

BEIRUT MEDIA FORUM 2007:

MIDDLE EASTERN CONFLICTS IN THE MEDIA – CENSORSHIP AND REPRESENTATION

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Panel II: Wars, Censorship and Markets

4.30 p.m. – 5.30 p.m. Session 2: “Selling War in the Media”

The New Paradox – the Freedom of the Press in a Globalized World

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Short Version: The media are the most important instruments of propaganda. But apart from this fact, the media are subject to a dramatic change. For a hundred years, communication cables and wires around the world have been demonstrating the relationship between continents, countries and states. The pattern illustrates and evidences power relations. In most cases, the media were instruments of the interests of the respective states, notwithstanding the fact that they were market forces. Globalization of the media markets changed the picture. Media concentration generated commercial powers bigger in some cases than nation states. How content can be transformed in the digital environment of the worldwide global marketplace in order to generate *value added* is the urgent core question of today. It is *the economic* challenge. However, what is *the societal* one?

The lecture analyzes the new paradigms and paradoxes of the freedom of the press as well as the response of the international community in the UN System. It concludes that in an everyday more globalizing world the freedom concept to refer to is not only the one after a conflict but the one before it. The opposite concept in regard to the latter is not war and violence but ignorance and fatalism¹.

Each historical turning point and each new technology inevitably results in generating a variety of euphoric hopes and darkest fears. That was also the situation 15 years ago – with the rise of the Internet and the fall of the Wall of Berlin.

Today, Fukuyama's thesis of the "End of History" seems absurd to us. Then it was the expression of a sense of historical happiness. However, neither the hope as to the end of ideologies has come true, nor is the Internet with its possibilities for communication in real time able to abolish autocratic governments. Instead, we see a 21st century with new colossal shifts and transformations as well as new paradoxes:

1. The new paradoxes²

A *multitude* of channels that has never existed before and, at the same time, a global conglomeration of media power in a *concentration* which ridicules the credo of *plurality*

¹ See Jürgen Kaube: "Freedom after the upcoming wars". ("Der Frieden nach den kommenden Kriegen. Präventionsmoral: Das Nobelpreiskomitee würdigt ein Engagement gegen sich erst abzeichnende Konflikte".) In: German daily newspaper Frankfurter Allgemeine Zeitung, 13.10.2007, p.S. 35

² See Jean-Paul Marthoz, Freedom of the media. In: World Communication and Information Report, UNESCO, Paris 1999, pp. 72.

which is, as you know, the necessary prerequisite for freedom of expression. The American magazine "Vanity Fair" wrote: In the year 2010, content for eighty percent of mankind throughout the world probably would be provided by not more than five media holdings, which would transmit their messages at the same time to 4.5 billion people.

While at the end of the 20th century concentration of media power³ around the globe rose dramatically, state control of the media in previously autocratic states initially decreased by making way for a wide range of smaller and freer media – however, a transitional phenomenon. Because what we are observing in the meantime is the paradox of the paradox: *privatization* has begun, but the *state* does not loosen its grip on the media.

Russia is just one example for that. Periods of transition are obviously more promising regarding diversity of media than the advent of democracy or what is taken for it.

Communication without any boundaries is likewise an equally contradictory notion. Transnationalization of the media *undermines* autocratic regimes in their attempt to eliminate opposing views. But this does not mean that *censorship* cannot be enforced successfully any longer in the best interests of the ruling powers. According to the estimates of British computer experts, China employs 30,000 persons to exercise surveillance and to monitor electronic communication. Encoding is no alternative here: ambitious hackers make it a point of honour to hunt for trophies – regardless of for whom. Each security and defense programme generates a new programme, which in turn makes it ineffective again – the game is rotating at continually faster speed.

In many transition states, the new media and especially the Internet initially assumed the role of providing resistance against governmental control – prominent examples from the former Yugoslavia come to mind. Globalization of the media, however, has not in all cases promoted *democratic freedom and liberties*. Quite the contrary is true: in the last few years, economic, political and journalistic projects were successfully combined into *hybrids*. Thus there evolved partnerships owing to shrewd economic calculation between Murdoch or Microsoft and China on the one hand, and "embedded journalism" on the other hand. And where it has not been done smoothly, interventions with regard to the media have proved to be a harsh reaction.

Whilst censorship by authoritarian regimes might be clearly opposed by the public in the name of the principles of press freedom and of freedom of expression, we, in the western world become increasingly speechless with regard to such restrictions which democratic states themselves have been introducing. The global experience with terrorism has changed our need for safety and security, which strongly encourages governmental interventions for safety and security reasons – just have a look at France, the USA or also Germany. We, too, are obviously ready to trade freedom for safety and security⁴ without any complaints. And the journalists?

Those who, in the name of media ethics, deliberately decide to stay outside the new power structures, with that attitude are risking their lives in huge numbers. They are obstructing not only in terms of political and economic interests (and occasionally of *institutional interests*

³ See Challenges of a media-rich world. In: Javier Pérez de Cuéllar: Our Creative Diversity. Report of the World Commission on Culture and Development, UNESCO; Paris, 1995, Chapter 4.

⁴ See Jo Groebel, Verena Metzke-Mangold, Yowon van der Peet, David Ward, "Twilight Zones in Cyberspace: Crimes, Risk, Surveillance and User-Driven Dynamics. Expert opinion" ("Gutachten") prepared on behalf of the foundation "Friedrich-Ebert-Stiftung". Bonn, 2001.

also in case of international organizations in post-conflict areas), but may also be exposed to cruel comments of their respective group members and clans.

We sense the background fact of these developments. The post-ideological epoch, which Fukuyama proclaimed to be the "End of History", became no reality. It is based in turn on an ideology⁵, namely that of western economic liberalism. We can see how the new technologies – more precisely, the way of their use and application – have changed the globe into a gigantic electronic village which, in the name of freedom of information, is tending to create *one single* marketplace. The result is that uniformity is reflected also in the field of culture. The consequence is, as the American legal expert Rodney A. Smolla wrote already in 1992 in a far-sighted manner⁶ that this trend triggers counter-pressure even in such regions which would well be capable of being tied to universal values.

2. The change of meaning

The *media* themselves are undergoing a change in meaning on a global scale. They have mutated from being a nationwide used *means of communication and self-understanding*⁷ into becoming an *economic or business asset* and a growth-driving power in the global marketplace. The American communications expert Herbert Schiller has called the respective effects "corporate takeover of public expression." According to this researcher, media holdings were already a kind of worldwide operating "nation state" – however, without having a native country. These "homeless" would only submit to politics if new markets were at stake – transitionally. And after that, politics would yield to them because the politicians' own power would be at stake; and without the media, it can't be maintained any longer. Think of Great Britain and the SUN's threats to Ex-Premier Minister Blair. Former OSCE Director Freimut Duve simply spoke of "The industrialisation of the First Amendment Act".

Internationally operating media follow the economy of attention. They push typical gutter-press subject matters up to selling off the mind: they show – as icons of lasting memories - or ignore the atrocities of war, they sacrifice the boundaries between public and private spheres, exclude entire societal milieus, bring forth new stars – human beings without any (advance) contributions to society – thus acting in a combination of creator and profiteer very simply in a self-referencing way, isolated from any societal purpose or meaning. The "reversal of significance"⁸, which, as Germany's former Federal President, Richard von Weizsäcker, put it, is driving journalism into a crisis as regards its function as a critic. Yet, this function is precisely the essential nature of a civil democracy.

Meanwhile, facing the digitalization of networks and contents, the balance between *the public* and *the private* in the society has been placed radically on the agenda. Frequencies are being sold in auctions, cable systems bought up, trackability is redefined by electronic programme guides, and programme slots are only accorded in exchange for appropriate transfer fees to even the British BBC. Intellectual property – Mark Getty called it the "fuel" of the 21st century – is being bought up internationally; so called "proprietary systems" are being established as tolls in the form of Digital Rights Management (DRS). This means: not only

⁵ See "That was not the worst case yet. The intellectuals, the power and the Islamic challenge." A talk with Hans Ulrich Gumbrecht, Martin Meyer and Henning Ritter, published in the daily newspaper "Frankfurter Allgemeine Zeitung" (FAZ), June 23, 2004, p. 35 („Das war noch nicht der schlimmste Fall. Die Intellektuellen, die Macht und die islamische Herausforderung. Ein Gespräch mit Hans Ulrich Gumbrecht, Martin Meyer und Henning Ritter.“)

⁶ Smolla, R. A., "Free Speech in an Open Society", New York 1992, here cited by Marthoz, see publication given in footnote 1, p. 82.

⁷ Economists call those goods the value of which is not just the market value alone but the benefit for the society "meritorious goods:"

⁸ See Siegfried Weischenberg: "Sellers of themselves"; "Verkäufer ihrer selbst". An article published in the weekly newspaper "Die Zeit", October 18, 2007, p. 54

the ownership structure changes drastically and on a nation-wide scale is increasingly less controllable, but newly defined are also the distribution channels (the digital platforms) and therewith the access rules to programmes and content(s). In the meantime, science calls for extending the public domain in order to counteract the danger of an emerging neo-feudalism. Within ten years, thus the complaint, the academic access costs alone have quintupled. As is generally known, access to knowledge is crucial for society's ability for innovation.⁹ What is at stake is no less than the future condition and frame of mind of our society.

And the state? While still being the guarantor of fundamental rights in democracies, in the tough international competition, the state has mutated more than ever before into a competitor for national economic interests. It can serve the multinational holdings, abandon human rights or subjugate the media to personal interests – or all in one. But the state exists on prerequisites, which the state itself is not able to guarantee¹⁰. And this particularly concerns culture.

Talk about the media society therefore *not only* refers to the economics theorem which states that the share of the national product consisting of cultural goods and services strongly increases¹¹ while that of the industrial products decreases. The discourse on the media society refers above all to cultural change. In it, the customary, traditional systems of orientation – family, school, peer group, work sector – are losing importance, while the realities produced by the media gain in influence. By 2010¹², with growing band widths and with 433 million TV-enabled Internet connections this influence will have increased even more on a global scale. One does not have to be a follower of the thesis of the "value-conservative dilemma", which was described impressively back in the 1970s by Daniel Bell¹³ pointing out that: the requirements of the Modern Age resulted in the rupture of culture and society and would attack the institutions of social cohesion, precisely those, which would be quite unrenounceable for the defenders of traditional values. But what we have been observing for 30 years worldwide undermines the cherished assumption that freedom, economic modernization and democratization would still today run parallel in the same direction. However, as the famous German poet Hölderlin said: "Where danger grows, rescuing forces grow as well". The U.S. American social scientist and researcher Jeremy Rifkin insists on the chance of restoring and reinstating the public space. Which role do media play?

Throughout all these processes, media are not just contexts, they themselves are culturing institutions and part of the respective cultural system. Thereby, in some media in Germany, cultural journalism has undergone noteworthy restructuring and marked alteration. Culture

⁹ The new information technologies provide quite specific possibilities to enforce information rights in the electronic marketplace. Lawrence Lessig, legal scholar at Harvard University, U.S.A., demonstrated in his bestseller "Code" how this works via the architecture of the worldwide web and the configuration plans of the software, the codes. Information that has been publicly accessible before is increasingly subject to private business use rights, the so-called "proprietary systems". Moreover, such programmes may also serve to undermine successfully our information autonomy and to create a shadow of our communication habits. Without our knowledge, they eliminate what the Anglo-Saxons call "privacy". With this much money can be made. The data on the rising cost of academic knowledge have been provided by the Belgian legal scholar, Prof. Yves Poulet, Belgium's representative on the Inter-State Council IFAP/UNESCO, 2004. On the policy and strategy of the open-access initiative of the Max-Planck-Gesellschaft see Rainer Kuhlen in: Information – Wissenschaft und Praxis 55, (2004) 4, pp. 199-209, in particular annotation no. 27.

¹⁰ This famous sentence goes back to the German law-scientist Ernst-Wolfgang Böckenförde.

¹¹ The volume of world trade with cultural goods and services grew in the last 20 years of the 20th century from 95 billion to 400 billion dollars and therewith the power pattern also changed. In 1990 the leading exporters were USA, Great Britain, Germany and France. Eight years later, 40 percent of all cultural products came from Great Britain, the USA and, thirdly, from China. See Arian Kreye, "Exploding Markets", Explodierende Märkte, published in the daily newspaper Süddeutsche Zeitung, 10.02.2006.

¹² Estimate by Price Waterhouse Coopers; see Gottfried Langenstein: "Culture as identity carrier and economic factor ... and as factor of Europe's capability to master the future"; "Kultur als Identitätsträger und Wirtschaftsfaktor:...und als Faktor der europäischen Zukunftsfähigkeit." In: Kulturpolitische Mitteilungen 118, III/2007, pages 50 to 53, here p. 52.

¹³ See: Daniel Bell: "The Coming of Postindustrial Society", New York, 1973; Vincent Mosco: The Digital Sublime, Cambridge 2004. Robert D. Putnam expanded a thesis to include that societies' prosperity will die without a sense of mutual obligation.

has been understood as a platform on which the discussion about the fundamentals of our lives is being conducted: ranging from the discourse on practical philosophy, applied ethics in the area of scientific findings – the demographic and climate changes – to the debate on our use of universal norms and standards. The discourse of the last few years has fostered the insight that – in contrast to nature – *it is culture itself that creates the frame conditions for survival or death of civil societies*, their values and their achievements. Media play an outstanding role in this regard. Meanwhile, a key issue in the information and knowledge society of the 21st century is if and how informational self-determination, democratic freedom and cultural identity on the basis of cultural diversity can be maintained and, *thus* information and communication can provide leverage for the development of society. In short: *how* the handling of information will be *organized* by society in the future is likewise decisive for our identity and perception, the possibility of democratic participation and the further development of science and economy.

3. International communications policy

"Since the wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed". This poetic first sentence of the UNESCO Constitution explains why from its very beginning, the United Nations' Special Organization for Culture is concerned with communication policy. The principle of free flow of ideas in word and images, one of the very basic values of western democracies in order to enable freedom of expression, has therefore been enshrined in Article 1 of the Constitution of the United Nations' agency. Today, UNESCO functions as an international intellectual platform, a laboratory of ideas and a standard-setter to forge universal agreements on emerging ethical issues among its 192 Member States and six Associate Members. It does so by adopting Recommendations, Declarations – so-called soft law – and Conventions. Being International Treaties, Conventions have to be signed and, after that, ratified by Member States. Thirty ratification documents must have been handed over before a Convention becomes part of International Law.

How then do we shape communication in our century when we see that, today, *nine out of ten armed conflicts* are no longer between states, but within states? Javier Pérez de Cuéllar, former Secretary-General of the UN, qualified those new confrontations as "*narcissism of small differences*" which often masks conflicts over scarce resources, political and economic objectives in addition to the political strife of ethnic groups and their striving for cultural and religious rights. As regards this phenomenon, he advocated to counteracting the deep pessimism of cultural threat-related fears of the human being with cultural rights and basic human liberties. He had no idea to what extent he had touched the nerve of our time.

The international community, represented by the United Nations, has, finally, with the Millennium Declaration of 2000 agreed on the most pressing issues. And even the fundamentalist secular movements, with only a few exceptions, have joined the call on religions to join forces in motivating people to act along the agreed-upon lines, putting the Millennium Agenda into practice. The goals thereby are pluralism and diversity of the media which UNESCO as lead agency particularly emphasizes. In 2005, the General Conference with overwhelming majority adopted the *International Convention for the Protection and Promotion of the Diversity of Cultural Expression*, which meanwhile has been ratified by more than 60 states and thus has become part of International Law¹⁴. One can say the Convention is the first international treaty relating to the shaping and structuring of globalization. Before that, the world was only aware of the existing international treaties of

¹⁴ In the field of international norms and standards, with the Millennium Declaration Kofi Annan and the leaders of states throughout the world placed a first strong universalistic emphasis in terms of politics and policies for the 21st century. It was followed by the General Declaration on Cultural Diversity (UNESCO 2001); by the decision of the General Conference for a Cultural Convention (UNESCO 2003), the adoption of the Convention (2005), which, in 2007, became part of the International Law accompanied by the recommendations of the UNESCO General Conference of 2003 for the UN World Summit on the Information Society (Geneva, December 2003, and Tunis 2005). All this created a common basis for a focused international communications policy.

the World Trade Organization (WTO). How can this trade policy be reconciled with the values and rights of the international community? This question has preoccupied states throughout the world, specifically due to the fact that the negotiations on liberalizing cultural services (General Agreement on Trade in Services, GATS) also covered all kinds of electronic media. With unimaginable speed, this cultural diversity issue has been placed on tables in the framework of international negotiations. The reason being, perceivably, that global development is determined by four major factors which – with quite varying power and impact – are being driven ahead by:

- National and international law
- the market
- technology (codes) and
- international norms and standards.

As international agreement, the UNESCO Convention obligates the parties involved to promote cultural diversity and pluralism - both nationally and internationally. It is under this auspicious obligation that the state regains its freedom of action. The states can pursue their respective cultural policies without, for this reason, having to come before an arbitration tribunal of the World Trade Organization. In line with the Millennium Development Goals is the new role of non-governmental organizations' representatives and the civil society in this process, with the objective to bind governments, non-governmental organizations and multinational corporations jointly to their having to maintain fundamental standards.

Norms and standards, however, as the result of international specialist communication about that *which shall apply*, are the first bases of a subsequent integration, and "anchoring", in International Law. For setting standards in international communications policy in the United Nations, UNESCO shall be responsible. In the mid-1990s, with the Executive Council Meeting in autumn 1996 – one year after issuing the Global Report on Culture and Development and the GATS Treaty of the WTO – a *change in paradigm* had been completed which otherwise in the field of international politics would only become visible much later (for instance, the shifting away from the Washington Consensus with its reliance on market forces for integrating less-developed states and, in 2001, the turning to the Consensus of Monterey with its social standards as benchmarks).

As the UNESCO Executive Council stated at that time, the fundamental social impact of the new information technology would be the "*widening gap*" between those who have access to diverse information and those who don't have any information at all (the have-nots). Since the beginning of the second half of the 1990s, the pattern of integration, or participation, and exclusion has changed drastically worldwide. And this change, indeed, challenged the paradigm of UNESCO's "New Communication Strategy" that has prevailed since 1989, (according to which the free information market fostered social integration and participation of the south and also freedom of information, plurality of sources, diversity of languages and cultures as well as mutual exchange). If the worldwide web is not to become a new means of exclusion, if the right to information and communication is to be taken seriously, as the then Director General Federico Mayor explained, then there would have to be a *new balance* between the *public* and the *private*, a balance between the regions of the world as well as a balance between the *spirit* of sharing and that of the *market*. Otherwise, a peaceful result could not be obtained.

The maxims that have emerged are based on universalistic rights:

- Freedom of information and expression from which the principle of freedom of access is derived; and that in turn is linked to the principle of *cultural diversity*, plurality and accordingly to the principle of control of power and concentration;
- the right to protection of intellectual property and its fair use, from which the principle of restricting private claims by the public's claims is derived, as it is incorporated in the American doctrine of "fair use" or that of the "fair use" of the Continental intellectual property right owing to public and scientific interest(s);
- the right to intactness of the private sphere of the individual from which protective regulations pertaining to interventions not only by the state but also pertaining to the exploitation of the private sphere owing to shrewd economic calculation are derived. (All IP addresses are two-way-communication channels as you know.)

Guidelines that have been derived from ethical principles are often anything but "soft", as it turned out. They are highly political. The debates became tougher, the dissimilarity of information-related interests and cultures became more distinct. Let me conclude with the outcome so far in five remarks as a basis for discussion:

- 1) Recent developments pose old questions. In the focus is principally the old universalistic question regarding the objectives and reasons for our actions. To the extent that the rule of the society of wolves does not satisfy, namely "first come, first served", with all resulting hazards in relation to freedom, we have to check our answers in the light of the new predominant developments. These are, as alternatives to capitalism collapsed, rather, stresses and strains reappearing within capitalism: a rapidly transnationalizing capitalism induced a destabilizing condition of overproduction resulting in extremely tough international competition whilst nine out of ten armed conflicts are no longer between states, but within states. A pattern of international interference and internal separation evolved.
- 2) The representation of conflicts - and this means domestic ones as well as abroad ones - is affected by a general contempt for democratic procedures. "Patriot Acts" results of the protection function of the state were not in all cases implemented after 9/11, several already before that date. It might be debatable whether they are appropriate to ban the danger of terrorism or if they serve the purpose to survey citizens in the interests of the still nation based multinationals, as Dan Schiller¹⁵ suggests. However, the result is always the same. Freedom is the first victim.
- 3) The complex process of "information commodification", which means information becoming commodities, leads not only to never-ending "breaking news" and real cutbacks in newsrooms¹⁶ but rather, to the vanishing of the public sphere, public domains and a democratic critics function. And, by digitalizing all parts of the production- and value-added chain, it stretches across every economic sector. One especially noteworthy instance pertains to the Internet Corporation for Assigned Names and Numbers (ICANN), a nonprofit Californian corporation, that reports to the US Department of Commerce.

¹⁵ See: Dan Schiller, *How to think about Information*. Urbana: University of Illinois Press, 2007.

¹⁶ Employees rate in the U.S. newspaper industry fell by 18 % between 1990 and 2004, in contrast, the employees' rates in advertising and entertainment grew.

- 4) However, the international community responded and did so in a speed never seen before. Not to be overlooked in the process of globalization is the renaissance of the nation state. In regional and international meetings, nation states sign international agreements, develop international law and, with interested parties and experts of the civil society, an understanding on "soft law": thus rules of monitored self-control emerge. The state as carrier of International Law cannot be fired. And it is not superfluous. Also if the state appears by no means in all cases as a *guarantor* of human rights and basic freedom. A republic-related constitution of free and equal states for which in the view of the German philosopher Immanuel Kant there is no alternative because it alone could prevent war on a long-term basis – we don't have it. However, we just have the multi-lateral system. We have to focus on its political issues: do they hold strong facing the diverse cultures and competing interests which are part of the game, and in the knowledge of the technical possibilities, which define integration and participation as well as exclusion worldwide.
- 5) Based on this, we have to formulate the corresponding implications therefrom. *We*, and thus not the states alone, but civil society. Communication is a decisive factor in each societal development. Communication focusing internationally on the future of our society brings along with the traditionally sole actors in terms of International Law, the nation states, also the carriers of human rights into play: the individual, the single person as a member of civil society¹⁷ – therefore, us. A precondition for this is that we are free in the sense of the Age of Enlightenment and not bound to what Kant noted as irresponsibility for which we have to blame ourselves.

I thank you for your attention. It has been a pleasure speaking to you. And I hope this speech has given you some new information and insights. In the discussion following the speech of Paolo Mancini I will gladly take your questions and comments.

¹⁷ Fundamentalism and global capitalism are reinforcing their influence, as Richard von Weizsäcker summarized it at the end of the 1990s in the "Montagsgesellschaft" in Berlin. "The Holy War needs believers and McDonald's consumers. Both [i.e. fundamentalism and global capitalism] don't need citizens." In 2000, in Davos, the Italian philosopher Umberto Eco said: "Globalization in the 21st century means that sciences and ethics are combined", otherwise, within a 30-year period, the interconnected world might well collapse. In the view of the European thinker, seemingly unsolvable conflicts could only be mastered through *communication*: by negotiating reasons for validity as well as moral norms with the participation, and involvement, of all, of the citizens, the companies and the state.