

*Global Communication Policy and the
Realization of Human Rights*

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CITIZENSHIP IS TIED to democracy, and global citizenship should in some way be tied to global democracy, at least to a process of democratization that extends some notion of rights, representation, and accountability to the operations of international institutions.¹

Various textual versions of a human right to communicate have been enshrined in the UN Universal Declaration of Human Rights and dozens of national constitutions. As millions of people around the world can attest, however, these texts in themselves do not actually mean that citizens are necessarily able to enjoy that right.

The problem lies in the way “rights” are actualized in different societies—and, increasingly, in an emerging global society. We can gain some insight into the scope of this problem by reflecting on French semantics.

In the French language, the word *droit* signifies both “rights” and “law.” Thus *le droit à la communication* means “the right to communicate,” while *le droit de la communication* signifies “communication law.” The French Revolution is indeed the precursor to the worldwide modernist tradition of codifying rights in law. But as the French Revolution itself and dozens of subsequent events have shown, the codification of rights in legal texts can be a wonderful camouflage of the social conflicts and relations of power that mark a given society at any point in time.

Under the rule of law, according to Canadian jurist Pierre Trudel, “the law contributes to resolving or attenuating the contradictions that necessarily exist between the interests, claims and rights of subjects.” Com-

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munication law is thus the point of encounter between various branches of law and various fundamental rights. It is at one and the same time the site of affirmation and realization of the most basic human rights, as well as the site of arbitration and constraining of various claims. "Which is why it is necessary to put in place institutions for mediation and frank discussion of the relative weight to be attached to different values."²

Establishing the spaces in which such mediation and discussion can take place is the domain of communication policy. Policy sits one step removed from law. Through policy, the state and its agencies create mechanisms and take steps for ensuring that the real intentions of legal texts can be met. Policy is, in fact, the expression of the intent of the state. But policy is both more vague and more complex than law. For example, society will still create norms in areas where the law is silent; but the absence of an explicit state policy on a particular question is in fact a policy—the policy not to intervene explicitly in that area, or to do so on a strictly ad hoc basis.³

Until quite recently, communication policy was made and executed for the most part by national governments. Countries borrowed and adapted organizational models for structuring and regulating media from one another, but national communication systems by and large reflected the societies within whose national boundaries they operated. Issues requiring international agreement, such as the allocation of radio frequencies, were resolved between governments, with the implicit assumption that those governments were then free to use those resources as they wished.

That general framework has now changed. Communication policy is now made in a global environment where, for the time being, there is no institution equivalent to the national state. National governments have lost important parts of the sovereignty they once enjoyed in communication, and at the global level, accountability is loose, where it exists at all. National communication systems still exist, but they resemble one another more than they ever did, and their evolution is increasingly determined by developments beyond the control of any one government.

This has enormous implications for the question of human rights in general and the right to communicate in particular. The extension and promotion of human rights in general is tied to the proliferation of free, pluralist, democratically organized, and democratically inclined mass media,⁴ and the right to communicate depends on access to these media, as well as to the new information and communication technologies that are

changing what we mean by “media.” In order for these rights to be realized, policy mechanisms will have to be put in place to check the development of the global communication system.

Technologies of communication will play an increasingly important part in every aspect of people’s lives in the so-called age of globalization.⁵ Whatever we may think of catchphrases like “the information society,” something new is going on here.⁶ The disintegration of the nation-based policy framework for guiding and orienting the interaction of media and society over the past seventy-five years is at the core of that. If history is a guiding light, we should expect the age of globalization to engender its own structures of governance—among these, institutional and regulatory mechanisms for dealing with technologies of communication.

So what will this new policy framework look like? We should recall that the accumulated benefits of the nation-state-based world system were not the result of anyone’s benevolence but of often bitter social struggles, class negotiation, and at certain moments, enlightened political and economic leadership. Communication played a role in this process. From the early beginnings of parliamentary institutions, communication rights were framed as basic social and political rights.⁷ Media were used by social actors as sources of empowerment as well as for mobilization and persuasion. Typical of the modern state was the creation of institutions such as public service broadcasting, public telephone and telegraph monopolies (PTTs), and regulatory agencies. Today, the emergence of a global media regime is at once symptomatic of a new type of society in emergence, and a challenge to shaping that society toward a new phase of social progress.

In the era of the nation-state, media were seen as institutions of social cohesion at the national level. One of the characteristics of globalization is the questions it raises about conventional forms of social cohesion, “national” solidarity, and shared values. In fact—as we see with the proliferation of global media—globalization basically transposes to another level the characteristics of societies whose boundaries (and media systems) were once upon a time contiguous with those of the nation-state.

It was only with the invention of the printing press that the nation-state became possible, enabling the consolidation of power and authority within the reach of the official state “gazettes.” But the printing press also enabled the proliferation of struggles for freedom of expression, public debate, and democratic institutions. Different types of national states gave rise to different models of mass media.⁸ But the separation of

state and press was fundamental to the development of the democratic nation-state.

A fundamental shift occurred with the introduction of broadcasting. In the decade following World War I, an activist, interventionist state integrated the sphere of broadcasting to its realm of activity. The discourses of legitimation for the regulation of broadcasting ranged from the scarcity of frequencies to the idea that broadcasting was a cultural and educational resource too important to be left to the marketplace. In the name of social values and the public interest, institutional structures were set up in the 1920s in most countries of northern and western Europe as well as in many of their colonial dependencies such as Canada and Australia. Nationally based public broadcasting, for example, continues to serve as an inspirational model for democratically inclined communication in many parts of the world.⁹

Now we are on the verge of a new shift. National states are seeking to redefine their *raison d'être*. It is clearly too early to write them off entirely, but they will no longer exercise the kind and degree of sovereignty they knew for the past 300 years or so. What is taking their place? On the one hand, conventional mass media activity as well as trade and commerce is centered in vastly more autonomous transnational business enterprises tied into the world capitalist system; on the other hand, new and intricate communication networks have begun operating across boundaries in manners as yet uncontrolled and, some say, uncontrollable.

In response, new structures of governance are beginning to emerge to complement the nation-state, at the global, regional, international, sub-national, and local levels. As these structures consolidate, they will inevitably give rise to new mechanisms for media regulation. The nature of these is in no way predetermined. The media structures of the year 2000 and beyond will emerge from the convergence of a range of social struggles, entrepreneurial strategies, geopolitical developments, and diplomatic negotiations. They will also be tied to prevailing communication technologies and, most important, to the uses to which those technologies will be put.

One can argue about how much space there is to maneuver with respect to this historical process, and about where that space is. But the key starting point to such a necessary argument is to recognize that we are indeed engaged in a historical process, and like all historical processes it will be marked by both continuity and change with respect to what came before. If we are concerned with the evolution of the relationship

between communication and human rights in this context, we have to ask ourselves what forms of media regulation might be appropriate to integrating communication into the overall project of a just and equitable global society.

Toward a Global Public Space

Where can we begin to discuss questions such as how to transpose the media policy issues which have occupied national agendas since the invention of the telegraph to the transnational level—where, to all intents and purposes, the most important issues are henceforth being played out?¹⁰

The global media system is developing according to its own logic, requirements, protocols, and rules. National governments and groups of states are trying to influence the activities of this transnational system in their own countries or regions as best they can. But global issues require global approaches, and global problems call for global solutions. Where can we begin looking for these?

The various dimensions of globalization and the problems it raises are being increasingly well-documented in the work of distinguished scholars in political economy, sociology, anthropology, and international communication.¹¹ Meanwhile, activists—and I include a handful of academics in that category—are developing new normative perspectives, new programs and proposals, and building and mobilizing new networks of support and promotion of a *global public space* whose outline we are just beginning to make out.

The emergence of a global communication policy environment and the extension of national debates on communication policy to the global level have both limitations and possibilities. Debates on communication policy issues in local (that is, national) contexts are not only constrained but also enhanced by global policy developments. Globalization, I would like to suggest, should be viewed as a policy challenge rather than a justification for “the end of policy” arguments presented in neoliberal, deregulationist discourses—or even the apocalyptic views that often predominate with some obvious justification in progressive circles. In fact, I would go so far as to argue that the struggle to create socially driven communication systems on a global scale is no more nor less than the contemporary version of the nationally based struggles that surrounded

the introduction of press, radio, television, and other earlier communication technologies.¹²

All around us there is ample evidence that people have not given up the struggle to appropriate the means of communication in their efforts to influence the course of their own histories.¹³ Until we are prepared to write off the value of democratic politics altogether, we have to create and occupy the spaces in which to strengthen the democratic capabilities of communication systems. What is new today is the extent to which this has to be done by finding ways to give expression to local concerns at the global level.

To begin developing a global framework for democratic media, we need to begin thinking about global public policy mechanisms, legislative, regulatory, and supervisory structures for media. We need to establish the parameters of a truly global media framework that supersedes increasingly phony "national" interests while protecting cultural diversity at its own level of expression—be it territorial, linguistic, ethnocultural, or gender based. This framework must empower an emerging global civil society that will otherwise remain disenfranchised at the hands of corporate interests.

I am talking about a framework for democratically developing global media policy and eventually launching and sustaining public interest media on a global scale.¹⁴ This is a *political* project, which will only be accomplished by combining political action at a variety of levels ranging from grassroots organizing and publishing manifestos to international diplomacy. The first step is to force a general debate on the need to create global mechanisms for ensuring the public interest in media; the next will be to create a permanent, democratic forum for developing global media policy.

This is not an easy question to address. In the political arena, various authors, think tanks, and international organizations have begun to look at the need for conceptualizing notions such as global citizenship and developing new modes of governance appropriate to the twenty-first century.¹⁵ But there are no precedents, there is no tradition for dealing with media policy outside the established political frameworks of national states. Many countries do not even have well-anchored national traditions, and where these exist, they are facing serious challenges to their legitimacy. And as there is no appropriate global public forum in which to talk about such questions, the question of global media regulation has yet to be seriously addressed.¹⁶

Transnational free-enterprise media will need to be countered with global public service media. The structural basis of such institutions is not immediately evident, given that these have traditionally operated exclusively at the national level. Hence, it is all the more important that such questions be discussed in democratic, multilateral forums. The role of existing world bodies such as UNESCO and the International Telecommunication Union (ITU) is crucial to this action, but these will have to be opened up to include participation by a broader range of actors than the present assortment of member states. New structures will need to be developed in order for media to fulfil their potential as the central institutions of an emerging global public sphere.¹⁷

Credibility will need to be given to the idea that the global media environment, from the conventional airwaves to outer space, is a public resource, to be organized, managed, and regulated in the global public interest. This implies recognition of the legitimacy of public intervention on a global scale. Broadening access will require appropriate transnational regulatory mechanisms, as well as mechanisms for a more equitable distribution of global commercial benefits. There is a need for the international appropriation of some air and space for the distribution outside the country of origin of viable creative products that currently have no access to the new global agora that figures so prominently in utopian discourses on the new information technologies.

The convergence of communication technologies requires a parallel convergence in programs and policies. This is going to require the invention of new models, new concepts, and a general new way of thinking about communication. For example, the notion of "access" has traditionally meant different things in broadcasting and in telecommunications.¹⁸ In the broadcasting model, emphasis is placed on the active receiver, on free choice, and access refers to the entire range of products on offer. In the telecommunications model, emphasis is on the sender, on the capacity to get one's messages out, and access refers to the means of communication. In the new media environment, public policy will need to promote a new hybrid model of communication, which combines the social and cultural objectives of both broadcasting and telecommunications, and provides new mechanisms—drawn from both traditional models—aimed at maximizing equitable access to services and the means of communication for *both* senders and receivers.¹⁹

The central issue is still who will get to use the full range of local, national, and global media to receive and disseminate messages, and on

what basis. Resolution of this issue will depend on a different kind of access: to the processes and points of decisionmaking that will determine the framework in which media are going to develop, that is to say, access to the policy framework of the new global media system.

But meanwhile, the interests promoting the global media system are not standing by idly waiting for this to happen. They are in the front lines, developing their project, mobilizing support, lobbying decisionmakers.

The Globalization of the Context of Communication Policy

The global arena for communication policy was launched in Paris, in 1865, with the first international (interstate) conference on telegraphy. For the next 130 years, international relations in communication were largely focused on managing the environment in which communication resources would be used at the national level, according to the goals and capacities of individual nation-states. From the harmonization of technical standards to the development of a common rate-accounting system, to the allocation of radio frequencies and later geostationary satellite positions, the underlying assumption was that communication was a national affair requiring a minimum of international coordination.²⁰

This multilateral framework remained basically unchanged until 1995, when it was radically transformed with the launching of the U.S.-initiated proposal to establish a Global Information Infrastructure (GII), presented by its promoters as a transnational, seamless communication system that would revolutionize human relations and national economies.²¹ What was new about the GII was that it proposed a single vision, program, and policy framework for the role of communication technology as a means for achieving an idealized global society. First presented, as an idea, at a meeting of the ITU in Buenos Aires in 1994, the GII became a concrete project in February 1995, with the adoption by the G7 group of countries of an eight-point plan for implementing it.

The GII project emanated from the Clinton administration's 1993 *Agenda for Action*, launching an initiative to build a new national information infrastructure (NII) which it defined as "the aggregate of the nation's networks, computers, software, information resources, developers and producers."²² The NII has been the object of vigorous debate in the United States, over the contradictions between the development of its public interest and commercial vocations.²³ But trampolined to the

