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Press Freedom in the OSCE Area and the Activities of the OSCE Media Representative¹

The rights to freedom of expression and to freedom of the press are recognized worldwide and have been set down in numerous official documents, including Article 19 of the United Nations Universal Declaration of Human Rights, Article 10 of the European Convention on Human Rights and various passages in the concluding documents of CSCE and OSCE meetings. Nevertheless, these principles, which are indispensable for democratic societies, are under threat in dozens of countries worldwide. In the OSCE area press freedom is also facing pressure from various quarters and cannot always be guaranteed. In 1997, in order to monitor media freedom and, where necessary, to intervene, Decision No. 193 of the OSCE Permanent Council established the position of OSCE Representative on Freedom of the Media. Since its inception in January 1998, the post has been held by Freimut Duve of Germany, who will remain in office until his second term ends in December 2003. The powers granted the Media Representative in his mandate show, on the one hand, the strongly practical character of his office, and on the other, the high value the OSCE places on the commitments the participating States have undertaken, and on press freedom as a fundamental human right. This is another example of the importance the OSCE lays on what is known as the *human dimension* – that aspect of the Organization's work that developed out of the Helsinki process, and which is not without relevance for security policy. One sees this, for instance, in the causal relationship between media censorship and corruption: Several studies have demonstrated that the level of corruption in a state is directly dependent on the amount of press and media freedom. Corruption is also a major barrier to economic development, especially – but not only – for the new democracies of the transition states. Besides its importance as an inalienable human right, therefore, there are also economic and security arguments in favour of press freedom.

Media Freedom in the OSCE Region

A variety of forms of censorship and repression targeting the media can be found in the OSCE region. Besides official censorship by state bureaucracies, there are also many cases of outright criminal methods being used, such as threats towards journalists or even their murder. The development of tight networks of business and political interests in the media sector also hinder the

1 This article covers developments up to August 2003.

growth of an independent press. Consequently, the work of the OSCE Media Representative can only be seen in terms of a broad definition of censorship. Merely analysing the corpus of national law and constitutionally guaranteed rights ignores the way such rights are (or are not) applied in practice, i.e. the actual day-to-day situation of journalists and, by extension, of the press and the media as a whole.

It is, however, difficult to describe the situation in various countries empirically in a way that goes beyond simply listing the details of individual cases. Even if – mostly in the USA – attempts have been made since the 1960s to measure objectively the degree of press freedom in different countries, the large number of factors involved and the complexity of the various media landscapes mean that there remains no generally accepted, comprehensive framework to this day. To measure press freedom, it is necessary to include latent variables that are not directly observable but can only be inferred on the basis of manifest variables, such as the number of journalists imprisoned or killed, the number of people employed in censorship offices or the number of media companies closed down by the authorities. A framework capable of underpinning such empirical research has yet to be developed.

The efforts of the OSCE Media Representative are therefore also focused largely on recognizing recurrent mechanisms and structures and providing them with universally valid descriptions. It is, however, hard to categorize the forms of censorship that arise in practice when they so often go beyond state censorship, frequently incorporating both highly subtle tactics and blatantly criminal acts. In a study produced for the OSCE Media Representative based on the guidelines of the Committee to Protect Journalists (CPJ), the International Press Institute (IPI) defines eight categories of the infringement of press freedom: assaulted, censored, harassed, imprisoned, killed, suppression by law, threatened, and missing.² In 1999 and 2000, there were a total of 754 cases of all categories in the OSCE – rising sharply from 1999 to 2000. Assaults and harassment accounted for the majority of infringements. Official censorship made up merely around one seventh of the total. What this reveals is that the bulk of infringements were not legally sanctioned. In fact, it appears that illegal practices are the order of the day when it comes to intimidating or otherwise silencing journalists in order to prevent critical reporting.

The number of infringements breaks down by participating State as follows for the years 1999-2000:

2 The only case in the category “missing” is the Ukrainian journalist Georgiy Gongadze, whose body remained unidentified for a long time (see below).

Table 1: Infringements of Media Freedom in OSCE Participating States 1999-2000³

<i>State</i>	<i>Infringements</i>	<i>State</i>	<i>Infringements</i>
Albania	9	Kazakhstan	18
Armenia	10	Kyrgyzstan	14
Austria	16	Latvia	1
Azerbaijan	46	Lithuania	2
Belarus	71	Luxembourg	1
Bosnia and Herzegovina	52	Macedonia	2
Bulgaria	4	Moldova	7
Canada	33	Netherlands	8
Croatia	7	Poland	2
Cyprus (Turkey)	7	Romania	7
Czech Republic	3	Russia	110
Estonia	3	Slovakia	3
Finland	1	Spain	8
France	7	Sweden	2
Georgia	7	Tajikistan	5
Germany	6	Turkey	190
Greece	17	Turkmenistan	2
Hungary	16	Ukraine	20
Ireland	1	United Kingdom	7
Italy	4	USA	8
		Uzbekistan	17

Source: OSCE, Representative on Freedom of the Media, Freedom and Responsibility. Yearbook 2000/2001, Vienna 2002, pp. 183-188.

The absolute figures in this table must of course be filtered in terms of the relative populations and the total volume of journalistic activity in each country. Despite the simplification necessarily involved in using the raw data, however, certain trends can be observed.

³ The Federal Republic of Yugoslavia was suspended from participation in the OSCE from 7 July 1992 until 10 November 2000, and is therefore excluded from this list.

“Geographically Blind”

At the 2000 Vienna Ministerial Council, the complaint was voiced, most strongly by Russia, that the Media Representative was arbitrarily focusing on the countries of the former Soviet Union and the Balkans. In this context, as in many others, the accusers tend to speak of a two-level OSCE: “West of” and “East of Vienna”. If this reproach regarding the work of the Media Representative were justified, it would damage his credibility and non-partisan status in terms of more than just the OSCE’s principles. Duve himself has commented on the accusations as follows: “We continue monitoring and defending freedom of the media in the whole OSCE region, as we all like to say: from Vancouver to Vladivostok. My Office does not have any geographic priorities, any ‘favourite’ countries. We are ‘geographically blind’. The OSCE participating States have all signed up to the OSCE commitments and should be accountable for adhering to them. There is no pick-and-choose, and I will make sure that any violations of the commitment to freedom of the media will be attended to in line with my mandate.”⁴

The question that remains, and which the rest of this contribution will attempt to answer, is whether the complaints are justified, or whether the Media Representative really is “geographically blind”. It is important to note in advance that, by objective criteria, the situation regarding media freedom in the allegedly “targeted” states is particularly problematic. A higher than average rate of intervention on the part of the Media Representative would, therefore, in itself not be surprising. Exclusively focusing on these states, on the other hand, while turning a blind eye to significant developments in the West, would contravene the neutrality of the office.

The following table does not of course do justice to the breadth and depth of the Media Representative’s activities. Nevertheless, it makes clear that these activities are carried out throughout the entire OSCE region. This, together with the fact that other organizations also note the extremely problematic situation in Eastern and South-eastern Europe and Central Asia regarding freedom of the media, suggests that the complainant countries’ protests are rhetorical tactics aimed at nipping criticism in the bud and thereby avoiding the need to address substantive issues. Precisely such a substantive engagement with the facts, however, is required to make a lasting difference to the situation regarding media freedom. This applies as much to Western countries as to other parts of the OSCE region.

4 OSCE Representative on Freedom of the Media, Statement at the Permanent Council, 15 November 2001, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc15nov2001.pdf.

Table 2: Critical mentions of participating States in the reports and statements of the Media Representative at the Permanent Council, March 1999 to June 2002

<i>Country</i>	<i>Critical mentions</i>
Azerbaijan	7
Belarus	14
Belgium	1
Croatia	3
Czech Republic	2
Estonia	1
Federal Republic of Yugoslavia	7
Georgia	4
Italy	3
Kazakhstan	3
Kyrgyzstan	5
Macedonia	1
Moldova	1
Russia	17
Spain	1
Tajikistan	3
Turkey	3
Turkmenistan	2
Ukraine	14
United Kingdom	2
USA	1
Uzbekistan	3

Methods of Censorship

All eight categories of censorship given above can be assigned to one of two broad families: The first could be referred to as official state repression measures, ranging from explicit censorship laws and the misuse of state power, to the unjustified arrest and detention of journalists or the closure of media companies. The second type of repression does not even make the pretence of having a basis in law, consisting of blatantly criminal acts such as threats, assaults and even murder. While censorship of the first kind may only be carried out by the three branches of government, the second kind of method may be deployed by groups as varied as government agencies, private companies, pressure or interest groups or criminal organizations.

Moreover, as already mentioned, political and (especially) economic links can be the cause of structural restrictions on press freedom. In this con-

text, Freimut Duve repeatedly addressed the challenge to the European constitutional tradition posed by ownership patterns in the Italian media sector.

Structural Censorship

Structural censorship is the indirect restriction of the free development of the media by state authorities. It has frequently come to replace the kind of direct control of the media carried out by a state censor's office.

At all levels – local, regional and national – the state controls a wide range of instruments that can be used to influence journalists. These include control of printing houses, sales and distribution networks, rents, fire protection regulations and the ability to pressure companies with links to the state to advertise only in publications or channels that the government views as “friendly” or to cancel advertising contracts in response to criticism of the government.⁵

The list of such means could continue indefinitely. While it is clear that they are all used to perform censorship, in practice it can be difficult to substantiate this fact. Moreover, they frequently appear as legitimate official acts, as for example when the state withholds a licence or approval to publish or broadcast.

In Central Asia, in particular, published materials from abroad are routinely turned back or confiscated at the border. Domestic production is, however, also problematic. In Kazakhstan, for example, a number of newspapers including *Vremya Po*, and *Respublika*, have had problems finding a printer. In Kyrgyzstan, the *Uchkun* printing works refused to print the newspaper *Moya Stolitsa-Novosti* in January 2002.

Another – and increasingly important – structural issue is the concentration of media ownership in fewer hands and the creation of large international networks or conglomerates. Here one can speak of “corporate censorship” and the need to uphold the autonomy of journalists with regard to their immediate superiors, publishers and so on. This issue has repeatedly been raised by the OSCE Media Representative.

Censorship through Warning

Coined by Freimut Duve, the expression “censorship through warning” describes the strategy of state authorities issuing official warnings and – after multiple reproaches – finally closing down media companies that do not report the news in a state- or government-friendly way. The strategy also encourages journalists who receive such warnings to practise self-censorship. Previous warnings may provide the legal pretext for the closure of media

5 Cf. Freimut Duve, Medienfreiheit organisieren. Ein Amt für Pressefreiheit in der OSZE [Organizing Media Freedom. An Office for Press Freedom in the OSCE], in: Internationale Politik 5/2001, pp. 37-42, here: p. 39.

companies that fall out of official favour, lending such acts the appearance of legitimate official measures. In fact, they are nothing more than thinly disguised attempts at intimidation. Speaking to the Permanent Council, Duve called for an end to this practice: “Currently this strategy can clearly be seen in Belarus. The last months have seen a serious increase in warnings to independent newspapers that are now under threat of closure. This type of warning legislation cannot be accepted as it distinctly hampers the freedom of information and leads to self-censorship. This practice must be changed.”⁶

In Kyrgyzstan, for example, 13 charges were brought against the newspaper *Moya Stolitsa* and its senior editors during 2002, including accusations that the paper “presented a distorted picture of the internal political situation” and had an “anti-Kyrgyz orientation”. In Uzbekistan, the independent TV station ALC-TV has been closed down by local authorities several times since 1999. It finally had its licence revoked and is currently still waiting for renewal.

Censorship by Killing

Censorship by killing, the murder of journalists, is the most unscrupulous and yet “effective” method of silencing dissident voices. In Duve’s view, such murders always have a double aim: “[...] to silence the victim, and, above all, to stop his or her research. In addition, such a murder serves to scare other journalists, functioning as a deadly signal to keep away from a given topic.”⁷

The Committee to Protect Journalists (CPJ) lists 19 journalists as having been killed worldwide during 2002 alone. The NGO Reporters Without Borders (RWB) speaks of 31 dead over the same period. Many of them lost their lives in the world’s war and crisis zones, while others were the victims of deliberate attacks. According to the Media Representative, around a dozen cases of censorship by killing come to light each year in the OSCE region.⁸ One of the widely publicized cases of recent years was the murder of Georgiy Gongadze, which is considered in detail below. Another notable case is the ETA assassination of the Spanish journalist José Luis López de Lacalle in May 2000. For their bravery and dedication to the principles of press freedom and non-violence, these two journalists were posthumously awarded the Prize for Journalism and Democracy 2001 (see below).

Criminal Libel

Criminal libel is the technical name for the legal offence of publishing slanderous or defamatory statements about someone. Journalists in many OSCE

6 OSCE Representative on Freedom of the Media, Report to the Permanent Council, 13 July 2000, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc13jul2000.pdf.

7 Duve, cited above (Note 5), p. 40 (author’s translation).

8 Cf. OSCE Representative on Freedom of the Media, Censorship by killing must end, press release, 14 February 2002.

States have been accused of and charged with libel – mostly by politicians and government officials. The way accusations of libel are dealt with and the degree of tolerance shown towards allegedly defamatory claims made in the media differ strongly from country to country. The most frequently voiced arguments are, on the one hand, that individuals who occupy certain highly visible offices should be more tolerant of how they are represented in the media (in particular because the criticism they receive is frequently not aimed at their person but at their official function and is essential for the media's function as a check on state power) and, on the other – as politicians often counter-argue – that criticisms directed against them infringe their individual rights.

Misuse of libel law by the state can force media companies into self-censorship simply by threatening them with large fines. In the case of a successful prosecution, it may even drive them into bankruptcy. The Media Representative does not exclude *a priori* the possibility of press reporting infringing someone's personal rights, but is strongly committed to opposing the abuse of libel legislation as a means of censorship. In his view, journalists should never face prison sentences for libel offences. In terms of civil law, too, the threat of excessive fines can lead journalists to practise precautionary self-censorship or, in the case of a successful prosecution, may lead to the financial ruin of a media enterprise.

In Kazakhstan, for example, the journalist Sergei Duvanov was charged with libel in June 2002 after writing an article on corruption near to President Nursultan Nazarbaev. The charges never resulted in a conviction but illustrate very well how libel laws can be used to silence a critical press.

Hate Speech

Lastly, I would like to turn to the concept of hate speech. This differs from the other categories considered above as it does not involve censorship or action taken *against* the media, but rather the promotion of intolerance and ethnic or racial prejudices *through* the media – factors that Duve sees as contributory causes in violent conflicts: “Organized ethnic hatred and so-called ethnic conflicts – the reporting of which is frequently made to serve political ends – have been and continue to be the sources of violent military confrontations.”⁹

A problem here is caused by the fact that an intervention in cases of hate speech always implies criticism of editorial content by the OSCE Media Representative. In contrast to infringements of OSCE principles by governments, accusations of hate speech are – except where the media outlet is a wholly state-owned concern – generally levelled at private media enterprises. In this regard, Duve argues that there is “no liberty without civility, no civil-

9 Duve, cited above (Note 5), p. 41 (author's translation).

ity without liberty”.¹⁰ In 1997, at the time the mandate of the OSCE Representative on Freedom of the Media was established and against the background of the situation in the Balkans, there was general agreement to include this area in the Media Representative’s remit. However, the long-term combating of hate speech in the media is better carried out using preventive measures rather than intervening in individual cases. These preventive measures have been bundled together by the Media Representative to create the “Defence of the Future” initiative. It focuses above all on providing young people of diverse ethnic backgrounds with a forum for meeting and discussion (see below) and on the training of journalists, for example in Central Asia.

Activities of the Media Representative

One of the key tasks of the five-strong staff of the Media Representative’s small office is to continuously monitor the media landscape in the OSCE area. A significant proportion of their work is dedicated to investigating individual attacks on journalists or media organizations. This is often considered the most successful of the Media Representative’s areas of activity, and is certainly the one that garners the most publicity, as it is frequently possible to identify concrete results. Nevertheless, his work in this area also illustrates the limits of the Media Representative’s mandate as the case of Georgiy Gongadze illustrates.

The Case of Georgiy Gongadze

Georgiy Gongadze, the Ukrainian journalist and publisher of the online newspaper *Ukrainska Pravda*, disappeared in Kiev on 16 September 2000. On 2 November the same year, his headless corpse was found in Tarasha, near Kiev, although it took a considerable time to identify it conclusively. Only after the suspension in February 2001 of the state prosecutor responsible for the case and the acceptance of help offered by the FBI did the authorities acknowledge, on 26 February 2001, that the body might be Gongadze’s. This followed the November 2000 publication of the so-called Kuchma Tapes. These suggested that the Ukrainian President Leonid Kuchma was involved in orchestrating Gongadze’s murder and led to a public outcry and mass demonstrations. However, even after the release of these tapes, the investigation continued to move forward at a snail’s pace. In particular, the identity of the body continued to be called into question and contradictory forensic-examination results were published, leading to massive protests by national and international NGOs and IGOs. RWB demanded the establishment of an international investigating commission; the OSCE Media Repre-

10 Ibid. (author’s translation).

sentative called for a comprehensive investigation of all the events in the case, while the Council of Europe threatened to suspend Ukraine. Although the media carried detailed reports of the case, the Ukrainian government responded with repressive measures, such as withholding broadcasting licences. A doctor who had worked on the identification of the body sought asylum in the United Kingdom after receiving repeated death threats.

The OSCE Media Representative has raised the case of Gongadze several times in Permanent Council meetings.¹¹ In January 2001, a senior advisor within his office travelled to Kiev and questioned civil servants, Members of Parliament and lawyers in an attempt to gather accurate information at first hand.¹² The Media Representative presented the following recommendations to the Permanent Council on 8 February 2001: "The Government of Ukraine should undertake a new effort to investigate the Gongadze case especially related to the identification of the body and to the circumstances around his disappearance [...] All acts of harassment of media, including through the use of the tax police, should cease immediately. Radio Continent should receive its new licence [...] Recommendations issued in a report on the current media situation in Ukraine prepared on 10 March 2000 by the OSCE Representative should be implemented."¹³

But while this intervention ensured that the Gongadze case was placed on the Permanent Council's agenda, and that the governments of the OSCE's 55 participant States were kept informed of events by their ambassadors, the Media Representative does not have the means to make sure his recommendations are put into practice. Nevertheless, one may assume that international pressure is responsible for ensuring that an investigation into the disappearance and murder of Gongadze was carried out at all: On 3 September 2002, the Ukrainian Prosecutor General finally confirmed that the dead body was indeed Gongadze's. At the same time, the state prosecutor of the Tarasha region and another government official were arrested on charges of negligence in the investigation of Gongadze's death.

The Case of Olga Kitova

An example of state abuse of power and the arbitrary exercise of official authority is the case of Olga Kitova from the Russian province of Belgorod.¹⁴

11 Cf. OSCE Representative on Freedom of the Media, Report to the Permanent Council, 16 November 2000, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc16_nov2000.pdf.

12 Cf. OSCE Representative on Freedom of the Media, Statement at the Permanent Council, 8 February 2001, at: http://www.osce.org/documents/rfm/2001/02/222_en.pdf.

13 Ibid.

14 On 3 July 2002, the German TV channel WDR ran a documentary on the case of Kitova entitled "Russische Treibjagd – Das Ende einer Reporterin" ["Russian Witchhunt. The End of a Reporter"]. A wide variety of background material on the case, including German translations of articles by Kitova herself, interviews, and a webcast of the programme, is available at: http://www.wdr.de/themen/politik/1/russische_treibjagd.

Kitova is a journalist with the *Belgorodskaya Pravda* and has written many articles dealing with the activities of the local government. Her criticisms have, however, not gone unanswered. The 48-year-old journalist was threatened, physically and mentally mistreated by the police and the public prosecutor's office and then placed under arrest despite the fact that, as a member of the city council, she should have enjoyed political immunity. Even a trial involving third parties – six young men from Belgorod, whose conviction was probably unsound – was manipulated in an attempt to destroy Kitova's credibility. In November 2001, court proceedings were brought against Kitova, in which it was alleged that she injured police officers during her arrest. In addition, her critical articles are being treated as libellous. She received a two-and-a-half-year suspended sentence, a fine, and lost her right to stand as a candidate in elections. The Office of the OSCE Media Representative attended her trial, using the opportunity to display public support. This tactic appears to have worked: "Olga's editor-in-chief has now started to protect her: Since the Russian Union of Journalists, the OSCE and Amnesty International have taken Olga's side, even the usually so timid editor-in-chief has found his courage."¹⁵ In an appeal in Moscow in July 2002, three of the five charges against Kitova were dropped. Nevertheless, there remained a suspended sentence of 20 months. While there is now no hope of a pardon, the combined work of various regional and international organizations ensure that information on Olga Kitova's case reaches the general public and that those responsible for her treatment are placed under pressure.

Effective Interventions

Despite the limitations mentioned above, it is clear that the OSCE Media Representative can be effective, above all – but not exclusively – by intervening in individual cases. His limited room for manoeuvre is a result of the history and structure of the OSCE as a co-operative security organization based on the principle of consensus. However, precisely this emphasis on consensus creates an opportunity to promote the importance of press freedom. The Media Representative's reports and interventions mean that participating States' permanent delegations to the OSCE are regularly required to take a position on these matters in the Permanent Council. And even if the effects of his work are not always immediately visible, he helps ensure that press freedom remains on the agenda of the OSCE and therefore on that of political circles in general. The political pressure that can be exercised on participating States in this way should not be underestimated.

The OSCE Prize for Journalism and Democracy, which was established on the initiative of Freimut Duve and is awarded annually by the OSCE Parliamentary Assembly helps to bring to public attention both blatant infringe-

15 Ibid., at: http://www.wdr.de/themen/politik/1/russische_treibjagd/story4.jhtml (author's translation).

ments of press freedom and bravery in defending the independence of the media. In 2003, the prize was awarded to the Russian journalist Anna Politkovskaya, who has made a name for herself largely with her reports from Chechnya. In the course of her work, she has also been detained by Russian soldiers, allegedly mishandled, and has received several death-threats.

Germany's *Frankfurter Rundschau* newspaper reports on another effective intervention by the Media Representative: "It is better to have a single friend than a hundred roubles", says an old Russian proverb. That is especially true if you have as many enemies as Dodojon Atovulloev. When Russian police arrested the Tajik journalist a year ago during a stopover at Moscow airport, in order to deport him to Tajikistan, where he faced the death penalty, his friends alerted the world's media. The then head of the Moscow bureau of Germany's ARD public-service television channel contacted the OSCE Media Representative, Freimut Duve, who in turn called German Foreign Minister Joschka Fischer. French President Jacques Chirac also placed pressure on the Russian authorities until Atovulloev was released after seven days."¹⁶

Defending the Future

Besides observation, early warning, and intervention, the mandate of the OSCE Media Representative also expressly empowers him to support participating States in encouraging the development of a free, independent and pluralistic media landscape. In this regard— alongside the already mentioned "Defence of the Future" initiative – conferences, workshops, publications and advice on legislation, the "Mobile Culture Container" project, which is due to end in 2003 after three years, is worthy of note.

Mobile Culture Container (MCC)

This ambitious project is currently being carried out by the OSCE Media Representative in collaboration with the Vienna-based In Defence of our Future Foundation. The project is funded in part by the Stability Pact for South Eastern Europe, and by the Allianz Cultural Foundation. Since June 2001, the MCC, a travelling media village housed in container units and focusing on youth-oriented projects, visited ten towns in Bosnia and Herzegovina, Croa-

16 Thomas Schmid, Offene Rechnungen. Der investigative Journalist Dodojon Atovullojev traut sich nicht nach Tadschikistan zurück [Unfinished Business: The Investigative Journalist Dodojon Atovulloev Does Not Dare Return to Tajikistan], in: *Frankfurter Rundschau* 16 July 2002. See also RFOM Freimut Duve: Russia allows a Tajik journalist to go back to his family, 12 June 2001, at: http://www.osce.org/news/generate_pf.php3?News_id=1874. Cf. also the City of Hamburg press release: Tadschikischer Journalist kommt nach Hamburg zurück [Tajik Journalist Returns to Hamburg], at: <http://www.hamburg.de/Behoerden/Pressestelle/Meldungen/tagesmeldungen/2001/juli/w28/mi/pr11b.htm>.

tia, Serbia, Kosovo and Macedonia, spending around a month in each. The MCC provides young people from different ethnic backgrounds with a forum for communication and discussion. The centre's extensive facilities allow them to carry out a range of activities and to produce various media articles. Activities carried out under the framework of the MCC include the production of school magazines, Internet cafes, computer and film courses, libraries, discussion events, and music and theatre projects. During 2003, the last year of the project, the lasting impact of the MCC has become particularly clear: For example, the editorial teams of ten youth magazines have been given access to a professional correspondents' network; radio production groups have been established in Mostar, Banja Luka and Skopje; and a radio station has been set up in Mitrovica and has produced over 80 hours of programming in Serbian and Albanian. All these projects have continued to be managed independently by local young people following the departure of the MCC.

Challenges for the Future

Contemporary developments, such as the transformation of transition countries' state broadcasting monopolies into public-service radio and television corporations, the intensification of financial and economic links between companies in the media sector and the development of media oligopolies and the growing entanglement of governments and media companies in criminal activities mean that the Media Representative's remit is likely to expand in the future.

Alongside conventional media, the Internet is increasingly also becoming an object of the Media Representative's concern. The first steps towards identifying the opportunities and dangers new technologies like the Internet present for media freedom were taken at a workshop in Vienna in November 2002. This preparatory meeting was followed up by a two-day-long conference held in Amsterdam in June 2003. The focus of these events was on the Internet as a new and unprecedented infrastructure for the free exchange of information and opinions. Although it may be necessary to develop a new legal framework, this should never lead to the curtailment of media freedom, and the infrastructure as such should never become subject to regulation. Neither censorship of the conventional kind nor innovative methods of control made possible by new technologies must be allowed to threaten the freedom of the Internet.¹⁷

The situation regarding press freedom continues to be extremely problematic in large parts of the OSCE area: "To sum up: structural censorship, criminal libel, national security over freedom, big business and government pressure on the media – all these issues are still not resolved in several OSCE

17 See also: Christiane Hardy/Christian Möller (eds), *Spreading the Word on the Internet. 16 Answers to 4 Questions*, Vienna 2003.

participating States.”¹⁸ Despite the limited means at his disposal within the consensus-oriented OSCE, we should not underestimate the achievements of the Media Representative in both individual cases and as watchdog over general developments in all participating States. In particular, the Media Representative’s ability to set the agenda and to encourage public discussion contributes greatly to keeping people aware of the importance of a free press for democratic societies. The appointment of a new Media Representative in 2004 represents an important decision on the future of media freedom throughout the whole OSCE area.

18 OSCE Representative on Freedom of the Media, Written Statement at the Permanent Council, 24 January 2002, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc14mar2002.pdf.