

# ***Steering Committee on Media and Information Society (CDMSI)***



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## **Democracy, freedom and regulation in the digital environment Reflections on the possible issues to be discussed during the Belgrade conference on media and information society (Bulgaria)**

### ***1. The Reykjavik legacy***

The First Ministerial Conference on Media and New Communications Services held in 2009 in Reykjavik identified a number of problems in the new media environment requiring appropriate understanding and solving in order for democracy to function adequately. By and large it focused on the following issues: the proliferation of media and media like services and platforms and the necessity a new notion of media to be elaborated as a key concept for the effective implementation of the human rights standards as a basis of a new democratic order characterized by greater participation and involvement; the development of Internet governance and the construction of the critical infrastructure upon the principles of universality, openness, transparency, robustness and resilience; the negative implications of an arbitrary anti-terrorist legislation lacking due process and human rights safeguards for the unhindered exercise of freedom of expression. For the time then these topics related to a bubbling media environment were of relevance among stake-holders and predominantly among member states. Though important and interrelated these themes were treated somehow separately due to their belonging to different realms of research and policy-making i.e. media, Internet and freedom of expression. Four years ago, it was the time when the new media environment was coming into being. It was the time of the co-existence of hybrid and transitory communications structures. It was necessary for democratic societies to adjust to the impact of convergence and digitization by laying the foundation of a new social and political reality.

### ***2. The new multidimensional and interdependent environment***

Today we live in a complex interdependent world. The quality of the democratic process is still highly contingent on the performance of the media (old and new), which by itself creates a circle of success or failure that underlines the complexity and interdependence of the relationship between political communication and democratization.

Democracy is also complex with ups, downs and twists. Complex democracy means that *“participatory democracy should encompass arenas where both individuals and*

*groups ... advance their group values and interests.*"(Ch.E.Baker) Democracy that we witness nowadays is more dispersed, more direct, richer in opportunities for involvement and mobilization, horizontal, networked and inter connected. Against such a background, some theorists suggest that democratic participation needs meaningful discussion and genuine motivation. Though there are no absolute guarantees, novel communications have the potential to create public sphere/s that can successfully respond to these deficits of the traditional public sphere. The Habermasian ideal that the transformation of the public sphere will be carried out by independent intellectuals is too elitist as compared to the public sphere of today, which allows ordinary people around the globe to be connected and to act together. In the new mediated environment all specific aspects of the media, the Internet and human communication and interaction are merging together.

There are differences from country to country in embracing democratic principles. Different democracies require somewhat different functions of the media (*Price, Verhulst*). However, visions of complex democracy should emphasize particularly citizens' participation and input.

*Daniel Hallin* claims that a dramatic change has taken place precisely in the social role of the media. It has shifted the balance between political institutions and the market, making the media market dominant but stronger than before. Commercialization is not the only change which is visible. Contemporary media culture is contradictory with the shift on the one hand, towards greater journalistic professionalization and on the other, to more populist political culture where social movements and ordinary citizens demand and often get public hearing (through citizen journalism, social networks or user-generated content). All these implications are complex as practices by themselves, as a dialogue between trends and communities and by and large as an impact upon democracy.

As far as young democracies are concerned, political transition to consolidated and mature democracy has not come to an end everywhere and to a complete degree. Theorists describe the democratic systems installed as hybrid forms of democracy with media systems that are still struggling with the pressure stemming from the political and market realm. The media systems as such have not reached the stage of maturity when they can guarantee and influence full-fledgedly the level of democracy by pursuing relevant social ideals. The Hungarian case for instance, is instructive in that the authoritarian tendencies can still revive and impede democratic processes. At the same time, media systems in developed democratic states also demonstrate serious flaws with regard to human rights and rule of law due to wire-tapping, harassment and corruption (the Murdoch scandal).

The complex environment we are immersed in demands more than ever sustainable and reliable public service media. In order to maintain its pivotal role in the media eco-system public service media have to undertake genuine reforms in their organisation and governance so that they can be one of the pillars of an inclusive and enlightened media system. The role of the public service (either institutional or diffused) is to be seen as instrumental in social and cultural development treating people as citizens and not as customers or clients. Public media services and platforms driving quality content and promoting high public values could bridge old and new media into a network that would be the backbone of the new participatory

public sphere. As *Price* and *Verhulst* claim it, a change nowadays means not only an external change in the structure but an internal change in the substance as well, namely whether public service media organizations can contribute in the most efficient manner to the deliberative democracy aspects of transition – i.e. to the operation of more open and transparent social institutions and to the establishment of novel democratic and media culture.

A natural ally of public service media in the process of reforms towards the accomplishment of the media eco-system is community media getting media services closer to the needs of various social groups, communities and persons, bridging digital divide and promoting diversity and interactivity.

### **3. Regulatory approaches in the complex multidimensional media environment**

From its inception the Internet technology has been used for the public good in a variety of ways; with regard to this let one only recall the popularity of Wikipedia or social networks. On the other hand, the continued development of the net is threatened from different sides – illiberal governments, rapid and cumulative commercialization, degradation and misuse of technology.

As sources point out growing complexity and uncertainty have challenged hierarchical bureaucratic forms and agencies and organizations of all sorts have sought new forms of collaboration with other organizations in order to better manage risks and respond adequately to change. The Internet and the new communications arrangements have brought forth new “spontaneous social order” which lays its bearing on the possible regulatory mechanisms and frameworks. Regulation still has a role to play in ensuring equal access to content and in ensuring that the means of communications can be directed towards social and cultural objectives. Regulatory frameworks may vary from country to country and they represent an unalienable element of public policy process in democratic countries. Nowadays opening up policymaking, policy evaluation and regulation above all to broader input from the regulated and the public at large is considered an important aspect of access to communication.

A capital regulatory goal in contemporary media environment is to build a pluralist European public space that informs, educates and entertains thus supporting active and creatively minded citizenry. Such space can serve as a basis for sound reforms to the benefit of man and society. The public sphere should recognize participation in public debate as crucial for its existence and should enhance democratic dialogues between communities and persons for which democratic education is the necessary precondition.

Another relevant objective is to assist global dialogue and to encourage dialogue among nations holding to account global political and economic power holders.

Approaches that have to be taken on board also have to be complex and depending on networks and partnerships instead of making use of solid hierarchical mechanisms. They should be trans-border and transnational. In this respect it will be pertinent to state the fact that the Internet has emerged as a strategic tool for popular influence and social reconstruction.

According to scholars, in a complex environment, innovations go hand in hand with evolution. Therefore communications policy we aim at should be multidimensional policy building on innovation and reflecting the crucial role of infrastructure for the dissemination of content.

#### **4. Regulatory goals**

(In this section of the paper some issues that deserve particular attention and have been formulated by various fora and publications are briefly outlined).

It will not be an exaggeration to say that nowadays new technologies have a profound impact upon politics and can trigger radical changes. In order to make democracy human-centred and people-oriented (transcending the will of the majorities), it will be important to follow and increase the penetration of the Internet in society, i.e. to find ways to engage layers and groups that remain aloof and are not connected because of different reasons (lack of interest, lack of computer skills, no access to infrastructure, etc.) Another issue regarding genuine democratic pluralism and diversity is the encouragement of multilingualism on-line by fostering the use of native languages on the net. The implementation of the multilingual approach could result in the disintegration of some communities and the establishment of new ones promoting a variety of local cultures and experiences.

Photography and the art of images on the net demand a new way of thinking, new semantics and new ethics of preparation and presentation of video materials. The whole theory and practice of photography should be brought in line with the virtual reality and its consequences on human minds.

Self-disclosure becomes every day practice on the Internet. People are ready to dispose of their privacy without intermediation as the environment and more concretely the technology as such prod them to do so. Virtual intimacy presupposes risks for someone's privacy that an individual accepts to take in order to communicate and to create relationships. How regulators can settle the problems stemming from new psychology and perception of private and public, good and bad, moral and immoral, human and inhuman in the multidimensional environment?

Neglected communities never represented by the media find their own public spaces online (for instance the deaf community). The Internet helps these forgotten and unknown people to build solidarity, collective identity and to gain visibility. How can society help them integrate and encourage their involvement?

Digital media beyond the Internet - the new mobile communications - deconstruct not only human communications but decentralise the control and the coordination of social activities. How to adjust systems and relationships to this new situation?

The concept of cultural technologies distinguishing between technologies of the power and technologies of the self- (the latter being extensions of our human self and extending our human capacities) is a part of the cultural awareness about the Internet and its role for actively exercising one's cultural and creative rights in the new multidimensional environment. What are the necessary conditions for boosting everyone's creativity via the new ICT?

The Internet creates unexpected opportunities. One of the recent achievements is that through the net, the public can hold the public watchdog - the media - accountable in a more democratic and transparent manner. In the fluctuating environment where advantages are constantly entangled with disadvantages and risks, novel media accountability practices are on the rise, fostering a new approach towards the media and their performance. The new accountability practices are supposed to merge the opportunities of the information and communications technologies with common journalistic standards and to bring possible innovations to the media system making it more open and responsible to the public. However, as analysts report, these new forms of correction and improvement of the media performance are still unevenly developed through various countries and are volatile and uncertain. That is why they are rightly called “practices” in the report “Media Accountability Goes OnLine. A Transnational Study on emerging Practices and Innovations (*Heikkila, Domingo, Pies, Glowacki, Kus, Basnee, 2012*).

Currently the impact of these practices is not strong enough to provide conclusive evidence about their potential for reforms. However, they give clues, on the one hand, for constructing novel mechanisms for transparency and responsiveness and on the other, for transforming the accountability systems in force. How could we entrench these practices through the support of the public and civil society?

## **5. Conclusion**

There are many more questions that can be raised everyday with the expansion of the possibilities for free expression and creation through traditional and virtual communications channels. One should not fear or escape them because more speech means that society is alive and it pulsates with the rhythm of social development. Through modern multilevel communication persons and communities improve their skills, open their minds and engage in dialogue. Such environment is capturing and challenging at the same time. It requires brevity and imagination. One should try to unravel the complex processes witnessed today which follow both technical advancement and accomplishment of human aspirations whilst taking into account the multidimensional context in which they are placed. Searching for answers and solutions the Belgrade conference in November 2013 can make a substantial contribution to the theory and practice of freedom, democracy and human rights in the digital age.