



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Report to the Permanent Council

Vienna, 19 November 1998

Mr. Chairman, Ladies and Gentlemen,

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

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

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

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

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

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

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

After the new Law went into effect, the Serbian Government started prosecuting the owner and editor of the news magazine *Evropljanin*. *Nasa Borba* has decided not to publish while the Law was in effect. To by-pass the Law, a number of media outlets registered their subsidiaries in Montenegro. I have met in Budapest with Serbian journalists and politicians who have voted against the Law on Public Information in the Serbian Parliament. The journalists stressed that the new steps against free and pluralistic media have led to virtual ignorance on the part of most citizens in Serbia of the actual state of affairs in Kosovo and with the role of international organisations.

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

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

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

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

Mr. Chairman, Ladies and Gentlemen,

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

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

Mr. Chairman, Ladies and Gentlemen,

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

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

Let me at this stage also appeal to the Belarus authorities to lift the year-long travel restriction placed on the journalist Pavel Sheremet in order to enable him to receive the

1998 International Press Freedom Award. This award will be presented to him by the Committee to Protect Journalists next week in New York.

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

Mr. Chairman, Ladies and Gentlemen,

My Office has begun to focus on Central Asian Member States. Relevant delegations here in Vienna as well as the OSCE Liaison Office in Tashkent have been most helpful in organising programmes for several visits. One of my advisors has just recently returned from a visit to Bishkek. We are compiling a fuller report of the visit, and will follow up with as appropriate with Government of Kyrgyzstan officials. Our preliminary impressions are quite positive regarding the Bishkek government's commitment to a free and independent media. We are impressed by the recent legal safeguards that the President has put in place and by recent court decisions firmly upholding the freedom and independence of the media. We believe that if Kyrgyzstan continues along this path, it can serve as a model for similar countries in their transition to democracy. We are particularly struck by a recent comment by the Kyrgyzstan President to the media emphasising his appreciation for the media's efforts to undercover corruption which has enabled him to act more forcefully against corruption. I often speak of the "corrective function" of the media; this is a perfect example.

My own visits to Uzbekistan, Turkmenistan, and Kazakstan will take place in February.

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

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

Mr. Chairman, Ladies and Gentlemen,

Let me address now some organisational issues concerning our work:

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

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

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

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

Furthermore, I am looking forward to opportunities to intensify the exchange of views with you in an informal manner, possibly before major reports to this Council.

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

Mr. Chairman, Ladies and Gentlemen,

To conclude now with some general observations and with a few announcements:

My Office has focused in the past months on early warning activities as well as on rapid response to serious cases of non-compliance with OSCE commitments. These are the two core elements in my mandate which require different forms of action ranging from diplomatic and discreet action on the one hand to public action on the other.

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