

SAFEGUARDING FREEDOM OF THE PRESS: THE ROLE OF INTERNATIONAL LAW

This panel was convened at 2:00 p.m. on Thursday, April 7, 2022, by its moderator, Can Yeginsu of 3 Verulam Buildings, who introduced the panelists: Hina Jilani, advocate at the Supreme Court of Pakistan; David McCraw of *The New York Times*; Dario Milo of Webber Wentzel; Jeffrey Marder of Global Affairs Canada; and Karuna Nundy, advocate at the Supreme Court of India.

INTRODUCTORY REMARKS BY CAN YEGINSU

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Ladies and gentlemen, welcome to the “Safeguarding Freedom of the Press: The Role of International Law.” Welcome to you all in the room. Welcome also to those joining us virtually from all around the world.

Ladies and gentlemen, I am sure you will all join me in expressing the great admiration upon hearing from Ambassador Markarova. It was humbling and moving in equal measure to listen to her, to see, of course, these past forty-or-so days, the people of Ukraine stand firm for democracy and to stand firm for freedom in the face of Mr. Putin’s aggression. Of course, neither democracy nor freedom could meaningfully exist without freedom of expression or absent a free, independent, and fact-based press, which brings us to our subject today.

Today the free press and independent journalists are under attack all over the world like never before. This comes as authoritarian regimes make every effort to suppress the free flow of information so as to control what constitutes the truth itself.

The Nobel Committee chose last year to award its Peace Prize to two remarkable journalists, my friend and client, Maria Ressa from the Philippines, who you will hear from later today, and of course, Dmitry Muratov from Russia. Since that award, the attacks on Maria have not stopped. Dmitry Muratov’s *Novaya Gazeta* has had to suspend publication, all the while disinformation is spreading like a plague.

One of the questions that arise for us as international lawyers, is what role international law plays or ought to play in safeguarding freedom of the press in what is clearly a moment of acute crisis, and that question arises in circumstances where the freedom of expression is enshrined as a right in international law, protected by treaty, set out in international covenants amongst all other regional human rights treaties, but that right needs to be seen against a practical reality whereby that right is being violated more now than ever before.

What we are going to discuss today is several aspects of this issue, and we are going to approach it from multiple perspectives. A part of our focus will be on the work of a new multilateral international state initiative, the Media Freedom Coalition, a coalition of just over fifty states, currently co-chaired by Canada and the Netherlands. Those states have, in turn, established the independent High Level Panel of Legal Experts on Media Freedom, chaired by Lord Neuberger of Abbotsbury, the former president of the United Kingdom Supreme Court.

I serve as one of two deputy chairs to that Panel, and I am delighted to have join us today, my fellow Panel members, Hina Jilani on my right, Dario Milo on my far right, and Karuna Nundy, on my immediate left. I am also extremely pleased that we are joined today by Jeffrey Marder from Global Affairs Canada, to the right of Hina Jilani, and to my very left, David McCraw from *The New York Times*.

I want to start, Jeffrey, with a question to you. Could you tell us a little bit more, please, about this Media Freedom Coalition, why it was created, what it seeks to achieve?

REMARKS BY JEFFREY MARDER

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I would be happy to, and thanks, Can. You sketched out the beginnings of what I like to call a “multi-stakeholder thematic coalition” focused on media freedom. It was established three years ago almost, in July of 2019, at the initiative of Canada and the United Kingdom and announced its creation in London at the first Global Conference for Media Freedom.

It now comprises, at the state level, fifty-two member countries who have each taken a global pledge on media freedom, which is a commitment to improve media freedom domestically in each of the countries, but also to work together internationally to improve media freedom. It is multi-stakeholder because it is not just an organization of member states. It has a civil society consultative network formed by a number of civil society organizations who work on media freedom issues around the world, and they provide advice on all the activities of the Media Freedom Coalition. One of the most important roles they play is they give the member states advice on specific cases of journalists at risk or media institutions at risk in countries around the globe.

There is the High Level Panel of Legal Experts, many of whom are sitting up here with me today, who are an independent and diverse group of lawyers and judges who provide advice and recommendations to Media Freedom Coalition members with the aim of promoting and protecting a vibrant free press. I will speak more about the specific help that they have given to the Coalition.

And then, finally, UNESCO is a key partner for us, and they have a Global Media Defense Fund, which was set up shortly after the establishment of the Coalition, and it allows for programmatic engagement on cases and situations; for example, offering and paying for legal assistance for journalists, particularly in moments of crisis.

The Coalition itself has just come through a year of consolidation, which was brought to a head two months ago in February when Estonia hosted in Tallinn, the Third Global Conference on Media Freedom. Over this period of consolidation, we have, thanks to a bequeathal from the United Kingdom, set up a secretariat, which will be housed at Thomson Reuters Foundation in London. We have a Web presence, thanks to Estonia, and we have also been putting a lot more focus over this past year on making better use of member-state diplomatic networks on the ground, in particular, in those countries where media freedom is most at risk.

The Coalition, as I said, was founded by Canada and the United Kingdom, and we had served as the co-chairs. Then the United Kingdom finished its co-chair role at the end of last year, and the Dutch have now taken over. As co-chairs, one of our key tasks is to give overall guidance and preside over the meetings and give direction to the Coalition.

What exactly do we do? I think that is an obvious question. Well, one of the things that we do is we issue statements. We have thematic statements, for example, on World Press Freedom Day. We had one recently on International Women’s Day. And then we have country-focused statements that we issue. As some recent examples, we issued statements on the Russian invasion of Ukraine and the assault on media freedom by the Russian Federation. We have had a recent