Ensuring freedom of speech in post conflict zones

Committee Guide

Special Conference



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Personal Introduction

Dear delegates,

It is my utmost pleasure as Chair of this year's Special Conference at OLMUN to welcome you to the conference.

My name is Dora. I am nineteen years old and I am lucky to call Vienna, the international city of the Viennese Waltz and Sacher cake, my home.

My MUN-career started in 2013 in this very committee as the delegate of France. Since then the Special Conference has had a special place in my heart, which is most likely the reason I kept returning - 2014 as the delegate of Portugal and finally 2016 as a chair. Apart from my experiences at OLMUN, I have taken part in numerous conferences all around Europe, the latest ones being set in Budapest, Zurich and Hamburg.

What is it I do beside MUN-ing, you ask? I am finishing my first year of law school in Vienna, Austria. Besides studying, I enjoy reading books about art, debating and standard dancing.

As you might now, sometimes it is profitable to be in the good graces of a chair...

Therefore I would not advise you to make 'Dora the Explorer' jokes, however, should you decide otherwise, you can always make it up to me with chocolate.

Finally, I wish to extend my warmest welcome to our committee and I am excited to meet you all in June.

Kind Regards,

Dora

Honourable delegates of the SpC,

my name is Alexandra Kovalcikova and I am pleased to introduce myself as part of the Chair Team for the Special Conference.

I am 17 years old and currently attending grade 11 at the Herbartgymnasium in Oldenburg after having spent my last school year in Vancouver, Canada.

This is also where I have attended my first MUN. Being a delegate for Argentina in the Social, Humanitarian and Cultural Committee, it was my first real conference and probably one of the best experiences during my whole year abroad. I was amazed by the debates around several political subjects, which were discussed by people my age on such a high level and ever since, I have been a great supporter of the conference.

MUNs are an effective channel for like-minded people to discover their passions regarding global issues as well as an event where one can meet people from all over the world and build friendships (and party obviously)

Outside of MUN, I am a passionate ballet dancer and Netflix enthusiast, who likes to keep up with current political issues.

I look forward to seeing all of you at the conference and hope it will be an extraordinary and rewarding experience for everybody.

See you in June! Alexandra Distinguished delegates,

I have the pleasure to welcome you to the 16th session of the Oldenburg Model United Nations. My name is Max Krupp and I am proud to say that I will be your chair in the Special Conference.

I am 19 years old and a student of International Relations and International organisation in the lovely city of Groningen. My first experience with MUN conferences was at OLMUN in 2013 when I participated as a delegate in the Special Conference. This OLMUN will be my seventh MUN, third time chairing.

My fellow co-chairs, Alexandra and Dora, and I are looking forward to our committee sessions with you and we will do our best to make this year's conference a memorable event for all of you. Good luck with your preparations and see you in June!

May the force be with you. Yours sincerely,

Max Krupp

1. About the Special Conference

The Special Conference is special in the sense that unlike other committees like the GA's or ECOSOC, it is free to decide which affairs will be discussed during the conference. In the past few years, there has been a great variety of topics related to UN matters such the battle against piracy and maritime terrorism, evaluating and revising regulatory systems of arms exports, as well as the management of potentials in post-conflict zones through the extension of aims from "Responsibility to Protect".

The issue of "Ensuring freedom of speech in post conflict zones" is on the agenda of this year's Special Conference. Freedom of expression is a fundamental human right. It underpins most other rights and allows them to flourish. The right to speak your mind freely on important issues of society and access information play a crucial role in the healthy development process of any society, especially post conflict societies. Today this issue regains importance, seeing that the number of conflict zones has risen. Therefore, it is crucial to collect ideas on how to counter against measures that restrict freedom of speech such as censorship put on the media or imprisonment of the opposition by the government. It is often the countries in which there was an official conflict between the government and the people that are highly endangered by the acts against freedom of expression because of the fragile state of their status as a country. As many attempts to ensure this fundamental right have faced a dead end, it is up to you and your creativity to come up with new, fresh ideas to try and solve this international problem. With representatives of almost all countries of the United Nations, we are expecting numerous and various points of view that will come together and ultimately lead to an effective solution.

2. What is Freedom of Speech

Freedom of speech, also called freedom of expression has been firmly established as a fundamental human right in article 19 of the United Nations Declaration of Human Rights (UNDHR), which stipulates as follows:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Even though the UNDHR, as a UN General Assembly resolution is not legally binding for the member states, parts of the declaration, including article 19 are widely regarded as having acquired legal force as customary international law. Thus, freedom of speech is recognized in international and regional human rights law. The International Covenant on Civil and Political Rights (ICCPR) is one of the two international treaties which elaborate on the provisions of the UDHR. Ratified by 167 States as of August 2012, the ICCPR imposes formal legal obligations on State Parties to respect its provisions.

Article 19 of the ICCPR guarantees the right to freedom of expression in very similar terms to Article 19 of the UDHR:

- 1. Everyone shall have the right to freedom of opinion.
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.

As mentioned above the freedom of speech is a multi-faceted right with a number of different characteristics. Understanding the concept of some of the key characteristics may help you approach the topic with a different perspective.

Firstly, the right to hold opinions is absolute. This means that individuals have a right to hold any opinion whatsoever, no matter how extreme or anti-social. (However, governments restrict speech with varying limitations - common limitations on speech relate to slander, libel, pornography etc.) Secondly, the state is under obligation to respect freedom of expression, as it is part of a legally bounding international law. In addition to that, it is important to mention that everyone enjoys the right to freedom of expression. Unlike other rights that are strictly reserved for citizens or residents, states are obliged to respect the freedom of expression of every individual (including children, prisoners, officials etc.) under their jurisdiction. As previously mentioned the freedom of speech includes the right to seek, receive and impart information and ideas. The most obvious attribute is the right to speak, or to impart information and ideas. Under international law, however, it also includes the right to seek and receive information and ideas. In other words, it protects not only the right of the speaker, but also of the listener. This is a key aspect of the right, as it is our right to receive information and ideas that enables us to participate in society as full citizens. Thus, this particular characteristic is of great significance to this year's topic.

2.1 Media and Freedom of Speech

The guarantee of freedom of expression applies with particular force to the media. The media is an important focus of attention for freedom of expression activists: it is the first medium that governments and other political and economic forces attempt to control, including through seeking their complete and forced silencing. As key vehicles of communication and expression, the ability of the media to function independently is vital to freedom of expression but also to the ability of a society to function and survive. Freedom of expression is also essential to the democracy and the democratization process. It forms a central pillar of the democratic framework through which all rights are promoted and protected, and the exercise of full citizenship is guaranteed. A robust democratic framework in return, helps create the

stability necessary for society to develop in a peaceful and relatively prosperous manner. Through freedom of expression, politics can unfold in an unfettered and constructive manner. Free expression allows people to demand the right to health, to a clean environment and to effective implementation of poverty reduction strategies. It makes electoral democracy meaningful and builds public trust in administration. Access to information strengthens mechanisms to hold governments accountable for their promises, obligations and actions. It not only increases the knowledge base and participation within a society but can also secure external checks on state accountability, and thus prevent corruption that thrives on secrecy and closed environments.

The free flow of information increases the capacity of all to participate in the life of their nation or community and policy-making. The media has a specific task of informing the public; it can enhance the free flow of information and ideas to individuals and communities, which in return can help them to make informed choices. A free, independent and professional media, using investigative methods, plays a key role in providing knowledge and in giving voice to the marginalized, highlighting corruption and developing a culture of criticism where people are less apprehensive about questioning government action.

3. Background

¹Media is important because it can influence society in many different ways. It can change the way we behave and our attitudes towards things we perceive. Media is all around us, society is constantly interacting with social mediums, like keeping in contact with friends and family or sharing one's experiences with the world through pictures and videos. Through Media we can find information easily and quickly using things such as the Internet. But what happens if this opportunity to inform or express oneself is abused by a third party and thereby changes our society? This situation is likely to occur after conflict.

In the past few years there have been massive conflicts in the world, which have come an end. to after though thev ended many other issues have emerged. Often a country is in such a fragile state after something as traumatizing as civil



war that the new leaders of the country see something we make use of

¹ http://seliqui.at/tl_files/gfx/2012/the-worst-thing-about-censorship.jpg

everyday, which is also a human right as a massive threat - the freedom of expression. Pluralist and independent media is a fundamental trait to democracy, so if one attacks the right to free expression it can be seen as an attack on democracy and human nature. There have been outstanding cases of the government attacking the freedom of speech in the past, like the ones that will be included in this Committee Guide, Rwanda and Yugoslavia.

²Post war conditions and inter-ethic tensions, which are likely to occur after conflict, make the change to a pluralistic and free media fairly difficult. Apart from that journalists in post-conflict zones often have to face either political or



financial pressure. due to the intertwined relation between politics and media and the struggling economic climate, which exists after conflict has а The ended. financial

dependency of the underdeveloped small media markets and the lack of general and social transparency often result in an easily susceptible media. Over the years, several governments have managed to blur the line between the ruling party/coalition and the state and to deprive state institutions of their independence. Moreover, they have turned an increasing number of media outlets into channels for dissemination of their political ideology or attacks on political opponents.

Before, there was explicit political pressure by direct censorship, now, however the limitation of freedom of speech is much more subtle and covert but still as efficient, only that it is much harder to fight. This concept manages to work within a generally good legal framework, but by using loopholes it is hard to be truly efficient and enforced fully. The main problem is the legal framework which may seem formally restricted, but in reality isn't. The financial pressure through the current economic climate which cause dependencies of the media on its sponsors, mainly through state aid, cause illegitimate relations between businesses and politics and create an environment of political interference in the media.

3.1 Rwanda

The genocide in Rwanda in 1994 is possibly the most impressive example in modern times on how massive media application can be used as a weapon and result in the death of approximately one million people. 100 days before

² http://1.bp.blogspot.com/-PSzPxC6SzyE/VP3ZkRRZvul/AAAAAAAAAAg4/qbx2Gjc0PkY/s1600/download+(3).jpg

the genocide as well as during this time, radio and print media played a crucial role, arousing the Hutu against the Tutsi and to giving them even specific instructions to lead the homicide of Tutsi. The awful success of this



media hatred campaign can be led back on a high illiterate rate in the population, the wide spreading of radios and the fact that the people had little possibility to check facts and "news" for her truth salary.

Thus the local media have been responsible in the first phase of the genocide for the agitation of the population.

³In the course of this "Kangura", a French-speaking newspaper, "Radio of Rwanda" and the very popular "RTLM - Radio Télévision Libre des Mille Collines" played a crucial role in the dehumanisation and demonization of the Tutsi. It was the ultimate state propaganda machine that has sent "news" which could not be checked by the population. Supplementary, dehumanising names were given to the Tutsi and they were accused of the planning of genocide to the Hutu. Hutu were urged to kill the Tutsi, specific instructions have been given how this was to be made and specific information on places of residence have been sent by single people in order to distribute the idea of genocide. The widespread slogan "The graves are not full yet" were used in radio and the newspaper to goad on the Hutu even further.

Today Rwanda boasts more than 40 newspapers and magazines, 32 radio stations, two television stations and multiple news websites. In most places, such an array of outlets and mediums would make for a diverse public conversation. Yet in today's Rwandan media, there is less diversity of thought than ever. Rwanda has long placed near the bottom of press freedom rankings, but in the past few years, the country has all but stopped arresting journalists for their reporting. This may have more to do with self-censorship than an easing of restrictions. Even without the arrests and sanctions that were so common a few years ago, Rwandan media continues to be tightly controlled. The government officials deny any obstacles arising from the restricted media, as president Kagame stated in a speech in 2010:

"People expend time and energy inventing, saying that no one talks in Rwanda, that there is no political space, press freedom. Who are they giving lessons to? Who are they? Are these Rwandans complaining? Have they sent you to speak on their behalf? These Rwandans are as free and as happy as they have never been in their life. Freedom of expression? Freedom of press? There are those who insult people every day! They insult me every day! I don't give a damn."

³³³ http://polpix.sueddeutsche.com/polopoly_fs/1.1929481.1396765759!/httpImage/image.jpg_gen/derivatives/900x600/image.jpg

Traumatized by the mass murder of almost a million people facilitated through the media, Rwanda's government still carries the burden from the past. It has imposed regulations on the liberty of the press as it fears a rollback from the horrors of the past. About 50 % of the media content is censored and journalists and presenters face incarceration, threats and fear for their safety for publishing government-critical contents. The government justifies the restriction as a measure against potential hate-propaganda and a cursing of the people in of Rwanda. Admittedly the situation of private radio stations and newspapers has improved over the last few years, allowing media pluralism and more freedom in public criticism to become more present, but with the underdeveloped and little-experienced media sector in the country it is still far away from acceptable.

3.2 Post-Yugoslav countries

Countries which originally belonged to Yugoslavia all share challenges and problems in the area of media freedom that are of the same character. although with different intensities. The 2014 EU progress reports for all of the post-Yugoslav states aspiring to EU accession (Bosnia-Herzegovina, Serbia, Montenegro, Kosovo, Macedonia) underline a trend of serious deterioration of media freedom.





Almost quarter of a century after the disintegration of Yugoslavia and the introduction of electoral, multi-party democracy, these societies have been witnessing a progressive narrowing down of public, intellectual and media spaces for free debate and reporting, which is a general trait found in most post communist countries. Political and financial pressures, intimidation and threats against journalists and editors in Bosnia, self-censorship, threats and violence against journalists in Serbia, Montenegro and Kosovo, and government influence on media exercised through state-financed advertising in Macedonia have been observed in a context of a scarcity of real commitment on the part of political elites to tackle this problem.

⁴For instance, the State Department Macedonia Country Report on Human Rights for 2013 noted that members of the Association of Journalists of

⁴ http://www.icty.org/x/image/ABOUTimagery/Yugoslavia%20maps/3_%20yugoslavia_map_1991_sml_en.png

Macedonia reported pressures 'to adopt a pro-government viewpoint in their reporting or lose their jobs.' Macedonia, placed 123rd in the ranks of the 2014 World Press Freedom Index (the lowest of all former Yugoslav countries) has been especially in focus, since the deterrent impact of imposing a four-and-a-half-year jail term on a journalist Tomislav Kežarokovski in connection with two magazine articles could have a dramatic effect on freedom of information in Macedonia, because referring to the case, Kezarovski said that his articles "highlighted the problems in the judicial procedures and criticized the activities of the interior ministry and judicial system." He implied that he was being convicted for criticizing the judicial system rather that identifying a questionable witness. Furthermore, at the time of his arrest, he was investigating the death of fellow journalist Nikola Mladenov, founder of the organisation Fokus. This case is a proof for the difficult situation that reporters and journalists face nowadays in Macedonia.

Croatia and Slovenia are the only two former Yugoslav republics, which are members of the European Union. Although considerably higher on the World Press Freedom Index, neither Slovenia nor Croatia have been immune to the (re)establishment of a certain pressure on journalists and media. The main problem is the legal framework which may seem formally restricted, but in reality isn't. An example for the lack of security which many journalists face in post-Yugoslavic countries is former Croatian president Josipović, who fired his main analyst professor Dejan Jović for an article in the academic journal *Political Thought*. Titled 'Only in myths every nation desires its own state' he compared the Scottish independence referendum and the Yugoslav referenda of the early 1990s and argued that the latter were illiberal and did not allow for a genuine debate and consideration of all political opinions and visions for Yugoslavia's future.

Even though it has been a quarter of a century after the first multi-party elections in the former Yugoslavia, there are still certain dogmatic 'truths' in most of the successor states. Here, Freedom of expression is not an accomplishment, but, rather, something yet to be realised. The financial pressure through the current economic climate which cause dependencies of the media on its sponsors, mainly through state aid, cause illegitimate relations between businesses and politics and create an environment of political interference in the media.

Both old and new generations of journalists, intellectuals, students and activists are fighting battles, which would have normally belonged to a distant past. When on 9 May last year, on the occasion of Europe Day, representatives of the 'Front for Freedom of Expression' gathering a number of civil society organizations and initiatives staged a protest in front of the seat of the delegation of the European Union to Macedonia, they chose as their slogan a creative remake of an old motto of the partisan resistance movement: 'Death to fascism, freedom to expression!'

4. Current measures taken by the International Community

In the past, there have been several attempts on ensuring freedom of speech in post-conflict zones. Luckily, few can doubt the importance of media development in an overall post-conflict package these days. After the horrific role played by RTLM in driving the Rwandan genocide through its hate propaganda, there is a widespread understanding that irresponsible media can help tear apart a fragile society. And after success stories like the UNsponsored Radio Okapi, which has been helping to foster a feeling of national unity in the shattered Democratic Republic of the Congo, there is a growing awareness that responsible media can help repair and even strengthen a post-conflict society.

Still, there is some way to go for the idea of media development as a sector of conflict prevention and post-conflict reconstruction. Despite its seemingly broad international acceptance and the UN's willingness to support such meetings, the UN Peacebuilding Commission itself has no dedicated expert staff assigned to the issue. This suggests a lack of truly strategic thinking about media development as an integrated part of an international approach.

Media development NGOs and their funders, meanwhile, have been engaged in a lively discussion about what works on the ground and what doesn't. Given the difficulty of demonstrating the quantifiable impact of any specific media project on society, a significant amount of NGO hucksterism pervades the whole enterprise. Where governments and international organisations actually spend money thus varies hugely, as does the amount for any one project, from a few thousand dollars to hundreds of millions of dollars.

These agencies concentrate especially on the issue of safety of journalists, professionalising journalism and media law reforms. The IMS, International Media support, is a non-profit organisation working to support local media in countries affected by armed conflict, human insecurity and political transition. Across four continents, IMS helps to promote press freedom, strengthen professional journalism and ensure that media can operate in challenging circumstances. IMS was established in 2001 in the wake of the tragic events in Rwanda and the former Yugoslavia. In the 1990s, these and other conflicts saw media being manipulated and used as a tool to fuel violent conflict. IMS was set up in response to this trend with the aim to help local media working in conflict-affected areas to remain operative and professional.

The UN has imposed plans of Action on the Safety of Journalists and the Issue of Impunity is a worldwide framework, which aims to create a free and safe environment for journalists and media workers, both in conflict and nonconflict situations. Through a concerted approach between a range of civil society organisations, intergovernmental organisations, and governments as well as local media houses and journalist associations, the plan seeks to assist countries to develop legislation and mechanisms favourable to freedom of expression and information, and supporting their efforts to implement existing international rules and principles. As a first step, the implementation of the plan takes place in five pilot countries, Iraq, Nepal, Pakistan, South Sudan, and Mexico. Each of these five countries will see the plan implemented in the coming months and years.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity was endorsed by the UN Chief Executives Board on 12 April 2012. The Plan was prepared by the Director General of UNESCO at the request of the Intergovernmental Council of the International Programme for the Development of Communication (IPDC). The Plan of Action aims to creating of a free and safe environment for journalists and media workers, both in conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide. Its measures include, among other undertakings, the establishment of a coordinated inter-agency mechanism to handle issues related to the safety of journalists as well as assisting countries to develop legislation and mechanisms favourable to freedom of expression and information, and supporting their efforts to implement existing international rules and principles. To further reinforce prevention, the Plan recommends working in cooperation with governments, media houses, professional associations and NGOS to conduct awareness raising campaigns on a wide range of issues such as existing international instruments and conventions, the growing dangers posed by emerging threats to media professionals, including non-state actors, as well as various existing practical guides on the safety of journalists.

UNESCO works to foster free, independent and pluralistic media in print, broadcast and online. Media development in this mode enhances freedom of expression, and it contributes to peace, sustainability, poverty eradication and human rights. UNESCO's Director-General began condemning the killings of journalists in 1997, in line with Resolution 29 adopted by UNESCO's General Conference which urges the competent authorities to discharge their duty of preventing, investigating and punishing crimes when these are perpetrated to prevent freedom of expression but also the right of other people to receive information, and remedying their consequences.

5. Points you should include in your resolution

Now that you have understood the concept of the freedom of speech and you have seen in which way it can influence state development both positively and negatively, it is time for you to start working on you resolution. Overall, we can divide the field of post-conflict media development work into several broad categories you should focus on.

First of all you should create *support for the legal framework*. There must be laws and a functioning legal system to allow free media to operate, but in a post-conflict environment, laws on hate speech need to be firmly in place as

well. The state and other "violence providers" in a post-conflict situation will often have deep-seated fears about free speech, and though most of their attempts to regulate the media will be plain censorship designed to bolster their political position, not all of their concerns can be dismissed out of hand. In short, media freedom has to be balanced with media responsibility. Many of these legal issues can be tackled by sending teams of experts to post-conflict zones and advise all relevant parties, helping to establish everything from constitutional safeguards for free speech to creating fair libel law.

As mentioned above the UN Peacebuilding Commission itself has no dedicated expert staff assigned to such issues. This points to yet another aspect for you to think about as a part of your final resolution.

Second of all you should consider *support for professional organisations of journalists* such as journalist trade unions and similar professional organisations. In many post-conflict societies those taking up journalism are in a very low-paid game only until something better comes along. This means that they are highly susceptible to bribes in the meantime. By turning journalism into a career path with long-term prospects, journalists take their reputation more seriously and stay longer in the occupation, improving their skills as they go.

Another aspect for you to think about is an **economic support for media outlets.** How can media outlets afford to operate in a devastated society where traditional revenue streams of subscriptions and advertising are either severely constrained or impossible? Encouraging sustainability, which is a long-term process, often starts locally with very small steps. However it is a fact that these post conflict societies are often too fragile, their populations too scattered, and their national economy too weak to make any media outlet. Outside ownership by foreign media groups presents its own independence problems, though this has worked in some cases, such as in the Balkans during the 1990s. Another option for continuing the work of useful but unprofitable media outlets is transfer to state control - so often called the "BBC model". This is hugely problematic in a post-conflict situation, where the reins of the state, or even the existence of the state itself, is the subject of deadly confrontation.

You should also focus on *media training*. Journalism training includes everything from teaching novices how to write an impartial news article, to talking with seasoned commentators about toning down their diatribes, to hostile environments training. One unique aspect of training journalists in post-conflict situations deserves special attention - reporters must learn how build public understanding of ongoing peace processes without endangering them. All sides in a conflict will need to accept compromise eventually, but reporting only one half of the story or the unfinished story to the wider public, though a scoop, could help send a country back to war. Similarly, as elections are particularly tense times in post-conflict countries, early and wide-spread training for journalists in fair and objective election reporting is a valuable investment.

Finally you should include *media monitoring*. Comprehensive monitoring of

media, particularly of outlets in vernacular languages, can be an extremely valuable early warning tool in conflict prevention. Hate speech and incitement are often indicators that violence is not far off. This is work the international community can provide itself through the UN and other organisations, but given linguistic needs and the fact that the job requires a very fine sense of the local context to understand exactly what is inflammatory, almost any media monitoring system will necessarily involve many local employees. For monitoring to be worthwhile, of course, the international community needs to be able to react quickly and appropriately to the warnings of the monitors.

Keeping in mind all that has been described above, it is now up to you to try and find a long-term solution for ensuring freedom of speech in post conflict zones. Also, bear in mind that this committee guide should not be your only source of information. Conducting your own research plays a vital role in forming your country's opinion. In order to help you with this process, we have listed some useful websites down below. We also wish to point out that even though you do not have to provide sources in your resolution, you might be requested to do so by your fellow delegates. Thus, we urge you to keep record of your sources.

http://eeas.europa.eu/delegations/documents/eu_human_rights_guidelines_o n_freedom_of_expression_online_and_offline_en.pdf http://www.un.org/en/universal-declaration-human-rights/ http://guides.womenwin.org/gbv/conflict/context/defining-conflict-post-conflict https://treaties.un.org/doc/Publication/CTC/uncharter.pdf http://repository.upenn.edu/cgi/viewcontent.cgi?article=1147&context=asc_pa pers



⁵ http://witsmag.com/2014/11/freedom-of-speech-and-the-message-to-hip-hop/