

# Global media governance: Reflections from the WSIS experience

Sally Burch

The World Summit on the Information Society (WSIS), whose first phase took place in Geneva 10-12 December 2003, proposed to 'address the broad range of themes concerning the Information Society' and to 'develop a better understanding of this revolution and its impact on the international community'.<sup>1</sup> As such, it was the first global multilateral forum dedicated to discussing governance issues and policies in relation to communication, since the so-called digital revolution took centre stage. The far-reaching societal implications of the present reordering of the communications, technology and media sphere might lead us to assume that this Summit would have high-profile media coverage and launch a broad public debate on the role of information and communication in society and the corresponding policies. Yet the Summit came and went almost unnoticed by the public, and much less as something of concern to them.

The reason for such lack of impact may not be hard to find. The mainstream commercial media have long been unwilling to air a public debate on their role in society, or on the mechanisms, laws and regulations that affect how they function. They are wary of public vigilance of their performance and decry most attempts to regulate them as an attack on freedom of expression.

Yet the media were, in fact, very much present during the lead-up to the Summit. They pressed governments to recognize their role in the Information Society and give guarantees for freedom of expression. Commercial media associations also lobbied against anything they saw as a threat to their market freedom, such as legal curbs on media concentration or references to equitable distribution of the airwaves. But they carefully avoided taking these issues to the public arena.

This case underscores the uphill struggle facing civil society organizations that seek to raise awareness of the importance of media reform. Global media governance is still largely a 'no-man's-land', where market forces are staking out the terrain. With the growth of globalised communications systems, the Internet and transnational media, it is becoming all the more urgent to address global governance mechanisms and policies in relation to communication and media, from a public interest standpoint.

## New threats to freedom of expression

In a context where nation states and governments are becoming the mere administrators of market-centred policies dictated by global corporations, and blanket trade agreements are being extended to communications and culture, governments are losing the power to regulate and govern the media. Moreover, the emergence of major conglomerates in this sector is transforming the traditional relations between the media and the State.

In the tradition of liberal thinking, a free and independent press was considered the main guarantee of the freedom to express a diversity of view-points, the means of creating informed public opinion and a watch-dog against the abuse of state power. The main threat to individual freedom and freedom of expression was seen as coming from the State.

Today, the main threat to freedom of expression and opinion no longer comes from State

power, but from the unhindered growth of organizations of the information and communication system with commercial interests. As John Thompson observes: 'A laissez-faire approach to economic activity is not necessarily the best guarantor of freedom of expression, since an unregulated market may develop in a way that effectively reduces diversity and limits the capacity of most individuals to make their views heard... Like other domains of industry, the media industries are driven primarily by the logic of profitability and capital accumulation, and there is no necessary correlation between the logic of profitability and the cultivation of diversity'.<sup>2</sup>

The main role of global communications policy and regulation should be to ensure that the public interest is served and to apply the necessary checks and balances to excessive market power. But given the reticence of most governments to touch the media, and in the absence of public debate, this will be no easy task. Civil society organizations (CSOs) saw the WSIS as an opportunity to reopen this debate.

#### A people-centred vision

In effect, the Summit, which admitted civil society participation as observers,<sup>3</sup> was seen by many CSOs not only as an important space for influencing public policy, but also as an opportunity to organize globally around these issues. We were aware that UN World Summits have no regulatory role as such, nor are their conclusions binding; nevertheless they have the potential to bring about international consensus on policy guidelines. Moreover, the resulting documents (in this case a Declaration of Principles and a Plan of Action) can subsequently be invoked by CSOs to press governments and other actors for their effective implementation. It was therefore seen as crucial to make sure that a people-centred vision, based on human rights, social justice and sustainable development, be at the core of the documents.

But from the first Preparatory Committee meeting (Prepcom) for WSIS, in July 2002, CSOs realized they were up against enormous obstacles. First, the predominant view at the Summit was one that envisions the information society as a world apart, pertaining to the digital realm, whose main challenges are to ensure connectivity - especially in the global South - and to establish a favourable environment for investments and operation of the electronic market. In this scenario, governments and the private sector set about negotiating policies. Civil society organisations, invited to contribute their 'hands-on experience', stubbornly refused to fit into this mould and insisted on broadening the agenda to include such themes as human rights, open access to information and knowledge, free and open source software, literacy, education and research, cultural diversity, attention to those with special needs, and a gender perspective.

The Campaign for Communication Rights in the Information Society (CRIS) as the first broad group organised around the WSIS, played a key role in promoting self-organisation of civil society. Working groups and caucuses (by theme, sector or region) were formed to develop proposals and seek consensus on common positions and lobbying documents. The Civil Society Working Group on Content and Themes became their joint coordination space. Although we had to fight at every stage to make ourselves heard, we eventually succeeded in making a significant impact on the vision and principles sections of the Declaration, as well as in introducing a number of proposals relating to social issues.

Most CSOs concur, nonetheless, that overall the official Declaration and Action Plan express tepid commitments and show feeble political will of governments to address the fundamental issues. In particular, there was no decision concerning funding for telecommunications development in developing countries, and no agreement on broadening participation in Internet governance mechanisms, both of which have been remitted to task forces and postponed to the Tunis phase of the Summit. The often unresolved attempts to conciliate opposing positions resulted in documents that are contradictory, oscillating between a market/technology-centred focus and a more people-centred approach; moreover, the principles expressed in the Declaration are not always carried through to the policy proposals of the Action Plan.

Civil society therefore decided to produce our own Declaration, entitled 'Shaping Information Societies for Human Needs', which reflects months of formulation, debate, and negotiation on the different issues CSOs consider the Summit should address.

## Communication rights at risk

The debate relating to media, freedom of expression and communication rights was one of the most controversial during the Summit process and demonstrated to what extent human rights are in serious danger of regressing in the international context. It took over a year for governments to agree to mention even the Universal Declaration of Human Rights (UDHR) as a basis for the Information Society. The full quote of Article 19, on freedom of expression, was also hotly debated, and only accepted by some countries when accompanied by a qualifying clause that could open the door to national exceptions.

The reference to 'the right to communicate', included in initial drafts of the Declaration, was subsequently eliminated from the official documents, as there was no consensus on its interpretation. For some, it implies universal access to telecommunications (and as such, interestingly, was supported by both ITU Secretary-General Yoshiu Utsumi and by Kofi Annan, UN Secretary-General). For others, such as the CRIS Campaign, it embraces the full range of existing rights associated with communication, but also implies the need to consecrate new rights, that are becoming necessary in the present communications context.

But some actors oppose the term because of its association with the battles around NWICO in UNESCO in the 1980s, and consider the existing framework of Article 19 of the Universal Declaration of Human Rights to be sufficient, though not adequately enforced. It is significant, all the same, that the debate on communication rights has been renewed in the WSIS context and that there is increasing recognition that the existing framework of rights needs to be reinforced and broadened. The World Forum on Communication Rights, organized by CRIS and others during the Summit in December, was one space where this debate has continued.

Another polemical issue were the references to media themselves. Whereas some governments actually suggested that media have nothing to do with the information society, others accepted that a special recognition should be given to their role - a position strongly defended by associations of commercial media, community media and journalists alike. Civil society organizations strongly supported references to legal restrictions to concentration of the media in the interests of plurality and diversity, but this was hotly opposed by some governments, led by El Salvador, as well as the commercial media associations. An oblique reference to encouraging diversity of media ownership was included in the final formulation of the Declaration (see box 1). The reference to 'responsible use and treatment of information by the media in accordance with the highest ethical and professional standards' was rejected by all media organizations as an incitation to state censorship.

The Civil Society Declaration, on the other hand, explicitly states that 'Media pluralism and diversity should be guaranteed through appropriate laws to avoid excessive media concentration.'

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### [Box 1.]

#### Media

We reaffirm our commitment to the principles of freedom of the press and freedom of information, as well as those of the independence, pluralism and diversity of media, which are essential to the Information Society. Freedom to seek, receive, impart and use information for the creation, accumulation and dissemination of knowledge are important to the Information Society. We call for the responsible use and treatment of information by the media in accordance with the highest ethical and professional standards. Traditional media in all their forms have an important role in the Information Society and ICTs should play a supportive role in this regard. Diversity of media ownership should be encouraged, in conformity with national law, and taking into account relevant international conventions. We reaffirm the necessity of reducing international imbalances affecting the media, particularly as regards infrastructure, technical resources and the development of human skills.

There was also strong resistance from some sectors to the issue of community media, all mention of which was finally eliminated from the official documents, apart from an indirect mention of 'supporting media based in local communities', in the Plan of Action, (under cultural diversity). The Declaration does, however, ambiguously state that: 'The radio frequency spectrum should be managed in the public interest and in accordance with principle of legality, with full observance of national laws and regulation as well as relevant international agreements', (Article 45 of the Declaration).

The dual attitude of the commercial media associations, that are officially registered as civil society organizations in the Summit, is ironic in this respect. When freedom of expression is at stake, they fiercely oppose any mention along the lines of 'in accordance with national legislation', that could become a loophole for side-stepping Article 19 of the UDHR. But every time community media comes up, they are the first to demand a similar mention, knowing well that in many countries current law restricts access to the airwaves. The Civil Society Declaration, on the other hand, expresses strong support for community media: 'Community media, that is media which are independent, community-driven and civil society-based, have a particular role to play in enabling access to and participation for all in information and communication societies, especially the poorest and most marginalized communities. Community media can be vital enablers of information, voice and capacities for dialogue. Legal and regulatory frameworks that protect and enhance community media are especially critical for ensuring vulnerable groups access to information and communication'.

Public service broadcasting was also omitted from the official documents, whereas the Civil Society Declaration expresses support for its role in ensuring the participation of all in the information and communication societies', but stipulating that: 'State-controlled media should be transformed into editorially independent public service organisations'.

The experience of the 'media caucus', that operated under the civil society umbrella with a motley range of actors, was one of the most complex to manage. In reality it was more of a 'multi-stakeholder' group than a civil society one, since some of the media organizations present were clearly part of the state, others identified with private sector interests, and there were also representatives from UN organizations, in addition to community media groups, journalists associations, and organizations that defend freedom of expression.

The only issues on which consensus could be reached were the defence and implementation of freedom of expression, access to information including in the digital environment, and the concern that security issues should not affect freedom of expression. It is thus clear that a much broader civil society platform will be needed to defend media reform issues.

#### Other civil society priorities

Media governance in the present context relates to a much broader range of issues than just those that explicitly relate to the media. The ever more closely entwined relations between media, culture, the entertainment industry, telecommunications, the Internet, free trade agreements, intellectual property rights and the public domain of information and knowledge, among others, mean that media governance cannot be isolated from these issues. As an example, the simple fact that some free trade agreements do not explicitly exclude media and cultural products means that these are automatically considered commercial services and commodities and treated accordingly, eliminating the possibility of states giving favourable treatment or protection to their national media or culture.<sup>4</sup>

Some small advances were achieved by civil society at the WSIS in relation to a number of such

issues, although many of them might be more accurately described as 'damage control', that is, avoiding inclusion of the most unacceptable language, which even so could not always be averted.

On Internet governance, although governments could reach no agreement, they at least accepted to revise the status quo, in which the US government and corporations practically control the situation through the non-profit organization, ICANN. Civil society representation is to be included on the task-force that will produce a report for the Tunis phase of the Summit (although the mechanisms for designating those representatives are not yet known).

Concerning the public domain, a civil society priority, the WSIS Declaration recognizes that 'A rich public domain is an essential element for the growth of the Information Society... Information in the public domain should be easily accessible to support the Information Society, and protected from misappropriation'.

The language on intellectual property rights was toned down from the original versions that expressed satisfaction with the present regime; and in relation to free software, another civil society priority, the Declaration at least recognizes the relevance of promoting awareness of 'different software models, including proprietary, open-source and free software, in order to increase competition, access by users, diversity of choice, and to enable all users to develop solutions which best meet their requirements'.

Some other issues on which civil society proposals are partially reflected in the official documents include the development and protection of cultural and linguistic diversity; open access information; capacity building, education and research; gender; and the needs of people with disabilities.

One of the issues that provoked concern, on the other hand, is the reference to 'information security', and particularly to the need to 'prevent the use of information resources and technologies for criminal and terrorist purposes', which could give rise to all kinds of abuses affecting non-criminal nor terrorist activities (the word 'prevent' is particularly questioned since it implies previous censorship or denial of access). Protection of privacy is recognized but without adequate commitments.

In summary, most actors in the WSIS process will be able to find language in the final documents that they can use as support for their agendas, and to leverage support from governments and international institutions. But many other issues are absent or inadequately dealt with and overall there is little coherence. The Civil Society Declaration is a much more coherent document that - while there is room for further development and refinement of the proposals - will be a reference point, not only for the next phase of the WSIS but also for many organizations concerned with these issues in other spheres.

#### Building consensus and alliances

Hundreds of CSOs that collaborated in different ways in this process have found the civil society process at the WSIS an enriching experience, that has been an important lesson in consensus building and learning across different areas of expertise and different geographical and cultural backgrounds, that at times has involved intricate negotiation and compromise, even within civil society, to arrive at common statements. The Summit organisers themselves were astounded by the degree of civil society organisation and determination to make their voices heard, with substantive input. Maybe one of the greatest achievements is the web of organizational relationships spread across the globe that has emerged and could lay the basis for building broader networks on these issues.

Yet set in the context of global media reform and communications governance, these achievements barely touch the tip of the iceberg. Nonetheless, the experience has helped to clarify some of the challenges, if not the answers, that civil society faces in taking on these issues. For the moment, we will mention four, whose basic assumption is that only a widespread social movement will be sufficient to make a real impact in the face of such heavily entrenched interests.

First, the need for a much more in-depth debate on possible actions, policies, priorities and

strategies in relation to the issues that have been put forward at the WSIS. How to move from discourse to concrete gains.

Second, the importance of mobilizing and networking with other organizations and actors interested in these and similar issues, at both the national and global levels, and establishing the interconnections between the two. As a starting point this implies raising awareness of the global dimensions and how they are impacting on people's lives locally.

Third, the necessity of building much broader awareness and support among other organized social groups and movements, for example by establishing alliances with organizations and movements working on related issues in other fields (such as intellectual property rights), who have not necessarily taken on the communicational aspects.

And finally, raising public awareness of the issues and understanding of their public interest implications. Which brings us back to our starting point: how to deal with the media boycott of these issues. CSOs will need to develop a dual strategy: both to demand media coverage of the issues, and to mobilize public opinion through other means.

#### Notes

1. WSIS Fact Sheets, 29/07/03.
2. Thompson, John B. (1999). *The Media and Modernity*, Cambridge (UK), Polity Press.
3. The WSIS is officially a tripartite Summit, including governments, civil society and the private sector, the latter two with observer status, but with the right to make written and oral submissions. It is taking place in two stages: Geneva, December 2003 and Tunis, November 2005. It is organized by the International Telecommunications Union (ITU).
4. The WTO, for example, at present excludes audiovisual products, but not print media.

Sally Burch is a British journalist based in Ecuador. She is Executive Director of ALAI, the Agencia Latinoamericana de Información. During the WSIS process she has been joint coordinator of the Civil Society Content and Themes Working Group.