THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE: MEDIA PROTECTION WATCHDOG

By

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ABSTRACT

The Organization for Security and Cooperation in Europe (OSCE) has made significant progress as a watchdog in advancing media freedom in Serbia while facing limitations in promoting media freedom in Russia. Serbia and Russia share a communist background with numerous media freedom violations. This thesis analyzes the conditions impacting the effectiveness of the operations of the OSCE on media freedom as part of a broader human rights agenda. A centralized goal of this research is to examine differing roles and outcomes of OSCE in Serbia and Russia to show that the organization’s ability to effectively promote media freedom depends on organizational characteristics and geopolitical conditions. The OSCE has been restricted from entering Russia to promote media freedom but works in a variety of capacities in Serbia. The OSCE’s activities to support media freedom appear most successful when a field mission is present to create active personal involvement in necessary situations.
This thesis is dedicated to the late Anna Politkovskaya and other journalists bringing the truth to light through their journalism.
I would like to thank the OSCE for permitting me to observe their offices and the FOM for extending the invitation to attend the 2006 OSCE “Freedom of the Media: Protection of Journalists and Access to Information Conference” in Vienna. I am indebted to RFOM Miklos Haraszti for inviting me to conduct interviews in the FOM office.

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ACRONYMS

ANEM – Association of Independent Electronic Media
CJES – Center for Journalism in Extreme Situations; CJES is a Russian media freedom NGO.
CE – Council of Europe
CPJ – Committee to Protect Journalists
CSCE – Conference on Security and Cooperation in Europe, which preceded the OSCE
CSCE – Separate from the OSCE; The Commission on Security and Cooperation in Europe, also known as the United States Helsinki Commission, is an independent agency of the US government, which monitors commitments of OSCE states. In order to avoid confusion, this CSCE will be spelled out.
EU – European Union
FOI – Freedom of Information
FOM – Freedom of the Media Institute
FRY – Federal Republic of Yugoslavia
IO – International Organization; The OSCE is an international organization.
IGO – Intergovernmental Organization; The OSCE is an intergovernmental organization.
Kfor – Kosovo Peace Implementation Force
KLA – Kosovo Liberation Force
MSU – Media Standards Unit
(I) NGO – (International) Non-governmental organization; RWB and CPJ are media freedom NGOs.
NTV – Russian Independent Television station
OMIK – OSCE Mission in Kosovo, established July 1999
OSI – Open Society Institute
OSCE – Organization for Security and Cooperation of Europe
PC – Permanent Council of the OSCE
PPIU – Press and Public Information Unit of the OSCE
RFM/RFOM – Representative on Freedom of the Media
RFE/RL – Radio Free Europe/Radio Liberty
RSF, RWB – Reporters without Borders
RTK – Radio Television Kosovo
RTS – Serbian State Television
UNMIK – United Nations Interim Mission in Kosovo
USOSCE – United States Mission to the OSCE
~ DEFINITIONS ~

Bureaucracy – a system of administration marked by officialism and proliferation

Detente – an easing of tensions between states

Geopolitical – a combination of political and geographic factors relating to something (as a state or particular resources)

Glasnost – publicity or openness; the Gorbachev administration used glasnost as a means to promote media freedom.

Oligarchy – a government in which a small group exercises control especially for corrupt and selfish purposes

Perestroika – restructuring

State – country
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CHAPTER 1

THE GAME OF GLOBAL POLITICS

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The pen is mightier than the sword.

- Edward Bulwer-Lytton

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Introduction to International Organizations

Since World War II, international organizations (IOs) have emerged and dominated the geopolitical world to address universal issues, including escalating multi-governmental communication challenges, military problems, environmental concerns, the effects of globalization, and violations against human rights. Throughout the past century, there have been multiple definitions of IOs by various political scientists. Ernst B. Haas defines IOs as a group of organizations that manage common problems among multiple states, which may include transferring of wealth from the rich to the poor states, formulating and monitoring rules that the member states have agreed to follow and preventing conflict among states.\(^1\) Michael D. Wallace and J. David Singer describe IOs as having three criteria: “at least two qualified members of the international system” who concur upon a “formal instrument of agreement between the governments of national states”; “regular

\(^1\) Ernst B. Haas, *When Knowledge is power: Three Models of Change in International Organizations* [Berkley: University of California Press, 1990], 51.
IOs are bureaucratic intergovernmental political actors that regulate behavior of states and non-state actors. Theoretically speaking, the classic argument International Relations (IR) scholars continue to debate concentrates on the relationship between the IOs and the states. What effects do IOs have on state behavior?

Realists believe that IOs have no effect and the prerogative of the state actors is to utilize IOs to attain results benefiting their own state. Michael Barnett and Martha Finnemore claim that the majority of IR scholars are realists who treat IOs as state-owned puppets. On the other hand, liberal institutionalists believe that IOs have effects on states and behave as legitimate actors. This thesis will address both of these debated theories.

The promotion and regulation of human rights is one of the main focal points of many service IOs, like the United Nations (UN), the Council of Europe (CE), and the Organization for Security and Cooperation in Europe (OSCE). These IOs have addressed human rights violations, including media freedom in the former communist East European states of Serbia and Russia. In June 2005, I visited the CE’s

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3 All three organizations were formed after World War II. The UN is an IO that aims to safeguard human rights, support peacekeeping, promote economic and environmental progress, and help with international law. I viewed the large UN conference hall, watched a film giving a general overview of the UN, and learned about the Vienna based programs, such as crime prevention and banning the use of nuclear weapons, from the tour guide’s presentation. I had my human rights questions directly answered by the UN representatives in a private academic meeting following the tour. The UN’s official website is http://www.un.org.
headquarters in Strasbourg, France and toured the UN office in Vienna, Austria.\footnote{Founded in 1949, the pan-European CE aims to protect human rights, to promote awareness of Europe’s cultural identity, and to find common solutions to problems within European society. During my visit, I learned general information about this IO, including the facts that Russia is a member and Serbia is not a member of the council. I also learned about the European Convention on Human Rights, a treaty in which the CE member states promise to respect its fundamental freedoms and rights. This treaty is similar to the Helsinki Final Act, a treaty signed by OSCE member states. The Council of Europe’s official website is http://www.coe.int. Portions of information used in this chapter were gathered from visiting the above IOs.}

Then, I met with OSCE staff at the OSCE headquarters in Vienna, Austria. The staff members gave a presentation introducing OSCE history, institutions, and goals. In July 2006, I attended a conference at the OSCE to further my research.

This thesis is a case study of one specific IO, the OSCE, in which both Serbia and Russia are participating states. The research addresses to one question in particular. What factors determine the OSCE’s effectiveness in pursuing its mission of media freedom as part of a broader Human Rights agenda in participating states, especially Serbia and Russia? Similar to the Serbian government’s infringement on media rights in the late 1990s and turn of the century, Russia’s government has also arrested journalists for illicit reasons and closed independent broadcast stations that criticized the Kremlin.

Barnett and Finnemore argue that there are four aspects of IO behavior, which are autonomy, power, dysfunction, and change. These four aspects will be discussed in-depth in the upcoming pages. This thesis will address in particular the benefits and dysfunctions of the OSCE. This IO’s dysfunctions are comprised of organizational characteristics and geopolitical conditions. The organizational characteristics entail constraints within the structural set up of the OSCE and official IO documents that
limit the power of the OSCE. The geopolitical conditions are disagreements among OSCE participating states, like Russia and the US, or between the OSCE and a participating state. However, what can be identified as a dysfunction in regards to a strong state, like Russia, can be considered a benefit to a weaker state, like Serbia. The OSCE’s effective promotion of freedom of the media as part of a broader human rights agenda is conditioned upon the OSCE’s organizational characteristics and geopolitical conditions. These two conditions aid in the OSCE’s progress to support media freedom in Serbia versus obstructing the OSCE’s aspirations to promote media freedom in Russia.

**Effectiveness of International Organizations**

This chapter outlines the strategies IOs use to achieve their aspirations for participating states in order to facilitate an explanation of the OSCE’s activities. The goal of this chapter is to introduce IOs and present the media freedom problems in Serbia and Russia. Academic documents from political scientists who study international institutions will be brought in to establish this foundation. Examples of IOs, including the OSCE, will be drawn upon in the introduction to give the reader a clearer understanding of how these IOs operate.

Barnett and Finnemore argue that IOs carry out the majority of work needed in nation-building and post-conflict transition assistance. The authors site numerous cases of politically vulnerable states such as, Serbia to support their argument. The

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authors analyze IR scholars who use Principal Agent Analysis to study IOs. Principal Agent Analysis means that stronger states, at their own discretion, create IOs with autonomy in order to impose rules on weaker states or states that are in violation of terms set out by the IO. The reader will have a greater comprehension of the OSCE’s behavior by understanding general IO behavior of autonomy, power, dysfunction, and change.

IOs are created for states by states but continue to be autonomous from states. Therefore, one could argue that one state can inadvertently control another. Skeptics criticize that IOs are mere tools for states because states have an ample amount of control. States have influence over an IO because they provide the IO’s income and security. The UN relies on contributed funds from member states as their primary source of income. The OSCE’s complicated budget scheme shows unequal payments made by participating states to the OSCE depending on the state’s status placement on the global market. This does not mean that the states have more power if they pay more money because each state obtains one vote. However, the states do have more control if they sponsor an OSCE side project.

IO bureaucracy gives an IO the ability to be “rational, technocratic, impartial, and nonviolent” giving these IOs “authority to act where individual states may not.”

There are four types of IO authority, comprising of rational-legal authority, delegated

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6 Barnett and Finnemore, 3, 12, 16.
7 Barnett and Finnemore, 4.
9 Barnett and Finnemore, 5.
authority, moral authority, and expert authority.\textsuperscript{10} Details about the OSCE’s use of authority will be discussed later in the structure section of chapter two. Barnett and Finnemore contend that IOs rightfully possess authority through states. IOs retain authority because of the missions they pursue and the ways they pursue them. An example of this would be OSCE field missions in participating states.

The second type of IO behavior is power. IOs exert their power by collecting, analyzing, and interpreting information which they transform into knowledge. IOs presume this knowledge will have value and reason to influence state behavior. For example, the World Bank (WB) collects and processes data to be distributed publicly in economic reports. Therefore, the WB has the power to define poverty levels and influence state policy. The UN Human Right’s Commission provides information on treaties in order to protect human rights throughout the world.\textsuperscript{11} A more detailed example would be the OSCE Freedom of the Media (FOM) institute’s media freedom study. The FOM solicited governments from participating states to partake in a survey ranking their nation’s media laws and protection of journalist’s confidentiality sources. The survey reflected the freedom of information (FOI) legislation and practices of these states. This survey allowed the OSCE to assemble a list of major trends in deficiencies, and offer solutions to the violating states.\textsuperscript{12}

\textsuperscript{10} Barnett and Finnemore, 21-4.
Another approach IOs take to demonstrate their power over states is using their authority to regulate behavior of states and non-state actors by offering incentives. This influential political move is practiced by IOs, the EU and even in local politics. In addition to the approach of regulation, IOs also take a constructivist approach to influence participating states by categorizing problems, setting agendas, and shaming actors into compliance with rules set up by the IO.

The third type of IO behavior is dysfunction. There have been times when IOs and their rules have failed because the IOs were unable to achieve their mandates. Barnett and Finnemore provide examples to show how structural dysfunction in an IO causes the internal breakdown of missions without sufficient funding or the creation of projects to satisfy political disputes rather than performance criteria. For instance, IOs have the responsibility of pleasing multiple audiences, including but not limited to member states, NGOs, other IOs, and individuals the IOs are working to assist. Bureaucracies often formulate illogical policies and face issues when they attempt to execute these policies because the policies contradict the IO’s set mandate. IOs are often dysfunctional because they have politically turned their backs on the disadvantaged states they promised to aid by disregarding the state’s requests.

13 Barnett and Finnemore, 16.
14 Barnett and Finnemore, 16-17.
15 Barnett and Finnemore, 8.
16 Barnett and Finnemore, 35.
Who is accountable for an IO’s dysfunction? Realist and neo-liberal theorists view IOs as the victims of bad outcomes by blaming states for IO failure because the states control the IO’s destiny.\(^\text{18}\) OSCE participating states may be blamed for the OSCE’s organizational and geopolitical dysfunctions. The organizational characteristic condition involves internal boundaries due to the set up of the OSCE, membership-like conditionality, and mandates that limit the OSCE’s ability to support human rights. The following is one example of the OSCE’s inability to accomplish their goals due to restraints within official documents concerning their mandate. In late 2007, the OSCE’s election observation branch, the Office for Democratic Institutions and Human Rights (ODIHR), cancelled their plans to monitor the 2007 Russian elections, since their election observers were unable to acquire Russian visas.\(^\text{19}\) The Russian government denied this allegation by stating that the OSCE fabricated the excuse and claimed that legally they were only obligated to invite the OSCE to monitor the elections. Dysfunctions may also arise due to geopolitics. For example, the Russian government accused the US of being behind the OSCE’s decision to opt out of the 2007 elections. The OSCE’s organizational and geopolitical limitations will be discussed in more detail in chapter two.

The fourth category of IO behavior according to Barnett and Finnemore is change. In order for an IO to survive, it must evolve in step with globalization. The Council of Europe (CE) became pan-European when Russia joined in 1996, causing

\(^{18}\) Barnett and Finnemore, 37.
the CE to adapt to a less stable environment and change its focus to migration, social exclusion and other human rights. The OSCE’s history extends back to the 1970’s when participating European and North American states signed the Helsinki Final Act, an official document requiring the states to follow specific politico-military, environment and economical, and human rights policies. The OSCE acts as a watchdog organization to ensure that states follow the rules in the Helsinki Final Act. During this time the OSCE has created institutions with specific tasks, taken on numerous missions, created additional and renewed mandates, and has likely developed further than the original signers ever anticipated.

Sociological institutionalists argue that an IO’s rules and routines are constructed by the prevailing world culture. An IO’s survival depends on its legitimacy; therefore, the IO is obligated to be proficient and capable of responding to new normative demands and external requirements. By reforming its organizational characteristics, the OSCE is meeting the challenges of the geopolitical world. This survival resembles a business updating technology and modernizing advertising to keep up with the needs of contemporary society.

IOs define new and changing problems and solutions that continually require personal interaction. This extensive involvement overwhelms these expanding organizations. In order to accomplish their large tasks, bureaucracies often

[accessed December 12, 2007].


oversimplify and rationalize the intricate world by categorizing the world’s multifaceted problems and giving each problem a specified solution. In addition to the IO overextending itself, the organization often finds that its definitions and procedures are unrealistic, which threatens the IO’s ability to accomplish its missions. The OSCE deals with these challenges by renewing their mission mandates periodically.

Judith Kelley asserts that an IO’s ability to change state policy relies upon the IO’s use of socialization-based methods, such as persuasion and social influence, combined with rational-choice based methods, such as membership conditionality. Kelley says the essential quality under socialization-based methods is that “external actors do not link any concrete incentives to behavior but rely solely on the use of norms to either persuade, shame, or praise actors into changing their policies.” Alastair Johnston refers to this type of socialization as “social influence.” Kelley describes these socialization-based methods as being similar to conventional conditionality and incentive use. She explains that international actors use incentives and sanctions to maximize their payoffs. For instance, the OSCE uses incentives, such as building an Internet cafe in a developing state in order to persuade the weaker state to cooperate with the overall OSCE mandate. An example of enforcing

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22 Barnett and Finnemore, 44.
sanctions would be the UN effectively imposing economic sanctions on Serbia in the early 1990s as the only “strategic instrument” to restore peace without the use of military force which led the Serbian government to sign the 1995 Dayton Peace Accords.\textsuperscript{26}

Many IOs regulate their membership conditions under rational-choice based methods to maintain control over the member states. Kelley says that the OSCE, unlike the EU and CE, does not use membership conditionality.\textsuperscript{27} However, the OSCE is different from other IOs in the fact that the involved states the OSCE regulates are called participating states not member states, since they are separate from the organization.\textsuperscript{28} The participating states signed the Helsinki Final Act, in which they promise to abide by universal policies that included human rights. The OSCE regulates the states’ commitment promised in the Helsinki Final Act, which will be explained in detail in chapter two. Therefore, this thesis modifies Kelley’s political science term by using the term membership like conditionality because this is akin to a state’s membership to an IO but stays true to the OSCE’s description of states as participants rather than members.

This chapter is a synthesis from various experts to show the vast interest and range of opinions about IOs that shape the globalizing world. There is a global


\textsuperscript{27} Kelley, 429. Council of Europe website, http://www.coe.int/T/E/Com/About_Coe/Member_states/ [accessed April 29, 2007].

\textsuperscript{28} Smith, interview by author, July 17, 2006. Moeller, interview by author, July 17, 2006.
perception that development in one state has profound consequences on another.\textsuperscript{29} I Os are thoroughly tied to the expansion of the European international system and beyond.\textsuperscript{30} Therefore, the OSCE has the right to promote freedom of the media in participating states under the human rights basket of the Helsinki Final Act because global consequences are possible.

Expansion of information is vastly important. NGOs, like Freedom House, research and provide information about the world’s media freedom to IOs and the public. The following Freedom House ranking of journalism in Serbia and Russia is used to familiarize the reader with the media freedom limitations in these states.

**Media Freedom is a Human Right**

In its 2006 World Human Rights Report, the New York-based human rights group Freedom House continued to rank Serbia as “partially free,” but the state’s overall world ranking was improved from 2002 by adopting new laws to protect the media and giving journalists more access to information.\textsuperscript{31} The 2006 report


downgraded Russia from partly free to the status of not free. Freedom House bases its category designations, free, partly free, and not free within the state on political competition, civil liberties, civic life, and an independent media. A state earns the title of free when it meets all of these requirements. The United States, Canada, and Western Europe all are ranked as free. If a state suffers from either weak rule or is governed by a single dominating political party and has limited pluralism, it is established as a partially free state. States are recognized as not free when basic political and civil rights are absent. Freedom House claims that Russia was downgraded due to its growing hostility toward civil society regimes and NGOs, especially the INGOs receiving foreign funding. Russia's downgrade to "not free" puts it at the level of other autocratic, non-democratic post-Soviet regimes.

Freedom House’s 2007 country rating explanatory essay makes claims and gives examples about the Putin Administration by declaring that Russia is heading in an authoritarian direction. The essay argues that the Putin Administration supports autocratic regimes and opposes sanctions that IOs impose on dictatorships suspected of human rights violations. The Putin Administration violates political liberties by restricting opposing political parties to campaign in Russia. The essay also claims that President Vladimir Putin has “marginalized independent media,” which is a clear violation of human rights.

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The purpose of this thesis is twofold. The first reason is to investigate why, even though Russia is a region that was formerly under communist rule like Serbia, the OSCE is reluctant to enter Russia. The second reason is the OSCE’s inability to establish a field mission with the intention of promoting media freedom, due to organizational and geopolitical problems. However, the OSCE activities to promote media freedom appear most successful when an established field mission office is located in the state. Why was the OSCE effective in influencing media freedom in Serbia but restrained when it came to protecting media freedom in Russia? This burning question will be answered throughout my thesis.

Fifty-six participating states in Europe and North America have agreed to follow the politico-military, economic and environmental, and human rights rules set up by the OSCE. The OSCE houses three institutions, the Office for Democratic Institutions and Human Rights (ODIHR), the Office of the High Commissioner on National Minorities, and the Freedom of Media institute (FOM). All of these groups monitor and promote the rules set forth by the OSCE, which also establish field offices in the more troubled OSCE states. Advancing human rights throughout the OSCE states is the collective mission of this institution, which will be addressed later

34 These states include: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Moldova, Monaco, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America, and Uzbekistan.

35 For purpose of clarity the office of the Representative on Freedom of the Media (RFOM) will be referred to merely as the FOM. There have been two representatives heading the FOM since it was established in 1997, Freimut Duve and Miklos Haraszti.
in chapter two. This paper focuses on the smaller category of media freedom rights as part of the OSCE’s extensive human rights agenda.

Governments realize that journalism is a powerful tool in which citizens gather information and this utilization of information may result in varying opinions about the decisions that calculating governments bestow upon the public. This is considered an obvious threat to any government and therefore many administrations attempt to censor journalists in order to control the dissemination of information. The Serbian and Russian governments have censored journalism by arresting reporters for their condemning articles and closing independent media networks that criticized the administrations.

In 1999, the Serbian government closed all independent media that were operating under restrictions from the Serbian Law on Public Information. This gave the Milosevic Administration complete control of the public’s access to information. According to Lilia Shetsova in *Putin’s Russia*, when Putin entered office he was outraged by the media’s disrespect. The Putin Administration arranged for the first independent broadcast station NTV’s founder Vladimir Gusinsky to be arrested for allowing his journalists to defame the administration. Gusinsky was later released.

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36 Freimut Duve, *Statement at the Permanent Council: Review of Current Issues*, [Vienna: OSCE, April 22, 1999]. This incident is addressed further in chapter three.

37 Lilia Shevtsova, *Putin’s Russia* [Washington, DC: Carnegie Endowment for International Peace, 2003], 104-6. Chapter four contains more detailed examples of this stronghold the Russian government has exhibited on journalists, including a more in-depth account of NTV’s battle with the Putin Administration.
As shown in these examples, many journalists have been threatened, assaulted or murdered at the hands of unknown assailants with speculated links to the government or even the mafia. However, the OSCE’s ability to help these journalists is far greater in Serbia than in Russia. The power of the OSCE to efficiently support the media under the human rights basket is conditioned upon both organizational characteristics and geopolitical conditions.

**Future Chapters**

Chapter two familiarizes the reader with the OSCE’s history of promoting human rights, especially media freedom. The OSCE FOM and OSCE field missions that house media freedom offices are defined in detail. The OSCE’s organizational characteristics and geopolitical conditions are presented.

Chapter three addresses the topic of media freedom, which initiated this entire case study, including a typology of the OSCE’s field mission to Serbia and Kosovo, which centers around the mission’s media freedom offices. For the most intense cases, the OSCE sets up a field mission but only with the consensus of the host country or approval from the UN. This chapter illustrates how geopolitical conditions and organizational characteristics create a positive impact on OSCE participating states. The OSCE field mission media offices have the ability to support journalists in former communist Serbia and this raises questions. Why is the OSCE able to directly aid journalists in Serbia but are limited when it comes to hands on aiding of journalists in Russia? What shapes the OSCE’s effectiveness in pursuing its own
mission of promoting media freedom in OSCE participating states, especially Serbia and Russia? Chapter three answers these questions for Serbia, including Kosovo, while chapter four resolves the questions for Russia.

Chapter four introduces the need for the OSCE to increase its involvement as a media freedom watchdog in Russia, because the Kremlin is violating rules set up by the OSCE. This thesis illustrates the media freedom violations in Russia and looks at the OSCE’s limitations due to a lack of IO authority in Russia, which is an example of dysfunction in the system. Three Russian media stories represent the media freedom violations and the dangers the journalists face. These stories rationalize the emergent need for the OSCE to take stronger action in Russia and explain in detail why the OSCE’s abilities are limited in Russia. The Yugoslav government bestowed similar violations upon journalists in the 1990s and during the 1999 Kosovo War. Chapter four presents a clear understanding of the OSCE’s impact or lack of impact on the most famous cases of Russian journalists.

Violations in states without field missions are often recorded by NGOs and sent to the FOM, an entity of the OSCE. The FOM may mention the smaller incidents in reports to the Permanent Council or press releases. Often follow-ups by the OSCE on these cases are not posted on the OSCE website for public display. The OSCE’s strategies in Serbia and Kosovo can be applied in Russia with the intention of promoting media freedom. In theory, a field mission would give the OSCE direct access to Russian journalists and the ability to closely monitor media freedom violations by the government.
Chapter five is a summary and conclusion of the case study. This chapter concludes the organizational characteristics and geopolitical paradigms of the OSCE. The question of the OSCE’s effectiveness in Russia and the need for media freedom will be answered.

**Research and Methodology**

The main focus of this empirical and theoretical thesis is a case study of the OSCE. The research was based on qualitative methodology, such as personal observation, open-ended interviews and document analysis. The empirical work consists of personal encounters and observations at the OSCE headquarters in Vienna in 2005 and at the OSCE Freedom of the Media: Protection of Journalists and Access to Information Conference in July 2006. The value of this research serves to support the credibility of the statements presented in this thesis.

Primary research consists of interviews and various OSCE publications. Formal interviews, semi-structured interviews and informal conversations were conducted over the course of one year. These interviews have included key actors from the OSCE Permanent Council, OSCE FOM, OSCE Mission to Kosovo, OSCE Mission to Serbia, and the Kosovo Press Council. OSCE publications include Freedom of Media Yearbooks put forth by the OSCE FOM, books explaining the OSCE’s main provisions such as *Freedom of Expression, Free Flow of Information, Freedom of Media*, and official OSCE reports. In addition, publicly disclosed information was drawn from OSCE press releases and the OSCE website.
A collection of secondary information about IOs from books and articles by expert political scientists was utilized. This was comprised of official speeches at other germane conferences that characterize the Russian government’s insufficient communication with the OSCE. Major publications such as Freedom House’s assessment reports on free media and numerical ranking of media freedom throughout the world were also included to show that Russia’s lack of a free media is part of a broader human rights problem in the state. Other important works come from news and NGO websites.

There are three goals to be accomplished in this thesis. The first goal is to explain the operations and effectiveness of IOs, especially the OSCE paradigm. Then, define the methods used by the FOM and the media freedom offices in two OSCE field missions. The focus of media freedom is exceedingly important in this thesis. The accumulation of research gives a clear understanding why the OSCE is significant in regards to promoting media freedom. The second goal is to achieve a greater understanding of the reason why there is a need for a media freedom watchdog to aid journalists in Russia. The third goal is to discuss what shapes or restricts the OSCE’s effectiveness in pursuing its own mission of promoting media freedom in the OSCE participating states of Serbia and Russia.

This thesis is a case study of the OSCE’s relationship in Russia versus Serbia regarding freedom of the media. Although Russia is a region formerly under communist rule similar to Serbia, the purpose of this work is to investigate why the OSCE is incapable of establishing a presence with the intention of promoting media
freedom in Russia due to organizational characteristics and geopolitical problems. The presented argument is that Serbia’s media benefits from the OSCE’s presence, whereas the OSCE’s internal limitations and geopolitical tensions strain the OSCE’s relationship with Russia and this is a quandary for the Russian media.
CHAPTER 2
FROM HELSINKI TO VIENNA

Real politics are the possession and distribution of power.

- Benjamin Disraeli

Organization History: 1973 to the Present

History illustrates how international organizations (IOs) make decisions and shape the globalized world. By exemplifying the historical process that the Organization for Security and Cooperation in Europe (OSCE) participating states took to increase their cooperation and momentum to enact their decisions, my intention is to elucidate the OSCE’s current operations. The Conference on Security and Cooperation in Europe (CSCE) led to the foundation of the intergovernmental OSCE. The agreement and rules in the Helsinki Final Act signed at the CSCE, which would later define the OSCE, are interpreted in this chapter.

On July 3, 1973, thirty-five foreign ministers gathered in Helsinki, Finland, for the CSCE, a peace conference organized to reduce Cold War tensions. The conference was arranged to serve as a multinational forum for dialogue between East

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38 Barnett and Finnemore, 12.

39 These states included: Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics [USSR], the United Kingdom [UK] the United States of America [USA] and Yugoslavia, http://www.osce.org/publications/sg/2006/01/13554_53_en.pdf [accessed October 2, 2006].
and West during the Cold War. Prior to the conference, representatives from the participating states took part in the Helsinki Consultations, which organized and defined the rules of procedure of the CSCE in Helsinki.

Opening statements for the conference included a formal discussion between foreign ministers about security and cooperation in Europe. The goal of the foreign ministers was to construct the Helsinki Final Act, which would provide an open agreement supporting security and human rights between European and North American states. The extensive, contentious and multifaceted development drafting conferences ended on August 1, 1975, with the signatures of the thirty-five participating states. The main points in the Helsinki Final Act were to increase cooperation among states regarding respect for sovereignty, renunciation of the use of force, promoting open honest communication, peaceful settlement of disputes, non-intervention in internal affairs, respect for human rights, and fulfillment in good faith of obligations under international law.

The following explains the agreement of the Helsinki Final Act, which the participating states signed, and examples showing the need for these agreements in the OSCE participating states. Section IV, Chapter II in the Helsinki Final Act addresses media freedom. Subsection A, titled “Improvement of the circulation of, access to, and exchange of information,” encompasses oral, print, film and broadcast information. Oral information comprise of lectures, roundtable discussions, seminars,

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40 The Helsinki Act is also known as the Helsinki Declaration and the Helsinki Accords according to the OSCE.

and multilateral meetings. Printed information includes the dissemination of newspapers, magazines, pamphlets and other printed publications. States 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.”

Before the CSCE, even democratic western states exhibited a poor circulation of international media materials. A study in the 1940s showed that the US and Canada, both original signers of the Helsinki Final Act, housed a considerable quantity of media information from Slavic states in their libraries but kept a limited number of newspapers printed in the USSR. As geopolitical relations between Russia and the US improved in the 1970s, libraries in both states were able to acquire more newspapers from each other. By increasing the number of media publications the public had the ability to read a greater array of media. Participating states in the CSCE agreed in the Helsinki Final Act to encourage the increase of locations where publications were sold to give citizens opportunities to read nongovernmental newspapers, magazines, essays, and pamphlets. Today, the US Library of Congress


\[\text{\textsuperscript{43}}\text{However, despite its improvement, the lack of Russian newspapers in US and Canadian libraries continued to be an issue even until the late 1980s. This example shows that the Helsinki Final Act is not just a work in progress. Robert H. Davis, Jr., “The Russian and Soviet Newspapers as a Research Resource: Recent Developments in Bibliographic Access,” The Slavic and East European Journal 34, no. 3 [Autumn, 1990]: 363-367. Toby Cole, “Guide to Russian Collections in American Libraries,” Bulletin of the New York Public Library, [New York: November 1947]. This document looked at the limited quantity of Russian newspapers in US libraries in the late 1940s. For example, Harvard College Library subscribed to seven Russian newspapers, The Hoover Institution subscribed to twenty-nine newspapers, and the Library of Congress subscribed to thirty-two newspapers.}\]
is the repository that holds the most comprehensive collection of Russian newspapers and tapes of Russian news media broadcasts outside of Russia.\textsuperscript{44}

Film and broadcast information incorporates television and radio broadcasts, and states agree to promote the improvement of the distribution in these media outlets. States will endorse “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.”\textsuperscript{45} In subsection B, titled “Co-operation in the Field of Information,” states claim they will promote cooperation among media outlets, including press agencies and publishing houses. The participating states also agreed to treat public, private, national and international radio and television organizations equally.\textsuperscript{46} The USSR violated this rule of the final act when they monopolized the broadcast news media. For instance, Russia’s only independent nationwide television network NTV was taken over by Gazprom, the state gas monopoly. This example will be continued in detail in chapter four.

States also encourage the exchange of news information and technical information. Previous to the Helsinki Final Act, many states lacked foreign television services that brought international news to the masses. According to Sophia Peterson, in the 1970s journalists covered international news events that were either related to


their state or devoted to the top nine elite states, including the USSR and the US. Years after the Helsinki Final Act, there is an increase in independent media outlets throughout the globalizing world. For instance, setting up the American owned Forbes Russia Magazine in April 2004 was an important step toward international media outlets being allowed in the state. However, there was a setback when Paul Klebnikov, the magazine’s editor-in-chief, was murdered three months after the magazine set up the bureau in Moscow.47

The Helsinki Final Act is a non-binding diplomatic agreement to ease security tension between Soviet and Western blocs. IOs claim to represent the international community’s interests by using their authority to serve and protect vastly shared principles of participating states.48 By doing this, IOs are demonstrating their autonomy. IOs assert that they are more moral than states because they have less of a self-centered stake in the outcome of decisions. Even though the agreement lacked treaty status, it carried a standing of moral authority upheld by the participating states.

The OSCE is the only European security forum that includes the US, Canada and Russia.49 The foreign ministers in the West sought to promote an open channel of communication about economic issues, science and human rights.50 On the other

48 Barnett and Finnemore, 23.
side of the Iron Curtain, the USSR foreign minister wanted recognition for the state’s postwar hegemony in Eastern Europe.\(^{51}\) All ministers agreed that in order to solve problems, they must first have open communication and cooperation. This would lead to a comprehensive understanding of issues in the participating states. Then they would be able to overcome distrust between states.\(^{52}\) They acknowledged not only the need to strengthen world peace and security, but to promote fundamental human rights for everyone. In the end, the Helsinki Final Act defined the rules for procedure of the CSCE.\(^{53}\)

The signers of the Helsinki Final Act agreed to hold summits when deemed necessary to discuss their progress in advancing human rights, including media freedom, in all CSCE participating states and reinstate their promise to stay within the secure borders of their own state. At the 1994 Budapest Summit, participating states opted to form an organization that would act as a watchdog over all participating states and the Organization for Security and Cooperation in Europe was born.\(^{54}\) The OSCE was created under Chapter VIII of the UN Charter to ease pressure and build peace during the Cold War.\(^{55}\)

\(^{51}\) European Navigator - History: Helsinki Final Act.
\(^{53}\) European Navigator - History.
Today, the OSCE has transformed from a normative organization into a watchdog group that focuses on military security, disarmament, border issues, and human rights violations. The organization claims that security goes beyond the absence of war. This IO focuses on what it refers to as the three baskets: the politico-military, the economic and environmental, and human rights.56

The OSCE’s goals are to avert trouble, resolve disputes, and focus on peace in the participating states.57 The OSCE is morally and politically binding, but it does not hold a legally binding regional arrangement; therefore, it cannot be upheld in an international court of law. This limits the legal enforceability of the OSCE states. However, these commitments have binding force because they are supported by participating states that have signed the Helsinki Final Act, which means they are making a political promise to comply with the OSCE’s principles. The OSCE participating state’s commitments are not merely a declaration of self-discipline but also a political promise to comply with the criteria in the Helsinki Final Act.58

As of April 2008, fifty-two of the fifty-six participating states have signed an agreement promising to uphold the decisions made at the Helsinki Conference. Each of these nations has an executive appointed ambassador representing their state to the OSCE. These OSCE participating states have an obligation to pressure and influence other OSCE participating states to uphold their agreement made at the CSCE at

58 OSCE, *Political Binding Commitments*. 
Helsinki in 1975. The participating states, such as the European Union (EU), and non-European states, like the United States, politically and financially back the OSCE.\textsuperscript{59}

IOs, such as the OSCE, are active and strategic instruments that initiators or state leaders use to shift politics in a positive manner to protect and advance their states. IOs often supply valuable goods to states and cannot be easily manipulated at the whim of governments. Pevenhouse, Reinhardt, Schultz, Snidal and Thompson all point out that IOs merely provide a service as commitment devices to states and grant benefits to these participating states.

Snidal and Thompson say that for IOs to serve as commitment devices to involved states they provide either carrots, which are “internationally provided benefits,” or sticks, which are “punishment for rule violation.”\textsuperscript{60} The OSCE provides carrots by aiding states, such as the OSCE Mission to Serbia helping the government set up their media laws. Snidal and Thompson point out that states behaving like IOs are “passive tools to be manipulated for domestic political gain” who ignore the IO’s authority to supply benefits to these insistent self-seeking states. For instance, Russia attempts to take an a la carte approach to honoring its commitments to the Helsinki Final Act by focusing on security benefits but ignoring media freedom and other personal freedoms in the Human Rights basket.

\textsuperscript{59} OSCE, \textit{What is the OSCE}?

**Organization Structure**

Barnett and Finnemore’s four categories of IO behavior are autonomy, power, dysfunction, and change. As described in chapter one, IOs are created for states by states but continue to be autonomous from states. IOs possessing authority is one aspect of IO autonomy from the geopolitical world. Barnett and Finnemore describe authority as “the ability of one actor to use institutional discursive resources to induce deference from others.”\(^{61}\) The authors take a chance with their representation of authority, because most international relations theorists claim that sovereignty is the lone basis of authority and states are the only entity capable of possessing authority. The OSCE delegates its authority through hierarchal work of its organizational structure.

Barnett and Finnemore explain that IOs have bureaucracy and rational-legal authority; therefore, they are able to act in impersonal, general ways. “Authority provides the social form and behavioral vocabulary of IOs as social actors, and it supplies the social purposes these actors pursue.”\(^ {62}\) This gives the IO a more allowable margin of freedom than an individual state, since IOs are considered helpful with nongovernmental organizations (NGOs). It is more probable that a powerful state is considered a threat to another state’s sovereignty and security than an IO.\(^ {63}\) All states have access to the OSCE offices, which are throughout Europe.

\(^{61}\) Barnett and Finnemore, 5.  
\(^{62}\) Barnett and Finnemore, 21.  
\(^{63}\) Barnett and Finnemore, 21-4.
The main OSCE offices are located in Vienna, Austria. Other OSCE offices include Copenhagen, Geneva, The Hague, Prague, and Warsaw. Benefits of housing their offices in prominent international cities in Europe include visibility in the public eye, easy access to partake in discussion with other IOs and NGOs, and the ability to hire a large number of employees. There are about 4,000 OSCE employees working in Europe, Asia and North America. About 1,000 international and 2,370 local staff work in the field missions. The Secretariat and Institutions employs about 400 employees. Of these, the Freedom of Media institute consists of only thirteen staff.\(^{64}\)

The OSCE employees possess four key qualities of modern bureaucracies including hierarchy, continuity, impersonality and expertise.\(^{65}\) Authority figures have hierarchy when there is a “defined sphere of competence” within the staff. Barnett and Finnemore describe the hierarchy and office of an IO as if it were an average business office; therefore, bringing IOs into the globalized world of business. The authors convey that in an IO the officials must have competence to lead, continuity that offers staff the prospect of advancement, impersonality by working professionally through eliminating arbitrary and politicized influences, and expertise in their field.

The OSCE offers an array of expertise jobs with numerous opportunities to move and advance within the organization. Barnett and Finnemore continue by saying that bureaucracis break down problems “into manageable and repetitive tasks

\(^{64}\) OSCE, *Organization for Security and Cooperation in Europe*, OSCE Secretariat [Vienna: Press and Public Information Section, 2004]. The OSCE Staff provided this pamphlet when I visited the OSCE offices in the summer of 2005.

that are assigned to particular offices and then coordinated under a hierarchical command.”

Examples would be the three institutions within the OSCE, which will be discussed later in this chapter. These institutions are crucial in carrying out the decisions made by the OSCE.

Snidal and Thompson claim that formal IOs are the key intervening bodies that have independent resources and decision-making capacities. The OSCE is the only IO through its mandate allowed to regulate internal state affairs. The fifty-six participating states determine when another state is admitted into the OSCE. After the USSR dissolved, several former communist states joined and then a lull transpired until Montenegro joined in June 2006. OSCE FOM staff member Christian Moeller clarified the semantics of referring to states as participants rather than members by saying the OSCE is a separate organization, unlike the EU which has member states.

The OSCE distinguishes itself from other IOs in the respect that it is separate from the states it regulates. The OSCE has the power to act as a watchdog over participating states to guarantee the promises states made in the Helsinki Final Act.

OSCE participating states share a membership-like conditionality, which is similar to membership conditionality of states and other IOs, except the participating states have signed the Helsinki Final Act rather than joining the OSCE. Kelley says that membership conditionality has a strong sense of ownership. States still pay an

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66 Barnett and Finnemore, 18.
67 Snidal and Thompson, 221.
68 Moeller, interview by author, July 17, 2006.
69 Moeller, interview by author, July 17, 2006.
unequal membership fee, even though states are referred to as participating rather than members. Selected external states are considered Partners for Cooperation, since they merely have observation status and are only allowed to attend events without participation in the decision-making.\textsuperscript{70}

There is no majority vote in the OSCE, indicating that every decision has to be made unanimously without any veto. Moeller said, “It might be problematic. On the other hand, if you get a decision by all fifty-six then you can really work with it.” Moeller rationalized this type of consensus voting, “Everybody has agreed to it, everybody has to be measured by it, and everybody has to do what is in their power to contribute to achieve this goal.”

According to Clive Archer, the institutional forms and activities of IOs “reflect the hopes and fears of the government of states within that system.” Archer defines IOs by who are the members, what are the IO’s aims and activities, and the structure of the organization. Only sovereign states have standing in international law, sovereign state equality means equal voting power in an IO or organization, and “sovereignty can be protected within international organizations by the doctrine that states cannot be bound by agreements to which they are not party.”\textsuperscript{71}

Figure 1 shows the OSCE’s chain-of-command. The responsibility line shows that the office, field mission, or institution is responsible for the other office, field

\textsuperscript{70} The Partners for Cooperation include Algeria, Egypt, Israel, Jordan, Morocco, Tunisia, Japan, Republic of Korea, Thailand, Afghanistan, and Mongolia.

\textsuperscript{71} Archer, 29, 37.
mission, or institution. Whereas, the support line coordinates and shares information, but one office, field mission, or institution is not accountable to the other.

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**Key Responsibility Line**

**Support Line**

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**Figure 1**

**Heads of State Meet at Summit**

**Foreign Ministers meet annually at the Ministerial Council**

**Permanent Council**

**CIO Chairman-in-Office/Troika**

1. ODIHR Office for Democratic Institutions and Human Rights
2. FOM Freedom of the Media Institute
3. High Commissioner on National Minorities

**Secretary General**

**OSCE Secretariat**

**OSCE Missions**
- South-Eastern Europe
  - Bosnia and Herzegovina
  - Croatia
  - Kosovo*
  - Montenegro
  - Serbia*
- Eastern Europe
  - Moldova
- Caucasus
  - Georgia

**Closed Field Operations**
- Long Duration in Kosovo, Sandjak, and Vojvodina
- Ukraine
- Estonia
- Latvia
- Assistance Group to Chechnya
The structure for the OSCE is as follows: the heads of state, foreign ministers, and the Permanent Council. The heads of state meet periodically at summit meetings to cover the future of the OSCE and its participating states.\textsuperscript{72} The foreign ministers from the participating OSCE states make up The Ministerial Council. They meet annually at the end of the chairmanship, except when the heads of state meet at the Summit meetings to make decisions about the next year. Fifty-six ambassadors, one from each participating state, have a seat on The Permanent Council. Moeller explains that the Permanent Council is the day to day decision making body of the OSCE.

The executive branch of the OSCE is a troika of the current chairman, the most recent previous chairman and the succeeding chairmen. The current Chairman-in-Office (CiO) is responsible for coordinating and supervising OSCE activities and will officially represent the OSCE. The annually rotating chairmanship is held by an OSCE participating state’s Foreign Minister.\textsuperscript{73} The OSCE Secretary General works with the CiO as the OSCE chief manager of diplomatic liaison, press and public information, and legal services. He is also in charge of contacts with IOs and

\textsuperscript{72} The summit meetings are held when the need arises. The first summit took place when the heads of state signed the Helsinki Final Act. The other summits that produced milestone declarations and documents took place in 1990 (Paris), 1992 (Helsinki), 1994 (Budapest), 1996 (Lisbon) and 1999 (Istanbul).

INGOs. Under the Secretary General is the office of the OSCE Secretariat, which provides extensive operational support including the Department of Human Resources, the Department of Management and Finance, and the Action against Terrorism Unit (ATU).

As stated in chapter one, IOs often overextend themselves and therefore oversimplify geopolitical problems. Bureaucracies are known to specialize and compartmentalize. The OSCE is uniquely suited to deal with a variety of issues because of its organizational characteristics, like the set up of the three institutions in Figure 1. The OSCE is constituted of these three institutions that are negotiating, decision-making and operational bodies. Descending from the three baskets set up in the Helsinki Final Act, these institutions are the Office for Democratic Institutions and Human Rights (ODIHR), High Commission on National Minorities, and the Freedom of Media (FOM). These three separate institutions report directly to the Chairman in Office.

The ODIHR staff in Warsaw, Poland, work on human rights issues, election observation, non-discrimination, democratic development, tolerance, and rule of law. In a 2007 interview with Radio Free Europe/Radio Liberty (RFE/RL), US Ambassador to the OSCE, Julie Finley, said that Russia is clear about its outlook on the OSCE, “I think the Russian Federation has become harder and firmer with regard to its positions and its unhappiness with ODIHR.” According to Finley, Putin’s

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74 IGO is the acronym for intergovernmental organization. INGO is the acronym for international nongovernmental organization.
75 Barnett and Finnemore, 44.
76 Barnett and Finnemore, 38.
77 Barry, Forgotten, 4.
criticism of the OSCE at the security conference in Munich in February 2006 was actually directed toward the ODIHR. “Probably this was a prelude to not inviting the OSCE to monitor the Russian Federation elections.” She acknowledged Russia’s desire to a la carte the three baskets set up by the Helsinki Final Act by forwarding both politico-military matters and economic and environmental matters. “They’ve become harder and harder in their criticism of the human rights basket of the OSCE.” According to Finley, the politico-military and economic and environmental baskets were “essentially why they [Russia] wanted to have this organization founded in the beginning.”

Finley said that preparations for fair elections start weeks prior to the Election Day, “Everything that goes on in that period is as important as how Election Day runs.” An example of this would be training journalists to give equal radio or television time to candidates and not act bias toward one candidate prior to the Election Day. “All of those things have to do with freedom of assembly, freedom of media. Do they all have access on the television? Do they all have access to the radio? Do they have the ability of their supporters to gather in a town square to discuss?”

In April 2007, I interviewed Ambassador Finley. The Ambassador explained the strained relationship between the OSCE and Russia. She said that Russia has increasingly criticized the ODIHR. “The Russian Federation believes that there is tremendous disparity with regard to election observation – that much more occurs in
participating states ‘east of Vienna’ and that an equal number should occur west of Vienna,” said Finley.

She explained that Russia thinks the ODIHR should recommend changes rather than claim that they must do something. “Obviously, ODIHR cannot do entirely equal coverage. There are not sufficient financial resources. So ODIHR has to monitor the elections of participating states (at their invitation) that it considers would be most helpful to those states.”

Finley said that Russia is clear on its stance and its unhappiness with the OSCE. “As we've got closer to 2008, they've become harder and harder in their criticism of the human rights basket of the OSCE. I will say that they are cooperative and interested in forwarding economic and environmental matters in that basket, and also political-military [matters], which is essentially why they wanted to have this organization founded in the beginning.”

Another institution within the OSCE is the office of The High Commissioner on National Minorities. The goal of this institution is to act as a precursor of disputes by quickly resolving emerging ethnic tensions that could endanger peace, stability or the relationships of the OSCE participating States. The office of the High Commissioner is in The Hague, Netherlands, which is the same location of many other important organizations such as the International Court of Justice, the

International Criminal Court and several NGOs. The office of The High Commissioner on National Minorities benefits from this close location because they have greater access to and easier communication with these groups.

**Freedom of the Media Institute**

The final institution and the one focused on in this thesis is the Freedom of the Media institute (FOM). The OSCE is the only media freedom IO in existence. The FOM has the capacity to effectively promote media freedom as part of a more extensive human rights mandate adapted upon geopolitical and structural conditions. These primary conditions result in the OSCE’s progress in advancing media freedom in Serbia versus the OSCE’s failure to promote media freedom in Russia.

Censorship violations against individual journalists include fines, harassment, threats, bribes, kidnapping, torture, jail time, and murder. Other violations against news stations include unfair licensing distribution, closing down newspapers and publishing houses, and other ways to strain the free scope of the media. Barnett and Finnemore refer to the constructivist approach as the “ability to frame problems, set agendas and shame actors into compliance with agreed-upon rules.”

The FOM exercises its power by gathering and analyzing information about these censorship violations to report it to the OSCE Permanent Council, who then influence their participating states to investigate or pressure the OSCE state in question to make changes. IOs are looked at as the actors that determine if a violation
exists and who is responsible to resolve the problem.\textsuperscript{79} IOs regulate behavior of state and non-state actors by manipulating incentives. This is more effective when the participating state allows the OSCE to set up projects in the state, allow observation of the state, or give consent to establish a field mission with a media freedom office within their territory. The largest and most brutal violation is “censorship by killing.”\textsuperscript{80} The danger of the contract style killings of independent journalists and other media violations in Russia demonstrates an immediate need for the OSCE to take stronger action.

FOM Senior Advisor Heidi Smith said that FOM observes media developments in all OSCE participating states by collecting data from ambassadors, governments, the news, NGOs and individual journalists. The FOM then provides early warning on violations of freedom of expression and promotes full compliance with OSCE press freedom commitments. How the FOM “provides” and “promotes” will be the focus of this section. This institution is limited because of its strict mandate to be informative rather than protective of media freedom.

The Representative of the FOM (RFOM) advocates and promotes full compliance with OSCE principles and commitments in respect of freedom of expression and free media. The RFOM is appointed by the Ministerial Council upon the recommendation of the CiO and participating states. Current RFOM Miklos Haraszti reports violations of freedom of expression and progress in the OSCE

\textsuperscript{79} Barnett and Finnemore, 7.
participating states to the Permanent Council three to four times a year. He routinely consults with the CiO and reports on a regular basis to the Permanent Council, recommending further action where appropriate.

FOM Project Manager Christian Moeller said that the RFOM is responsible to the fifty-six participating states and tasks adopted by the Ministerial Council. The Permanent Council can propose to work with the FOM but does not give tasks to the FOM. The FOM’s million euro budget is set by the Permanent Council and the FOM must officially ask in a Permanent Council meeting to renew its budget.  

The OSCE is more flexible and less expensive than other IOs. There is a complicated pay scheme, which means that the richer states pay more dues than the poorer states. The OSCE’s budget is usually between 160 and 190 million euros. The FOM is always around a million 0.4% or 0.5% of the budget. The FOM receives money from states and non-private foundations. On March 7, 2008, the Permanent Council approved the OSCE Unified Budget for 2008, at 164,168,200 euros.

The FOM sometimes works with an OSCE media freedom office in the field on projects like Internet Cafes and conferences. “We go really somewhat NGO style,” Moeller said. The OSCE does not operate like the standard IO that typically enforces rules like membership conditionality, as mentioned by Kelley. It acts like a

81 Moeller, interview by author, July 17, 2006.
82 Barry, Forgotten, 4.
NGO in the way that it is a watchdog with participating rather than member states.
The FOM proposes a project and periodically individual states give the FOM extra budgetary contributions to finance these specific projects. Kelley says that states want to maximize their payoffs and therefore respond to incentives imposed by IOs.\textsuperscript{84}

As mentioned earlier, the FOM collects information from NGOs, states, the news and interviews with individual journalists to conduct their reports. In the past, Permanent Council Ambassadors have had concerns about this method of collection. However, the FOM’s mandate limits the FOM as only an information source with boundaries when it comes to the OSCE states. Former RFOM Freimut Duve defended the FOM by saying that they clarify NGO and media information on alleged media freedom violations before presenting it in reports.\textsuperscript{85}

The FOM cannot enter the state in question without the government’s permission that becomes an obstacle for the FOM to verify the information from a third source. Duve said that he sends letters to Foreign Ministers asking for official clarification on information about journalists. “Such direct contacts with governments do not necessarily lead us objectively to do with the subject matter of our work, freedom of the media which often to be defended against Government action,” said RFOM Duve in his July 2000 Report to the Permanent Council. “In this

\textsuperscript{84} Kelley, 428.
respect, my mandate (par. 9) requests me to be guided by my independent and objective assessment.”

According to Duve, the FOM must take into account the situation in the state before the institution decides to intervene on behalf of a media outlet or a journalist who could face prosecution for exercising his or her right to freedom of expression. Duve said that in individual cases the FOM asks an array of questions. For example, are the journalists capable of defending themselves, will the state show bias during trials, and could the European Court on Human Rights intercede. “That is one of the reasons why we have to focus so often on the challenges in the newly emerging democracies in Eastern Europe and in the former Soviet Union where the existing court system is still fragile and relevant legislation in need of further improvement.” Duve said that he tries to figure who is in control in a state when faced with issues concerning access to information, media laws, and governing bodies of public broadcasters. This determines if there is a need for the FOM to intervene.

IOs often rationalize and oversimplify problems in order to deal with the need to intricately define problems and solutions. Besides the IOs overextending themselves, they often find that their definitions and procedures are unrealistic, which threatens the IO’s ability to accomplish its missions. The OSCE deals with these challenges by renewing their mission mandates periodically.

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88 Barnett and Finnemore, 44.
IOs are forced with overextending and reinventing themselves in order to accomplish their missions.\textsuperscript{89} The FOM defines media violations on a case-by-case issue that require personal attention. Heidi Smith said, “Our approach is the same all over all the regions across Russia and Central Asia and Western Europe.” Smith specializes with Russia and Moeller is in charge of Internet journalism and Central Asia. Smith explained that the FOM deals with structural work arranged thematically and geographically. “So we won’t have to deal with a large area using Christian’s expertise. We deal with different legislation, structural work, deal with improving legislation and we work with governments, we don’t work against them.”

**OSCE Conferences**

The main OSCE offices are located in the grand Hofburg Imperial Palace in Vienna, Austria.\textsuperscript{90} The palace holds museums featuring the royal family’s possessions, the royal treasury, a library, and tourist restaurants. Tourists take carriage rides around Hofburg, watch theatrical mimes perform on the palace grounds, and attend a Mozart symphony in one of the palace ballrooms.

However, the OSCE remains a functioning intergovernmental office within the confines of this living museum. The modern OSCE office, located in the Hofburg Congress Centre, is distinctive from the historical palace museums because of a line of OSCE participating state’s flags draping over the entrance. There are no public

\textsuperscript{89} Barnett and Finnemore, 44.
\textsuperscript{90} The OSCE is also referred to as the Organization.
tours within the OSCE offices and security is tight to protect OSCE staff, invited
guests, and ambassadors from the fifty-six participating OSCE states. Invited guests
relinquish their passports to security and pass through a metal detector before entering
the main offices.

Political events, such as conferences, are held in the Neuer Saal of the
Hofburg Congress Centre, a stately palace ballroom containing long tables set up to
form a large rectangle where the ambassadors assemble to determine the OSCE’s
future. This is the impressive headquarters setting of the largest regional security
organization in the world. Here the FOM hosts conferences for the ambassadors,
NGOs, and journalists to have an open geopolitical discussion about problems and
recommendations for solutions. I attended Conference on Freedom of the Media and
Access to Information in July 2006. At times the conferences result in verbal
acknowledgements for a job well done and networking between states and NGOs.

According to Kelley, other IOs, including the EU, rely on the OSCE for
information about and evaluation of participating states. One way to receive this
information is through the conferences. On July 14, 2006, Freedom of Media:
Protection of Journalists and Access to Information Conference occurred. Topics of
discussion included intercultural misunderstanding, administrative discrimination and
violations of the media’s investigative rights.

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91 Nameplates, microphones and earpieces were stationed at each seat for the convenience of the
participating OSCE state ambassadors, NGOs and other guests. On one wall, several glassed-in two
story high booths where the interpreters translate speeches from English to French, German, Italian,
Russian and Spanish. English is the official language of the OSCE. The meetings of the Permanent
Council are rarely open to the press. OSCE, Press Centre [Vienna: OSCE Press],
92 Kelley, 450.
OSCE Field Missions

Snidal and Thompson say, “Intervention by the international institution is most compelling on normative grounds that may also provide a positive basis for international intervention – if the initiator policy represents a broader social good that some narrow constituency or special interest is seeking to block.”

“Policy initiators use international institutions to influence domestic politics.”93 States have to figure out what conditions would cause them to seek help from international organizations. If they seek international sources then IOs like the OSCE are the groups to turn to for help.

For the most intense cases, the OSCE will set up a field mission, but only with the consensus of the host country or approval from the UN. These field operations function under mandates agreed upon by OSCE participating states. The OSCE has had a positive impact on states with OSCE field missions in Europe and central Asia.

The OSCE Mission to Kosovo was established in 1999 after the UN approved the OSCE’s involvement. The OSCE Mission to Serbia started as a Mission to Yugoslavia in 2001 and was renamed as the Mission to Serbia in 2006. The Media freedom offices within these field missions record minor to major media freedom violations in the state. Some cases are sent to the FOM and are presented by the RFOM to the Permanent Council. The media freedom office in the OSCE Field Mission to Serbia sponsors workshops to teach Serbian journalists how to improve their investigative and political reporting. The OSCE Mission to Serbia and the

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93 Snidal and Thompson, 225.
OSCE Mission to Kosovo host roundtable discussions between Kosovo and Serbian journalists to discuss their differences and to share information. Interviews with staff of the OSCE FOM office and field mission offices, NGOs, and journalists will exhibit a new perspective validating the need for a field mission in Russia.

In the field missions, there are multiple success stories in promoting press freedom and training journalists in OSCE member states that request assistance. The OSCE Mission to Serbia assists media outlets in multi-ethnic regions to broadcast in different languages, regulate media frequencies and licensing, and train journalists reporting on politics, corruption, cross-border organized crime, and the environment.

The OSCE Mission to Kosovo was established in 1999 under the UN Mission in Kosovo. This Mission set out to promote the three pillars, which include legislation, regulation, and education. For example, in 2000 the Mission hosted twenty Kosovo journalists to be trained at a journalism school in Rome about investigative reporting, editorial writing, documentary writing, political reporting, and community affairs reporting. Since 2005 their mandate has changed into an advisory role. For example, in 2005 the mission set up the Press Council, which is constituted of members of the Kosovo press who have the power to regulate the press by imposing newspaper fines and forcing newspapers to print its adjudications. The activities of the successful Missions in Serbia and Kosovo will be the focus of the

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95 The Independent Media Commission regulates broadcast, radio and electronic media. This is an independent Kosovo institution.
third chapter. This includes a historical overview of the relationship between Serbia, Russia and the OSCE.

Organizational and Geopolitical Conditions

Barnett and Finnemore say that the failure of IOs, which inevitably happens at some point, causes them to “create a crisis of conscience for those organization’s efficacy and legitimacy among both staff and outsiders.” The organizational framework within the OSCE hinders its ability to help journalists in Russia. This includes incentive use, lack of legal authority, and the fact that the OSCE is unable to cross borders to monitor a state without the UN or consent from the state in question. Geopolitical problems such as distrust, Russia’s refusal to change, and misconceptions about the OSCE also obstruct the OSCE’s relationship with Russia. On the contrary, Serbia’s need for incentives, trust of the OSCE, and willingness to change gives the OSCE the ability to watchdog and help the state.

96 These dysfunctions will be discussed in chapter four.
We have helped partners in the host country to deal with the legacy of past conflicts more openly and constructively.

- Douglas Wake, Deputy Head of the OSCE Mission to Serbia (2004-2006)

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International Organization Missions

The OSCE is the only IO with a mandate allowing involvement in a state’s internal affairs.\textsuperscript{97} For the most extreme cases, the OSCE can only set up a field mission with the consensus of the host state or approval by the UN. The field operations act under mandates agreed upon by the OSCE participating states.\textsuperscript{98} These missions offer what Pevenhouse, Snidal and Thompson refer to as carrots, or “internationally provided benefits,” in the form of technical facilities for journalists, organized media management training, and meetings to discuss media reform. Through its geopolitical channels, the OSCE field missions have exhibited a positive impact on states in Europe and central Asia. Examples of successful field missions include the formerly communist Kosovo and Serbia.

\textsuperscript{97} Barry, Future, 8.
\textsuperscript{98} OSCE, \textit{About Field Operations} [Vienna: OSCE Press], http://www.osce.org/about/13510.html [accessed October 2, 2006].
In an attempt to meet the growing demands of the host states and not overextend themselves, bureaucratic IOs often expand through “mission creep.” The rising need for IO intervention is a logical outgrowth of IO authority. IOs, such as the UN, encourage participation of other IOs, for example the OSCE’s involvement in Serbia. The OSCE plays a major role in post-conflict situations. The OSCE Missions follow mandates, which are renewed yearly with the intention of promoting a transitional long-term process. I focus on the constructive impact the OSCE field missions’ media offices have on the degenerate State of Serbia. The media offices offer a variety of facilities to journalists including training workshops, roundtable discussions between journalists, legal representation, and meetings with government officials.

The intention of this chapter is to answer why the UN and the OSCE entered Kosovo and Serbia. The chapter begins with a historical overview to introduce the Former Republic of Yugoslavia (FRY) region, Serbia’s connection to Russia, and to establish criteria for the presence of the field missions. This historical overview includes the 1999 war between NATO and Serbia.

There are two goals in this chapter. The first goal is to explain the rationale, strategies and results of the Media Standards Unit (MSU) of the OSCE Mission to Kosovo (OMIK) and the Media Department of the OSCE Mission to Serbia. The

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101 The CSCE, Conference on Security and Cooperation in Europe, is now the OSCE.
second goal is to establish a valid case study comparing similarities in Serbia to Russia but on a smaller scale.

The MSU has had two different mandates since its establishment in 1999. The rationale, strategies and results of the MSU from 1992 to 2005 and from 2006 to the present will be explained in detail. In the second half of this chapter the focus is on the OSCE Mission to Serbia’s Media Department. Pertinent email and phone interviews with OSCE staff members in Serbia and Kosovo are incorporated into this chapter to explain first-hand field operations. The following historical overview illustrates Serbia’s overlapping and comparable history with Russia.

**Historical Overview**

Yugoslavia was located in southeastern Europe, bordering the Adriatic Sea, between Albania, and Bosnia and Herzegovina.\(^{102}\) In 1389, the famous Battle of Kosovo took place causing modern day Serbs to declare Kosovo their “historic heartland” and the “cradle of their nation.”\(^{103}\) Serbs, Croats, Slovenes and other diverse nationality groups in this area joined together in 1918 and finally named their

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\(^{103}\) Serbian Prince Lazar fought and lost against the invading Ottoman Turks (who would then rule for 500 years). There are many different myths about this battle including the Serbs fighting alongside the Albanians and Bosnians. The rebirth of Serbian nationalism in the 19th century started the call to “avenge Kosovo” from the battle in 1389. History, Bloody History, *BBC News*, March 24,1999, http://www.bbc.co.uk/1/hi/special_report/1998/kosovo/110492 [accessed June 27, 2007]. The battle caused not only downfall of the Serbian Medieval Kingdom but also ignited the Ottoman’s power in the Western Balkans. Leo Tindemans et al., *Unfinished Peace: Report of the International Commission on the Balkans* [Washington DC: Carnegie Endowment for International Peace, 1996], 113.
newfound state Yugoslavia in 1929. By 1974, Kosovo had been granted autonomy but not independence. Yugoslavia had been in the process of joining the European Union and was considered more free and economically advanced than all of its fellow communist states. Yugoslavia was the only communist state not under the Soviet Union. By the mid 1990s Yugoslavia considered itself a republic.

After the Cold War, both communist Yugoslavia and Soviet Union’s traditional trade and market economy reversed into a downward spiral. During this time, Yugoslavia lost its “pivotal geopolitical strategic importance” and could not turn to the Soviet Union for help. Animosities between the different ethnic groups in Yugoslavia reached an all time high in the 1990s when regions like Croatia began declaring their independence. The CSCE and European IOs lacked the manpower and financial means to become involved in the multiple civil wars in the state. In 1992, the CSCE suspended the membership of Yugoslavia, one of the founding members and signers of the Helsinki Final Act. The absolute downfall of

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104 By 1912, these groups drove out the Ottoman Turks from the remaining areas in Europe and later the groups would join as one. History, Bloody History, BBC. Philip D. Curtin, *The World and the West: The European Challenge and the Overseas Response in the Ages of Empire* [Cambridge: Cambridge University Press, 2000], 174-184.


108 Pearson and Rochester, 87.

Yugoslavia has been blamed on the political instability of the Milosevic administration and “ethno political warfare.”\textsuperscript{110}

In 1992, President Slobodan Milosevic’s administration declared the merging of the republics of Serbia and Montenegro into the state of the "Federal Republic of Yugoslavia" (FRY) in order to “form a Greater Serbia.” The declaration of a new state released long dormant ethnic tensions between the Serbs and the Albanians, especially in Kosovo, which led to rioting, bombings, and ethnic cleansing.\textsuperscript{111} The melting pot in the Balkans turned into a pressure cooker of ethnic hatred in the mid 1990s. After the 1995 Dayton Peace Accords and encounters between the Serb police and separatist Kosovo Liberation Army (KLA), where Serbian forces expelled thousands of civilians from their homes in Kosovo, tensions were at an all time high.\textsuperscript{112}

This small area in the Balkans became a geopolitical argument in the international community, especially for the former communist state of Russia. There are many justifications why Russia became involved with the conflict in FRY. In

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\textsuperscript{110} Pearson and Rochester, 84.
\textsuperscript{112} The Dayton Proximity Talks concluded the war in Bosnia and started a general framework agreement for Peace in Bosnia and Herzegovina. The Dayton Peace Accords were initialed at Wright-Patterson Air Force Base in Dayton, Ohio on November 21, 1995 by Bosnia and Herzegovina, Croatia, and the FRY. The agreement was witnessed by representatives of the Contact Group: the US, Britain, France, Germany and Russia – and the EU Special Negotiator. The document was finally signed in Paris on December 14, 1995, http://www.state.gov/www/regions/eur/bosnia/bisagree.html [accessed May 20, 2007]. This document gave each group, Muslims, Croats and Serbs, equal regions to inhabit. “Timeline Kosovo: A chronology of key events,” \textit{BBC News}, February 2, 2007, http://news.bbc.co.uk/2/hi/europe/country_profiles/3550401.stm [accessed June 27, 2007].
\end{flushleft}
order to remain loyal to their Slav-Orthodox unity, Russian nationalists pressured the Kremlin to maintain its historical support of the Serbs.\textsuperscript{113} Russia supported the Serbs in order to obstruct NATO’s and America’s authority in Southeastern Europe and to gain Russian influence in the Balkans. “Developments in the Balkans convinced many Russians of their lack of clout on the international scene.”\textsuperscript{114} Russia’s support of Serbia was also “recognition that communism’s collapse left Russia and Serbia in similar situations.”\textsuperscript{115} In addition, both states bordered newly formed independent adversary states.

Finally in March 1999, NATO started an international military intervention by launching air strikes against FRY that would have consequences not only for the citizens but the independent media. During this time there was a crackdown on independent media in Serbia and especially in Kosovo.\textsuperscript{116} The Serbian Information Minister monitored the Serbian language press in Belgrade where journalists were allowed official sanctioned terms to describe the bombings.

One example of the crackdown includes the break-ins at newspaper offices. The offices of Kosovo’s leading Albanian-language daily, \textit{Koha Ditore}, were ransacked and the paper’s publisher and editor went into hiding. The Federal Ministry of Information accused independent Radio B92, the Association of

\textsuperscript{113} Tindemans, 66.
\textsuperscript{114} Tindemans, 67.
\textsuperscript{115} Tindemans, 66.
Independent Electronic Media (ANEM) network, of having a stronger frequency than what it was licensed to and closed the station.\textsuperscript{117}

The most brutal example was journalists being murdered for their work. Slavko Curuvija was the editor and publisher of FRY’s first independent newspaper \textit{Dnevni Telegraf} and the publisher and editor of the weekly magazine \textit{Evropljanin (The European)}. He was a “consummate insider” of the Milosevic administration until he started publishing criticism of the administration in regards to the faltering economy and war with NATO.\textsuperscript{118} Curuvija was the only local editor to close his magazine when the government started censoring the media. On April 11, 1999, Curuvija was walking to his home in Belgrade with his wife and was shot eleven times by two masked men. According to the Committee to Protect Journalists (CPJ), an NGO, the community and journalists felt his murder was payback from Milosevic. Former RFOM Duve addressed this attack in his reports about Serbia.\textsuperscript{119} The Head of the OSCE Mission to Serbia Ambassador Hans Ola Urstad released a statement in 2007, saying the OSCE urged the case to be looked at without further delay. As of 2008, Curuvija’s murder case still remains unsolved.\textsuperscript{120}

\textsuperscript{117} \textit{Central Europe}, CPJ.
\textsuperscript{119} OSCE, \textit{Serbian media continues}, Former RFOM Freimut Duve addressed this attack [Vienna: OSCE, April 12, 2000], http://www.osce.org/item/4499.html [accessed July 10, 2007].
\textsuperscript{120} OSCE, Duve 4499, April 12, 2000.
On March 1, 1999 during Milosevic’s meeting with the OSCE CiO, he agreed to continue the OSCE verification mission, but he rejected the idea of foreign militaries entering Kosovo. By June 3, 1999, the Milosevic administration and NATO came to an agreement after approximately eleven weeks of NATO bombings. The air strikes ceased and the KLA disarmed, while the Kosovo Peace Implementation Force (Kfor) and NATO entered Kosovo. A humanitarian intervention by the UN, the United Nations Mission in Kosovo (UNMIK), followed NATO in June 1999. The humanitarian intervention would continue through the turn of the century expanding to include the OSCE and other IOs to lend a hand in restoring this area under the UN’s blanket.

Since the war, the UN has instilled an ethnic embargo against Serbia to punish the state for its brutal acts in the Balkans. Russia, a UN member and an OSCE participating state, has sustained a strong withstanding relationship with Serbia; therefore, Russia has stayed more sympathetic than the West. The OSCE reinstated FRY’s membership in 2000 after an eight-year suspension.

Yugoslavia became a republic with free elections. Milosevic refused to resign after he lost the 2000 elections, partially because he still had backing from imperative

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122 Timeline Kosovo, BBC.
124 Pearson and Rochester, 88.
world leaders, including Russia. Other reasons included the war and genocide conducted under Milosevic’s administration. CNN reported on October 4, 2000, “Milosevic’s last ally finally appeared to desert him” when Russian President Vladimir Putin appealed for Yugoslavia to become a democratic state. Milosevic was arrested in 2001 and died in prison in 2006 during his trial at the International Criminal Court in The Hague. In 2003, FRY became The State Union of Serbia and Montenegro, which would later separate in 2006. Since that time, Serbia has progressed into a republic with free elections. Later in this chapter the media training and coverage of these elections will be addressed.

**OSCE Involvement in Kosovo From 1992 to 2005**

The following section continues the historical overview of Kosovo by addressing the CSCE’s first mission to Yugoslavia in 1992. This section will also introduce the OMIK’s mandate from 1999 to 2005 to address the rationale, strategies, and results for the involvement of the MSU. The next section will address when OMIK changed its mandate. In addition, my interview with Zenet Mujic, who has worked as a MSU staff member in Kosovo since 2004, gives a first hand account of MSU’s involvement.

The rationale for the Mission in Kosovo started in 1992 with the OSCE’s establishment of the first field missions, the ‘Missions of Long Duration’ in Kosovo,

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Sandjak and Vojvodina. The goal of these missions was to promote rights including promoting and providing information about media freedom. These missions shared an office in Belgrade but had satellite offices in the three regions.\textsuperscript{127} The missions were closed after ten months when Yugoslavia was suspended from the CSCE in 1992 and were not renewed when the OSCE readmitted FRY in 2000. These first missions opened the door and set a precedent for future OSCE Missions to FRY.

When states rely on rationalist mechanisms, such as tying hands and contracting, they often seek help from formal and bureaucratic organizations, such as the UN and the OSCE.\textsuperscript{128} Barnett and Finnemore claim that IO bureaucracies produce and control rules. IOs, such as the UN, exercise power and authorize their own expansion.\textsuperscript{129} In 1999, the United Nations Mission in Kosovo (UNMIK) was looking for outside aid to share the burden of institution and democracy building. The UN Security Council Resolution 1244 allowed the UN to invite the OSCE to establish a mission in Kosovo, which would focus on human rights and constructing laws. OMIK is the second OSCE mission and staffs 310 international and 990 local workers.\textsuperscript{130}

In the April 1999 meeting with the OSCE Permanent Council, RFOM Freimut Duve expressed his concern for the media in FRY and especially Kosovo. “Viable independent media are paramount to any democratic process and to a civil society

\textsuperscript{127}OSCE, First CSCE field operations deployed [Vienna: OSCE], http://www.osce.org/item/15844.html [accessed November 15, 2006].
\textsuperscript{128}Snidal and Thompson, 220.
\textsuperscript{129}Barnett and Finnemore, 34.
\textsuperscript{130}OSCE, OSCE Mission in Kosovo [Vienna: OSCE Press], http://www.osce.org/kosovo/13194.html [accessed November 1, 2006].
that one hopes will be established sooner rather than later in Serbia.” Duve explained that terrorist tactics were being used against individual journalists at the Serbian State Television (RTS). “I am disturbed by the use of the RTS in what might in the future be called a media-war-crime.” Duve gave an example of how journalist Ibrahim Rugova was considered a “media hostage.” Rugova was “forced to take part in the so-called Milosevic show broadcast on RTS while his children and his wife were under constant threat from police forces that controlled his house in Pristina.” This claim was denied by Belgrade authorities. Duve urged the FRY government to allow Rugova and his family to leave the state. Duve continued to explain a further concern for the safety of local and foreign journalists in FRY.

In March and April 1999, the Belgrade authorities closed the remaining independent media that were operating under restrictions from the Serbian Law on Public Information. The safety of both local and foreign journalists had been threatened. Also, some foreign journalists were harassed, detained, expelled, or had their equipment confiscated by local police. Duve proceeded to say when a political settlement was reached in Kosovo, the OSCE would need to look for new approaches to support free media. The strategy for this new approach would be to establish an OSCE Mission in Kosovo.

The OMIK was an initial response to Kosovo’s insufficient laws regarding human rights, political independence and media freedom. This has expanded into the

131 OSCE, Duve, April 22, 1999.
132 OSCE, Duve, April 22, 1999.
133 OSCE, Duve, April 22, 1999.
134 OSCE, Duve, April 22, 1999.
largest OSCE field operation as a “distinct component of the United Nations Interim
Administration.” OMIK has five regional centers strategically placed throughout
Kosovo’s towns: Gnjilane, Mitrovica, Pec, Pristina and Prizren.135 As OSCE Media
Standards Unit staff member Zenet Mujic explained in our March 2007 phone
interview, when the OSCE mission in Kosovo was established, it had four individual
media departments. In 2002, the separate media departments were closed and
transformed into a unit within the Department of Democratization. The entire
mission was restructured and the MSU was downsized into one office located in the
Kosovo capital of Pristina.

In the beginning OMIK’s goals included democratization and governance in
the local media. The mission’s strategies consisted of a mandate training Kosovo
journalists, holding conferences, and providing mentors for the journalists.136
Institutions constructed by the Mission included the Press Council, Radio Television
Kosovo, and Independent Media Commission. Each institution was monitored by the
OSCE. The future of these institutions will be discussed in the following section.

During the turn of the century, the MSU’s first strategy was training Kosovo
journalists within Kosovo and abroad in order to improve journalists’ writing style
and ethical writing. The OSCE felt it was extremely important to have trained
professional journalists for the upcoming 2000 election. In the past the media and the

March 12, 2007].
136 Zenet Mujic, OSCE OMIK field staff member, interview by author, OSCE Field Mission Kosovo,
March 2007. Zenet Mujic is a German national who studied media science education and worked for
the OSCE Mission in Croatia before transferring to the OSCE Mission in Kosovo in 2004. Her duties
prior to 2006 included arranging conferences and meetings to educate journalists.
government had violated media ethics; therefore, the OMIK trained journalists locally to become more professional. The journalists were either unaware of media ethics due to lack of training or they committed violations knowingly without regard to journalism standards. The continuous government violations against the media led the MSU to train the journalists about their freedom of media rights.

The violations conducted by the media include bias, skewing the facts, and defaming a public official, which could be a detriment to a politician’s reputation. The OSCE set a goal to train 500 journalists from Kosovo before the election. Kosovo journalists were trained locally and were sent abroad for training with professional western journalists.

In 2000, Kosovo would hold its first municipal political elections. The foundation for a fair election in Kosovo was based on the ‘OSCE Document of the Copenhagen Meeting on the Human Dimension’ in 1990, which required each political party to have equal time and access to the media.\(^\text{137}\) OMIK stepped up to the bat by opening the Elections Media Centre to provide journalists with election-related briefings and materials, such as computers and Internet access.\(^\text{138}\) To further educate journalists, OMIK also established a Mid-Career Training Centre for editorial staff and the Kosovo Media Institute. The training center is owned by the media outlets and is “one of the core activities of the Mission.”\(^\text{139}\)

\(^{137}\) Paragraph 7, section 8, of the OSCE Document of the Copenhagen Meeting on the Human Dimension in 1990.
In March 2000, the OSCE in conjunction with the United Nations Development Program launched a four week course that took place periodically over several months in Peja and Prizren to train forty Kosovo journalists on professionalism. For two weeks in April, international journalism experts from Canada and the Netherlands taught the Kosovo journalists “what is news” and “how to write a story.” The Kosovo journalists practiced their new skills for two months. Then in June, the third week of the course took place when experts taught the Kosovo journalists how to write an in-depth story. The final and fourth week took place in September when the forty journalists learned how to cover an election.140

For three weeks in June 2000, the OMIK teamed up with the Italian Association of Journalists to train twenty Kosovo journalists, including nine women, at the Libera Universita Internazionale degli Studi Sociale in Rome.141 The Kosovo journalists learned about investigative reporting, editorial writing, documentary writing, political reporting, and community affairs reporting. During the third week, the Kosovo journalists interned at stations and newspapers in towns on the Italian Adriatic coast.142 By the Oct. 28, 2000 elections, the OSCE had surpassed its goal by training over 500 journalists and by December 2000, more than 730 Kosovo journalists had received similar training. “The OSCE’s overall goal has been to

141 The fact that nine women were included in this training exercise is particularly innovative. According to human rights watch in the 1990s, Kosovo women, especially Albanian descent Kosovo women were portrayed as uneducated and overly sexual in the controlled by government media. At this time, many women did not work outside of the home. Now the independent media is acting unbiased and are allowing more women to work in fields like journalism. http://www.hrw.org/reports/2000/fry/Kosov003-02.html [accessed April 15, 2007].
142 OSCE, “More than 500 Kosovo journalist receive training”.

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provide Kosovo with the foundations of a self-sustaining and independent media, an essential component of a democratic society.”

In many ways, MSU successfully trained journalists for the 2000 and future elections. But this was still the beginning of the media’s transition to following professional journalism standards and mistakes were inevitable. After the elections, the office of the Kosovo Temporary Media Commissioner, an office established by the OSCE, released a report from Commissioner Simon Haselock about the state of the media during the 2000 Kosovo elections. Haselock claimed there were discrepancies in all forms of media. Some journalists did show bias even though overall the local media had covered the race fairly considering this was the first election. However, some television stations were not broadcasting on schedule and high profile print newspapers, Bota Sot and Rilindja, were unprofessionally showing bias toward certain political parties. Even though the media had improved, the fallback during the elections demonstrated a need for MSU to continue educating the journalists on the topic of journalism ethics.

MSU’s other training strategies included teaching computer skills to the journalists to reach the growing public interest. For example, one workshop for these

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144 OSCE, Some Newspapers Showed Bias during Kosovo Elections [Pristina: OSCE Press, November 2, 2000], http://www.osce.org/item/5494.html [accessed October 24, 2006]. This is a problem in the American media as well. For example, FOX News is considered a republican bias broadcast station. Newspapers, such as New York Times, are considered liberal and show bias toward democrats.
journalists included a four day computer training course in February 2001. Later the month OMIK and the Norweigan School of Journalism organized a five day workshop to train local Kosovo Serb radio journalists on techniques and standards in modern journalism.

The MSU sponsored conferences and roundtable discussions to open up the lines of communication. For example, in 2003 OMIK successfully held a two-day conference to improve the media’s coverage of court proceedings in Kosovo’s judicial system. Sometimes the suggestions or decisions made in these discussions by the OSCE and other participants are viable and other times ideas fall through. For example, in a June 1999 roundtable discussion, RFOM Duve suggested journalists wear hats or vests with a safety symbol declaring their media status as a “sign of protection.” Reporters without Borders and other NGOs supported the idea, but the media raised concern about calling attention to journalists in general. According to Mujic, this idea never took flight.

In November 2003, the Serbian and Kosovo editors-in-chief, media executives, and leading journalists met at the OSCE and the South East European Media Organization sponsored conference in Skopje. The two day conference focused on setting aside bias, opening up dialogue, and exchanging information.

147 OSCE, “Projects 1999/2000: 2.1 Protection of Journalist,” OSCE Yearbook 2000, Overview – What we have done, [Vienna, 2000]. The abbreviation for Reporters without Borders is RWB, but in French the abbreviation is RSF. The RWB main headquarters is located in France.
between Serbian and Kosovo journalists. The significance and impressive factor about this conference was that journalists from these two fighting groups were willing to meet in order to discuss media issues.

Another November 2003 conference sponsored by the OSCE FOM and RWB brought together legal experts, journalists, and government officials. The discussion topics were current insult laws and decriminalizing libel. RWB claimed that governments hamper media freedom by overusing these laws and pressuring investigative journalists.149

Another strategy used by the MSU is having on hand experts, like Zenet Mujic, who can mentor journalists at the OSCE Mission Office in Kosovo. Since the MSU began, professional staff members have recorded complaints made by journalists and initiated investigations into these complaints. If the complaints escalate to an international level, then the OMIK would ask the FOM for help.

**Involvement in Kosovo From 2006 to the Present**

The following section addresses the rationale, strategies, and results of the OSCE’s revised mandate for Kosovo from 2006 to the present. The MSU uses its authority by pursuing and transforming its mandates into workable doctrines.150 The MSU’s new strategy is to follow the three pillars in the latest mandate: legislation, regulation and education. This information was drawn from documents and

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150 Barnett and Finnemore, 5.
interviews with MSU staff member Zenet Mujic and Press Council President Willem Houwen.

Max Weber says that modern bureaucracies are more efficient than other administrations, because they rationally reflect the modern world. This is evident when the MSU changed its mandate in 2006, as Mujic explained, to promote the three pillars: legislation, regulation, and education. “This media office’s goal is to promote the development of free, responsible, unbiased and professional media in Kosovo.”

MSU changed its role from a teaching position to an advisory position in order to develop the framework for free and independent media. Mujic explained, when the mandate changed in 2006, the MSU merged its offices from the five different regions of Kosovo into one. The condensed MSU office is located in Pristina, where four staff members (two internationals and two locals) work on a central level. “It has to do with the changed focus of our own unit,” said Mujic. She explained the reason behind the change stemmed from the improvements already achieved and the mission’s budget constraints.

The MSU is part of the Department of Democratization which existed until the end of 2006 and then was renamed the Department for Good Governance for Democratic Institutions. The mission focuses on developing an institution, building democracy, and promoting human rights. The MSU occasionally organizes


\[152\] Mujic, interview by the author, 2007. OSCE, Media Standards.

workshops and roundtable discussions, despite its mandate changing from monitoring to advising.

Pillar One: Legislation

Jon C. Pevenhouse argues, “Democratizing regimes turn to International Institutions to credibly commit policy reform.” Mujic explained, even though the MSU is not the middleman, the relationship between the government and the media has improved since the MSU had been in Kosovo. The MSU had an advising position when Serbia installed the Independent media Communication in 2005 and the Copyright law in 2006. “We are looking into the interpretation of the laws, ways how to improve the interpretation rate,” said Mujic.

Pillar Two: Media Regulation

OMIK also cooperates with the local governments, IGOs, and NGOs. The Press and Public information office is OMIK’s focal point for press inquiries and runs public information campaigns supporting the Mission’s programs. Information received through professional and independent media fosters and encourages public engagement in political and economic life. The stress is on professional and independent media, neither of which existed in Kosovo when the Mission took up the first mandate. Now, foreign media maneuvers and works freely throughout Kosovo.

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154 As cited in Snidal and Thompson, 202.
Today, Kosovo’s estimated two million citizens are exposed to eight daily papers, which have a joint circulation of about of 30,000 copies, three professional Kosovo-wide TV outlets and four professional Kosovo-wide radio channels, and 115 licensed independent local radio and TV broadcast outlets.\footnote{The 115 media outlets consist of 22 television and 93 radio stations. OSCE, Media Standards. US Department of State, Country Reports on Human Rights Practices 2006.} According to the OSCE website, Kosovo is ranked as having the lowest newspaper circulation figures in Europe. This corresponds to one in eight persons buying a daily newspaper versus one in three in the European Union states. The reasons for low circulation include “too high value-added tax rates levied on print publications, the change of reading habits, and the lack of a well-functioning distribution network and foreign investment.”\footnote{OSCE, OSCE to hold first-ever conference on situation of print media in Kosovo [Vienna: OSEC Press], http://www.osce.org/kosovo/item_1_21725.html, [June 20, 2007].}

Credibility of commitment depends on the willingness and ability of actors, such as governments, to follow through on their agreements made with IOs.\footnote{Snidal and Thompson, 227.} The MSU focuses on increasing professionalism in Radio Television Kosovo (RTK) and Independent Media Commission, which is the regulatory authority for the broadcast media. Both were handed over to local authorities in late 2006. According to Mujic, the Press Council and the Mid Career Training Center are advocates for Kosovo’s media future. “But these institutions are rather new. They still have to grow into their roles,” she said. Regulation of the electronic media is carried out by the Independent Media Commission. The OSCE Mission is assisting this new independent media regulatory body by advising on both legal and policy issues.
Another institution, the Press Council monitors the newspapers printed in Kosovo. Willem Houwen, the chairperson of the Press Council of Kosovo Board (PCK), is responsible for the monthly PCK Board meetings and oversees the work of the PCK secretariat. This includes setting the agenda, applying the rules of procedure, and connecting the PCK with other European practices of self regulation. This is his second and final year in this yearly selected volunteer position.

The PCK started in 2006 and is owned by the print media, giving the media the responsibility to regulate itself. Chief editors from the majority of Kosovo’s print media make up the PCK’s board members, who meet once a month to jointly discuss and adjudicate various complaints. The PCK has the power to enforce fines for newspapers breaching the Code of Conduct, for violations like hate speech and defamation, and to force newspapers to print its adjudications. In 2006, the council adjudicated ten of the twenty complaints filed but did not impose any fines.

Houwen explained that the OSCE supervises the PCK board meetings and frequently communicates with the PCK secretariat staff on matters of funding and public information campaigns. Now the main activities of the MSU are advising and monitoring the media institutions. If journalists have a complaint related to a newspaper article, they present the issue to the press council. Another role of the PCK is organizing public events, such as conferences. In 2006, the PCK in cooperation with the OSCE organized a symposium on the state of the print media

160 OSCE, Media Standards.
162 Mujic, interview by author, OSCE Field Mission Kosovo, March 2007.
and self regulation in Kosovo. The topics of this symposium encompassed financial, education, and economic challenges.

Houwen listed three reasons why the press council has been successful. The first reason, all print media in Kosovo collaborates together through PCK. “The quality of the board’s discussions is at a very acceptable level,” said Houwen. He explained that the second reason is the “from below up” approach of self-regulation, which is in contrast with the earlier TMC/IMC code of conduct, imposed by UNMIK.163 Houwen said that this approach, “gives a clear sense of joint ownership and sectorial responsibility that never existed before in Kosovo.” Before PCK met as a board, both the PCK code of ethics and statute were directly formulated and adopted by the PCK members. The third reason is “all board members, except for the chair, receive attendance fees, which is an extra incentive to participate regularly and responsibly.”

In 2006, RFOM Miklos Haraszti and Senior Advisor Roland Bless visited the OMIK. Mujic said that her office organized their visit in Kosovo by making the agenda for them and helping the FOM contact different people they wanted to meet. Houwen said that the Press Council met with Haraszti and Bless. The PCK prepared a full program, including a special board meeting where the PCK informed the FOM

163 Under the (UNMIK) United Nations Mission in Kosovo, the TMC established a Code of Conduct in 2000 that established the rights and obligations of the broadcast media. These rights include promoting fairness and accuracy. It also claims that the media must refrain from bias, condoning illegal activity, or defamation. In 2006, UNMIK replaced the (TMC) Temporary Media Commissioner with the Independent Media Commission (IMC). The commission is a permanent body that enforces codes of conduct regulating broadcast media and is overseen by a governing council in collaboration with the UNMIK. OSCE, Temporary Media Commissioner implements Broadcast Code of Conduct [Pristina, Kosovo: OSCE Mission in Kosovo Press Release, September 15, 2000] http://www.osce.org/press_re;1/2000/09/1033-mik.html, [accessed June 21, 2007].
of the type of complaints they receive. The PCK received a positive written
assessment after the FOM visit.

Mujic said that a journalist fearing for his or her safety in Kosovo depends on
the journalist and the region he or she is working in. “All in all, I can say that the
situation for journalists has improved from ‘our’ perspective. But the subjective or
maybe objective feeling for a journalist regarding their safety harm in physical terms
really depends on the context.” However, there are still incidents that threaten
journalists’ safety. For example, according to the US State Department’s 2006
Report on Serbia and Kosovo, RTK, Kosovo’s public service broadcaster, received
bomb threats via telephone and email in 2006. On August 23, 2006, a group called
"Islamic Jihad" sent RTK an email threat for their publication of Danish cartoons
depicting the Prophet Muhammad. The station has also been accused of being the
mouthpiece for UNMIK.

Mujic said that MSU does cooperate with the Media Department at the OSCE
Mission in Serbia through information exchange. For instance, sometimes MSU
meets with the Media Department at conferences. “We had previously organized
roundtable with their representative of the media section of the other mission in the

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164 RTK is editorially independent and has television service, broadcast on the terrestrial transmitter
network and digital satellite, and two Radio stations, ‘Radio Kosovo’ and ‘Radio Blue Sky’. “RTK
operates under UNMIK Regulation 2001/13 as a self-managing organization led by a Director General
who is answerable to a non-political Board of Directors.” http://www.rtklive.com/ser/javni_servis.php
[accessed June 24, 2007].

165 The depiction of this cartoon set an uproar throughout Europe and the Middle East. Numerous
newspapers printed the cartoon to emphasize freedom of expression and often these papers printed
retractions. This incident was one of the main topics of discussion at the July 2006 Freedom of the
Media: Protection of Journalists and Access to Information Conference I attended and addressed in
chapter 1.
region,” said Mujic. Colleagues have worked in both missions and therefore have a vast understanding about the area.

**Pillar Three: Education**

MSU continued its training process under the revised mandate. Now Kosovo colleges offer Masters or Bachelor of Arts in Journalism. The colleges started the private Kosovo Institute for Journalists and Communications (KIJC), which was set up to offer a Masters in Journalism.

In June 2006, twelve Kosovar and twelve Serbian journalists met for a media workshop. This one day event focused on “the media responsibilities in post-conflict negotiations” and provided “journalists with insights into advanced reporting techniques and assist them in balanced media coverage of the Kosovo status negotiations.” The Kosovo journalists met well-known international correspondents and studied negotiation techniques and skills. They learned the building blocks to creating a story, the “so what” test, how to become a storyteller, how to edit stories, how to pick a soundbite, how to write to the picture, and how to end a story.

Mujic said that in the past the MSU was more involved in capacity building when it came to media outlets. The MSU had their own training section where they organized training for journalists and media workers, which they no longer do. The Mid Career Center was founded by MSU, where MSU continues to hold a provisional teaching role. Mujic said, “The reason for setting up a mid career center is to allow

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167 These are the building blocks one learns in journalism. A sound bite is a broadcast journalism term consisting of an 8-10 second statement by the reporter’s interviewee.
Kosovo media to decide themselves what kind of training they need and for us to hand over the training role of the OSCE.” Mujic acknowledged that as soon as the center is well established and running, MSU will start to pull out and concentrate on its advisory role.

When asked why MSU works, Mujic replied that it was only logical that the people in the field in the missions work on media since the FOM is one of the OSCE’s institutions. In an interview with OSCE magazine, head of OMIK Ambassador Werner Wnendt said that it was time for OMIK’s focus to change from creating institutions and instead concentrate on monitoring institutional development. Obstacles still include how to quickly staff municipal teams with qualified candidates from OSCE participating states. “Kosovo is now entering the final phase of the assessment of Standards towards a future-status settlement,” Wnendt said. Ambassador Wnendt predicted that in five years the OSCE would still be in Kosovo because “the communities want us here.”

As stated in the historical overview section, Milosevic met with the CiO of the OSCE in 1999. Milosevic permitted the OSCE verification mission to stay but refused to allow foreign forces to enter Kosovo. Milosevic attempted to erect as many obstacles as possible to prevent Kosovo independence. The Milosevic Administration said that if NATO and other outside forces were allowed into Kosovo then Kosovo would serve as a “door for foreign troops to get in” to Serbia as a whole.

169 Posen, 39.
By 2007, Kosovo’s abdicated sovereignty still continued but was faltering. The Serbian government offered Kosovo broad autonomy but not independence. Russia, a UN Security Council member, said it would only support a solution agreed upon by Serbia.\textsuperscript{170}

In March 2008, Kosovo officially declared their independence from Serbia. The US and other western OSCE states immediately recognized Kosovo as a sovereign independent state. The battle over Kosovo that has lasted since the 1300s continues today on the global playing field. Russia has sided with Serbia in denying recognition of Kosovo’s independence, marking another geopolitical argument between the western OSCE states and Russia. During the course of this official declaration of independence, a backlash in Serbia occurred as irate Serbs vandalized western embassies in Belgrade and riots took place in other parts of Serbia.

On February 21, 2008, journalists covering a protest were attacked and injured. The OSCE Mission to Serbia released a statement condemning the attacks on journalists by Kosovo citizens. RFOM Haraszt addressed the attacks in the March 2008 FOM report to the Permanent Council.\textsuperscript{171} Even during conflict times, the OSCE is capable of changing and acting professionally in the face of adversity. The following section will address the rest of Serbia as a whole and the OSCE Mission located in Belgrade.

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Involvement in Serbia From 1999 to the Present

In 2001, the FRY government invited the OSCE to establish the Mission to FRY, “to provide the authorities with assistance and expertise in the fields of democratization, protection of human rights and minorities, and media development.” Then in 2003, the Constitutional Charter of the State Union of Serbia and Montenegro was adopted. Finally in 2006, Montenegro declared its independence and the OSCE Mission was renamed the Mission to Serbia. The Media Department of the Mission is located in Serbia’s capital of Belgrade.

Nevena Ruzic is a Serbian lawyer who has worked for the Media Department since 2004. Ruzic explained that the Media Department focuses on general cases of journalists being harassed, violated or threatened by either private figures or by politicians. One method the Media Department uses to collect information is from interviewing the journalist. Other methods include gathering information from reports on the news or journalism associations and then the Media Department contacts the violated journalist.

For instance, Serbian newspaper journalist Dejan Anastasijevic specializes in covering organized crime and war crimes. According to the police report, on April 14, 2007, perpetrator(s) set two hand grenades near Anastasijevic’s apartment bedroom window and one of the grenades went off in the middle of the night.

173 OSCE, Overview 13156.
174 Nevena Ruzic, OSCE Mission to Serbia Media Department, interview with the author, June 2007.
175 OSCE, OSCE condemns bomb attack on Serbian journalist. Ruzic, interview with author, June 2007.
Anastasijevic and his wife escaped unharmed. After hearing about the attack, the Mission and the FOM sent out press releases denouncing the incident and urging authorities to find those responsible. Ruzic claims this case is rare anymore, unlike what happened in the 1990s to journalists like Slavko Curuvija, whose 1999 murder case was recounted in the Historical Overview section of this chapter.

The Media Department assists and advises Serbian journalists to make them professionals. According to the OSCE mandate, the Media Department focuses on assisting with five issues: legal, developing public service broadcasting, strengthening licensing and frequencies, training the media, and raising professional standards of journalists. The following paragraphs will address these five issues. Similar to the FOM, the eleven members of the Media Department are specialized to work on different aspects of these five issues. For example, Ruzic is a lawyer; therefore, has an advising role when it comes to freedom of expression and freedom of information. She and others in the department advised the Serbian government in drafting the 2004 Law on Free Access to Information.176

Legal

In order to maintain international standards, the media department, alongside the Council of Europe and the European Commission, advises the government when drafting new media legislation.177 The department advises on legislation and


advocating for adoption, implementation, or amendment of a law. The Mission supports the implementation of the Law on Free Access to Information, which includes rules such as public authority may not give preferences regarding information sharing to a certain journalist or media outlet. The Media Department also raises public awareness and makes journalists aware of their rights. Ruzic and others are currently advising the government about drafting the Law on Personal Data and Law on Classified Information.

Ruzic also gives journalists legal advice about media rights but does not represent these journalists in court. In this capacity, she may contact media outlets, local officials or politicians that might be involved with the case. Then after careful assessment Ruzic would advise the journalist on his or her future actions.

Public Service Broadcasting

The program section of the Media Department deals with organizing electronic media, political reporting or economics reporting workshops to educate journalists. In 2005, the National Assembly of Serbia appointed a Republican Broadcasting Agency Council, which adopted the strategy of broadcasting development, the issued broadcasting licences, supervised broadcasters in Serbia, and applied the Broadcasting Law. The Council also took part in the transformation of RTS from state broadcast system into a public service broadcaster.

178 Article seven of the Law on Free Access to Information of Public Importance.
Licensing and Frequencies

Another section of the media department deals with the broadcast media. This section distributes licenses and transformation of the Public Service broadcaster. During the 1990s, numerous broadcasters went on air without a license and the majority of the media outlets were denied licenses. There were 153 radio broadcast stations by 2001 as opposed to the twenty-seven in 1997, which all required licensing.\textsuperscript{181} State television is now forming into public broadcasting. The Media Department is building the broadcast media market in Serbia by transforming municipally-owned media outlets into independent stations.\textsuperscript{182} For example, Radio TV Serbia (RTS) is being transformed into a public service broadcaster. Also, the Media Department assists the media to broadcast in majority and minority languages. Another way the department promotes independent broadcasters is by advising authorities on regulating cable, satellite and other types of electronic broadcasting.\textsuperscript{183}


\textsuperscript{180} OSCE, \textit{OSCE Mission issues statement.}


\textsuperscript{182} OSCE, Media.

Training

Similar to the MSU, the Media Department hosts, organizes and advises training workshops for journalists and journalism students. For example, in 2007, the mission launched a project called “Reporting on Economic Issues.” This six month project, supported by the Belgian Embassy, aims to improve reporting on the economic transition process in Serbia.\textsuperscript{184} Ruzic said that the OSCE cooperates with schools that offer journalism courses in the Political Science Department at the University of Belgrade. One project rewarded journalism students with a one month internship. Five students went to the Netherlands and five to the UK to work under professional journalists.

Professional Standards

As evident in the above issues, the department’s goal is to promote professional media standards and self regulation in journalism. For example, the Media Department advises media outlets how to broadcast in diverse languages. The department regulates media frequencies and licensing. Journalists sponsored by the department are also trained in workshops to report proficiently and professionally on corruption, the environment, politics, and cross-border organized crime.\textsuperscript{185}

As stated earlier, even though they are the same state, the Mission to Serbia and OMIK are unattached because their mandates are separate. Unlike MSU, the Media Department has yet to assist in establishing a Press Council.\textsuperscript{186} The

\textsuperscript{184} OSCE, \textit{Media Department Key Projects}.
\textsuperscript{185} OSCE, \textit{Media}.
\textsuperscript{186} Ruzic, interview by author, July 2007.
department does provide financial sources for journalists to organize debates. Some independent journalists have been negotiating the formation of a Press Council. Ruzic said this was a huge step, because in the past these journalists would not cooperate with each other.

A 2003 OSCE Final Report on Election Observation reported the media provided extensive, neutral, and balanced coverage of the election campaign by giving equal air time to all candidates and covered all issues in the press.\(^{187}\) This is proof that the Media Department’s goal, to train Serbian journalists to report according to international media standards during an election has been a success. However, the continuation of training is mandatory to meet the international standards of media coverage.

When the Mission started in 2001 the goal was to establish relationships within the government and the civil society.\(^{188}\) But the Media Department focused on media legislation, which was similar to the Council of Europe’s role. Then the department focused on broadcast media and specific programs for journalists. The key to the Media Department’s success is the government’s willingness to take advice from an IO. “So the level of being persistent is a stronger identity in comparison to other organizations,” said Ruzic. The OSCE represents fifty-six participating states rather than a local group, such as an NGO.


\(^{188}\) Ruzic, interview by author, July 2007.
The Media Department is separate from the FOM in Vienna, but they do share information. Staff members of the Media Department send information to the FOM when a case has an international focus. Ruzic said that she sends information when she believes that it would be more fruitful for the FOM to addressing the authorities. Sometimes the FOM inquires about a particular case to determine if a reaction from the FOM is necessary or if they should wait to see the case develop.\textsuperscript{189}

The Media Department has various advisory duties. For example, the Media Department often meets with the Ministry of Culture, which is the Serbian ministry responsible for media. The Media Department also holds a head of department meeting with the deputy minister or assistant minister. In larger cases, the Media Department takes their case to the Mission head or the FOM to be presented to the Permanent Council.\textsuperscript{190} An example of this would be the attempted murder case of Dejan Anastasijevic that was discussed above. RFOM Haraszti presented Anastasijevic’s case to the Permanent Council saying that he hopes the Serbian authorities will find the perpetrators and that it is crucial for a democracy to have a responsive police force and judiciary.\textsuperscript{191}

Ruzic admitted that the relationship between the government and the media has improved since the establishment of the mission. However, this improvement may not be attributed directly to the OSCE. The fact that the government is now a republic adds to this accreditation. Ruzic explained that this change was as important

\textsuperscript{189} Ruzic, interview by author, July 2007. \\
\textsuperscript{190} Ruzic, interview by author, July 2007. \\
as the Media Department entering Serbia. In some cases, when there is a violation of freedom of expression, the Media Department serves as a middleman between the government and the media.

In a 2006 interview Douglas Wake, former Deputy Minister of the OSCE Mission to Serbia, said that the mission will be present as long as the Permanent Council provides finance and Serbia continues to want the Mission. He estimated the OSCE Mission to Serbia would be necessary up to approximately 2010. “I would not try to predict developments in either Belgrade or Vienna, but I would certainly caution against any hasty decisions affecting the mandate and scope of Mission activities,” Wake said.\footnote{192}{OSCE, \textit{OSCE Feature}, Interview with Douglas Wake.} The Press and Public Information Unit (PPIU) at the OSCE Mission to Serbia said, “The aim of the Mission is to complete its mandate, and once the mandate is completed, the Mission will be ready to close its operation.”\footnote{193}{\textit{OSCE Press and Public Information Unit (PPIU) Serbia}}, PPIU-serbia@osce.org, interview with author, April 2007. The mandate duration is one year, which is subject to renew yearly.

\textbf{Mission Results}

This chapter has focused on two Missions in the Balkans area. The intention has been to show why the OSCE entered Kosovo and Serbia. Despite the OSCE’s non-legal binding status, it possessed more geopolitical power by working under the umbrella of the UN. The chapter began with a historical overview of Serbia to
introduce the state’s media problems and to inform the reader of Serbia’s association with Russia. The primary goal in this chapter has been to explain the rationale, strategies, and results of the MSU in the OMIK and the Media Department in the OSCE Mission to Serbia. This chapter disqualifies misconceptions about the OSCE’s insignificance by verifying that the missions were successful due in large part to the fact that Serbia and Kosovo wanted the OSCE within Serbian borders and was willing to cooperate with the OSCE Missions.

The next chapter introduces the strategies the OSCE utilizes in Russian cases. Examples are provided to demonstrate the limited access the OSCE has in Russia, as compared to the cooperative relationship between the OSCE and the Serbian government. This will show how geopolitical and structural conditions aid in promoting media freedom in Serbia but obstruct the OSCE’s aspirations to promote media freedom in Russia.
CHAPTER 4
SILENCING THE MESSENGER

The violent death of any member of the media stifles the free spirit of journalism.
- RFOM Miklos Haraszti to the Permanent Council on October 25, 2006

Deadly Russia

The following exemplifies and clarifies the geopolitical problems in Russia’s relationship with the outside world through a historical overview of Russia starting in the 1970s and current Russian geopolitical challenges facing the OSCE. Three in-depth examples are provided to explain the struggles Russian journalists face to do their job and to show the OSCE’s limited response to aid these journalists. The OSCE would have fewer boundaries if geopolitical problems between Russia and the OSCE were resolved.

Also, the OSCE’s organizational characteristics hinder its ability to expose media violations promised in the Helsinki Final Act. These characteristics, such as the OSCE’s structure and membership conditionality, have posed challenges because the OSCE must be invited to enter participating states. The OSCE must communicate through structured and proper diplomatic channels, which takes time and may reflect in slower work. The OSCE lacks these restrictions in Serbia, because Serbia allows the OSCE to maintain an ongoing presence which provides guidance for journalists and works with the government to benefit journalists. In 2007, the International
News Safety Institute ranked the Russian Federation as the second deadliest state for journalists behind Iraq. Similar to the Serbian government’s infringement on media rights in the late 1990s and turn of the century, Russia’s government has also arrested journalists for illicit reasons and closed independent broadcast stations that criticized the Kremlin.

**Historical Overview**

Geopolitical problems between the US and the USSR have existed since the Cold War. By the 1970s, detente between the US and the USSR led to increased trade. As presented in chapter two, the CSCE was originally founded to ease geopolitical tensions between the USSR and the US. This conference opened conversations between the East and West concerning issues such as media freedom. During the period of detente, the goals of Soviet Premier Leonid Brezhnev were to increase the USSR’s economic and military power. Brezhnev ignored questions from CSCE members about media freedom in the USSR. Instead, cultural exchanges, shared technology and increased trade appeared to bring the two superpowers closer together. Detente collapsed in 1979 when the Carter Administration turned its back on the USSR after the Afghanistan invasion.194

In 1985, Soviet Premier Mikhail Gorbachev relaxed the government’s control over the media for the first time in Russian history and vowed to improve economic

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194 Detente means an easing of tensions between states. Under the Carter administration, the US ended up backing Muslim guerillas fighting against the Soviets who refused to withdraw until 1988. Like Carter, President Ronald Reagan opposed the invasion of Afghanistan and ignored Soviet Premier Yuri Andropov’s proposals to reduce intermediate-range nuclear missiles in Europe.
reforms by means of perestroika, or restructuring. Gorbachev’s component of perestroika increased free speech under a controversial policy of glasnost, which ensured media freedom. As a result, the Russian media published controversial stories on social and economic problems, the USSR’s brutal history, mortality rates, food shortages, poor housing, and pollution that the USSR government had previously been able to hide.

Eventually, Gorbachev understood the limitations of Communism in an increasingly democratic capitalistic world and he prepared the faltering state for a transition. The Gorbachev Administration was forced to remove missiles facing the West and withdrew troops from Eastern Europe. These events were freely covered by both national and foreign media. After Gorbachev became president, a coup kept him from signing a treaty giving the republics more independence. During the coup, Soviet television and radio broadcasts were filled with official statements and classical music. Newspapers were prohibited from printing, but glasnost prevented

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195 Journalist Anna Politkovskaya said in her book *Putin’s Russia*, which was banned in Russia, “Leonid Brezhnev was a distasteful figure; Yury Andropov was bloody, although at least he had a democratic veneer.” Politkovskaya continued to criticize the Soviet leaders in the 1980s, “Konstantin Chernenko was dumb, and Russians disliked Mikhail Gorbachev.”Anna Politkovskaya, *Putin’s Russia: Life in a Failing Democracy* [New York: Henry Holt and Company, 2004], 231.

196 Glasnost means publicity or openness. The Gorbachev administration used glasnost as a means to promote media freedom.


the coup leaders from fully closing the media. The Kremlin quickly passed resolutions to regulate USSR media coverage and soldiers guarded television towers. Finally, USSR journalists reported that media restrictions had been lifted and Gorbachev was reinstated as president.

The fall of the Berlin Wall in 1989, the collapse of the USSR and the emergence of new East European states shifted the global balance of power leaving the US as the only remaining superpower. Eastern Europe followed the West with regard to human rights and media freedom. However, Russia would eventually return to its roots of restricting free speech within the media.

In 1993, Russia ratified the Constitution of the Russian Federation, where the freedom of mass information is guaranteed and censorship is prohibited under Article 29. This law granted citizens the right to freedom of thought and speech. The people also have “the right to seek, get, transfer, produce and disseminate information by any lawful means.”

The USSR underwent more change during the Boris Yeltsin Administration. Yeltsin appointed Vladimir Putin Prime Minister of the Government of the Russian Federation in 1999 and Putin began to crack down on free media. By 2000, when Putin took office, he was not as popular in the media as the former presidents. In

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200 Gorbachev never fully regained power after the coup failed, which led to him resigning as head of the Communist party. The USSR disappeared in January 1992 and was replaced by 15 independent states including Russia.
2001 and 2002, the authorities closed both national news channel NTV, known for criticizing the government, and TV6, Russia's last independent national television station. NTV is currently open under government control.

This example shows that the Russian government has not adhered to the newly-adopted constitution evidenced by increased restrictions on media freedom and increased government control of media outlets. Perhaps USSR ideology is not truly dead but just simmering on a back burner. According to the Moscow Media Law and Policy Institute, the current Russian government plays a greater role in controlling media affairs. For example, the government has made severe changes to the rules for registering Internet publications and stations that broadcast via computer networks. President Putin has had no qualms about placing media freedom far down on his list of focal points during his presidency.

In 2002, the former RFOM Freimut Duve appealed to the Russian government to uphold their commitment to maintain a free media. This appeal was ignored by the Russian government, creating a further geopolitical strain. The FOM, because of its organizational restrictions, was limited its communication with Russia. Duve’s appeal was only able to contain moral influence and consequentially relied upon participating states to conduct requests. The OSCE would have greater opportunities

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204 OSCE, *OSCE media watchdog concerned over increased pressure on media in Russia* [Vienna: OSCE Press Release, November 2, 2002], http://www.osce.org/item/7103. html [accessed October 24, 2006].
to work with journalists if Russia gave them permission to enter the country or allowed the OSCE to have a field mission within the borders of this formerly communist state.

The OSCE has been present in a region of Russia as an OSCE Assistance group to Chechnya. This took place during the Chechen war against Russia, which is similar to Kosovo’s fight for sovereignty from Serbia. Between 1995 and 2003, the OSCE established a field-like presence in which they promoted human rights, provided assistance to the Russian government in ensuring the fastest return of displaced persons to their homes in Chechnya, promoted peace, and supported the promotion of law and order.

**Geopolitical Problems Between the OSCE and Russia**

The geopolitical dysfunctions between Russia and the OSCE are distrust, Russia’s refusal to change, and misconceptions about the OSCE. As stated in chapter two, President Putin’s criticism of the OSCE at the 43rd Munich Conference on Security and Policy is an example of current geopolitical distrust problems between Russia and the OSCE. Putin’s open criticism of the OSCE by claiming that it has been transformed to promote foreign policy of certain states clearly shows Russia’s distrust of the IO.\(^{205}\) Barnett and Finnemore support this idea, “Most IOs were founded by Western liberal states and are designed to promote liberal values.”

Russia’s paranoia is present when the Kremlin refuses to change with the modernizing geopolitical world. An example of this is the decrease of independent media outlets in Russia. Over the years, the Kremlin has shut down many independent newspapers, radio and broadcast news stations due to violations such as debt and licensing problems.\textsuperscript{206}

The Kremlin did change its laws, but not in the direction of the human rights basket to promote free journalism. The government challenges media freedom through its new NGO law and regulation of shutting down independent news outlets. The Russian government passed a bill giving the Kremlin more control over NGOs and therefore reversing the advancement of media rights promoted in the 1990s. Many press freedom NGOs, were forced to leave Russia when they did not meet new licensing standards.\textsuperscript{207} This poses a problem not only for the NGOs, but also for the OSCE that relied on media freedom reports from insiders. Some NGOs have been allowed to return to their offices in Russia after fulfilling the requirements.

The final geopolitical dysfunction between the OSCE and Russia is misconceptions about each other. Examples include misconceptions by the West saying that Russia is using the OSCE as a platform to rival NATO since it is not an official NATO member. This is an obvious misconception, because in 2002 Russia


and NATO started the NATO-Russian Council.\textsuperscript{208} Russia’s paranoia is evident when the Kremlin voices its misconception about the West taking over the OSCE. However, these types of misconceptions still damage the relationship between the OSCE and Russia.

**OSCE Organizational Problems Regarding Russia**

Another dysfunction facing the OSCE’s struggle to help journalists in Russia is the organizational framework within the OSCE. This includes incentive use, lack of legal authority, and the fact that the OSCE is unable to cross borders to watchdog a state without the UN or consent from the state in question.

An advantage to incentive use is membership-like conditionality, where “if the change in payoffs is large enough, policy actors may change their behavior even if they do not accept the normative argument.”\textsuperscript{209} Newly formed states, such as Serbia, are prime examples of how incentive use is more effective in politically and economically challenged states. Even though Russia faces both political and economic challenges, it is a stronger and more powerful state than Serbia. However, the incentives offered to Serbia would be insignificant if the same incentives were offered to Russia. The FOM informs the Permanent Council about media violations in Russia with the hope that Russia will be influenced to change their media laws so


\textsuperscript{209} Kelley, 431.
they can receive other carrots, incentives, from the OSCE in the form of the politico-
military basket and the economic and environmental basket.

IOs are only as successful and powerful as states allow them to be. Russia
controls the OSCE’s destiny in their state by its vote.\textsuperscript{210} Barnett and Finnemore point
out that rules do not determine action and this is evident when Russia ignores the
moral binding and political binding promise they made when signing the Helsinki
Final Act. A state’s “capacity to interpret the exact meaning of rules” is not always
straightforward. Conflicts between translation, legal terms and political definitions
come into play when interpreting rules.\textsuperscript{211} Since the Helsinki Final Act is not a legal
binding document, Russia often follows the first two baskets and ignores the human
rights basket.

IO intervention is most effective when a positive basis for international
intervention is provided.\textsuperscript{212} One reason for Russia to allow an OSCE field mission at
the present time is because the government is stifling the media. The FOM would
have more power to expand its knowledge if it had direct access to journalists. The
benefit of having an open relationship with Russia would be the ability to obtain
direct contact with journalists in order for the FOM to gather information on their
own instead of relying on NGO information.

\textsuperscript{210} Snidal and Thompson, 223.
\textsuperscript{211} Beth A. Simmons and Lisa L. Martin, “International Organizations and Institutions,” \textit{Handbook of
International Relations} [Thousand Oaks: Sage Publisher, 2000], 200.
\textsuperscript{212} Snidal and Thompson, 205.
Examples of Media Freedom Violations

Russia’s censorship violations against individual journalists include fines, harassment, threats, bribes, kidnapping, torture, and jail time. The largest and most brutal violation is “censorship by killing.”213 Forty-two journalists have been killed in Russia between 1992 and 2006.214 Approximately fifteen journalists have been assassinated in Russia since President Vladimir Putin took office in 2000. This includes the two unrelated murders on March 21, 2008. Gadzhi Abashilov, head of radio and television company Dagestan, was shot in his car. Investigators in Russia claim this case has been given priority. Ilyas Shurpayev, Russia state television reporter for Channel One, was strangled and stabbed in his apartment. RFOM Haraszti sent a letter to Russian authorities praising them for opening criminal cases in the murders and asking them for updates on both cases.215

The following are three stories about violations in the journalism fields of newspaper, television and radio. These stories exemplify the dangers and consequences Russian journalists are willing to withstand in order to promote media freedom. These stories justify why Russian journalists need the international community to take immediate action reprimanding and condemning these unethical violations.

213 OSCE, Censorship by Killing Must End.
215 This number can be debated. Russian military newspaper reporter Ivan Safronov either committed suicide or was murdered when he fell out of a fourth floor window. Investigators ruled it a suicide, NGOs covered the story as a murder, and the OSCE did not send out a press release condemning his death. The two recent murders, not including Safronov’s death, bring the total to fifteen journalists since Putin took office. OSCE, OSCE Media Freedom Representatives Urges Russia to Vigorously Investigate Murders of Dagestani Journalists [Vienna: OSCE Press], http://www.osce.org/item/30432.html. Russia: Two TV Journalists Covering North Caucasus Murder [New York: CPJ News Alert 2008], http://www.cpj.org/news/2008/europe/russ21mar08na.html [accessed March 22, 2008].
abuses. The goal is to show the urgency as to why the OSCE is needed to further help these journalists in Russia.

Novaya Gazeta Columnist vs. the Kremlin

Anna Politkovskaya won numerous awards including the 2003 OSCE Prize for Journalism and Democracy for her newspaper coverage of human rights and for promoting freedom of the media. Since 1999, she had been writing an influential column about the second Chechen war and human right’s violations in Chechnya for Novaya Gazeta, a prominent independent newspaper in Moscow. “I am a journalist,” said Politkovskaya in A Small Corner of Hell: Dispatches from Chechnya, “this is the only reason I’ve seen the war; I was sent there to cover it.” She later exposed human rights violations committed by Russian soldiers against the Chechens during the second Chechen War.

Her response to those wondering why she reported the direness of Chechnya was, “This has to be done, for one simple reason: as contemporaries of this war, we will be held responsible for it… So I want you to know the truth.” Journalists like Politkovskaya, who disseminate information about current events to the public, are...

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the reason why journalism is significantly important. Politkovskaya said, “I’m a reporter inside out. The duty of a journalist is to tell the public what is going on.”

Frequent trips to Chechnya and extensive critical reporting about the Putin Administration developed into a dangerous situation for Politkovskaya. She fled to Vienna, Austria for several months in 2001 after receiving hate emails and threats from Sergei Lapin, a Russian OMON police officer she had accused of war crimes.

On another occasion, Politkovskaya was detained and thrown in a pit for three days without water or food, was physically and mentally tormented, and withstood a mock execution by the hands of the Russian 119th Paratrooper Regiment stationed in Chechnya. The FOM office intervened by asking the Russian Foreign Minister and the Office of the Assistant to the Russian President to aid in releasing Politkovskaya. After her release, RFOM Duve thanked the Russian authorities for their assistance.

218 Politkovskaya visited the makeshift Russian military camps to expose the Kremlin’s mistreatment of their own soldiers by sending them to Chechnya, ill equipped and with deficient food supplies. Anna Politkovskaya, A Small Corner of Hell: Dispatches from Chechnya [Chicago: University of Chicago Press, 2003], 27.

219 After fleeing to Austria, a woman resembling Politkovskaya was shot to death outside of Politkovskaya’s Moscow apartment building. Spector, “Kremlin Inc.” Politkovskaya’s article about Lapin is, “The Disappearing People.” Lapkin was sentenced to eleven years in a Chechen prison and will be banned from working for agencies under the Ministry of Internal Affairs for three years after his release. “Russian Federation: Russian police officer found guilty of crimes against the civilian population in the Chechen Republic,” Amnesty International, March 31, 2005, http://web.amnesty.org/library/Index/ENGEUR460112005 [accessed February 7, 2007]. A criminal investigation case regarding Lapin’s threats against Politkovskaya was renewed nearly ten times from 2001 to 2003.

Politkovskaya’s style of journalism and personal involvement made her a constant target. Her most famous brush with death happened when she was poisoned on an airplane on her way to act as negotiator and cover the Beslan Massacre.\footnote{She planned to go above her journalistic duties by acting as a negotiator between the Beslan hostage-takers, Chechen warlord Shirvani Basayev who claimed he was the Beslan mastermind, and the Russian military. She was also asked to cover the crisis for Novaya Gazeta since she had extensive knowledge of Chechnya. Politkovskaya boarded a plane to fly to Russia in order to cover the event. She avoided food on the flight for fear of it being tampered with and finally drank tea the flight attendant had brought her. The tea was laced with poison and Politkovskaya fell into a short term coma. Politkovskaya said that she suspected Russia’s secret service to be behind this warning attack. Politkovskaya’s blood tests were purposely destroyed and the toxin was never identified.} The following reveals the Kremlin’s efforts to hide their own incompetence by hindering journalist’s coverage of the Beslan Massacre and the OSCE’s response to this incompetence.

The Beslan Massacre occurred when Chechen guerrillas armed with automatic rifles and explosive belts held almost 1,200 children and adults hostage in the gym of a small provincial school in southern Russia.\footnote{For three days, they promised to let the hostages go after demands were met for the release of Chechen prisoners and the withdrawal of Russian troops from Chechnya. Mothers were forced to decide between saving one child and letting the others die when the terrorists allowed the release of a handful of hostages. Men were shot to death, women were raped and babies were stabbed until a battle erupted between the guerrillas and Russian troops. Hundreds of people including 186 children were massacred in the schoolhouse.} The OSCE released a report saying that the government provided incorrect information by claiming that 354 people were taken hostage. Five days after the massacre, the prosecutor-general released a statement saying that there had been almost 1,200 hostages. The OSCE responded by stating that some Russian politicians allowed themselves to be guided by their own opinions rather than the true legal facts.\footnote{BBC, News Report, http://news.bbc.co.uk/1/hi/world/europe/3662124.stm}
Politkovskaya understood that risk was part of the job of a Russian journalist. She continued to write until her death. On Vladimir Putin’s birthday, October 7, 2006, Politkovskaya carried grocery bags inside of her apartment building and took the elevator up to her apartment. When she returned to the main floor she was shot four times at the elevator’s entrance. Grainy surveillance video shows a man wearing a dark jacket and baseball cap entering and exiting her building during what is believed to be the time of her murder. At 4:25pm, a neighbor found Politkovskaya’s body in the elevator next to a plastic 9mm Makarov with the serial number filed off, which is the “weapon of choice” for Russian hit men.

Around the world, statements condemning the murder were released from heads of state, intergovernmental and nongovernmental organizations, and journalists. The European Union President Matti Vanhanen and US President Bush both offered their condolences and declared that there should be an intense investigation into her murder. The EU Parliament condemned Politkovskaya’s murder in the strongest terms and urged the Russian government to investigate and punish the murderers. The Members of the Parliament (MEPs) said they were concerned about the increasing intimidations of independent journalists who were critical of the Putin Administration. The MEPs called for the EU Commission and the EU member states to take a stand promoting European standards of freedom of the press and protecting
journalists in Russia during negotiations on a new partnership with the former communist state. 224

"I condemn the murder of Anna Politkovskaya, one of Russia's most outstanding investigative journalists and political commentators," said OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht in a press release.

"This is a tragic and profoundly shocking loss, and I call upon the Russian authorities to track down those responsible as quickly as possible." 225 The Secretary General of the OSCE's Parliamentary Assembly, Spencer Oliver, attended Politkovskaya’s funeral and the OSCE Assembly's president, Goran Lennmarker also condemned her murder. 226

The OSCE FOM Representative Miklos Haraszti released a statement that said, “It is extremely important to break the circle of inconclusive investigations in regard to the recent murders of journalists in Russia.” He urged the Russian government to investigate Politkovskaya’s murder case. “But in this case the expediency of action is extremely important also because Anna Politkovskaya was an outspoken critic of government policies,” he concluded. 227 However, the weight of

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227 OSCE, OSCE Chairman shocked by murder.
the FOM’s influence from sending letters and publicly condemning one’s death can only go so far.

The FOM has limited ability to directly receive complaints about Russia’s media violations since there is no field mission within Russia’s borders to coordinate with the media. The FOM must work with other participant states to pressure Russia to reverse its trend of restricting media freedoms. The United States Mission to the OSCE promised to “take all necessary steps to ensure the basic conditions for free and independent media” and urged the Russian government to find Politkovskaya’s murderers. The US Secretary of State Condoleezza Rice met with President Putin to discuss Russia’s press freedom issues. She also met with Novaya Gazeta and Politkovskaya’s son to give her condolences and acknowledge Politkovskaya’s roots in the USA. Even though Politkovskaya considered herself a Russian, she was born in New York to Soviet Ukrainian parents who were in the America serving as UN diplomats.

Reports of Politkovskaya’s murder made international headlines. Deputy Editor of Novaya Gazeta Vitaly Yaroshevsky said, “Anna was killed for her professional activities. We don’t see any other motive for this terrible crime.”

Novaya Gazeta offered what would be approximately one million American dollars to

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anyone with information about her murder. The day after her murder, mourners held a vigil in Pushkin Square in Moscow and outside of the Russian Embassy in Washington.

Pro-Kremlin television broadcasts reported her death but failed to mention her relentless criticism of the Putin Administration.\textsuperscript{231} Even though President Putin promised to bring the killers to justice, he blamed Politkovskaya for the attack by claiming that her journalism damaged Russia by revealing official corruption and abuses.\textsuperscript{232} Mikhail Gorbachev, former Soviet President and partial owner of \textit{Novaya Gazeta}, called the murder a blow to democracy and press freedoms.

Journalist Andrei Kolesnikov said that he speculates that Politkovskaya’s death was revenge for one of her articles, “There is little hope that Russian journalism will change.”\textsuperscript{233} Kolesnikov went on to say that most high-profile murders of journalists remain cold cases. However, Politkovskaya was a prominent journalist, worldwide coverage of her murder has brought international outrage, and Novaya Gazeta’s reward may keep the case alive.

In 2002, the former RFOM Duve appealed to the Russian Government, “asking it to ensure that the country's commitments to freedom of the media as a participating State of the OSCE, a family of declared democracies, are fully adhered

\textsuperscript{232} Reuters, Anna.
\textsuperscript{233} Reuters, Anna.
These statements have only moral influence and rely upon their participating states to carry out their requests. The OSCE’s hands will remain tied until they are allowed to have a field mission within the secretive borders of Russia.

Journalists in Russia expressed disheartened concerns about their own safety after learning about Politkovskaya’s death. Andrei Kolesnikov quoted a reporter colleague after hearing about Politkovskaya’s murder, “Foreign reporters die on important assignments abroad, whereas ours are killed in peacetime, in broad daylight in the capital, near places of their residence or work. They are slain for professionalism. Death shows that their word carries weight.”

Oleg Panfilov is a journalist director of a NGO called the Center for Journalism in Extreme Situations (CJES). In an interview with RFE/RL Panfilov said, “Over the past ten or twelve years, not a single murder of a journalist linked to his or her professional activity has been solved.”

235 Reuters, Anna.
236 Oleg Panfilov, interview with Radio Free Europe/Radio Liberty, http://www.rferl.org/reports/mm/default.asp [accessed February 4, 2008]. Politkovskaya is known as the thirteenth journalist murdered since Putin took office. Ten people were arrested in August 2007 for connections in Politkovskaya’s murder. By September 2007 former Chechen official Shamil Burayev was formally charged with complicity in her death. Politkovskaya’s case is still open. In another case of mistaken identity in 2000, Igor Domnikov, Politkovskaya’s colleague at the Novaya Gazeta, was struck in the head with a heavy object in the entryway of his apartment building and died two months later. It is speculated that the assailant possibly mistook him for investigative reporter Oleg Sultanov, who lived in the same building, worked at the Novaya Gazeta, and had been receiving threats after reporting on oil industry corruption. The newspaper Tolyattinskoye Obozreniye was known for its investigative crime and government corruption reporting. In 2002, Valery Ivanov, editor-in-chief of Tolyattinskoye Obozreniye, was shot eight times in the head at close range outside his home. One year later, his successor Aleksei Sidorov, was stabbed in the chest with an ice pick near his apartment building. Paul Klebnikov was an American of Russian descent and the first editor of Forbes Magazine Russia. In July 2004, Klebnikov uncovered the workings of the country's obscure billionaire moguls, he was shot four times from gunman in a passing car and died outside of his Moscow office. This
Former RFOM Duve said, “By trying to silence, you produce the contrary—an explosion of nonsilence. People's awareness is raised. I urge OSCE participating States to do more to put an end to this form of censorship.”\textsuperscript{237} The OSCE participating states cannot follow this request without a closer direct line with the journalists in Russia. In theory, a field mission would give the OSCE FOM direct contact with Russian journalists and easier access to monitor media freedom violations brought on by the government. In reality, Russia will never completely relinquish its iron curtain and allow the OSCE the power of having a field mission in Russia as long as the Kremlin holds its current political position.

NTV Media Coup

The second story is about Andrei Norkin, a lead television anchor, and the government controlled media coup that would abolish independent TV news in Russia. Both Norkin and his wife worked at NTV, Russia’s only station comparable to the American CNN.\textsuperscript{238} For four years, Norkin loyally sat behind the anchor desk of Russia’s only non-government controlled national TV channel. But in April 2001, a media coup would put Norkin’s job in peril and escalate his responsibility as an independent journalist.\textsuperscript{239}

\textsuperscript{237} OSCE, Censorship by Killing must end.
\textsuperscript{239} Ian Traynor, “Russia’s defiant TV crew becomes the news” \textit{The Guardian} April 5, 2001 http://www.guardian.co.uk/international/story/0,468643,00.html [accessed March 19, 2007].
In January 1994, Russian Media oligarch Vladimir Gusinsky persuaded his friend President Boris Yeltsin to allow the first privately owned television network, NTV to debut. Igor Malashenko, NTV’s founding president, said that Yeltsin’s personal life was messy, but he was the type of politician who did not feel the need to control the media.\(^\text{240}\) The station’s frank disapproving coverage of the first Chechen war (1994 to 1996) gained a loyal audience, while simultaneously making enemies in high places. This was the first time the Russian media exposed a war this way and this control played a part in Russian politics. Finally, Gusinsky and NTV would experience the true wrath of the Kremlin after backing the opposing candidate against Vladimir Putin during the 2000 presidential elections.

Andrei Norkin explains that the authorities understood the media’s power. “Whether the Kremlin needed to raise the rating of a President or bring down an opponent or conduct an operation to destroy a business, or a man, the media could do the job,” said Norkin. “Once the Kremlin understood that it could use journalists as instruments of its will, and saw that journalists would go along, everything that happened in the Putin era was, sadly, quite logical.”\(^\text{241}\) Putin would not follow Yeltsin’s reluctance to dominate the media. Instead his administration would throw a blow that would bring the Russian oligarch and his independent television station to their knees.

\(^{240}\) Oligarchy - a government in which a small group exercises control especially for corrupt and selfish purposes, Merriam Webster dictionary. Spector, 10.
\(^{241}\) Spector, 10.
In May 2000, Gusinsky was arrested on fraud and embezzlement charges in relation to his media conglomerate Media-Most, which included Russia’s independent television station NTV. After his release, Gusinsky was exiled to Spain. NTV’s Director-General (news director) Yevgeny Kiselyov was visiting Gusinsky at the time of the NTV takeover.

At 3am on April 14, 2001, the Kremlin pulled the plug on NTV after an eighteen-month management power struggle erroneously blamed on the network’s money problems. Norkin and his wife received a middle of the night wakeup call from CNN’s Moscow Bureau Chief, Jill Dougherty, telling them about the network’s fate. Like many of the other NTV employees Norkin hurried to the station to find it invaded by unfriendly security guards.

The state-owned gas monopoly Gazprom took over the independent station worth a value of one billion American dollars. Meanwhile, thousands gathered in Moscow at a rally promoting freedom of expression and support of NTV. Days before the takeover, the defiant broadcast journalists barricaded themselves on the eighth floor of the NTV newsroom. The takeover happened when the studios were the least busy and most of the staff was at home asleep. Some journalists stayed with the new Gazprom-Media NTV, while others turned in their resignations, collected their personal belongings and confiscated promotional photos of themselves in the NTV halls.

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Norkin’s small band of journalists hurried across the street to NTV’s smaller sister station TNT, where producers prepared a retaliatory newscast to play simultaneously with Gazprom’s newscast. Borrowed footage from Western news stations, since they were unable to take their archive tapes with them, newly purchased videotapes and outdated camera equipment were used in the newscast. “Have no doubt that you’re watching NTV,” said anchor Marianna Maximovskaya as her image was aired across both TNT’s feed and a pirated NTV feed. This rebellious move by the ousted NTV coworkers could not last long. They would need outside help from media freedom organizations to keep them afloat.

Prior to the mid-April takeover, USOSCE Ambassador David T. Johnson said, “It would be an enormous blow to the democratization efforts there should NTV’s independent voice become just another outlet for government views.” The OSCE states could have been more directly involved with the NTV takeover if there had been an OSCE field mission in Russia with a media office. This hypothetical office would have existed to gather information from reporters, NGOs, and the government for the FOM. The FOM then would have been able to report in greater detail to the Permanent Council, which would have instigated the OSCE states to urge the Russian government to release its grip on the independent NTV. Instead the OSCE nations stood by shaking their heads about the diminishing democracy. The fate of NTV is

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determined, but this was just the beginning of media freedom violations Norkin and his band of journalists would face.

Under the Helsinki Final Act, the states agree to promote the improvement of the distribution of all media outlets foreign and domestic. The participating states also agreed to treat public, private, national and international radio and television organizations equally.\textsuperscript{246} Russia clearly violated its agreement in the Helsinki Final Act. Today, NTV is still a government controlled nationwide broadcast network.

Vesna Radio Reporters

Thirty-six year old journalist Sergey Novikov was the proprietor of Vesna, the only radio station in Smolensk, Russia that remains independent from the government. Novikov encouraged his staff, including fellow journalist Nikolai Goshko, to question the authority of Governor Alexander Prokhorov and others in power.\textsuperscript{247} Goshko had previously been convicted on business-related fraud charges in 1996 but remained an outspoken journalist like his mentor.\textsuperscript{248} Novikov confided in Goshko that he feared the station’s journalists would become targets for verbalizing their opinions.

Novikov threatened to declare his candidacy against incumbent Governor Prokhorov in the next election if improvements in the community were not met.\textsuperscript{249}

\textsuperscript{249} http://www.globaljournalist.org/archives/Magazine/deathwatch-2004q.html [accessed October 27, 2006].
On a television talk show, Novikov took a candid step by claiming that he had
evidence of corruption on the part of deputy governor Yury Balbyshkin. 250

At 9pm on July 26, 2000, Novikov walked into the stairwell of his apartment
building. Four bullets pierce holes into his body as he slumped down onto the
stairwell. An unknown assailant slinked away through a backdoor into the darkness,
leaving the crumpled body of the journalist on the ground like a discarded
newspaper. 251 Novikov’s murder is similar to Politkovskaya’s since they were both
controversial journalists murdered in their apartment buildings. This is yet another
example of “Censorship by Killing,” which is the most horrendous violation of media
freedom. However, this is only the beginning to the story of the Vesna reporters.

The next day, an emotional Goshko announced, “We know the names of
murders and we can name them right now.” 252 Then he proceeded to blame Governor
Prokhorov, deputy governor Balbyshkin and regional prosecutor Viktor Zabolotsky.
After Novikov had announced his intent to run for governor, he told Goshko that he
started to receive death threats. He petitioned the local prosecutor's office for security
and permission to carry a weapon. 253 In July 2000, Goshko told listeners that
Novikov had said many days before his murder that he had information that several
Smolensk officials were plotting his death. 254

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251 CPJ, Russian: Radio Station Owner Murdered.”
252 JURIX, “Jurists for Constitutional Rights and Freedoms.”
253 CPJ, Russian: Radio Station Owner Murdered.
254 CPJ, Russian: Radio Station Owner Murderer.
The local officials claimed that they felt defamed by Goshko. “I was insulted on several occasions in unflattering and improper statements,” Prokhorov told Gazeta.ru.255 “I was accused of involvement in Novikov’s death, even though I had only seen him once or twice.”256

Intergovernmental organizations, like the OSCE FOM institution and NGOs, like CPJ (Committee to Protect Journalists) joined the outcry by dispatching press releases condemning the killing. Goshko was arrested and all three officials pressed charges of defamation against him. Goshko had been out on probation awaiting his trial. According to the RFE/RL website, the prosecution requested a one-year suspended sentence for Goshko. Guards told Goshko, “This is the first time we’ve ever seen anyone leave the magistrate’s court in handcuffs.”257

At the time, one would receive up to three years in prison for defamation concerning accusations of violent crime. Goshko was still on probation from his 1996 fraud charges and therefore his sentence was maximized to five years and one month in prison. Local and international media watchdogs, including the OSCE FOM, were outraged at this outlandish conviction to “crack down on press freedom.”258

Oleg Panfilov, director of Russian’s Center for Journalism in Extreme Situations, told RFE/RL that he thought the accusation was stupid, “This is the longest sentence handed to a Russian journalist for slander… I am afraid that the fate

255 “Russia: Journalist Sentenced to Five Years in Prison.”
256 CPJ, Russian: Radio Station Owner Murdered.
257 “Russia: Journalist Sentenced to Five Years in Prison.”
258 “Russia: Journalist Sentenced to Five Years in Prison.”
of Nikolai Goshko will depend on international organizations rather than on Russian journalists.” Eventually the OSCE would step in to get Goshko out of jail, but this process would have been made easier if there had been an OSCE Field Mission with a media office to coordinate with the OSCE FOM headquarters in Vienna.

RFOM Haraszti wrote in a letter on June 23, 2005, to the Russian Minister of Justice, “It would be alarming to see both the severity of the sentence, and the possibility to combine speech offences with crimes totally unrelated to journalism, become a precedent for the future, and thus amplify the chilling effect on journalism.” Haraszti invited Russian authorities to join him in the international effort of decriminalizing defamation and handling the offenses of libel and insult only in civil courts.259

Goshko appealed and by the end of July the charges were reclassified to a lesser sentence of criminal insult, for which the statute of limitations is two years or less.260 On August 19, a judge concurred that the statute of limitations applied since Goshko’s broadcast were outdated because the broadcast had been five years earlier. Goshko was immediately released from prison.

Haraszti reported Goshko’s case to the OSCE Permanent Council on December 15, 2005. “I would like to urge the authorities to fully decriminalize libel like it has been done by seven OSCE participating states, thus dealing in the future with these offenses under civil law.” Haraszti proceeded to suggest that Russia could

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259 OSCE, http://www.osce.org
260 CPJ, Russia: Journalist Sentenced to Five Years Prison Camp Released.
issue a “moratorium on the use of these criminal provisions.” Online newspaper Mosnews.com credits Goshko’s release to the OSCE, saying that the OSCE had “expressed concern over the sentence.” Since Novikov’s death both Balbyshkin and Prokhorov have been convicted of corruption but were able to avoid extended jail time. As of 2005, Novikov’s killer has never been found and the OSCE still pushes for justice.

In order to improve their relationship, Russia must work actively and creatively with the OSCE instead of against the IO. “A complementary logic is that, as a state’s relationship with an IO deepens and becomes more valuable over time, the influence and constraining effect of working through the organization may be enhanced.” Russia needs the OSCE to give them a platform on the politico-military basket and the environment and economic basket. Russia also needs the OSCE to protect their geopolitical interests in Eastern Europe. However, the OSCE operates as a watchdog following agreements and mandates that are supposed to be followed by all participating states, and these states are not able to a la carte their promises.

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262 “Russia: Journalist Sentenced to Five Years in Prison.”
263 CPJ, Russia: Journalist Sentenced to Five Years Prison Camp Released.
264 Barry, Future, 5.
265 Snidal and Thompson, 214.
CHAPTER 5
CONCLUSION

It is very cynical if some people in any government believe we should not be concerned. To kill journalists is to kill the freedom of your country.

- RFOM Freimut Duve

The Organization for Security and Cooperation in Europe is an international intergovernmental organization that acts as a watchdog for fifty-six participating states that have consented to abide by morally and politically binding agreements. States design IOs with autonomy so they can control other states or conduct their allocated tasks. State Ambassadors understand there is a fine line between abiding by the politically binding agreements, such as the Helsinki Final Act, and overstepping their boundaries.

The OSCE is the only IO with a media freedom component. The Vienna based Freedom of the Media institute both collects and analyzes media violation cases. Then the FOM flexes its power by presenting this knowledge to the state ambassadors in the Permanent Council. The RFOM advocates media freedom by influencing other states to pressure for change in the violating participating states. The FOM gathers its information from NGOs and OSCE field missions, such as the Media Standards Unit in OMIK.
The OSCE’s activities to support media freedom appear most successful when a field mission office is established in the designated state because this creates active personal involvement in necessary situations. The media offices in the field have an advantage to the FOM in Vienna. “These long-term resident missions play a unique role, because they deal with specific issues at the local level, building partnerships and defusing conflicts before they erupt.”

The Russian Federation has been in conflict with the OSCE due to its numerous media violations, including censorship by killing. Russia is ranked as the second deadliest state for journalists behind Iraq according to a 2007 study by the International News Safety Institute. Similar to Russia, Serbia had an extensive record of media violations before the establishment of OSCE field missions. The OSCE’s effective promotion of freedom of the media as part of a broader human rights agenda is conditioned upon the OSCE’s organizational characteristics and geopolitical conditions. These two areas help in the OSCE’s progress to promote media freedom in Serbia, but these same conditions hinder the OSCE’s aspirations to promote media freedom in Russia.

The organizational characteristics within the OSCE include non-legal binding authority, incentive use, and the OSCE’s right to cross into a state. Even though the participating states signed the Helsinki Final Act as a non-legal binding document, the political commitment is similar to membership conditionality in an IO. The

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266 Barry, Future, 4.
willingness and ability of a participating state to follow through on their promise made to the OSCE is set by a non-legal binding agreement.\textsuperscript{267} For instance, states that agree to pay a set fee and field missions, such as the OSCE Mission to Serbia, receive a portion of this budget.

However, participating states periodically attempt to manipulate this non-legal binding status in order to accomplish their goals and ignore other participating state’s desires. For example, Russia does not honor the moral binding promise of the Helsinki Final Act when it ignores human rights, such as media freedom. If a state continually violates the agreements set up by the OSCE, their participating status may be revoked. This incident occurred when the Former Republic of Yugoslavia, including modern Serbia, violated OSCE standards.

The theory of incentive use, another organizational characteristic, focuses on linking participating state’s benefits with specific policies that entice violating states to change their behavior.\textsuperscript{268} Kelley explains that European based IOs effectively use “socialization based efforts to influence domestic legislation – even when they faced quite strong opposition to their policy recommendations.” Serbia needs more incentives, which Pevenhouse refers to these as carrots, since it is less developed than Russia. Russia, nevertheless, requires the OSCE to support them on the politico-military basket and the environment and economic basket. According to Kelley, the OSCE often uses communication as a manipulative or persuasive tool. She says that the OSCE has “monitoring mechanisms,” issues reports and formal statements to

\textsuperscript{267} Snidal and Thompson, 227.
\textsuperscript{268} Kelley, 431.
“guide, advise, and sometimes shame a country” into complying with the OSCE standards. An example of this would be revoking financial incentives to a state.

The final organizational characteristic addressed in this thesis is the OSCE’s inability to cross borders into a state without the state’s or the UN’s consent. The FOM would have unrestricted access to journalist’s cases if allowed to enter Russia. The main benefit of a field mission with a media freedom office is the OSCE’s direct contact with journalists. The FOM receives information directly from the field mission instead of relying solely on media reports and NGO documentation. Journalists voice concerns directly to the media freedom offices in the field mission. The mission in Serbia works because the Serbian government and citizens want the OSCE’s presence.

Geopolitical conditions, such as trust, change and misconceptions, have an effect on the OSCE’s ability to promote media freedom. Serbia trusts the OSCE because it benefits from OSCE incentives and financial support. The UN worked with the OSCE to improve civil society in Serbia that created a trusting relationship between the state and the IOs.

Russia’s distrust of the OSCE stems from its suspicion of the Western OSCE participating states, headlined by the US and the UK. The history of modern day paranoia between the US and Russia originated with the Cold War, in which the CSCE, now the OSCE, was founded in the first place. “When the winners of democratization use IOs to consolidate their hold on power and create stability, they

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269 Kelley, 429.
clearly gain at the expense of the losers.” Russia’s distrust was evident when Putin spoke out against the OSCE at a 2006 geopolitical conference in Munich. This is an ongoing battle since these participating states are unwilling to accept each other’s differences.

According to Snidal and Thompson, “Even if neither side understands why it cannot be trusted and why external intervention is needed, each may be willing to engage an international institution to deal with the problem caused by the other.” This lack of trust is the problem between the West and Russia. Russia will remain a participating state of the OSCE to protect its geopolitical interests in Eastern Europe. The OSCE will keep Russia close so it can monitor its human rights abuses, such as censorship and other violations against the media.

Russia’s unwillingness to change is a geopolitical problem for the OSCE. In regards to Freedom of the Media, Russia is regressing back to the 1980s. Russia’s lack of cooperation with the FOM demonstrates their disobedience to the Helsinki Final Act. For example, when a journalist is murdered or the government shuts down an independent television station, this is an obvious sign that Russia is violating the Helsinki Final Act. RFOM Haraszti said, “The arbitrary expulsion of a journalist violates the OSCE commitments on freedom of expression and freedom of movement, both of which are core principles of the Helsinki process.”

On the other hand, Serbia is willing to make changes since it is a developing state in need of incentives from the OSCE. Minus the current conflict with Kosovo,

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270 Snidal and Thompson, 214.
271 OSCE, Report to Permanent Council, by RFOM Miklos Haraszti [Vienna: March 13, 2008].
Serbia welcomes the OSCE’s presence. The Serbian media has benefited by the new media laws, facilities and training.

Even though the OSCE is the largest regional security operation in the world, its existence is virtually unknown to citizens in the US and the UK. This lack of information can lead to many misconceptions, which is another geopolitical problem with the OSCE. At times the OSCE is seen as less significant than or as a rival to NATO, the EU and the CE.272 This is a clear misconception, since none of these IOs can be substitutes for the OSCE.273 Many of the OSCE participating states are not involved in other IOs. Unlike the EU, the OSCE is involved in Central Asia.

The presented argument concludes that Serbia’s media benefits from the OSCE’s presence, whereas the OSCE’s internal limitations, such as organizational characteristics, strain the IO’s relationship with Russia and this is a quandary for the Russian media. In conclusion, Serbia’s government is not as powerful as the Kremlin and therefore, the OSCE has unrestricted access to providing assistance to Serbian journalists. The OSCE created this obstacle for itself when the participating states accepted the politically binding agreements made in the Helsinki Final Act, which preceded the OSCE.

Despite the positive and negative effects of the organizational characteristics and geopolitical conditions, the OSCE remains an intergovernmental force protecting media freedom and other human rights. USOSCE Ambassador Julie Finley said in an interview with RFE/RL, “I submit that you have a number of friends, some of whom

272 Barry, Future, 4.
273 Barry, Forgotten, 4.
are closer than others, some of whom have more faults than others. But for a variety of other reasons, the characteristics that are not faults but that are strengths, cause you to maintain that friendship. And I don't think it's really different between nations."\textsuperscript{274}

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