

## **1st Council of Europe Conference of Ministers Responsible for Media and New Communication Services**

### **A New Notion of Media, speech by Dr Karol Jakubowicz**

*Reykjavik, May 28-29, 2009*

Mme. Chairperson,  
Excellencies,  
Ladies and Gentlemen,  
Dear Colleagues from the CDMC

This should have been - and could have been - the 8th European Ministerial Conference on Mass Media Policy. But it is not. It is the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services.

Of course, Shakespeare's Juliet would dismiss this change of title because "a rose by any other name would smell as sweet". Yes, but she could be reasonably certain she would know a rose, whatever it was called, when she saw one. We, on the other hand, are not sure whether or not what we see emerging around us can and should be classified as media. We do not know if we can trust the information we receive from those sources. Nor do we know whether or not our policy and regulatory frameworks apply to these new modes and technologies of communication.

Policy and regulation are usually far behind the curve of what is happening in real life. This conference and the work that will follow are giving you an opportunity both to go back to basics and start by defining the very terms we are using, and, at the same time, to look far into the future. By the same token, I am proud to say as a former chairman of the CDMC, the Committee is providing you with a rare opportunity to be ahead of the curve and to blaze an entirely new trail in this area.

I must also point out, however, that to call the so-called new media "new", when some of them have been around for 30-40 years, betrays a mindset rooted in the past. This is known as "generational fallacy": judging new technology based on one's experience with the old and treating new developments as an element of discontinuity, a disruption, an exception from the way things "normally" are. To get in the right frame of mind, and to have a chance to develop anything like an adequate and future-proof policy response, we should learn to treat the "new" media and the context they operate in as the norm - in exactly the way that the so called "digital natives" do. If so, then the right language to use would be "digital media" and "legacy media" - the latter being traditional media inherited from the past and facing an uncertain future.

Of course, we should not get carried away. Traditional media have considerable staying power and are, for the time being, unrivalled as producers of content in general and quality content in particular. After all, Google was reported recently to be talking to both The New York Times and The Washington Post about possible collaboration and "improved ways of creating and presenting news online." What it also means, however, is that for the first time mass media development may happen differently than until now. In the traditional model of cumulative media development, old media continued, perhaps with some modifications, despite the appearance of new ones. Now we may, over time, see not accumulation but substitution: new media may begin to replace old ones. As the CoE Parliamentary Assembly has put it in a recommendation on "The regulation of audiovisual media services", "Much of what is now considered broadcasting may in future be delivered over the Internet, where the user controls his or her access to countless sources of content which know no geographic boundaries". Broadband networks may ultimately take over and serve as the main conduit for all forms of content. Traditional media and journalistic functions will obviously continue, but will be required to adapt to new conditions.

In all this, we should remember that technology is not the prime cause of media development. If you want to understand what is happening, follow social and cultural trends, not just technological ones. Many new communication technologies - videophones, for example - have fallen by the wayside because they failed to meet socially- and culturally-based criteria of usefulness and acceptability. Needs and expectations arising from social and cultural change feed back into the process of technical innovation, but also affect our attitude to the traditional media, requiring change on their part, as well. For example, your draft Action Plan calls for the elaboration of a policy document on the governance of public service media. I applaud this proposal. The interactive and participatory Internet culture has been shaped in part by the individualism and anti-authoritarianism of post-modernity. No-one who has experienced and grown used to that culture will be prepared to accept the traditional governance arrangements of public service media. They will expect a relationship of direct accountability, partnership and participation - not something many public service media are prepared to enter into, even if it means that they will be increasingly irrelevant and out of touch.

In preparing for this conference, we have identified three new notions of media: digital, convergent media into which all existing media may one day evolve; media created by new actors, including social, citizen and user-generated media, and media-like activities performed by non-traditional media actors. No doubt, more new forms of media will appear. Also, convergence will create many new permutations of old and new media. Community media would also like to be recognized as new media, but I think they are in reality old media. Still, they do represent a new phenomenon, to which I will return in a moment.

You will be discussing all of this during this unusually interactive and participatory Ministerial Conference. It is itself a sign that the CDMC and the Council of Europe have understood that the right communication mode in the 21<sup>st</sup> century is not one-to-many, but many-to-many and that peer-to-peer communication means government ministers and civil society being put on an equal footing. The CoE Parliamentary Assembly has called on national legislators to review their existing regulation and set up new means for achieving their objectives regarding audiovisual media policy, while securing achievement of these objectives also in the new media environment. The job the Council is facing is indeed to preserve all that the old media order could contribute to democracy and human rights, while at the same time maximizing the contribution of the new media universe and dealing with the challenges it presents. Let me mention just one such challenge, but a big one: the downside of the ease and extended freedom of choice in access to information and content can be "ego-casting", or the ability to screen out content we are not comfortable or do not agree with, and fragmentation – both potentially undermining social cohesion and national unity and perhaps leading to the disintegration of the democratic polity.

So, as we consider the new media, let us not lose sight of what is happening to the old ones. In its 2007 resolution on the state of human rights and democracy in Europe, the Parliamentary Assembly saw the media as "too often primarily business-driven institutions" that "by prioritising their business interests over the service to the citizens and democracy, inevitably contribute to the distortion of democracy." That is why Jürgen Habermas, the German philosopher, has called for public subsidies for the quality press which he perceived as the lifeblood of the public sphere, democratic debate and discourse. Since then, things have only got worse, due to the economic downturn which is proving disastrous, especially for the traditional media. The International Federation of Journalists stated recently that "the traditional structure of information pluralism upon which democracy in Europe depends is on the verge of collapse."

Recently, the Dutch Media Minister Ronald Plasterk allocated money for 60 young journalists, to relieve the financial burden on the commercial daily newspapers they work for. In the United States, the Huffington Post, a popular current affairs website, is bankrolling a group of investigative journalists to look at stories about the nation's economy. This will help keep in work professional investigative reporters who were laid-off by crisis-stricken newspapers.

More systemic solutions are needed, however. This is a conference of ministers responsible for the media. It is to be hoped that you will find ways to guide the work of the Council of Europe in the coming years in such a way that these issues will be taken up and some solutions will be proposed.

Still, while professional journalists are crucially important in social communication, we should reject what I would call an aristocratic view of society and social communication, which claims that only educated and cultured, in short elite people should have the right take part in public discourse. Yes, today anyone, from a political party, to a sports club, a corporation or a single individual can distribute content worldwide on the Internet, without the mediation of journalists and editors, their editorial judgment and their standards for selecting and presenting information. With such an avalanche of personal, often biased information and commentary, the media are said to have entered the post-objectivity era. Yes, there may be a lot of rubbish on the Internet.

But any such consideration is far outweighed by the great democratic triumph of the almost universal ability, at least in developed societies, to exercise the right to freedom of public expression. Sometimes this produces Twitter Revolutions, but what it also means is that with citizen journalism, community, social and other new forms of media, audiences may have access to a lot more public-spirited content than in the past.. What we do need, of course, is great investment into media education and media literacy, so that people can acquire or develop the competence to separate the wheat from the chaff. And we must hold the new media to many of the same ethical, legal, reliability and accountability standards as those prevailing in the old media. One thing is certain, however: the rebellion of the masses has happened and the masses have won. The floodgates to universal expression are wide open. That is why some people say we should no longer speak of "mass media", but of "media of the masses". And this is where I would put community media – as media of the people, and not of the elite.

In this context, let me present you with a challenge which at the same time is a call to greatness – greatness to which you can and should aspire if you and the Council of Europe as a whole to take the

historic step of redefining freedom of expression into the right to public expression. What Article 10 of the European Convention of Human Rights calls "the right to freedom of expression" has always been an incomplete right, making it an important, but not wholly effective pillar of democracy. As President Kekkonen of Finland said many decades ago, the freedom of the press is the freedom of those who own it. The concept of the "right to communicate", introduced in the 1970s, and the whole media democratization movement of the 1960s to the 1980s, testify to a feeling that all is not right with social communication, and to a strongly felt desire to go beyond the social communication arrangements of that time. That movement failed because no-one could imagine how the State could make freedom of expression a positive right by providing everyone with the means necessary to join the public discourse.

Still, a media reform movement is alive and well in the United States today. In any case, individuals do not now need the State to give them the tools of public expression. Anyone with the right equipment and the right cultural and communication competence can broadcast their news and views to the entire world. In these circumstances, we should – I dare not say rewrite, but reconsider the practical meaning Article 10 and develop an interpretation in keeping with what is possible today, and was not possible when the Convention was being adopted.

Access cable channels in the US; free radio in Germany; radio associative in France, neighbourhood radio in Sweden; licensing of community radio in the UK; very recent legislation recognizing community media in Austria; recognition of community media by the CoE and the European Parliament; the fact that the U.S. State Department now "tweets" on Twitter, has a Facebook account, and has launched a social networking site on its own web server; finally the fact that New Zealand police launched a "wiki" to invite the public to suggest the wording of a new piece of legislation, the Police Act, potentially producing a "user-generated (but hopefully not a mafia-generated) Police Act" - all this shows that something like formal recognition of the right to public expression is a breakthrough waiting to happen.

The Council of Europe has a long tradition of discussing this issue, going back decades, and is now making its own contribution to this movement, for example by adopting the [Recommendation on measures to promote the public service value of the Internet](#) which highlights access, openness and diversity as indispensable features of the Internet and Internet content.

The Recommendation also says in part: "Member states should encourage the use of ICTs (including online forums, weblogs, political chats, instant messaging and other forms of citizen-to-citizen communication) by citizens, non-governmental organisations and political parties to engage in democratic deliberations, e-activism and e-campaigning, put forward their concerns, ideas and initiatives, promote dialogue and deliberation with representatives and government, and to scrutinise officials and politicians in matters of public interest".

So, who better to seize this opportunity than the Council of Europe?

Recently [The Guardian](#) published an editorial "In Praise of the Council of Europe" where it said that whatever other European organizations may be doing "it still falls to the Council to promote what matters most, namely democracy and the rule of law. The Council also provides the human rights court ... And it was a Council protocol that banished the death penalty, and thus made the continent that crows about being civilisation's cradle just a little bit more civilized".

Ladies and Gentlemen,

If you can launch the process that will elevate freedom of expression into a right to public expression, to be recognized, promoted and protected by Member States, you will have made Europe and the whole world not a little, but a lot more civilized and democratic. I hope you will. And I wish you success in that historic endeavour.

Thank you very much for your attention.