as far back as 1999.

I would like to mention particularly the long-awaited first visit to Kazakhstan by honourable Mr. Miklos Haraszti, Head of the OSCE Office on Freedom of the Media.

Within the framework of obligations under the Helsinki Final Act and the 1999 Istanbul Declaration, all OSCE countries undertook to guarantee freedom of the press as a fundamental condition for the development of a democratic society and recognized the need of securing freedom of expression, which is a most important element of political dialogue. A well-informed civil society and an open government assisted by independent, professional and responsible journalists constitute important conditions for securing an effective and publicly supported response to the contemporary challenges to peace, stability and prosperity.

Free and unobstructed access to the media for each citizen is one of the features of an advanced civil society. Furnishing of alternative information by the governmental and private media facilitates the formation of informational openness of society. Besides, media coverage of the diverse interests and opinions promotes greater tolerance and readiness to compromise.

As I see it, media pluralism should be construed to include, on the one hand, a wide range of independent and autonomous media having access to a sufficient number of diverse sources of information and, on the other hand, reflection by these media of the diverse political, social, religious and cultural outlooks.

The media play an important role during crises and conflicts. In addition, I would like to note particularly the need of applying the principle of enhanced responsibility of journalists for the accuracy, reliability and impartiality of information whenever a conflict situation arises to avoid aggravating matters and existing contradictions.

Freedom of speech and freedom of the media are far from being the synonyms of permissiveness or irresponsibility. We must not connive at infringements of the Constitution on the part of the print or electronic media. Giving

floor to terrorists, stirring up inter-ethnic or inter-confessional strife, calling for a forcible change of the existing system of government shall not be tolerated by any responsible democratic society and must be suppressed in accordance with the law.

Mr. Chairman,

Over recent years, the OSCE has focussed on matters of media freedom in the Internet.

Today's information and communication technologies are not just tools for exchanging and disseminating information; rather, they are important instruments for exercising such human rights as freedom of expression, the right to seek and receive information, and the right to education and development.

The Internet itself does not guarantee freedom of opinions and their expression. In the first place, the Internet is communications technology, a network securing communication. Just as anywhere else, freedom of expression must be protected in the Internet by rules of law. Therefore, wilful control of or illegitimate restrictions on information transfer and dissemination must not be allowed.

Hence the need to protect the pluralism of sources of information and means of its dissemination, including the diversity of information retrieval systems.

The range of mass media available in the world today keeps growing wider. In Kazakhstan, we have the opportunity to choose the media that are of interest especially to us and exactly at the time when we need them. Moreover, enhanced competition in the media sector is an important component of the democratic process.

Mr. Chairman,

Our country is consistently implementing a programme of stage-by-stage democratization and political modernization of civil society. Ensuring one of the fundamental rights – the right to freedom of speech – certainly constitutes one of the most important objectives of the government.

At present, the intra-state procedures are under way in the country to ratify the International Covenants on Civil and Political Rights, as well as the Covenant on Economic, Social and Cultural Rights. Draft laws on ratifying these covenants without reservations have been approved by the Majilis and submitted to the Senate for consideration.

In Kazakhstan, freedom of speech has been ensured by the vigorous operation of governmental and private media and a ban on censorship. The media

sector represents the whole spectrum of opinions ranging from those of the government to extremely oppositional points of view. In our country, there have been no cases of blocking the world information traffic in the Internet.

There are 164 television and radio-broadcasting companies, 12 news agencies, 1,260 newspapers, and 529 journals and magazines in Kazakhstan. The print and electronic media have equal access to information and government agencies render them all kinds of assistance in this respect. Let me note that there are over 200 printing houses operating in Almaty alone, not to speak of Kazakhstan as a whole. This is evidence of competition in and diversity of the printing services market.

None of the foregoing in any way means that Kazakhstan's media have no problems whatsoever. For example, due to objective causes connected with the vast territory of Kazakhstan, metropolitan papers and periodicals do not always reach remote parts of the country and transmission of TV signals sometimes turns out to be very expensive. Moreover, there is a whole number of other problems requiring resolution.

However, it is obvious that the market of printed and electronic mass media has been formed in Kazakhstan. The market regulation mechanisms are now working: only the most interesting and informed print media and television channels survive whereas those incapable of meeting competition have to quit the market. Certainly, from time to time some of them try to play their economic failures off as political harassment, claim that their problems result from pressure brought to bear on the oppositional press and demand from the government easy terms and preferences or additional funds from the state budget.

At present, work is under way in the country on a new draft law on mass media, and the Office of the OSCE Representative on Freedom of the Media is actively assisting these efforts in the form of consultations. Besides, Kazakhstan is weighing up the possibility of decriminalizing defamation.

President Nursultan Nazarbayev's Decree dated 9 September 2005 instructs the Ministry of Culture, Information and Sports as well as the Central Election Committee of the Republic of Kazakhstan to ensure equal access to the media for the presidential candidates during the election campaign.

I would like to note particularly that Kazakhstan's application for chairmanship in the OSCE is an expression of our consistent course towards accelerated economic and political modernization of the country, of a responsible and balanced approach to maintaining international and regional stability and security. We are the first post-Soviet country to seek this high-level position.

Hence Kazakhstan's special responsibility. If our application for chairmanship is granted, we shall be guided by the interests of the Organization in the first place and firmly uphold its underlying principles and standards throughout the entire OSCE space.

In conclusion, I would like to express the hope that the forthcoming two-day forum on problems of pluralism in the media and the Internet will become a significant event in the process of development and further democratization of the media in Central Asia.

OPENING SPEECH BY DARKHAN KALETAYEV

Dear colleagues, conference participants and guests,

Let me express my gratitude to the organizers for the invitation to take part in the work of such an authoritative conference and wish – on behalf of the Administration of the President of the Republic of Kazakhstan –all those present fruitful work and successful results.

The topicality of the declared subject of the conference is beyond doubt. Today, information is a most important resource of influencing social development and political processes. The media have become an integral feature of political life. Moreover, the degree of media influence on public policy will undoubtedly be growing in the course of further development of the democratic institutions.

Meanwhile, pluralism plays the role of a backbone factor. Indeed, it is only under the actual pluralism of opinions that the media can fulfil its main function of providing objective information which also is one of the most important conditions for the existence of democratic society.

In its turn, the increasingly important role of the media in the positive processes of globalization facilitates the objective process of media de-monopolization and pluralization both on the global and national level.

The on-going globalization of the information environment is eroding the boundary lines and contours of the media space in a particular country and globally and changing the parameters and dynamics of its development.

However, since the formation and transformation of media space also depend on a multitude of internal political, social, economic and cultural factors, this multiformity makes media pluralization inevitable.

A fundamentally new information space is vigorously taking shape in our country, which is evidence of the effective functioning of the entire socio-economic and political system of independent Kazakhstan and its gradual involvement in the world information system.

Over the years of independence, Kazakhstan has created a full set of political, economic and legal conditions required for the functioning of independent media. An overwhelming majority of the mass media accounting for over 80 per cent of the country's media are non-governmental.

The underlying principles of democratic society, such as freedom of expression, absence of censorship and access to sources of information, constitute the basis of Kazakhstan's media legislation.

The main indicators of the development of Kazakhstan's information envi-

ronment over the years of independence include the quantitative and qualitative growth of its most important component – mass media, and the making of a dynamic domestic media market.

Over the past ten years, the number of Kazakhstan's media has increased more than 50-fold.

As many as 2,110 mass media operate in Kazakhstan today.

This number includes 1,325 newspapers, 590 journals and 184 electronic media. Information concerning various subjects is disseminated by 11 news agencies.

Every month 20 to 40 new media outlets appear in the country.

The geography of operation of foreign media in the territory of Kazakhstan has been expanded significantly: today, their number in the country exceeds 2,300. More than 150 representatives of foreign mass media from twenty countries of the world are accredited to the country.

Kazakhstan's segment of the Internet is developing at an especially quick pace. All the main Internet access technologies are available in Kazakhstan.

Today, the total number of domain names registered under the domain of KZ is close to 9,000.

More than 200 companies have licenses of Internet Service Providers. The annual growth rate in the ISP market exceeds 30 per cent.

Today, there are one million Internet users in Kazakhstan as against 14,000 users registered in the country in 1999.

Such a breakthrough has largely been made possible by government measures to de-monopolize the telecom market and pursue a sound pricing policy. Since 1 April 2005, various Internet access and services tariffs have been reduced 30 to 50 per cent, primary for schools.

As is generally known, all schools in Kazakhstan have been computerized. Last year, 44 per cent of schools were connected to the Internet, and the figure will have grown to 75 per cent by the end of 2005.

However, it would be wrong to consider the Internet community development process in the light of technical resources only. It is important to take into consideration the political, social and cultural aspects of the World Wide Web.

There is no doubt that the large-scale "Internetization" of Kazakhstan's society gives a new impetus to the development of media pluralism.

Dear colleagues,

An effective market economy has been established in the Republic of Kazakhstan, and the media market is its integral part. The media market will further develop in the overall context of an accelerated economic, social and political modernization set forth by the country's President Nursultan Nazarbayev in his Message to the people of Kazakhstan.

The indisputable priorities on this road are the legal improvement of Kazakhstan information environment, development of media pluralism and content diversity, and government support for mass media regardless of their forms of ownership.

I am confident that a dialogue within the framework of the conference will facilitate the discussion of current media challenges and the search for an adequate response to them.

Once again I wish all of us constructive work and positive results!

CONTRIBUTORS

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- Rakhat Aliyev, First Vice-Minister of Foreign Affairs of Kazakhstan
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Part 1. Latest Developments for the Media in Central Asia

- Sophie Redmond, Legal Officer, *Article 19*, United Kingdom
- David Banisar, Director FOI project, *Privacy International*, United Kingdom
- Sayora Ruzikulova, *O'zbekim Taronasi* radio, Uzbekistan
- Nadezhda Stepanova, *Mir novostey* newspaper, Uzbekistan
- Igor Shestakov, Media Consultant of the Executive Committee of the Bishkek *Pen-Centre*, Kyrgyzstan
- Khurshed Atovullo, Editor-in Chief of *Zindagi* newspaper, Tajikistan
- Serik Nugmanov, Deputy Minister of Justice of Kazakhstan
- Tamara Kaleyeva, International Foundation for Freedom of Speech *Adil Soz*, Kazakhstan
- Kanat Sakhariyanov, *Congress of Journalists* of Kazakhstan

Part 2. Pluralism in the Media: The Only Criteria for Independence?

- Salla Nazarenko, *International Freedom of Expression Exchange* (IFEX)
- Ardak Doszhan, Vice-Minister of Culture, Information and Sport of the Republic of Kazakhstan
- Nurali Davlatov, independent journalist, Tajikistan
- Adolat Umarova, Editor-in-Chief of the newspaper *Millat*, Tajikistan
- Bakyt Ibraimov, independent journalist, Kyrgyzstan
- Anar Zhailganova, Judge of the Supreme Court of Kazakhstan
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Part 3. Internet: Between Censorship and Free Flow of Information

- Christian Möller, Office of the OSCE Representative on Freedom of the Media
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