

Media Policy in the New Communications Environment

June 1, 2001. Reuters news agency reports today that the new director-designate of the World Trade Organization, Supachai Panitchpakdi, has declared the urgency of putting in place a global framework for the regulation of electronic commerce. “The development of trade via the Internet is such that it is necessary to establish a clearly defined regulatory framework,” he is quoted as stating, adding that the upcoming WTO conference in Qatar would undoubtedly deal with this issue (Reuters 2001).

What’s wrong with this picture? Isn’t the very *raison d’être* of the WTO based on the premise of doing away with the barriers to trade that inevitably come with regulation and on ending the meddling of states, governments and regulatory authorities in the otherwise smooth machinery of the marketplace? Well, yes and no. Indeed, certain types of intervention – public intervention – are seen by the avatars of global commerce as a hindrance to flourishing markets; and justifying this position as the only reasonable one has long been a substantial ideological undertaking. At the same time, however, and usually with much less fanfare, the corporate community has been a most successful user of the levers of governance in promotion of its own interests.

The WTO now joined a chorus of powerful voices emanating from unlikely quarters over the past five years to call for new global policy measures in communication. One of the first was European telecommunications commissioner Martin Bangemann, author of a high-profile blueprint for communication liberalization that bears his name, who, in September 1997, called for an “international charter” to govern the new world order in global communications.¹ Within days, Bangemann’s remarks were endorsed by White House policy adviser Ira Magaziner, who stated that the U.S. believed there was a need for international understanding on information policy issues, “some of which may need to be formal agreements, some informal understandings and common approaches.” This project – which may some day soon lead to a global

agreement on communication governance – has been developing slowly and steadily, but entirely behind closed doors.²

Meanwhile, at the extreme opposite end of the global power grid, communications issues were beginning to appear on the radar screen of the growing world-wide movement for a “different” model of human relations and social development; one that would measure progress in units other than those used to describe the private accumulation of wealth. In the Declaration of the Second People’s Summit of the Americas, adopted by some 2,500 delegates in Quebec City on the eve of hemispheric free trade talks in April 2001, one could read: “We want states that promote the common good and that are able to intervene actively to ensure the respect of all human rights... *including the right to communication...*” (Declaration... 2001, emphasis added).

The gap between these various projects was immense; and in between, lay a vast grey area where media policy was – is – being played out in the day-to-day politics of our time. To highlight this, consider the following example that illustrates the unresolved question of who gets to communicate what to whom, on what basis and with what relative degrees of freedom and constraint.

At the height of the anti-free trade demonstrations in Quebec City in April 2001, a continent away, the Seattle Independent Media Centre (which had seen the light of day during the 1999 WTO meeting in Seattle³) was visited by U.S. FBI and Secret Service agents bearing a sealed court order. The IMC was directed to supply the FBI with recent user connection logs from its Web server as part of an “ongoing criminal investigation” into possible violations of Canadian law. Apparently, the US agencies were seeking to uncover the source of a posting to the IMC newswire which allegedly included classified information stolen from the Canadian government (JL... 2001).

Although the FBI was officially concerned about only one or two postings, the court order demanded *all* user connection logs for a 48-hour period; in other words, the Internet addresses of every person posting to or even visiting the IMC site during the Quebec City summit. Furthermore, the “sealed” nature of the court order prohibited the IMC from speaking about it publicly. So much for privacy; so much for the First Amendment.

The lack of protection for fundamental freedom indicated by this example, juxtaposed onto the call for new structures to enable and facilitate electronic commerce underscores the policy vacuum in which a new global communications environment is emerging. Age-old issues need to be reframed and refocused, old institutions need to be revamped as new ones are invented, conventional practices need to be retooled. Overarching themes such as corporate concentration, technological convergence and national sovereignty are taking on new meanings, affecting who we are, how we see others and ourselves, how we live and how we interact. One of the great paradoxes of the current age of globalization is that this “we” is at once inclusive and fragmenting: no one is left untouched, but everyone is touched by it differently.⁴

In the age of the single super-power, globalization is the highest stage of capitalism.⁵ One of the clichés of this era is that the globalization of communications and the emergence of a world media system have made attempts to regulate media at the national level obsolete. This is still far from a *fait accompli*, and debates over the changing role of the nation-state with respect to media are ongoing everywhere. But one aspect of this issue has attracted much less systematic attention, although it is, arguably, the most crucial aspect to address in the present context.

I am referring to the question of how to transpose the media policy issues that have occupied national agendas at least 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. Simply put, the question remains how can we globalize the debate on media policy? This is a structural question. A global media system is developing according to its own logic, requirements, protocols, and rules. Profit is one aspect of this. Insulation from regulatory constraints is another. We already know the shape this system is taking. 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. Only the most powerful can even begin to do this, and only then to the extent that they are havens to important global media players. But global issues require global solutions. Where can one begin looking for these?

This is no easy question to address. It is in some respects so overwhelming that it is not even easy to bring it up, let alone address it seriously. There are no precedents, no traditions for dealing with media policy outside the established political frameworks of national states.⁶ Many countries do not even have well anchored national traditions, and where these exist, their legitimacy is challenged and their sovereignty undermined in the new context.

In the political arena, various authors, think tanks, and international organizations have been working on new conceptual notions such as global citizenship and new forms of global governance since the mid-1990s.⁷ But as of very recently, questions specific to media and communications in this new context were still not being systematically addressed. One of the main problems is that there is still no appropriate forum in which to discuss such questions.⁸

"Policy," Japanese scholar Tatsuro Hanada points out, "is a medium of control acting upon politics and at the same time a product of the political process" (Hanada 1999). This book is therefore about politics and process as well as policy. Our focus is on *media* policy, although here a word of explanation may be necessary. As the technological boundaries that used to distinguish the different forms of mass communication blur and fall away – now that newspaper content travels across telephone lines, to take one example that would have been considered bizarre only a few years ago – we need a new definitional baseline. Nicholas Garnham provides one when he defines media as systems for the production, distribution and appropriation of symbolic

forms... based on the development and deployment of technologies of communication" (Garnham 2000: 3). *Global media policy* then, refers to the full range of attempts to influence the orientation of these systems, by social actors mobilizing whatever resources they can in order to promote their respective interests.⁹

Media policy is about politics, commerce and technology but it is also about culture. Once again, Garnham is useful. He writes:

By culture I mean patterns of behaviour which are not merely instinctual, but are endowed with meanings which can be transmitted through space and time beyond the immediate stimulus/response site of action, and a learning process the lessons of which are cumulative and open to criticism and modification in the light of experience. Culture in this sense is crucially dependent upon systems of symbolic communication. (2000: 2-3)

Culture and media, in our day, are thus co-dependent. In Canada, where I live and work, we know something about this. For most of the 20th century, the Canadian state tried using communications policy as cultural policy, to use communications to promote and sustain a symbolic notion of nationhood, an *idea* of Canada (see, for example, Raboy 1990). The result was some noteworthy accomplishments, some interesting experiments in media policy design, and a robust cultural economy. Then, beginning around 1980, things began to fall apart. The state no longer had the funds, the political will, or, increasingly, the political capacity to exercise the authority it did previously. It began to look for new formulas. One solution was to join the globalization bandwagon and seek export markets for cultural industries in the hope that benefits would spin back home; a second, more recent but parallel approach is based on forging transnational alliances with other actors who might have similar goals. The Canadian state thus positioned itself as one actor among others in the cultural-industrial sphere. Canada spearheaded efforts to protect cultural goods and services from the new trade regimes, to promote cultural diversity policies within the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other international fora, to facilitate the building of networks of non-governmental organizations as well as national ministers responsible for cultural policy. Through this work, a somewhat universal (as opposed to "national") concept of cultural diversity as basic to fundamental human rights has begun to emerge. So far, it is difficult to put a finger on substantial concrete results of all this bustle, but clearly a new policy model is emerging, an appropriately hybrid model in which diverse political, economic and civic interests have to collaborate.¹⁰

A range of seemingly disconnected institutions, issues and practices fall into the domain that we are trying to map. The terrain of media policy-making is shifting.¹¹ What was still, even a short while ago, a field essentially defined by national legislative and regulatory frameworks and a minimum of international supervision, is now subject to a complex ecology of interdependent structures.

This field is characterized by a number of new developments, the most significant of which is that communications policy is no longer "made" at any clearly definable location, is increasingly the result of a vast array of formal and informal mechanisms working across a multiplicity of sites. Specific policy issues, such as copyright or rules governing property transactions, migrate from one level to another, often typifying the flashpoint of conflicts between jurisdictions.¹² But it is no longer possible to understand, let alone deal with such issues without referring to the broader context.

Briefly, the global policy "map" can be very schematically categorized according to the following general typology:

—*global organizations*, encompassing bodies that have traditionally been part of the United Nations family such as the International Telecommunication Union (ITU), UNESCO, and newer ones such as the WTO. Most politically-constituted "nations" belong to these organizations, through their official state authorities. Procedures are nominally meant to be inclusive but are actually restricted to government representation. Regarding communications, this sector has been strongly marked by the power shift in recent decades from organizations dedicated to communications and cultural issues such as UNESCO or the ITU to those focusing on commercial or trade issues such as the World Intellectual Property Organization (WIPO) and the WTO.¹³

—*multilateral exclusive "clubs"* such as the Organization for Economic Co-operation and Development (OECD) and the G8, which collectively exercise enough economic clout to influence global affairs without having to deal directly with lesser economies politically. More streamlined, and thus more efficient than more cumbersome global organizations like the WTO, these clubs can at the same time afford to put forward a more generous public discourse while promoting specific projects (such as the Global Information Infrastructure or the Okinawa Charter on the Global Information Society, launched by the G7/G8 in 1995 and 2000 respectively). These currently serve as the main testing ground for pro-business proto-global policies, with the extremely important caveat that their decisions are actually binding on no one.

—*regional multi-state groupings*, the most important of which are the European Union (EU) and the North American Free Trade Agreement (NAFTA),¹⁴ each of which represents a distinctly different model. The first is an economic union with a political agenda; the latter a trade zone which nominally has no political ambition. The difference means the E.U. can elaborate common policies in the name of the general community, while NAFTA-type regimes can only constrain the policy-making range of member states. The EU's 1997 protocol on public broadcasting (appended to the Treaty of Amsterdam) stands, at this time, as the only living example of a transnational media policy that aims to supersede economic imperatives.¹⁵

—regardless of their weakened condition, *national states* continue to be the main site of communications and cultural policy-making. Cultural policy agencies in countries such as Canada and France have been fighting rear guard actions against the constraining effects of international trade agreements that these countries have themselves signed. There is an increasing recognition of the need to bring these issues to global fora as a basis for legitimating the maintenance of national sovereignty in cultural matters on an equal footing with trade rules. National governments that wish to do so can still actively regulate important aspects of domestic broadcasting and telecommunications industries, sustain public cultural institutions and subsidize national cultural production. But the extent to which this can continue will require agreement at a supranational level.

—the *transnational private sector* has organized itself to achieve representation in official fora. No longer merely restricted to lobbying, transnational corporations and their associations are increasingly present at the tables where policy decisions are made. Groups such as the Americas Business Forum, the World Business Council for Sustainable Development, the Global Information Infrastructure Commission and the Global Business Dialogue for e-commerce (GBDe)—speaking for the 40 or so largest corporations in the information technology sector—have become a powerful force in setting the global communications policy agenda, especially with respect to Internet, e-commerce and new media issues.¹⁶

—much less well-resourced and generally further from the centres of power, *civil society organizations* are less present in policy debates, but media issues are becoming, like the environment previously, an important rallying point of grassroots mobilization. Global associations such as AMARC (community radio), Vidéazimut (film and video) the Association for Progressive Communication (Internet activists), and Computer Professionals for Social Responsibility now represent alternative media producers world-wide, while umbrella groups with names like the Cultural Environment Movement, People's Communication Charter and the Platform for Communication Rights are burgeoning.¹⁷

—finally, amid all this bustle, cutting edge issues such as Internet regulation are increasingly "*transversal*" in that they cut across sites of categorical jurisdiction.¹⁸ Controversies surrounding the creation in 1998 of the Internet Corporation for Assigned Names and Numbers (ICANN) and its subsequent development typify this.¹⁹ At the same time, important issue clusters regarding transnational media and universal themes such as the right to communicate can be said to be "*homeless*" in that they are not being dealt with systematically anywhere.²⁰

This complex and multifaceted general structure makes it extremely difficult to intervene effectively in the new policy environment and poses a particular challenge for the development of democratic public life at the global level. At this point, the only actor successful at pursuing an agenda with anything approaching consistency is the transnational private sector. A number of national governments are engaged in rear guard efforts to maintain some semblance of cultural sovereignty in the face of the new rule of international trade regimes. But despite all the talk and some excellent independent reporting on culture and cultural policy in recent years, concrete media policy developments at every level are clearly being driven by economic concerns.

In the past two years, restructuring in the communication industries has had high public profile because of its impact on the mass consumer media that nearly everyone uses (or is subjected to) in one form or another.²¹ Mergers (for example, AOL-TimeWarner), high-profile court cases (US vs. Microsoft, the record companies vs. Napster) and mediatized protest (the WTO in Seattle) have come to characterize the pressure points of the global information society. In public discourse, the policy dimension of these issues tends to be subordinated to their spectacular aspects, while less spectacular policy issues such as copyright, intellectual property, telecom give-aways and spectrum handouts – tend to achieve little public profile and, consequently, low political priority.

This book proposes to explore a number of issues, themes, and case studies that can illustrate and enhance public understanding of the situation that has just been described. Its purpose is to amplify the empirical basis for a critique of the emerging global media policy environment as well as serve as a resource for actors seeking to intervene effectively in the area of media policy. Its target audience includes academics and students specializing in media policy; policymakers, regulators and analysts working in national agencies and international organizations; media professionals, grassroots practitioners and civil society activists. A majority of the authors are members of the Global Media Policy Working Group of the International Association for Media and Communication Research (IAMCR); all of them are among the leading critical communications scholars in the world today.

The book is organized in three sections, loosely identified under the headings “Institutions,” “Issues,” and “Practices.” The range of topics covered is quite deliberately broad and eclectic – the only way to adequately reflect a field whose boundaries are not yet firmly established. Our overall goal is to try to problematize the notion of a global media system, something that our various distinguished contributors often see quite differently.²² While taking a necessarily broad view, we are seeking to discover and emphasize what is real new about the situation described by such notions as convergence and globalization, not to mention concepts such as media and communications. Our topic selection was made with this in mind. Critics will note that the book has a decidedly “northern” (Euro-Austral-American) bias; but is this not

