

Seán Ó Siochrú  
10/10/2005

## **Comments on TNCA Project case study of the CRIS campaign**

I begin with the main substantive point, and follow with some minor corrections and comments.

### **The CRIS Approach to Communication Rights**

The three approaches to communication rights are very interesting, and in general quite accurate in the context. I will in part take issue (naturally!) with the one in which I am implicated. On Page 6 you say that this position is “more reformist than radical, and more likely to convey persuasive evidence to state targets both domestically and in international institutions” a shift that was a “prerequisite to institutional influence”.

The use of communication rights as a framing device attempts to retain an appeal to the human rights regime (though it carries unresolved contradictions – that for the moment are likely to remain so), and at the same time build a wider constituency. But the latter is not necessarily seen as a means simply to build a large coalition and grab the largest audience to put pressure on state actors. If properly articulated (which as yet it has not been) there is also a broader social justice and social mobilisation potential there, that can go beyond the human rights issues to questions of class, neo-colonialism is the form of neo-liberalism, and other structural barriers to a deeper form of democratisation. The trouble with the international human rights regime (which is also national to the extent that almost every government nominally endorses it) is that **even were it enforced**, it does not address structural inequality embedded with for instance capitalism and its drive to constantly expand its terrain of control. Thus the reframing with social justice (as the CRIS Campaign has decided to do in its recent meeting at PrepCom) 3 is towards a more radical, not less radical, interpretation. Reforming can be a logical step on the road.

So the strategic shift from the human right paradigm is at the same time an attempt to address a wider *and deeper* set of issues, while acknowledging and deploying human rights as a very important and historically unique (imagine, if it did not exist, trying to get countries of the world today to agree to the UNDH!) set of tools to pursue progressive action. But it is a tactical tool, and not ultimately strategic. Frankly, I would not see the inscription of a Right to Communicate within the pantheon of human rights, unlikely as it is anyhow, as the final point – even were it possible to enforce such a right. A major, major step forward, yes, and beyond what I am likely to see in my lifetime - but not the, or even an, ultimate point. The ultimate goal is where communication rights involve a full implementation of participative democracy in communication throughout society.

“Conveying evidence to state targets” is also to be seen in this light. Yes, there are huge arguments to be made at state level, to demand that the state live up to its international human rights commitments, to their national laws, and to their obligations as representatives of the people. But this too is not the end point. The democratic appropriation of media and communication by the people (a formulation developed by CRIS Brazil which, I am told, sounds a lot less ‘possessive’ in Portuguese than in English) would require the upending of current approach to communication and media in society. It would mean a recognition that the starting point, middle point and end point is about people, about expression, about creation, about informing, learning, amusing, entertaining, tolerating, and so forth. Not about profits, knowledge ownership and overextended

copyright, state eavesdropping and the “war on terror”. So the idea of advocacy and lobbying of governments can go further than simply influencing them to change current policies. But it is a useful and democratically implemented first step that perhaps will help build a basis for further steps. Needless to say, tactics may also include radical and direct action where governments, as in so many parts of the world, are unwilling to engage in the democratic process or to live up to their international commitments and national obligations.

On page 7 your paper states: “The tactical appropriateness of rights language comes at a price, however. Sidestepping the issue of what communications rights actually are blunts the campaign’s ability to develop and propose concrete institutional changes; advocacy remains at the normative level”

I cannot see why this is the must be the case. Yes, it means that a coherent case is not developed in terms of amending the international human rights regime, and by implication, to some extent, national human rights regimes.

But this is quite distinct from the intergovernmental and national level governance structures (partly because international human rights have such weak enforcement possibilities). For instance, this position is fully compatible with advocating deep seated change within the WTO, for a strong UNESCO on Cultural diversity, and so forth. It is not inevitable that the “real and important difference regarding how rights conflicts might be worked out” will surface in these contexts.

The failure is not in principle: but having said this, it is there in practice. The CRIS campaign has failed as yet to produce credible alternatives and solutions to communication and media governance at different levels, having instead little more than a grab-bag of reforms in different areas. This is something we must work on.

In short, we really do not want to “leave to others the problem of translating them [communication rights] into legal and institutional forms”. And we believe that within the current framework we can, and have a serious obligation, to remedy this with coherent ideas and effective action.

### **Minor Corrections and Comments:**

Page 2. 6<sup>th</sup> line. “most of its principal actors are rooted in academia” This was true until the CRIS campaign was formed. After that several of these dropped out altogether and several others gradually became less involved. I think it was the shift in arenas, rather than in issues, that caused this and they are still hugely supportive.

Footnote on page 12 Harley 2003 is not there – but looks interesting

Page 13. Top: I cannot claim that much credit (nor can Richard Vincent, though he made a good contribution). In fact, subject to checking, Cees Hamelink, Mike Traber and Kaarle Nordenstreng were among the main movers for the first four round tables or so (I have to check), mostly around the International Association of Mass (now Media) Communication Research (IAMRC ). My first was in Dublin in 1994 -5; I assisted in Hawaii and then was centrally involved from there on. Rick was pivotal in the Hawaii one, had a key role in the subsequent one in Seoul, but that was about it. I continued until the 10<sup>th</sup> in Tunis, and in effect final one.

Bottom of page 13. Frankly, there was little 'satisfaction'. Like so many statements, they were made in eternal optimism, but for a change it was somewhat justified.

Bottom of page. Before the time of the WSIS, we had been planning a World Civil Society Congress on Media and Communication, but we had so far failed to gain the funding and support for it. The WSIS was seen, after much discussion, as a way forward – not ideal, but good enough.

The second paragraph of page 15 should be changed since several of us were well aware of the WSIS from the first moment. (I had devoted considerable effort to gaining recognition for NGOs in the ITU and was following it closely.) I suggest: "The Platform/Voices 21, though they had been aware of it for a while, were alerted to the potential of the WSIS in December 2000." Note also that UNESCO had been planning an event around the same time and the politics were never clear as to why it was dropped in favour of the ITU event.

The Geneva 'Conference' was called a Workshop or Seminar as far as I remember. It was very successful in our terms in generating serious interaction between ITU, UNESCO and civil society, and was the first occasion for a debate on the WSIS and civil society. It set us up early as potentially having a lead role in the process. .

The Chart on page 17 is inaccurate in that it puts the Content & Themes group between the Plenary and the CSD. The C&T had very little interaction with the CSD, only liaising with them to let them know who would speak, in what order. The C&T was a completely open group – though of course in practice one would have to know what was going on to get involved. Thus you should eliminate the line between the CSD and the C&T group. Only the CS Plenary had an 'official' link to the CSB. What is missing is a line out to the Intergovernmental Plenary, and this should come from the C&T Group in terms of providing the speakers. A 'dotted' line might go to the CSD and then in turn to the Intergovernmental plenary, to show that they acted as an intermediary. There should also be a direct line between the Plenary and the CSB, since the CSB facilitated the Plenary and Working Groups (with rooms, meetings, logistics etc.)

I did a diagram some time ago on this, that I could send (but I will not be home for a week).

It is inaccurate to say that Karen Banks coordinated Plenary. I am pretty sure she would deny it (I sent your report to her). When CS Plenary was first formed, it was Renata Bloem who was asked to chair it for the first while. Later on, it was a revolving chair, with regional reps. taking turns. For Phase 2 WSIS, CONGO has taken on the role of supporting the Plenary and civil society in general. Karen was moderator of the virtual CS Plenary, but this involved no editing out and was only a technical job. (I did it at the very beginning.)

On page 18 you say that C&T was "controlled" by CRIS members and supporters. It was an open group. But I accept that CRIS members facilitated it, and were also in the best position to be active, knowing the whole process.

Page 20 Myriam Horngren is not full time: 50% for 2004, 40% 2005.

Page 22. It is not quite accurate to say that local or regional CRIS Campaigns are often constituted by a GGP Workshop. CRIS Colombia was in existence in advance of the GGP Project; so was CRIS Italy, and Kenya and Philippines have not formally constituted one. Only Brazil would fit this. Probably it is enough to say that a number of CRIS local or regional campaigns have been formed or given a push by the workshops.

Also, leave out, on the last sentence “for example the GGP working group for the pilot domestic CRIS campaigns” – the IOC had nothing to do with this. This was set up by the GGP project itself, which of course consulted everyone first. But it was independent, in fact the only independent activity within CRIS international.

The Social Network Analysis throws up lots of interesting things. But the point about the ‘relative disconnect’ between CR and internet governance, is not accurate, at least to me. (page 27 and also conclusions). I never even thought about CRIS being active in this area, since APC – one of the most active CRIS members – is fully involved in it, and well capable both of tackling it themselves and mobilising others around it. Similarly, if community radio had been a key part of the WSIS, CRIS would probably not have got involved (except perhaps to mobilise a bit wider) since AMARC is centrally there. Precisely because CRIS is made up of members active in specific areas, we have tended to focus on those that are largely ignored, that need wider mobilisation or that cut across several areas. If APC had ever asked other CRIS members for support or anything else, they would certainly have got it. (RITS, also active in internet governance, is also a CRIS member, though much less active in the CRIS activities than APC.) .

---

Milton – we do not see eye to eye on many things, and probably never will. But I genuinely liked your report and appreciate the serious thought that has gone into it. So thanks to you and your colleagues and I look forward to the final report.

Seán Ó Siochrú  
10/10/2005