

Media Freedoms and Article 19

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A large part of the struggle for consensus on final texts for the first World Summit on the Information Society (WSIS) centered on getting authoritarian governments to admit the simple reality that the news media are central to that information society. This is so obviously the case that those governments finally had to give in and to recognize that media are indeed at the core of the new environment.

Not only are news sites originally created online amongst the most popular, the traditional news media have entered cyberspace as well. There were 1,456 daily newspapers in the United States in 2003, and there were 1,343 daily newspaper web sites, according to the World Association of Newspapers' annual "World Press Trends". In Italy, the report showed there were 99 dailies and 91 web sites; Germany: 372 dailies and 264 sites; Britain: 107 dailies, 91 sites. And the diverse list of countries with as many, or almost as many, web sites produced by daily newspapers as there are newspapers published includes most Nordic and Baltic states, Argentina, Austria, Azerbaijan, Costa Rica, Croatia, East Timor, Luxembourg, Mexico, Netherlands, Poland, and Uruguay.

Needless to say, newspaper web sites are amongst the most visited in their respective countries. Printed newspapers are, of course, not the only traditional news media to duplicate themselves in cyberspace. Major news agencies and broadcasters do so, too.

And a new retrofitting trend may be in the offing – outlets originally created as news web sites are now creating traditional media. In Ukraine, for example, Ukrayinska Pravda, the news web site founded by murdered journalist Georgi Gongadze – which continued as one of the only independent media outlets under the old regime – is now seriously considering capitalizing on its popularity in the lead-up to the Orange Revolution by producing a daily newspaper in print.

From the outset of the WSIS preparatory process, press freedom groups involved held that news media using the new information and communication technologies, such as Internet and direct satellite broadcasting, should enjoy the same press freedoms as those using traditional print and broadcasting means.

In a Declaration of Vienna, adopted on November 20, 2002, the Coordinating Committee of Press Freedom Organizations said:

We call on delegates and others involved in the Summit process to:

- a. Reject any proposal aimed at restricting news content or media operations;
- b. Support inclusion of a clear statement of unqualified support for press freedom on the Internet; and
- c. Include with action on any other subject that could be used restrictively a clear statement that the particular provision involved is not intended to involve any restriction on press freedom.

The Coordinating Committee groups: the Committee to Protect Journalists (New York), Commonwealth Press Union (London), Inter-American Press Association (Miami), International Association of Broadcasting (Montevideo, Uruguay), International Federation of the Periodical Press (London), International Press Institute (Vienna), North American Broadcasters Association (Toronto), World Association of Newspapers (Paris), and the World Press Freedom Committee (Washington, DC). Together, those groups represent most of the print press and a very large part of the broadcast press operating in the world's established and emerging democracies.

The Coordinating Committee called for the universal "implementation" of Article 19 of the Universal Declaration of Human Rights (UDHR), dating back to 1948. Press freedom groups feared that, instead of using the communication summit as an opportunity to reaffirm and broaden press freedom, governments would exploit anxieties about the new forms of media to enact international restrictions on all forms of press that had eluded them in the divisive debates over a "New World Information and Communication Order" (NWICO).

Those wanting to revisit proposals that were scratched during the NWICO debates argued that those approaches had reflected Cold War divisions and that they could now be safely reconsidered since the Cold War is over. Such assertions were directly undermined when countries like Cuba explicitly threatened in February 2005, during a Preparatory Conference

for the second phase of the WSIS, to reintroduce the NWICO and other related controversies if others persisted in calls to reaffirm the free speech/press freedom principles of Article 19 of the UDHR.

The restrictionists are hardly confined to those nostalgic for the Cold War. Almost any government, in the right circumstances, can be counted upon to seek restrictions on press freedom. The war on terrorism has brought out such tendencies amongst some of the most established democracies. Those who have used that excuse to justify limiting freedoms in traditional democracies have apparently not stopped to think how the measures they sought would be used by rulers with authoritarian bents. In Russia, the government of Vladimir Putin has not hesitated to invoke restrictions by the Bush Administration to justify various aspects of its clampdown on the Russian press.

Not only in the WSIS process, but also in a forum like the Council of Europe, whose very reason for being is the spread of democracy, the old code words keep cropping up in various proposals. These include:

- The need for the press to be “responsible”. (Nobody advocates irresponsibility, but the question is “responsible” to whom when the call for "responsibility" comes from governments or intergovernmental bodies.)
- The requirement that the press be “accurate” or “truthful”. (Again, who is to determine what that means in practice?)
- Imposition of national codes of ethics on the press. (This often turns out to be a cover for the press to administer self-censorship on behalf of authorities.)
- Regulation, self-regulation or co-regulation of the news media. (The rage to regulate apparent in a number of otherwise respectable international organizations is now often softened by calls for the press to do the will of governments for them through such self-regulatory bodies as national press councils. “Co-regulation” is a new fashion introduced from Australia, involving creation of joint regulatory bodies of industry and government over the media. This recalls the way Fascist Italy organized itself as a “Corporate State” with special chambers formed with companies to regulate the national economy industry by industry.)
- The “Right to Communicate”. (This ambiguous concept, lifted straight from the NWICO debate, holds that recognition of freedom of expression and press freedom as individual human rights, as enunciated by the UDHR’s Article 19, is insufficient since there must also be collective freedoms for groups and entities.

This approach has often been invoked to justify a right of various entities to claim space or time in media operated by others.)

Such pressures tend to force press freedom groups into a defensive posture of approaching international meetings as occasions to exercise damage control. It is relatively rare that those who convoke such meetings see them as opportunities to broaden the scope of freedoms or to put them into greater practice. The result is a need for press freedom defenders to apply a worst case analysis to any proposed text. Experience shows that if a clause can be used to justify restrictions, there are authorities who will inevitably do just that.

The damage control worked more or less in the first phase of the Summit in Geneva in December 2003. Press freedom groups did not manage to get the call they wanted for the implementation of Article 19. But, after much sparring, they did get its reaffirmation as a promise and an ideal. Preventing regression constituted a small but significant victory. Now, the task is to protect that holding of the line for the second phase of the Summit in December 2005. The negotiations over Internet governance must not be allowed to become a new way of introducing opportunities for censorship.

The advent of the Internet holds the promise of just the kind of interactive, multi-directional world news scene that the best-intentioned advocates of NWICO said they sought. This can now actually come into being simply by looking upon the Internet both as a new way to spread news and information and as a complement to the established ways. Radio and television did not eliminate print press. They forced print press to play to its own strengths such as its ability to provide more context, background and analysis than broadcasters normally can do or to the ability of print to develop special niches.

There are often anxieties expressed over the possibilities that Internet provides to spread messages not subject to professional information-gathering criteria. Already, however, we see that Internet newsgatherers are learning to establish their reputations online, as is done offline. As users learn to differentiate amongst the news services on offer, online sensationalists and rumor-mongers, are getting the same short shrift as they do offline. Policy makers must learn to exercise more tolerance of the inevitable initial instability that comes with the introduction of new technologies.

What is really needed is a healthy dose of patience from media users, journalists themselves and officials, to allow the news media using the new means of communication to develop and to fit themselves into the expanding information environment alongside the previously existing media forms. For this to happen, there must be press freedom in cyberspace.