

Iceland: Free Speech Zone

By Paula Todd

REYKJAVIK, 2013

AS YOU TUCK INTO A SMOKED LAMB SANDWICH and skim your email, a courier drops off the results of your latest Freedom of Information application. Inside, you find page after photocopied page of classified documents delivered in pristine condition—not a single swath of blacked-out, redacted material in the lot. You have the story.

Across town, Iceland's most aggressive investigative TV team is huddled in the editing suite when a bundle of threatening letters and affidavits are dumped at their feet, compliments of the big bank they are scrutinizing. "They don't have a legal leg to stand on," says their executive producer. "Dig even deeper. We'll back you up."

And in a tiny shack on the coast, a web reporter easily reassures a local fisher that new legislation makes it impossible for anyone to find out he's the one risking his livelihood to blow the whistle on the shipping rigs he's seen emptying toxins into the ocean night after night.

Every journalist's fantasy? Perhaps, but one spawned by a real-life horror. In fact, if very determined Icelanders have their way, the worst economic collapse in history could give birth to the strongest free expression laws in the world.

In the autumn of 2008, Iceland's big banks, grown fat and sloppy on reckless loans and poor oversight, imploded, taking the island's once-admired economy with it. With billions in loans outstanding, neither Iceland's government nor the central bank were ready with a backup plan.

"The private banks failed, the supervisory system failed, the politics failed, the administration failed, the media failed, and the ideology of an unregulated free market utterly failed," Prime Minister Johanna Sigurdardottir said.

With fingers still wagging—and the special prosecutor carrying out financial raids—one idea is taking firm hold: A free and powerful press might have uncovered the corruption and warned the world in time.

So last year, with support from every political party, Iceland's parliament passed a motion to create the first free expression sanctuary, a sort of "free fly zone" to protect the press, encourage investigative journalism and provide a safe harbour for those seeking—or telling—the truth.

"The Icelandic Modern Media Initiative [IMMI] is based on turning the tax-haven concept on its head. Instead of pulling together asset-hiding and secrecy laws from around the world in order to shelter corruption and financial crime, the IMMI pulls together the best transparency-enabling legislation, to create a stronghold for investigative journalists, internet publishers, transparency watchdogs and the public," according to the legislative initiative, passed June 16, 2010.

The Icelandic Modern Media Initiative is aimed at shoring up protections for whistleblowers, journalists, publishers and the sources who make investigations possible. Watch for proposed contractions in other key areas, everything from narrowing prior restraint powers to closing the door on defamation tourism. Here's what the IMMI wants to introduce:

- The Icelandic Prize for Freedom of Expression
- Protection from "libel tourism" and other extrajudicial abuses
- Protection of intermediaries (Internet service providers)
- Statute of limitations on publishing liabilities
- Virtual limited liability companies
- Whistleblower protections
- Source protection
- Source-journalist communications protection
- Limiting prior restraint
- Process protections
- Ultra-modern Freedom of Information Act



Even the mechanics will be challenging. If the reform goes ahead, more than a dozen laws would need to be retooled across a handful of government departments.

Julian Assange of WikiLeaks, an early collaborator on the project, has said one of the goals is to entice media outlets to Iceland, improving both the economy and the island's morale and reputation. But the free speech push is more than a local get-well project. Icelanders hope their new "transparency haven" will inspire other countries to strengthen protections and make it more difficult to harass, thwart or silence the media.

Birgitta Jonsdottir, an IMMI advocate and member of The Movement party (founded to bring radical government change post-meltdown), says Icelanders want others to learn from their hard lessons. "The crises sharpened our perspective on what really matters. We found out the hard way that we did not have a vibrant free press that could report without fear of those in power. If we had, perhaps some of the calamities our country now faces could have been prevented," she says.

"Because the world is connected by financial and information flows, suppression of the truth is not only our problem, but everyone's problem. The right of the people to understand what is happening to their societies needs to be strengthened," she says. "I believe in supporting the world's most courageous journalists and writers with the best legislation possible."

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