Setting a media agenda in the post-2015 Sustainable Development Goals

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As the Millennium Development Goals (MDGs) come under review in 2015, the world has a new opportunity for articulating clear goals and targets for post-2015 Sustainable Development Goals. The Rio+20 outcome document, The future we want,[1] *provided for the establishment of an Open Working Group (OWG) on Sustainable Development Goals (SDGs). Comprising 30 representatives nominated by Member States from the five United Nations regional groups and co-chaired by Csaba Kőrösi (Hunagary) and Macharia Kamau (Kenya), the OWG has since proposed a series of 17 goals and associated targets published in its outcome document.[2]*

The process of articulating the proposals has been marked by give-and-take among UN member states – certainly not an easy task, given the way paragraph 247 of the Rio+20 outcome document frames the manner in which the task of elaborating such goals should be approached. It states that the SDGs should be action-oriented, concise, easy to communicate, limited in number, aspirational, global in nature and universally applicable to all countries while taking into account different national realities, capacities and levels of development and respecting national policies and priorities.

Of particular concern to UNESCO is proposed Goal 16 and its associated Target 10. The goal is to "Promote peaceful and inclusive soci-eties for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." Target 16.10 aims to "ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements."[3]

Therefore, my main concern in this article is two-fold. First, I would like to undertake a conceptual analysis of Target 16.10 itself. This is necessary because there appears to be a tendency to focus on one aspect of this target to the near exclusion of other, equally more important issues encapsulated therein. Second, I want to underline UNESCO's potential role in leading measuring and monitoring of this target, drawing on its track record in promoting free, independent and pluralistic media globally. My conclusion is that, while the proposed goal and target would seem to reflect media-related issues in the way that the MDGs did not, there is sufficient international precedence to warrant such a reflection – and more.

Analysing the goal and its target

Proposed goal 16 aims to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." For its part, proposed target 16.10 aims to "ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements."

Conceptually, there are two intertwined aspects to this target – both of which are linked to broader questions of how citizens' freedom to access information, largely facilitated by free, independent and pluralistic media, is an integral part of governance that in turn is a prerequisite for sustainable development. These two intertwined elements are the "right to information" and "fundamental freedoms". More importantly, Target 16.10 includes a contextualised implementation of these rights, namely that national legislation relating to public access to information and the enjoyment of fundamental freedoms should be in line with "international agreements". This is important in at least two respects.

For one thing, in terms of national legislation, there is evidence, as UNESCO's report on *World Trends in Freedom of Expression and Media Development* reminds us, of a "predominant trend towards the adoption of freedom of and/or access to information laws (FOI)' over the last decade.[4] For another, even as the vast majority of countries around the world have constitutional guarantees for freedom of expression, the media and journalists, including their online and citizen journalist counterparts, are facing growing legal constraints in many parts of the world, which include defamation, slander, insult and other laws which do not meet "international standards for legitimate limitations on freedom of expression".

Such a lacuna in practice poses a danger to the actual and possible realisation of the "fundamental freedoms" envisaged in target 16.10. What must be underscored, then, is that "national legislation", under this target, must be consistent with "international agreements". This leads me to the question of whether or not there is sufficient international precedence to support this thesis. The answer is a categorical yes, as I demonstrate below.

Unpacking international agreements: precedents

There is a plethora of precedents at international law that can serve as part of measuring and monitoring compliance between national legislation and international agreements. For example, we can confidently say that target 16.10 will serve to reinforce the right to freedom of expression, which is not only recognized as a basic human right in the Universal Declaration of Human Rights,[5] but is also upheld in the European Convention on Human Rights,[6] the American Convention on Human Rights[7] and the African Charter on Human and Peoples' Rights,[8] thus lending itself to universal political recognition and application.

The particular relevance of the right, and its associated rights to press freedom as well as access to information and sustainable development has been underlined in many reports, including the UN Secretary General's recent synthesis report,[9] and this argument continues to merit being underlined.

Therefore, in addressing this target, we need to guard against the temptation to overplay the element of "public access to information", and downplay the aspect of "fundamental freedoms". In this regard, it is worth citing a revised draft report by the Sustainable Development Solutions Network (SDSN), which seeks to provide a framework for developing indicators for SDGs.[10] Two important arguments may be made here. The first is that the report proposes an indicator on the safety of journalists, but treats it as one of several "Complementary National Indicators", rather than as a stand-alone primary indicator. Giving it such a status under-recognizes it as a key factor in relation to development issues in general. And, by so relegating it to a lowly status, its relevance to "fundamental freedoms" and its importance to the "right to information" are under-highlighted.

When journalists are silenced, societies as a whole (i) lose confidence in their right to safely express themselves on development issues, and (ii) lose out on their right to information due to the removal and intimidation of journalists as key information providers to the public. It would thus be preferable to elevate this indicator.

Indeed, it is this conceptual interconnection between citizen's access to information and the attendant enjoyment of fundamental freedoms which the 2013 report of the UN Secretary-General's 27-member High-Level Panel of Eminent Persons on the Post-2015 Development Agenda sought to highlight. The report was unequivocal in linking good governance to such democratic fundamentals as people enjoying freedom of speech, association, peaceful protest and access to independent media and information; increasing public participation in political processes and civic engagement at all levels; guaranteeing the public's right to information and access to government data; and reducing bribery and corruption and ensuring officials can be held accountable.[11]

In this vein, it is important for us to underscore that target 16.10 has important ramifications for the governance agenda, including helping the international community to:

Acknowledge the significance of free expres-

sion as both a goal of development and a means to development.

Ensure press freedom both online and offline, and providing for a media system on all platforms which is free, pluralistic and independent as a means to optimise the role of communications and information in development.

Ensure the existence and implementation of a national law and/or constitutional guarantee on the right to information, including guaranteeing that all laws are publicized and accessible by all.

Ensure the safety of journalists and the combating of impunity for crimes against them, as recognized in a UN resolution in November 2013, by highlighting the number of journalists, associated media personnel and human rights defenders killed, kidnapped or disappeared, unlawfully detained and tortured, as a result of pursuing their legitimate activities.

Strengthening an enabling environment for free, independent and pluralistic media, as a guarantee of media sustainability, including through quality journalism education.

Going forward: Carving out a role for UNESCO

Against this conceptual background underpinning target 16.10, let me now highlight the particular role that UNESCO sees itself playing in accounting for and monitoring the implementation of the target. UNESCO has already being active in pushing for a more robust recognition of free, independent and pluralistic media in any post-2015 package of SDGs. As early as 2013, UNESCO authored a think-piece on the role of media in strengthening democracy and development. Titled "Beyond 2015: Media as democracy and development" this writing formed part of the

Media training is a crucial part of ensuring that young journalists uphold press freedom. Photo: capacity4dev.eu
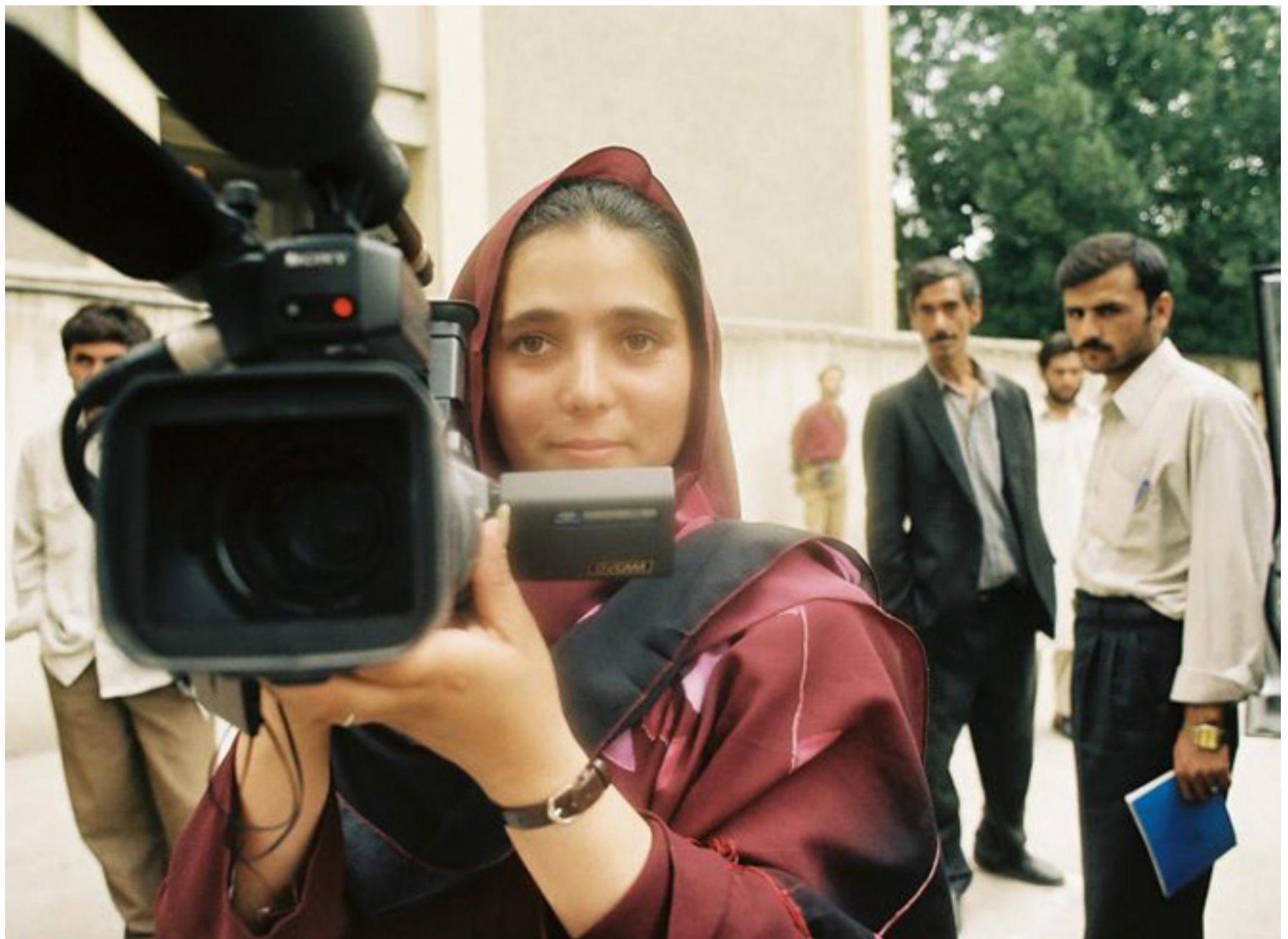
Organization's contribution to the first round of the "World We Want 2015" e-consultations in January 2013 during Phase 1: What should be the governance building blocks for a post-2015 agenda?[12]

This intellectual input formed a part of a keynote address given by our then director of the UNESCO Regional Science Bureau for Asia and the Pacific at a panel session on "Taking more action for sustainable development: can media help?" during the Asia Media Summit (2013) in Manado. This event was attended by high-level government officials, including the Indonesian and the Cambodian Minister of Communication and Information, several ambassadors, and prominent media experts. In this regard, it may be recalled that H.E. Mr. Susilo Bambang Yudhoyono, then President of Indonesia (where the 2013 Asia Media Summit took place), was one of the Co-Chairs of the Secretary-General's High-Level Panel of Eminent Persons on the Post-2015 Development Agenda.

But more importantly, UNESCO already monitors, on a global basis and with clear indicators, the safety of journalists on an annual basis, and the right of access to information every four years. Such information is an important contribution to monitoring sustainable development in the post-2015 period. In this regard, UNESCO will seek to draw on existing institutionalised data sets, which have been presented as part of the accountability mechanism envisaged under the UN System Task Team on the Post-2015 Development Agenda. In no specific order, these include the following.

UNESCO Media Development Indicators: This is a framework for assessing national media development, endorsed by the intergovernmental Council of UNESCO's International Programme for the Development of Communication (IPDC). Two of the five categories of this framework – *A system of regulation conducive to freedom of expression, pluralism and diversity of the media* as well as *Media as a platform for democratic discourse* – include indicators on "a national law and/or constitutional guarantee on the right to information" and "journalists, associated media personnel and

human rights defenders killed, kidnapped or disappeared, unlawfully detained and tortured, as a result of pursuing their legitimate activities." The Media Development Indicators are being piloted in 12 countries, with assessments ongoing in another 19 countries. The most recent assessment reports to have been published are those of Palestine, Nepal, Gabon, Egypt and Tunisia.

World Trends in Freedom of Expression and Media Development: This report offers a new look at recent evolutions in media freedom, independence, pluralism, journalist safety and gender.

UNESCO Journalist Safety Indicators: Developed within the context of the endorsement of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity by the UN Chief Executives Board. Furthermore, it has been welcomed by the UN General Assembly. It provides a framework for action at national and international levels of relevance to the nexus of the rule of law and freedom of expression. Within this context, the purpose of the JSI indicators is to pinpoint significant matters that show, or impact upon, the safety of journalists and the issue of impunity. The JSIs serve to identify the actions that are taken by the various relevant stakeholders in promoting journalists' safety and fighting impunity at national level.

These actors include the UN, State and political actors, civil society organizations and academics, and media and intermediaries. It should be noted that the indicators are not intended as a universal model, but rather as signalling a range of relevant items that can serve the purpose of mapping and understanding. They are therefore descriptive and are for the purpose of analysis not prescription. Not every indicator is relevant or even desirable in every context. However, any published findings should indicate the cases in which indicators have not been included for reasons of either suitability or absence of data.

Universal Periodic Review (UPR): The UPR is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an oppor-

tunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists. *UNESCO contributes data on freedom of expression, including constitutional guarantees thereof, in addition to tracking killings of journalists.*

An important point to note is that, in terms of data gathering and analysis, all these UNESCO reports are triangulated with other data sources, including those from the African Commission on Human and Peoples' Rights (Special Rapporteur on Freedom of Expression), International Journalists' Network (international directory of constitutional provisions on the media), Pew Global Attitudes Project (a series of worldwide public opinion surveys), MediaWise (project on public trust in the media), International Federation of Journalists (annual reports on journalists and media staff killed), etc.

What this means, in effect, is that UNESCO's data sets draw from a well-established internationally diverse institutional arrangement for data collection and monitoring. For example, as noted already, at the international level, the United Nations Human Rights Council, through its Universal Periodic Review, monitors national adherence to freedom of expressions. UNESCO monitors freedom of expression-related aspects of the UPR. At the regional level, taking the example of Africa, the African Charter creates an African Commission on Human and Peoples' Rights, which allows for interstate complaints and even envisions the receipt of individual communications. In particular, the Office of the Special Rapporteur on Freedom of Expression in Africa has been expanded to include the question of public access to information, which makes this institutional innovation better able to deal with the "freedom of information" data requirements of target 16.10.

In Europe, the human rights regime is embodied in the Council of Europe. Personal, legal, and political rights are enshrined in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and its

Protocols, while economic and social rights are laid down in the 1961 European Social Charter. They both reflect the norms of the Universal Declaration. The decision-making procedures of the European regime are effective, especially the strong monitoring powers of the European Commission on Human Rights and the authoritative decision-making powers of the European Court of Human Rights, which would ensure a degree of policy coherence in as far as monitoring for compliance may be required under target 16.10.

A final word: At the time of preparing this article, an initial technical report, prepared by the UN TST and submitted to the UN Statistics Division, had been shared with National Statistics Offices for possible consideration. That report forcefully refers to the safety of journalists as a possible proxy for freedom of expression and freedom of the press – a key concern of the IPDC. It also includes elements relating to ensuring public access to information and the formulation of freedom of information laws, where these do not exist. The UN Statistical Commission is set to deliberate on this draft report, and UNESCO, working with a coalition of international civil society organisations (including the Global Forum for Media Development [GFMD]), will continue to champion the recognition and inclusion of freedom of expression, freedom of the press as well as access to information. ∎

Footnotes

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12. The think piece can be accessed at: http://www.worldwewant2015.org/node/273401. Similarly, a discussion brief on the subject, reproduced from a larger paper, can be accessed at: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/free_media_post_2015.pdf.

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