

# TheFreePress

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## European investigative journalism still substandard

Despite the fact that the euro crisis has now been rumbling on for years, investigative journalism into fraud, mismanagement and corruption with European taxpayers' money remains low on the media's agenda. This is according to the study 'Deterrence of fraud with EU funds through investigative journalism', to be presented in the European Parliament in early October.

Dutch investigative journalist Margo Smit coordinated the study for the European Parliament antifraud committee.

Smit and her fellow researchers argue that civil-society organizations and the media are essential in order to create a climate that discourages fraud and corruption and stimulates good governance. Despite this,

there is hardly any international investigative journalism covering the implementation of European policy or inappropriate allocations of EU funds.

"The excuse given by the media and journalists is that they don't see these European stories. They don't have the knowledge, the data is hidden, there is no money, no time and they say their readers just aren't interested," says Smit. However, she argues that this kind of investigative journalism should be much more of a priority in view of the current European crisis.

For their part, European institutions and politicians should face greater pressure to provide proper answers to the critical questions posed by journalists and citizens. There needs to be more stringent applica-

tion of legislation on open governance. Investigative journalism that transcends national borders can help to create more transparent decision-making, improved access to documentation and increased uniformity of European data.

European institutions also need to make greater efforts to protect whistle-blowers and journalistic sources. They need to guard press freedom and diversity more effectively. Europe can also assist by providing financial support for international cooperation between journalists. Smit: "If you ensure that there are sufficient firewalls to guarantee independent reporting, the EU can play a useful role in promoting European investigative journalism."

(See the interview with Smit on page 3.)

## European investigative journalism, thanks to American money

"European investigative journalism does exist and many are prepared to invest time and money in complicated investigative projects. But these projects are largely financed by American money," says Ides Debruyne, director of the Pascal Decroos Fund for Investigative Journalism (see page 3).



Greens/EFA MEPs protest against Hungary's media law in the European Parliament in the presence of Prime Minister Orbán

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Márton Gergely, journalist of Népszabadság (for now...)

## Self censorship in Hungary

When I was asked to write about press freedom in Hungary, I believed the paper I work for was owned by a foreign publisher with considerable economic clout and long-term plans for its Hungarian holding. Today I know that the paper is for sale.

A foundation set up by the socialist party MSZP could end up as its majority stakeholder. There are four political dailies in Hungary, and only this one remains in the hands of a genuine media investor and thus comes under some form of protection from political interference. Barring a miracle, in just a few weeks this will no longer be the case.

It isn't only the justly much-criticized new Hungarian press law that gets in the way of media pluralism in the country. In fact, journalists work in fear regardless of any threat of political meddling and editors, unbidden, tailor their news coverage to what they perceive as being the demands of the state.

In recent years Hungary's free press has slowly suffo-

cated. The political elite continues to feel at ease in a system inherited from Communist times, in which the press works together with those in power, usually in alliance with a party. A system where the press parrots the party's political goals and prepares public opinion to be receptive to decisions already taken. This is typical of Hungarian parties. They even believe this is the true purpose of the press. In their view press freedom is when all parties have a mouthpiece, and the goal of competition is to restrict the

circulation of rival publications.

Part of the problem is that the older generation of Hungarian journalists, those in a position of authority within the profession, believe that it is right and desirable that parties and publications should cooperate. They believe there are things best left unwritten, and things that must remain on the agenda long after they cease to be relevant. The Hungarian press was already deplorably weakened when it entered this current peri-

od of perhaps irrevocably entrenched bitter political rivalry.

Then followed the media law which was set in place by prime minister Viktor Orbán and his government. Finally, there was the eco-



Márton Gergely

omic crisis and the dramatic erosion of advertising revenues. No Hungarian media business can now escape political meddling. And anyway, there are few that weren't set up to serve a set of political interests in the first place. Today, the Hungarian government can enact a new law solely to gag a radio station that it finds irksome. And it will stop at nothing to choke the advertising revenue of publications it doesn't like.

Only large, foreign-owned media businesses could resist the pressure. If they wanted to. But of course they did not invest in Hungary because of an altruistic belief in the value of Hungarian media pluralism. They came for profits. However, this aim becomes unacceptable when these businesses go against the values of their own, democratic home nations and adjust so readily to the way of doing business in Eastern Europe. Soon there will be no money left for quality journalism. Investigative journalism is dead, because nobody dares risk the lawsuits. Hungary has turned inward. The Hungarian government's passing of the media law, in the process subjecting itself to much criticism from the international community, was rather pointless. There was no need for a muzzle. The Hungarian press is a clever dog and had already learned to heel without a leash.



# Make Europe more transparent



Judith Sargentini



Bart Staes

**The euro crisis is also a crisis of confidence in the European Union. Now, more than ever before, there is a need for good governance and transparent decision-making. This calls for a watchdog that barks at any mismanagement of policy, abuse of power, conflict of interest, clientelism or corruption.**

Parliamentarians have a role to play in this, as have NGOs, whistle-blowers, ombudsmen and the courts. But none of these can operate effectively without the most important watchdog: strong and independent media. Journalists with enough knowledge and time to doggedly pursue decision-making in Brussels are an indispensable part of a healthy European democracy. Neither the propaganda of the Europhiles, nor the half-truths

and downright lies of populist Europhobes give citizens the real facts on what is actually at stake in Brussels. Strong journalism about the EU can achieve that.

And this is where we face a problem, both at the European and the national level: the diversity and independence of the media have been on the decline for many years. Journalists themselves have highlighted this issue. It should be a

concern for politicians too, including European politicians. If journalists feel compelled to echo the words of those in power, Europe itself will also suffer. This has already happened in Italy. It was partly thanks to his hold on the media, that Prime Minister Berlusconi maintained power for so long. Meanwhile, he dragged the country to the edge of the economic precipice, seriously jeopardizing the euro.

Experiences in Italy, and attacks on press freedom in countries such as Hungary, have led to a European citizens' initiative for a more diverse media. From September, NGOs, journalists

and citizens will be campaigning to collect a million signatures. Their aim is to convince the European Commission to promote media pluralism.

The euro crisis has given a boost to reporting on Europe and the European debate. This is very much needed. The response to the crisis is taking place in the twilight zone between European and national competences. National governments are the key players here and prefer to negotiate behind closed doors. This gives them every opportunity to shift responsibility onto Brussels or other member states. But the good news is that there are also critical journalists able to penetrate the smoke and mirrors.

It is tempting to suggest that this vigilance from the press on European decision-making has been a long time coming. Where was it in 2005, when the European Commission, concerned about the Greeks fiddling the figures, called for increased powers for its statistical office Eurostat? Without any fuss national governments rejected the idea. They did not want the eyes of Europe spying on their own statistical offices. The result was that successive Greek governments continued their creative accounting until 2009. Its revelation paved the way for the euro crisis. How many billions in emergency aid,

how much suffering in families in southern Europe could have been prevented if there had been more critical reporting in those years?

We will never know the answer to that, but this example underlines the need for rigorous reporting on Europe. For the active use of transparency laws to dig out information. For persistent investigation to scrutinize decision-making. At a time when the supervision of budgets and banks is being shifted to a European level, investigative journalism also needs to go beyond national borders. This is one of the key findings from a study commissioned by the antifraud committee of the European Parliament, initiated by the European Greens. Contrary to what the popu-

lists may claim, Brussels and Europe belong to us all. The euro crisis also makes it painfully clear how interdependent we really are. We share common interests with 500 million European citizens. One of these interests is a need for good information. Abraham Lincoln once said: "I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts."

We hope that the information in this newspaper helps to bring out those facts. From now on we leave the making of newspapers to you, the journalists.

*Bart Staes & Judith Sargentini, Members of the European Parliament for Groen and GroenLinks*

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## European citizens in call for free and diverse media

**The European Union must improve its efforts to strengthen media pluralism in Europe. This is the call made in a new European citizens' initiative to be launched in September. In order to be successful, at least one million signatures will need to be collected.**

"We need strong and independent media in order to monitor the powers that be, at national and European level. But according to most assessments, the state of media freedom and diversity in Europe is worsening," says Lorenzo Marsilli of 'European Alternatives'. "Sadly, European institutions have so far said little about this development, let alone take action in response."

This is why last summer a group of European organisations submitted a European citizens' initiative to the European Commission. Starting in September, they will begin campaigning in order to collect a million signatures from at least seven member states. If they are successful, the

European Commission must take action to meet the wishes of the signatories.

The group behind the initiative consists of media organizations, including Stichting Democratie en Media, Alliance Internationale des Journalistes, and human rights organizations, such as the Open Society Foundation and European Alternatives. "This campaign also provides a different perspective on Europe. Ultimately, the European Union is about more than just financial regulations and austerity. It is

about European citizenship. We need to make it clear to everyone that media diversity is essential for society to function properly," says Marsilli.

According to the organizers, the European Commission is taking refuge behind the argument that it has no powers in this area. This allowed the Italian Prime Minister Silvio Berlusconi to control large parts of the public and private media until his resignation in 2011, despite the criticism of the European Parliament. The Commission

was and continues to be reluctant to get its fingers burned. "It really is a scandal that the Commission has so far refused to take action, for example by using the Charter of Fundamental Rights that has been binding for European institutions since the Lisbon Treaty," says Marsilli.

According to Article 11 of this Charter of Fundamental Rights, 'the freedom and pluralism of the media shall be respected'. This is also the legal basis behind the citizens' initiative drawn up by professors Peggy Valcke from the University of Leuven and Roberto Mastroianni from Naples University.

Ultimately, those behind the initiative aim to force the European Commission to draft legislation to harmonize the rules on media concentration, combat conflicts of interests and guarantee transparency and diversity. "This is an essential step to ensure the internal market operates properly and to protect the fundamental rights of citizens," says Marsilli.





# “It would be wonderful if journalism could prevent fraud”

**A voyage of discovery through the European Union to explore the current state of investigative journalism. A search for answers to the question of whether robust, cross-border investigative journalism into fraud, mismanagement or human error in the spending of European money, can contribute to improved European governance. During the last six months, this journey became a full-time occupation for investigative journalist Margo Smit and six of her colleagues.**

The idea for the study came about after Bart Staes, Green Member of the European Parliament and deputy chairman of the antifraud committee, heard about the fate of Slovakian TV journalist Martina Kubaniova. She was reporting on the financial mismanagement of European social funds and the involvement of politicians. It ended up costing her her job with the public broadcasting company.

*Were you shocked or pleasantly surprised by the state of investigative journalism into European affairs?*

Smit: “I definitely wasn’t pleasantly surprised. To be honest, I had low expectations. For a variety of reasons, there is a very mixed picture across the European member states when it comes to investigative journalism in general and particularly on the subject of Europe.”

*Did you notice any rift between northern and southern Europe, as in the debate on the Euro crisis?*

“No. Some countries have a long tradition of investigative journalism, which is totally lacking in other countries. The UK has this kind of tradition and in Bulgaria there are many excellent in-depth articles. Broadly speaking, there are three factors that determine whether or not good investigative journalism exists in a country. Determination: it is all about individual journalists who are prepared to invest in in-depth investigations, often from a position in which they themselves are vulnerable. The second is Prioritization: a willingness on the part of the media to say ‘this is an important investigation or theme we should invest in.’ Finally, there is Cooperation: journalists who work together across borders. This is not something that necessarily comes naturally to journalists, but it does achieve better results. Ultimately, these three factors are essential if investigative journalism is to be successful.”

*Were the journalists, media managers and policymakers surprised when you arrived to see them?*

“Yes, very surprised. Most of

them were interested in the subject and keen to find out about the state of investigative journalism in Europe. But my question as to what they themselves are doing in that area was met with a long period of silence, usually followed by very little. There is a consistent line in the explanation given for this: they don’t see these European stories, they don’t have the knowledge, the data is hidden, there is no money, no time and readers aren’t interested...The last of these reasons is very much open to question, because we simply don’t know! If you don’t offer people this kind of journalism, it is impossible to know whether they are interested in it or not. In the UK, there is a great appetite for stories about Europe, although most of these have a strong Eurosceptic slant.”

*There is very little cross-border investigative journalism in Europe. Why is this?*

“It hardly ever happens, because journalists don’t meet each other and there is insufficient data available to compare countries with each other. Where the data is available, as is the case for the distribution of agricultural subsidies on farmsubsidy.org, journalists do find each other! At the moment, this kind of cross-border cooperation is based far too much on coincidental and individual initiatives. European institutions can encourage this cooperation by providing easy access to data.”

*Does the EU have a duty to stimulate its own countervailing power?*

“Yes. As well as providing financial support to journalistic initiatives, the EU can make data available, providing citizens with better information through the media. This can serve as an antidote to the increasing lack of trust. Of course, the journalists themselves should take the initiative. Some say that governments should not get involved, because information then quickly loses its credibility. But personally, I believe that if you ensure that there are sufficient firewalls to guarantee independent reporting, the EU can play a useful role. For example, the



Margo Smit

French online newspaper Mediapart receives government support but is one of its biggest critics.”

*So European institutions should welcome investigative journalism on Europe?*

“Without a doubt, because it can contribute to improved governance. This may be awkward for public administrators, but as they say, ‘if you can’t stand the heat, stay out of the kitchen.’ I did notice that some European services and institutions, such as the antifraud office OLAF, really want to provide greater openness, but at other levels, people refused even to answer the telephone.”

*Does investigative journalism help to prevent fraud and corruption?*

“Ideally, it can have an impact, although perhaps not directly. People who wish to perpetrate wrongdoing, will always do so. It is still usually a case of retrospective reporting. However, monitoring by the media can contribute to a climate that combats fraud more effectively. It would be wonderful if that could happen at the European level, but it will take some time. An important aspect in this is for journalists to show that people cannot get away with fraud and that stolen taxpayers’ money is returned.”

- Margot Smit is part-time director of the Dutch-Flemish Association of Investigative Journalists. The research was commissioned by the European Parliament’s antifraud committee and coordinated by the Flemish Pascal Decroos Fund, which encourages investigative journalism. The final report, entitled ‘Deterrence of fraud with EU funds through investigative journalism’, will be presented in the European Parliament in early October.
- According to the European Court of Auditors, a total of € 4.4 billion, 3.7% of all EU funds, was spent improperly in 2010. It points out that much of this does not involve fraud, but rather unintended errors. In 2011, detected fraud reached almost € 300 million.

## European investigative journalism is the poor relation

*By Ides Debruyne, Co-founder Journalismfund.eu and Director Pascal Decroos Fund for Investigative Journalism*

In recent decades, the European Union has grown into a powerful political organization. The fact that this has happened silently is less the fault of the European institutions and more the result of disinterest on the part of the European media. For several reasons, they do not deem it necessary to provide citizens with detailed information or to scrutinize European politicians. New organizations attempting to respond to this democratic deficit, have been forced to look beyond Europe for their funding.

The classic business model no longer works in journalism. Advertising revenues and individual sales are declining. New media are eating into part of the business. And the Europe story does not fit within the commercial business model. As the media slash their budgets, European correspondents are heading home.

The importance that a newspaper attaches to a subject can be gauged by the number of staff it deploys on the subject. A European football championship will get plenty of coverage and there is a whole battery of journalists covering national and regional politics. But many editorial teams hardly have a Europe desk. This is strange, to say the least. According to those in marketing and advertising, readers are not interested in European politics. The information in a free media market is also being filtered for economic reasons. Cheaper news takes precedence. More expensive complicated news, analysis and in-depth coverage, are not part of the mass media’s core business. Investments in people who engage in investigative journalism would seem to be as rare as penguins in the Sahara.

We urgently need to find a way of ensuring that analysis and investigative journalism on Europe can thrive. Like education, journalism is a public good. In some quarters, journalists are taking independent action. The online publication Mediapart.fr in France is a good example. Journalists are seeking out new types of funding. Without additional funding, few media, if any, are likely to succeed in establishing a European investigative journalism project. Remarkably, this additional support comes from the United States. The European Fund for Investigative Journalism and Scoop are journalist organizations committed to cross-border European investigative journalism. Both have been forced to turn to the United States for much of their funding. The American ‘Open Society Foundations’ of billionaire George Soros are supporting both projects.

Neither European governments nor European financiers understand that quality investigative journalism can be of enormous benefit to democracy.



Ides Debruyne



# Citizens deserve better on EU transparency

By Brigitte Alfter, Freelance journalist

**In the ongoing fight for more transparency in the European Union, the political debate seems stuck after the Danish EU-presidency gave up on finding a solution for new access to documents rules, known as 'regulation 1049/01' among connoisseurs.**

This Regulation on Access to Documents, which came into force in 2001, is the main legislation on transparency of EU decision-making. It covers the European Commission as well as its agencies, the European Parliament and the European Council. But the Lisbon Treaty of 2009 guarantees access to documents of all institutions, thus '1049/01' will have to be updated.

The political battle to anchor this right to transparency is stuck in trenches. The Finnish MEP Anneli Jäätteenmäki commented on the lack of progress made during the past months: "The Danish Presidency lacked the will to push the revision forward this spring. The European Commission also kept its negative attitude in the ne-

gotiations and was not willing to try to find real compromises. Instead, it was just requiring more restrictions and exceptions. The European Parliament negotiating team, led by the British draftsman Michael Cashman, was the only party ready to compromise, but not to take steps backward."

Jäätteenmäki argues that after the collapse of the negotiations, the European Parliament should now go ahead with an own initiative and introduce more openness in the legislative procedure. She suggests actions like making public all votes in committee and plenary meetings and publishing the minutes of the coordinators meetings as well as the documents from the trialogue meetings, the negotiations

between the three institutions of the EU on new laws. This would be a big step towards proactive openness within the EU. However it does not solve the problem of the stranded '1049/01' reform lingering in legislative nowhere-land. Furthermore it does not solve the obstacles or even obstructions to transparency, that journalists and citizens experience every day: requests for access to documents that are not answered, replies that are delayed and delayed again, flat denial that the requested documents actually exist. The slow and potentially costly procedure to complain also discourages citizens and time-pressured journalists. "Citizens deserve better" as Jäätteenmäki writes in her open letter. In May 2012 two other Nordics, the ministers of Justice of Sweden and Finland, appealed to find "true friends of transparency" in a letter published on wobbling.eu. They openly distanced them-

ves from their colleagues in the Council of Ministers who prefer to maintain a great deal of secrecy. Because transparency is an essential ingredient of improving governance at EU level, some observers think it is time to start from scratch with a bill that fulfils the requirements of the Lisbon Treaty. This would include best practices from open countries such as the Nordics and the United Kingdom, as well as the experiences from those who actually use the legislation: NGOs, lawyers and journalists. The question is how the European Parliament will take up its role. Journalists – on behalf of readers, listeners and viewers – hope for the Parliament to call upon the Commission to write up a new, acceptable draft for the reform of '1049/01' and to include the relevant users of the law in the process.

## **Eurowobbling**

Regardless of this new legislation, there is work to



Brigitte Alfter

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be done by citizens and journalists. Because transparency belongs to all of us. It's not citizens against bureaucrats, it's about taking care of our democracy. If citizens, NGOs, journalists, lawyers, companies do use their right to freedom of information, a practice at government level will evolve to obey by the transparency rules. Court cases or decisions by ombudsmen and information commissioners strengthen the respect for the public's interest to know what's going on. And numerous requests teach officials the habit of sharing information with the public.

Citizens and especially journalists have the task to use the law intelligently and persistently. We have to consider our requests carefully and target them clearly – in respect for the workload that a decent and thorough answer may bring to often understaffed departments in the administration. We have to be polite, clear and efficient in our contact with officials. Using our right is not an act of aggression – as it is considered in many countries without a tradition of openness. It should be an act to defend the general interest.

[www.wobbling.eu](http://www.wobbling.eu)

# Europe and journalism: a love-hate relationship?

By Rob Heirbaut, EU correspondent of VRT

"Europe is important, but it does not warrant a news item." With these words, an editor-in-chief brushed aside a suggestion made by my colleague. It was in 2007, in the run-up to the federal elections in Belgium. She had suggested staging a debate between political leaders on the direction that Euro-

pe should take. It was in the period after the French and Dutch No to the European Constitution. The future Belgian Prime Minister was set to begin negotiations on a new treaty (which would later become the Lisbon Treaty). A major handover of power to Europe was at stake, but this was not

deemed important enough to spend broadcasting time on.

Since then, the euro crisis has placed Europe (in the Netherlands, 'Brussels') high on the political agenda. Should money be loaned to bail out southern European countries? Does the European Commission have the right to criticize the indexation of salaries in Belgium or Dutch mortgage tax relief? Suddenly Europe has become a real issue with immediate impact: the euro crisis is bringing down governments and has become a key election theme.

Journalists specializing on Europe are enjoying a heyday. When I found myself in the European bubble in Brussels in 2002, I was amazed by how little of what happened in this fascinating microcosm made its way into the mainstream media. Now, all TV channels have live coverage of every twist and turn in the euro crisis. On a daily basis, they cover the interest rates that member states have to pay and explain complicated concepts such as banking union and Eurobonds. The euro crisis was caused by an error in the construction of the monetary union, commentators write in concert.

Should we be happy now? Not completely. European journalism is also struggling with its own construction errors and the euro crisis is doing nothing to change that. Newspapers continue to sack experienced European correspondents. Most Flemish newspapers do not even bother to send a journalist to a European summit. Why complain about the distance between Europe and its citizens if you think Brussels is already too far away from Antwerp or Kobbe-geem? Knowledge about how Europe works is also still below par. Commentators who still write that the European Parliament has nothing to say are lagging several decades behind.



Rob Heirbaut

In any case, 'Europe journalism' does not really exist. We all report our own, quite different, stories about European summits. The report by RAI in Italy will place a different emphasis on things than that by ZDF in Germany. There are very few cross-border media, let alone popular ones.

The euro crisis is forcing politicians to transfer even more power to Europe in the future. A key issue is how this can be achieved without undermining democracy. For the media, who play an essential role in democracy, it is high time for reflection too. Is it not time for the fourth estate to come to terms with this new Europe?



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## “In the Netherlands a journalist is often seen as the enemy”

Last year, freelance journalist Brenno de Winter collided with the limits of press freedom. De Winter wrote a series of articles on the Dutch public transport system's 'chipcard', which revealed an easy way for members of the public to travel for free.

The chipcard had already been criticised for its lack of sufficient security precautions but De Winter's publications further undermined the credibility of the chipcard system. Instead of dealing with the legitimate concerns, the card's producer, Trans Link Systems, went on the attack and filed charges against De Winter.

Ironically enough, we find De Winter on a train: “Trans Link was unable to accept that the facts were against them. The chipcard's flaws were clear from the beginning but were completely ignored by politicians and Trans Link. I have never seen so much smugness gathered in a room. Rather than seeking to address their mistakes, they chose to sue the messenger.” The case would later be dismissed.

De Winter has made over a thousand freedom of information requests in the course of his career as a journalist. “To find the facts, you need government documents but they are hard to come by. I realised

that I needed a very sound understanding of the law, so I undertook a legal training.”

“The law says that access to official documents can be refused if there is the possibility of ‘disproportionate damage’. The average civil servant seems to think this means that ‘if I don't like it, I will not give it up.’ They deliberately delay decisions on releasing documents, for longer than is allowed by law, with the aim of disadvantaging me as a journalist.”

In the Netherlands, De Winter says, a journalist is often seen as the enemy: “It is not uncommon for press officers to threaten you. If you do not have your stories approved before publishing, you run the risk of judicial retaliation. That is not legal, but it happens anyway. Even the police in the streets are much wary of journalists. It frustrates me no end. They should be asking how they can help you do a better job, instead they keep pushing cameras away.”

Not surprisingly, De Winter fully supports the current initiative to adopt a new freedom of information bill. He advised Green Party representative Mariko Peters when she was drafting the new law. According to De Winter: “The Netherlands is lagging behind in a bad way. Peters' proposal will bring the Netherlands back in line with other modern democracies. This is necessary repair work, nothing more. Transparency and democracy have been structurally undermined in the Netherlands by almost all political parties. The Green Party is one of the few that are truly defending the freedom of the press.”

## Italy: press freedom plays second fiddle to private interests

By Stefano Corradino, Journalist RAI-Tre and director of Articolo 21

**What exactly does freedom of information mean? Broadly, it refers to the possibility for citizens, and therefore also newspapers and the media, to express their own opinions, unconditionally, without manipulation or censorship.**

Based on this definition, we can argue that Italy is not a free country or, as most reliable international rankings suggest, only partially. This lack of freedom is caused by a cancer developing at the heart of our democratic system: conflicting interests. It is an anomaly that remains unresolved to this day: it is possible to take up public office and to use the power and privileges it brings for one's own private interests. The reasons for distorted information are the lack of any law to tackle conflicts of interests and Silvio Berlusconi's rise to power. The consequences are indisputable: writers and journalists deemed persona non grata have been driven out of public radio broadcasting, the channels run by

former premier Berlusconi have been advantaged to the detriment of public TV and local broadcasting. The RAI (Radiotelevisione Italiana) is subject to the funding mechanisms of the government and the political parties, in other words nepotism. As the years have passed large sums of money have been paid to buy off newspapers and place them at the service of the financier. There have been several attempts to prevent the public media from speaking out. They are seen as a dangerous threat, precisely because of their free and independent character. Article 21 of the Italian Constitution, guaranteeing the irrevocable right to freedom of speech, has been infringed on multiple occasions.



Stefano Corradino

The new government's tentative efforts to break with these practices are too weak and are doing little to change the situation. This is despite the fact that it is now essential to repair the rules and principles of democracy: the openness, diversity and freedom of the media.

A law to tackle conflicts of interest and independent regulation of public office, are the essential preconditions required in order to regain freedom of information.

# Iceland: Hacking the Law for Freedom of Information



**Living in a country of extremes has its advantages. When you are used to dealing with powerful events like volcanic eruptions and earthquakes, you should be better equipped to handle smaller problems, like economic meltdowns. You learn to plan for such events and you learn how you can use those events to make things better.**

That would explain how, when Iceland found itself caught up in the middle of an economic hurricane in 2008, not everybody started looking for shelter. Some decided the time was ripe for some changes. They decided to make Iceland the world's first true safe haven for information.

“The economic collapse opened the minds of the Icelandic people,” says Smári McCarthy, the long-time hacker and anarchist who finds himself heading the International Modern Media Institute, affectionately known as IMMI. “As a people, we are now much more willing to explore. The collapse of the banks was partly caused by a complete lack of transparency. We are going to prevent that from happening again.”

McCarthy is one of the people responsible for staging what amounts to a mini-revolution in Icelandic politics. He called for a shadow

parliament, which would be completely ‘crowd sourced’, meaning everyone could participate; not that it is taken seriously yet. McCarthy realises that to change politics is to change journalism. He was involved in the release of the leaked ‘Collateral Murder’ video. It shows in gruesome detail how a group of people, including journalists, gets killed by the US military forces, while walking down the streets of Baghdad. The video was released through WikiLeaks and led to widespread uproar about the US strategy in Iraq. For McCarthy, this event only confirmed the vital need for freedom of information. “I want a less centralised, more free society. Protecting the internet is the entry-point for that.”

So now McCarthy takes a very broad view: “No country has ever approached information regulation in a holistic way. Physicists claim information is the

building block of the universe. Still, the way copyright protection and libel laws work makes it almost impossible for journalists to do their jobs. The fundamental structure behind the flow of information lacks all balance. For example, there is no solid scientific evidence that copyright is actually useful. Why do we have it then?” And the new parliament, elected after the economic crisis, agrees. In 2010 it sup-

ported the plans of IMMI unanimously. Out of fourteen laws that IMMI identified that need to be changed, two have already been successfully changed. Two more are in the works and McCarthy expects to win. “We do not always get the attention we want,” he says. “But neither do we meet real opposition to our ideas.”

It's not hard to see why this is the case. Iceland needs new sources of income

badly. Its strategic position between Europe and America make Iceland an ideal place for an information safe haven. Success will be determined by the economic successes as much as by the general vision, according to McCarthy. “The laws in themselves are not terribly exciting but a lot of enthusiasm has been generated by people to store data in Iceland. Many start-ups have become so worried about the legal situation in the US and Europe that they have started moving their servers to Ice-

land. That's very exciting for us. We need the added revenues for rebuilding our economy. So we need good laws.”

The success of IMMI also influences the way McCarthy feels about Iceland joining the European Union, for which it is a candidate: “Interest in EU membership is around 50-50 here. People are worried about sharing our natural resources – fish, mainly. Still, 60-70 percent of our legislation is coming from the US or Europe anyway. So personally, I agree with a united Europe. The EU has failed to deliver so far, but the situation is not unsalvageable. If we join, I hope we can bring some accountability to the EU, some transparency that has been missing. Europe is lacking a comprehensive protection of freedom of speech.”

“The four freedoms of the EU – the free flow of people, goods, capital and services – are all no good without the free flow of information. Yet protection of free information in the current treaties is based on a naive understanding of the way the economy works. The EU needs to adopt the free flow of information as a fifth core principle. Then it will be time for Iceland to join.”



Smári McCarthy, Executive Director International Modern Media Institute