

# The No-Nonsense *guide to* Communication Rights

*What are ‘communication rights’? How do they relate to ‘human rights’? How do they differ from ‘freedom of expression’?*

*Communication is recognised as an essential human need and, therefore, as a basic human right. Without it, no individual or community can exist, or prosper. Communication enables meanings to be exchanged, propels people to act and makes them who and what they are.*

*Communication strengthens human dignity and validates human equality. By recognising, implementing and protecting communication rights, we are recognising, implementing and protecting all other human rights.*

Communication rights strengthen the capacity of people and communities to use communication and media to pursue their goals in the economic, political, social and cultural spheres. They support key human rights that collectively enhance people’s capacity to communicate in their own general interest and for the common good.

Communication rights go beyond mere freedom of opinion and expression, to include areas such as democratic media governance, participation in one’s own culture, linguistic rights, rights to enjoy the fruits of human creativity, to education, privacy, peaceful assembly, and self-determination. These are questions of inclusion and exclusion, of quality and accessibility. In short, they are questions of human dignity.

## Background

The first broad-based debate on media and communication globally, limited mainly to governments, ran for a decade from the mid-1970s. Governments of the South, by then a majority in the UN, began voicing demands in UNESCO concerning media concentration, the flow of news, and ‘cultural imperialism’. The MacBride Report in 1981 articulated most comprehensively a right to communicate. The debate was compromised, however, by the Cold War, and fell

apart after the US and the UK pulled out of UNESCO, clouding discussion in UN bodies ever since.

At the same time, NGOs and activists from the 1980s onwards became increasingly active in a variety of communication issues, from community media, to language rights, to copyright, to Internet provision and free and open source software. In the 1990s, these began to coalesce into umbrella groups tackling several issues. The idea of communication rights began to take shape, this time from the ground up.

A ‘right to communicate’ and ‘communication rights’ are closely related, but not identical, in their history and usage. The former is more associated with the New World Information and Communication

**‘The right to communicate is to be understood as “the right of every individual or community to have its stories and views heard”. This means that full implementation of the right to freedom of opinion and expression, including the right of equitable access to the media and the means of communication, is central to its realisation.’**

*Article 19, London, February 2003*

Order (NWICO) debate, and points to the need for a formal legal acknowledgment of such a right, as an overall framework for more effective implementation. It also makes intuitive sense as a basic human right. The latter emphasises the fact that an array of international rights underpinning communication already exists, but many are too often ignored and require active mobilisation and assertion.

The use of the term ‘communication rights’, in the plural form, implicitly points towards existing human rights that relate to communication, and away from promoting a new formal right to communicate (in the singular) in international law. The emphasis subtly shifts towards realising existing communication rights on the ground.

## Why not just ‘freedom of expression’?

Freedom of expression is a basic human right. But the idea behind communication rights contends that such

**C**ommunication rights must respond to the needs of people at different levels of society who have experienced specific communication deficits in their lives.

Without this vital mediation there is a danger of ignoring people who have experienced communication deficits at a local level, but whose concerns have not been acknowledged as a legitimate aspect of communication rights. Concentration of media ownership is a critical issue, but to landless labourers in Brazil or India, the right to information is far more important precisely because without it their very survival is threatened. Access to information can make a qualitative difference to their lives. How do we evolve an understanding of communication rights that recognises people's varied experiences of communication deficiencies?

freedom can be achieved only through securing a broader set of flanking rights. For freedom of expression to rise above the dominance of powerful voices, the hugely varying levels of access to power and to the means of communication in society, especially mass media, must be addressed.

Communication rights demand that the conditions needed for a positive cycle of communication are, in practice, created. This cycle involves a process not only of seeking, receiving and imparting, but of listening and being heard, understanding, learning, creating and responding. Although we cannot oblige others to listen or to respond, communication rights would optimise the environment for this.

Communication rights thus include a right to participate in one's own culture and language, to enjoy the benefits of science, to education, to participation in governance, to privacy, to peaceful assembly, to the protection of one's reputation, and more.

In this context, freedom of expression, in the form of laws to prevent direct government interference and to defend free speech, can do little to prevent the domination of the loudest voices, i.e. those who can most strongly influence the means of communication within society, whether they are the government, newspaper proprietors and media corporations, or powerful interest groups.

A poor person seeking to highlight injustice in their lives and a powerful media mogul each have, before the law, precisely the same protection for their right to freely express their views. In practice, however, the former lacks a means to have her/his voice heard, while the latter can powerfully amplify her/his mes-

sage and ensure it is widely heard.

An initial approximation of the goal of communication rights is: To secure conditions for the generation of a creative and respectful cycle of interaction among individuals and groups in society which in practice endorses the right of all to have their ideas expressed, heard, listened to, considered and responded to equally.

By breaking down barriers, putting in place enabling mechanisms and enhancing self-determination, communication rights build an environment in which people are better equipped to receive messages, to understand and respond to them, and to communicate critically, competently and creatively. They nurture an environment of tolerance and mutual respect in the context of communication.

Communication rights do not seek to impose an absolute obligation to listen and respond. Rather, they build an environment in which interaction and communication are more likely to occur freely and to mutual benefit.

## Why are communication rights relevant today?

For communication rights, the whole is greater than the sum of its parts in several ways.

- Without communication rights, freedom of expression can privilege the powerful. With them, it can achieve its full potential.
- Communication rights have implications for social and collective rights, beyond those of the individual, since they assert the right of cultural and ethnic groups, of language communities and others. Support for diversity is also integral to communication rights, through the high value attached to mutual respect and tolerance.
- Communication rights cannot be construed as simply about communication between equal individuals. They already imply social structures that differentially constrain and enable the capacity of different groups to communicate. They thus point to changes to, and the governance of, inequitable social structures and dynamics.

The legal constitution of rights is not in itself enough. Far from it, even when legally binding, mechanisms are needed to make it possible to establish non-compliance. Redress must be available, and sanctions must be enforceable. Communication rights established in international law have none of these. Most governments have tried to incorporate international laws in national law. Yet they are often undermined by exceptions, and weakened by qualifications. Some governments fail to enforce even their own laws.

A set of global dynamics gives communication rights special relevance today:

- Mass media are now dominated by a few global corporations. This significantly biases content towards profit generation and reduces diversity of sources and



*Sign language is being generally recognised by society and people no longer look curiously at people signing in public. But sign languages are still discriminated against in that they are not given equal recognition with spoken languages. Using sign language is not guaranteed in public education, nor is sign language interpretation guaranteed in employment examinations for government or civil-service employees or even in court trials. This clearly infringes deaf people's communication rights. (Photo: Arvind Jain)*

content.

- Mass media play a growing role in identity formation and cultural processes, but these are shifting towards an unsustainable individualist and consumerist ethos.
- The ongoing extension of copyright duration and stiffer enforcement in the digital area, is impeding communication and use of knowledge, and the public domain is shrinking.
- Access to ICTs, and their use to tackle poverty and exclusion, has almost ground to a halt under neo-liberal policies.
- Under the pretext of a 'war on terrorism', civil rights in the digital environment are being severally eroded.

These trends emerge alongside ongoing discrimination against minority language groups, 'traditional' denial of freedom of expression by governments, and numerous other curtailments of communication rights.

Direct government control and manipulation of media, long regarded as the major threat to freedom of expression, is in significant decline in all regions of the world. Governments worldwide are relinquishing the crude instruments of direct censorship and state-controlled media. The mushrooming of alternatives to government media and of the Internet has rendered it almost (but only almost) impossible to exert direct control. Though much remains to be done, freedom of expression has thus received a major and welcome boost.

The trouble is that increased freedom of expression is not generating a corresponding flowering in media diversity, including diversity of content and plurality of sources. While the sheer volume of media outlets and channels has increased, evidence suggests that – following an initial opening in hitherto repressed countries – the diversity of views represented, and of the sources and formats of these views, is very narrow

Genuine public service media, where it exists, is

under threat; and where it does not, is perceived by governments as an expensive and possibly less compliant option than commercial media. Community media in their many forms (citizen's media, autonomous media, civil society media etc.) are struggling hard, but still receive minimal recognition or active support, and progress is slow. The net effect is a corporate, consumerist and northern bias in global mass media, inadequate local media in most poor countries, and little or no media directly focusing on and arising from people's needs and interests.

A case can also be made that these apparently diverse issues must be tackled together, as an ensemble. First, the root causes, the driving forces, of many of these are interlinked. Behind most is the global agenda of unregulated capitalism with its tendency to monopoly, private ownership and consumerism. Wielding enormous political and economic clout, its logic is forcefully impressed upon every barrier it encounters, whether resistance to the destruction of the public sphere, efforts to protect cultural diversity, or a desire to deploy the fruits of human creativity for the greater social good. The need to maximise profits, and to create the ideal conditions for this, endeavours to sweep aside such obstacles and transform the world in its own market-driven image.

Second, there are many linkages and interdependencies between the industrial sectors driving the process, and their dynamics are intertwined. Global media corporations are central actors almost everywhere, often incestuously entwined, and the line between them and telecoms companies and ISPs has long been blurred. These in turn are closely associated with a small number of powerful governments. Such interconnectedness means that, on the one hand, it is almost impossible to deal with each domain in isolation; but, on the other, a campaign can gain leverage in one domain by working on another.

Third, many of these issues fall under the sphere of influence of the WTO, especially under TRIPS and GATS. This is no coincidence, since corporate and government interests long ago identified the WTO (then the GATT) as the most amenable, controllable and powerful of the global governance organisations. Suitably armed, it could ride roughshod over the UN agencies, human rights and development instruments.

All suggest that tackling any of these issues in isolation would be ineffectual. The main actors, interests and strategies are too interdependent for them to permit any one area to submit to change. Indeed, their success in pushing their agenda globally has relied heavily on acting collectively, and on shared, often arms-length, agendas – a good lesson for the opposition to learn. The advantage of communication rights is that it can embrace such diversity within a single conceptual framework, which in turn strengthens the potential for broad-based concerted opposition and the development of comprehensive alternatives.

### Need for public communication

The first pillar supporting communication rights relates to the need for spaces and resources for the public, that is everyone, to engage in transparent, informed and sustained democratic debate. It is vital that the world's political structures prioritise the creation of such spaces and provision of such resources.

At the same time, there are political and economic forces opposed to this, whose power base and privileged positions would be threatened. Access to knowledge of public interest, its aggregation, processing and manipulation in relation to matters of public concern, and its dissemination and circulation within society are central.

Concern has long been expressed about the growing concentration of ownership of media, a global trend brought about by corporate pressure to prevent or eliminate limits on media ownership, a trend that seriously threatens media diversity. There is strong evidence of formal and informal links between the political sphere and private media.

Even so, community and locally owned media, mainly radio but including participative video and independent film, manage to exist everywhere, engaging with the interests of the local communities. They do so, however, largely in the absence of specific support, and often in the face of strong tacit or explicit opposition. Community media are one of the bright spots in otherwise difficult landscapes for media that genuinely pursue the public interest.

### Communicating knowledge to restore equality and improve creativity

The second pillar supporting communication rights looks at the communication and exchange of knowledge more broadly, and not just of that knowledge essential to public debate and democratic interaction.

**I**n Rwanda during the years leading up to the genocide of 1994, the Hutu-led government of Rwanda initiated 'hate media' against Tutsis. Kangura newspaper published its notorious 'Ten Hutu Commandments', urging mistreatment of and discrimination against Tutsis. It also identified and denounced individuals as 'enemies', 'accomplices' and 'traitors' secretly working for the dissident Rwanda Patriotic Front. The worst and most notorious of the 'hate media' proved to be the independent radio station Radio-Télévision Libre des Mille Collines (RTL) with its extremist agenda. RTL's language was aimed at destroying Tutsi identity in order to rewrite the country's social and cultural history. After the genocide WACC supported projects that used community and traditional media to rebuild Rwandan society and to work towards reconciliation.

The goal is to create a regime where creative ideas and knowledge are encouraged, that can be communicated as widely and freely as possible for education, enlightenment, practical application, entertainment and other uses. Furthermore, a distributed and decentralised structure of production and communication of knowledge is desirable, geographically and among different groups and communities.

Inherent dynamics pull in different directions here, too. An example is in the area of copyright. The original role of copyright was to strike a balance between, on the one hand, granting monopoly control over the communication of knowledge for a limited period, thereby creating an incentive for further creativity, and on the other, releasing it into the public domain for use by, and benefit of, all.

However, 'knowledge products' have become a massive industry, and copyright is now in practice largely controlled by private corporations, and so the underlying dynamic has changed. Today, controlling demand for, and production and communication of these 'knowledge products' is critical to maximising profits and extracting them into private hands. The current tension is between those who want to return to the original rationale behind copyright and build a new regime that both encourages innovation and creativity, and maximises the use of knowledge; and those corporate and government interests that seek to maximise profits to industry.

Meanwhile, huge sections of the population lack



*Indian women monitoring the media as part of efforts to promote gender equality in and through the mass media. Monitoring is important because it bridges the gap between activists and media professionals. It creates a link between the media and their audience which has the potential to lead to more equitable and diverse media systems. (Photo: WACC GMMP).*

**A** workshop held in Tecún Umán, on the border of Guatemala and Mexico, brought together journalists, radio producers, activists, religious and lay people, and experts on migration policy. They discussed the ‘ambiguity of frontiers’, the politics of hierarchies in the Americas, the use of post-9/11 ‘security’ language to penalise migrants and the crucial role played by journalists in telling migrants’ stories. Participants learned of media that support migrants’ rights – Radio Progreso (Honduras), Radio Santa Clara (Costa Rica), and the mainstream newspaper La Prensa (El Salvador) which carries daily items on migrant questions. Key resources produced by this WACC-supported event were a compilation of addresses of refuges on the migrant trail from Central America to the USA and a style-guide for journalists who cover migrant issues.

means to gain access to information and to use it effectively, even were it in principle in the public domain. Affordable universal access to conventional and ICT-based networks is an important goal in this respect, in forms that are built from the bottom-up, based on real needs.

### **Protecting dignity and security**

The third pillar is about ensuring that civil rights associated with communication of all kinds are secured, and the need to protect the dignity and security of people in relation to the communication process. It includes the right to defend one’s reputation against attacks by the media, one of a few areas in which the exercise of civil rights necessarily limits media freedom. It also includes a right to know what happens to information you provide, or is gathered about you.

Led by the US and UK, the growth in the global ‘security’ agenda, and all that entails, has begun seriously to undermine established and previously enforced rights in this area, and has given governments all over the world a welcome pretext by which they can control information flows and communication to their own ends. This is especially so in ‘cyber-space’, where the ground rules are still being established. Thus, important here are the right to privacy in communication and freedom from surveillance.

## Cultural diversity in communication

The fourth pillar covers another key function, that of enabling the communication of diverse cultures, cultural forms and identities at the individual and social levels. Communication is central to the production, practice and reproduction of culture and identity. Goals include encouraging diversity of cultural forms and cultural authenticity based on real human experiences, and on respecting, preserving and renewing existing cultures.

It is also impossible to divorce culture from human goals of peace, global equity, and sustainability, and from human rights, especially where local culture can be at the expense of human rights. The modalities and forms by which culture is communicated and disseminated are central to the outcome.

A major concern here is the process of cultural homogenisation caused by the commodification of communicated (or mass media-driven) culture, and an emerging dominance of 'for-profit culture' produced in a few global and regional centres. This has serious knock-on effects for both individual and collective identity formation, fragmenting some cultural forms and encouraging an unsustainable consumerist ethic, both individually and collectively.

Linguistic segmentation of the world based on the dominance of English in politics, culture and the econ-

**I**n Nepal, the Asmita Women's Publishing House and Media and Resource Centre – a long-term partner of WACC – ensures that women's voices are publicly heard through its weekly radio programme 'Shakti', meaning 'power'. Broadcast on Radio Sagarmatha FM, South Asia's first independent community radio station, programmes address a wide range of gender issues from marital rape to the role of women in peace and reconciliation. High illiteracy rates in Nepal mean that, for the majority of people, radio is the only means of obtaining information. Promoting women's communication rights contributes to their ability to exercise and claim other rights. Without the empowerment of voices that are listened to, women remain second-class citizens.

**I**n 1997 the government of the Pacific island nation of Niue was persuaded to sell its .nu Internet domain name to a US-based company interested in the profit potential of .nu, since in many parts of the world it carries the connotation of 'brand new'. Niue thus lost control of its national domain name. It was soon discovered that .nu was being used to sell and promote materials that reflected badly on the nation and its culture and that a private entity controlled the major information portal to Niue. In response WACC's Pacific Region initiated a campaign to mobilise public opinion and to support petitions from heads of village councils, churches and other groups. The domain name was later successfully returned to Niue.

omy is a further cause for concern, since it is often accompanied by the elimination of other languages and the effective exclusion of many people from public discourse. In many countries minority cultures are also seriously discriminated against in terms of recognition and communication.

*Compiled by Philip Lee, with contributions by Anna Turley and Pradip Thomas.*

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**W**ACC promotes communication for social change. It believes that communication is a basic human right that defines people's common humanity, strengthens cultures, enables participation, creates community, and challenges tyranny and oppression. WACC's key concerns are media diversity, equal and affordable access to communication and knowledge, media and gender justice, and the relationship between communication and power. It tackles these through advocacy, education, training, and the creation and sharing of knowledge. WACC's worldwide membership works with faith-based and secular partners at grassroots, regional and global levels, giving preference to the needs of the poor, marginalised and dispossessed. Being WACC means 'taking sides'. Visit: [www.wacc.org.uk](http://www.wacc.org.uk)

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*taking sides*