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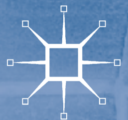
PRESS FREEDOM AS AN INTERNATIONAL HUMAN RIGHT

Wiebke Lamer



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CHAPTER 1

Introduction

Abstract This chapter introduces the reader to the subject of press freedom in the context of human rights and provides an outline of the book. It discusses current press freedom trends, particularly in Western societies, and provides an overview of the status of press freedom in the UN human rights debate and in the academic literature.

Keywords Press freedom · Human rights · United Nations

The sense of optimism in the early 1990s surrounding the future of Western liberal democracy and human rights was immense. The Soviet Union collapsed, and the world was supposedly witnessing the "end of history" that would mark the triumph of Western liberalism and the universalization of its norms and values. As some observers have pointed out, the media in both democratic and democratizing countries, along with new developments in information and communication technologies, were greeted with similar confidence and optimism (Dine 2001; Starr 2012). Liberal theory holds, after all, that a free press, meaning a press that is free from government control, is vital not only to political processes, but also to the development and maintenance of personal autonomy and the right to self-determination.

More than 25 years later, it has become obvious that this confidence about the bright global future of Western ideals and institutions was premature, particularly regarding freedom of the press. Press freedom

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around the world has increasingly come under attack over the last decade. In 2016, the proportion of the global population that enjoys a free press fell to its lowest level in 13 years, and only 13% of the world's population now live in countries with a press that earns the Freedom House status "Free" (Freedom House 2017, 3).

Despite this somber reality, press freedom has received limited attention in the context of international human rights. The benefits of a free press for economic and political development have been documented.[1] But coverage of press freedom as a human right per se is absent from the academic literature. This book fills this gap by examining why press freedom has not become part of the established international human rights discourse, despite its centrality to democratic theory. It argues that press freedom is a cornerstone of human rights and democracy and should be treated as such in the academic literature and the international human rights debate. It submits that an unrestricted press is not just an important economic actor, but also an influential power in the political process, a status that interferes with the interests of governments in sustaining their own power and influence. Consequently, states undermine press freedom at home or its promotion on the international stage.

1.1 Press Freedom in the West

Press freedom is not easy to define. Lawyers and constitutional scholars have been grappling with this challenge for centuries. Instead of rehashing the intricacies of this debate, this book will work with the definition that press freedom constitutes a press free from government interference. Government interference can come in different ways. For the purposes of this book, it shall mainly refer to government censorship, intimidation (or attempts thereof) of journalists and news media workers by government officials, and attempts at regulating the news media. In other words, it refers to any government action that thwarts efforts of the news media to report freely on public affairs, whether they are political, economic, or otherwise. In this context, government or taxpayer subsidies to broadcasting institutions will not be considered a form of government interference. Many Western European news broadcasters, like the BBC, receive such government subsidies but are nonetheless considered independent because they are allowed to report freely even if it is critical of the government.

While violent suppression of journalists and media workers is not common in the West, democratic governments are no strangers to curtailing press freedoms. Instances in which Western governments attempt to intimidate or regulate the news media are on the rise. In the UK, the impact of the Leveson inquiry, which followed the *News of the World* phone hacking scandals and proposed the establishment of a new press regulator, lingers. Journalists are also under threat from surveillance legislation, which makes it easier for authorities to target whistle-blowers, journalists, and their sources, thus undermining important investigative reporting. Counterterrorism legislation in other European countries such as France and Germany has similar effects. Other European countries saw a substantial weakening of press freedom in recent years, most notably Hungary and Poland, which have experienced dramatic government crackdowns on the free media and fell from Free to Partly Free in the Freedom House Press Freedom rankings.

The United States, historically the poster child for press freedom, has also seen administrations crack down on rights that secure a free press throughout its history. Only a few years after the First Amendment was passed, the Alien and Sedition Acts of 1798 came into force. Publishing "false, scandalous, and malicious writing or writings against the government of the United States" became a crime under these acts and led to the prosecution of 14 people (Lewis 1991, 63). Primary targets were editors and owners of the leading *Republican* newspapers that supported their political party and criticized President John Adams' Federalist government. The laws expired only a few years later, but even Thomas Jefferson, a strong opponent of the acts, could not resist the temptation to use them to prosecute several of his own critics (Chernow 2004, 667–68). The Sedition Act of 1918 followed a similar pattern, stating that whoever shall "willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States… shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both…." The 1918 Sedition Act only applied in times of war and was repealed in 1920, but it continued the pattern of restricting free press and free speech under the guise of national security concerns to the detriment of writers, journalists, editors, and publishers.

More recently, the Patriot Act that was passed shortly after the September 11 terrorist attacks has resulted in legislative changes leading to more government secrecy. The news media have been considerably

affected by these new laws, as their task of informing citizens on government activities has become increasingly difficult since 9/11. In the wars in Afghanistan and Iraq, for example, the US government and military have gone to unprecedented lengths to limit unflattering media coverage by banning interviews with soldiers or taking photos of coffins of US military personnel who died overseas (The Reporters Committee for Freedom of the Press 2005, 41). In 2005, a report by the Reporters Committee for the Freedom of the Press warned that "U.S. journalists face an increased likelihood of being seen as government informants with no constitutional right to keep sources confidential or to withhold unpublished materials from prosecutors." This situation did not improve under the Obama administration, which also carried out crackdowns on investigative journalists and their sources (Downie and Rafsky 2013). In 2013, for example, the Department of Justice seized confidential phone records of reporters and editors of the Associated Press, which highlighted how serious the US government was about controlling the flow of information (Savage and Kaufman 2013). But journalists have also faced increasing obstructions like willful thwarting of witnessing or recording of events, physical violence, or threats thereof in covering protests such as the 2011 Occupy movement and the unrests in Ferguson, Missouri, in 2014, which included detentions, harassment, and rough treatment of journalists by police.

It is quite obvious then that "the right on which all other rights depend" as the liberal European theorist and Napoleon opponent, Mme de Staël, described press freedom has and still is experiencing more than its fair share of suppression and neglect. It has also received little attention in the context of human rights. At first glance, this might strike readers as an odd observation, considering that non-governmental organizations like Freedom House and Reporters Without Borders dedicate substantial resources to compiling periodic reports on press freedom violations across the globe. There is no shortage of reports monitoring the atrocities committed against media personnel worldwide, and recent progress has been made at the UN on the issue of safety of journalists. There also seems to be a continuous debate on topics relating to the Internet and other new information technologies in the broader context of international relations and human rights.

However, discussing the role of the Internet on social movements, combatting threats to journalists in war zones, or tallying incidents in

which journalists or bloggers have been deprived of their right to free expression is distinct from addressing press freedom as a human right. Press freedom is not the same as freedom of information. Neither is press freedom the same as freedom of expression or speech. Certainly, these concepts and rights overlap (as will be discussed in more detail in the next chapter), but they quite substantially differ on the fact that protecting a free press also protects a—if not *the*—vital institution in a democratic society. To put it in Jefferson's famous words: "were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."[2]

1.2 Press Freedom at the UN

The political aspect of press freedom, however, is seldom taken into consideration in the context of human rights in the international discourse. Press freedom lacks legal institutionalization in international human rights law. Unlike the French revolutionaries and the American Founding Fathers of the eighteenth century, the creators of the Universal Declaration of Human Rights did not include an explicit provision for freedom of the press. For the UN, press freedom falls under Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Some might argue that the phrasing does not matter, that in principle Article 19 preserves the same right as the First Amendment: "Congress shall make no law… abridging the freedom of speech, or of the press…." But given the lack of focus on press freedom at the international level, the phrasing is instructive. One explicitly stresses freedom of the press—as a group, an institution. The other guarantees the individual right to expression through all media. In the latter, the media are an afterthought, a mere tool, to secure the right to freedom of expression, rather than an entity worthy of protection itself.

General usage trends of terms such as "press freedom" and "freedom of expression" also confirm that historically, debates about the latter have garnered more attention. Figure 1.1 shows the rise of the phrase "press freedom" compared to the phrase "freedom of expression" in the English language from 1900 to 2008 based on the Google Books database of

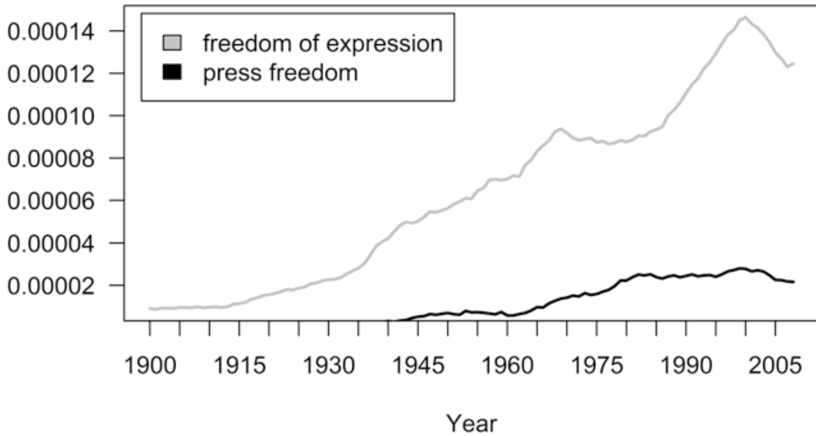

Fig. 1.1 Usage of "press freedom" vs. "freedom of expression" in print, 1900–2008 (Google Books)

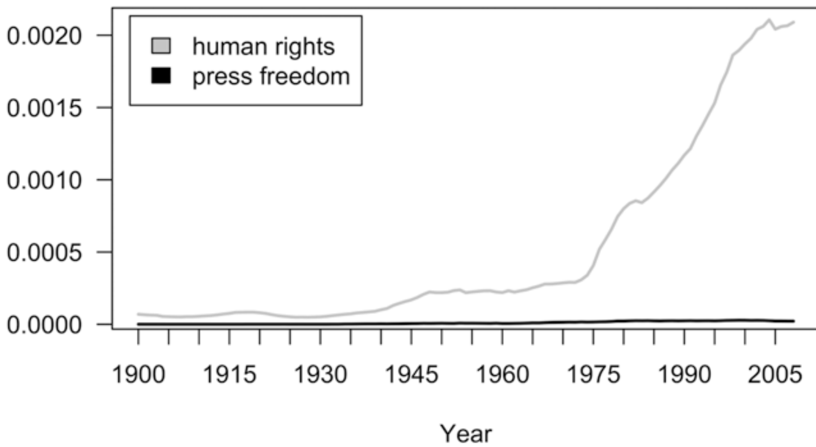

Fig. 1.2 Usage of "press freedom" vs. "human rights" in print, 1900–2008 (Google Books)

more than eight million digitized books. Interestingly, while the usage of the term "human rights" has increased significantly since 1945, usage of press freedom did not grow. This gap is highlighted in Fig. 1.2.

Consequently, it is hardly unexpected that the UN framework does not treat press freedom as an end in itself. Instead, the media are treated as a means to an end, and that end comes in different variations: to protect the right to information; to guarantee freedom of expression; to foster understanding and friendly cooperation among people and states; to publicize and mitigate humanitarian disasters; or to promote human and economic development. In other words, the media, or press freedom, are treated as a channel to secure other human rights. They are not treated as an institution that requires its own protection. This reality of the UN discourse is reflected in the academic literature on human rights. In fact, press freedom is virtually absent in the discussion of human rights.

1.3 Press Freedom in the Human Rights Literature

A surprising number of prominent human rights volumes do not feature any references to press freedom. Jack Donnelly's *Universal Human Rights in Theory and Practice* (Donnelly 2013) does not mention press freedom or free press at all, and free speech only once. Similarly, David Forsythe's *Human Rights in International Relations* (2012) does not bring up freedom of the press, or expression or anything on media more generally. Sohn and Buergenthal's classic *International Protection of Human Rights* (1973) only addresses press freedom violations in Haiti, while freedom of expression and information receive considerably more prominent coverage. There are plenty of other human rights texts that do not mention press freedom at all like *The Theory and Practice of Human Rights* (MacFarlane 1985), *Human Rights in the World Community* (Claude and Weston 2006), *Human Rights: Politics and Practice* (Goodhart 2016), *Improving Human Rights* (Haas 1994), Mertus' *The United Nations and Human Rights* (2009), as well as Alston's *The United Nations and Human Rights* (1992).

As far as human rights reference works are concerned, press freedom fares only marginally better. Lawson's *Encyclopedia of Human Rights* (1996) counts a handful of references to press freedom and a free press or media. However, the discussion of the topic is far from comprehensive. Press freedom is mentioned four times in direct relation to the 1992 Declaration of Windhoek on promoting an independent and pluralistic press in Africa; three times it cites NGO reports on press freedom in Sudan, Jordan, and on the topic of press law in European countries, respectively; once it comes up in the context of Hungarian protesters in

the 1980s who carried signs demanding "press freedom"; and once in reference to freedom of information. To compare, freedom of expression is mentioned 79 times in the book.

The 2000 *International Encyclopedia of Human Rights* features a short entry on press freedom that places it within the general context of the media's responsibilities and shortcomings for the protection of human rights (Maddex 2000). Again, freedom of expression occupies a much more prominent role, however. The 2009 *Encyclopedia of Human Rights* edited by David Forsythe addresses whether the right to a free press is a human right, but does so only briefly. It is featured under the entry "Media" which quickly moves on to concerns of how the advent of the Internet is affecting the potential of traditional media for political socialization, and how the media exert influence through agenda setting and framing. In fact, the media entry is striking a cautionary note overall, warning of the dangers of the media rather than highlighting its necessity for democracy and human rights. Of course, such entries are not unwarranted, since the media certainly do not have a pristine record in the context of human rights. Sometimes they can be even powerful enough to help incite war, as was the case in Rwanda in the early 1990s, when print and radio media spread hate speech against the Tutsis (Thompson 2007).

Other notable human rights books that mention press freedom superficially are *Which Rights Should Be Universal* by William Talbott, who makes the case that press freedom should be one of nine universal rights but does not elaborate on why press freedom is on his list (Talbott 2005). Another is Beth Simmons' *Mobilizing for Human Rights* (Simmons 2009). While she acknowledges the importance of a free press for democratic governance and government adherence to human rights domestically, she has nothing explicit to say about press freedom as a human right per se.

Alfred Zinnos' 2007 bibliography cataloging the latest works in human rights research offers no entry on press freedom and only two on media and one on information technology (Zinnos 2007). Most likely, this circumstance stems from the lack of attention on press freedom in human rights journals.

Between 2002 and 2016, only three articles on press freedom appeared in the *Journal of Human Rights*, and these focused on media coverage of human rights. In 2016, the journal published a special

edition on the media and human rights, which includes an article on press freedom. Between 1981 and 2016, *Human Rights Quarterly* published only six articles directly related to press freedom. Five of these are case studies of the status of press freedom in developing countries, while one addresses the question whether free speech and press is an absolute right (Jeffery 1986). With the exception of one article on confining press freedom in Singapore, all of these articles date back to the 1980s. Even worse is the record of *Human Rights Review*, which did not feature a single article on press freedom between 1999 and 2016, and only one on free speech.

An analysis of academic articles written on the topic of "human rights" indexed by Web of Science, the Social Science Citation Index and the Arts and Humanities Citation Index between 1975 and 2013 and ranking them according to the number of times these articles have been cited, also shows astonishing results.[3] Out of these nearly 7000 articles, only one carries the term press freedom in its title and is only cited twice (Peksen 2010). Freedom of expression or free speech comes up eight times. A search for "media" returns 17 results, although some of those overlap with related search terms like journalism/journalists (three), news/newspapers (two), and Fourth Estate (one). Out of all media and press freedom related human rights articles, the highest score goes to "Shaping the Northern media's human rights coverage, 1986–2000" with 19 citations (Ramos et al. 2007). It provides a case study of the human rights reporting of *The Economist* and *Newsweek*, overall drawing positive conclusions with regard to the media being a potentially useful ally in the fight against human rights violations, while also highlighting the media's gatekeeper role.

On the whole, these findings show that older texts on human rights do not feature much discussion on press freedom, free press, or the media. In the cases that they do, it is in the context of the right to free speech and mostly perfunctory. Newer texts acknowledge the importance of the media and particularly the Internet, but do not address press freedom in depth, if at all. The general emphasis is on taking the power of the press for granted in the context of other human rights, on the one hand, and on highlighting the drawbacks of the media and how they do not adequately report on human rights abuses, on the other. However, this approach is undermining the vital role of the press in preserving civil and political rights.

1.4 The Fourth Estate

Why, critics might ask, does it matter that press freedom is not addressed sufficiently in human rights works and at the UN? The literature mentions it from time to time; there are plenty of accounts available of press freedom violations in all parts of the world; there are human rights organizations that work on behalf of threatened journalists and against censorship measures; and the Internet has received a lot of attention in this context. Why then, is it a problem that press freedom is largely absent in these discussions? It matters because by ignoring or reducing press freedom to debates about the influence of the Internet, or what the media can and cannot do about foreign policy, we are conflating it with other rights and consequently miss the point of press freedom altogether.

A free press is central to the relationship between governing authorities and the people. Furthermore, the protection of a free press should not be targeted at states that are known human rights violators, but at all states. All governments are interested in sustaining their power, and the so-called Fourth Estate has the potential to undermine this power. The term goes back to the English constitutional theorist Edmund Burke who used it to refer to the British press as the most important estate in Parliament, watching over the others.[4]

Indeed, the institution of a free press is the greatest safeguard the public has against government abuses, and for ensuring that they receive the information they need in order to make the government accountable to them. This is the basis of democracy, as Madison put it: "The people, not the government, possess the absolute sovereignty" (Lewis 1991, 60–61). Of course, it is important that each individual is able to speak his or her mind online and off. What is equally, if not more important, however, is that journalists, editors, and publishers are allowed to use their channels of mass communication freely to reach the wider public, providing a political institution that has the power to ensure that the government continues to work for the people.

Whether this lack of attention on the benefits of a free press in the literature is intentional or accidental is difficult to determine. Most likely it is both. If there are no international legal statutes or conventions, it is difficult to find literature that covers them. Likewise, if the UN debate focusses on everything but press freedom, books will reflect that. In the 1970s and 1980s, when the UN was preoccupied with the debate surrounding the New World Information and Communication Order

(NWICO), for example, accounts and analysis of the issue were easier to find.

The debate was fueled by the polarization of the Cold War, and the media were framed by Third-World countries and the East as tools of Western global dominance and exploitation that needed to be curtailed. This explains why the non-Western world tends not to focus on the advantages of a free press too much and why the human rights literature tends to highlight the drawbacks of the press rather than its virtues. What is less clear is why there is silence on the subject from Western states as well, and why their Cold War attitude toward press freedom prevails, even decades after the end of the ideological East–West clashes.

This book argues that promoting a free press as a right in itself undermines government interests because the press is a powerful force in the political process if it is allowed to function freely. It is also an influential economic actor. As a result, states—democratic and non-democratic—tend not to promote press freedom in the context of international human rights. Treating press freedom as a means to an end, rather than an end in itself in the international framework of human rights, protects the interests of governing authorities. This explains the current state of the press freedom debate at the international level, and it explains why the way we think about the place of press freedom in the human rights framework requires dramatic reinterpretation. If the goal is to protect and promote Western liberal ideals, and democracy according to Madison's premise, press freedom should be the centerpiece of human rights advocacy and democracy promotion in international relations.

Some might say that there are already too many rights that go unenforced, and that there is no need to add yet another one, particularly since Article 19 of the Universal Declaration of Human Rights seems to imply freedom of the press from the more general right to freedom of expression. However, press freedom is not a new right. As Chapter 4 shows, press freedom was originally part of drafts for Article 19, but was taken out for political reasons. Precisely for this reason, namely the political importance of press freedom, is it critical to not simply imply a right to press freedom, but discuss its merits as a key civil and political right. What is more, the evidence of more than a decade of declining press freedom all around the world with a drastic deterioration over the last few years even in established democratic societies shows that implying press freedom has not translated well into practice. Press freedom

thus deserves more attention in the human rights debate, particularly at a time when it is under unprecedented attack globally.

1.5 Chapter Outline

Chapter 2 addresses the relationship between press freedom and freedom of expression in more detail. It makes the case that press freedom matters as a right in itself due to its government oversight capacity and that the right to freedom of expression is in fact meaningless without a free press. Since the free press fulfills several vital political and social functions, while also having access to a mass audience, it has a powerful influence on the government–citizen relationship. The chapter also highlights the importance of press freedom for promoting and protecting human rights.

Chapter 3 provides a detailed case study of the treatment of press freedom within the UN framework since 2006, highlighting in particular the absence of press freedom in the UN human rights debate. The chapter also examines indicators for the state-driven nature of the UN discourse and actions on press freedom. Among those is the funding of UN bodies like UNESCO and initiatives that deal with press freedom. The lack of funding and prominence of UN actors that work on behalf of press freedom indicates that the issue is rather low on the UN and state agenda. The fact that most of these actors only engage in monitoring violations of press freedom is also a characteristic of a lack of focus on the issue of a free press.

Chapter 4 examines the politics of press freedom, arguing that when it comes to promoting press freedom, power and state interests carry more weight than ideas and norms. The emphasis here is on Western states in particular, since they are the most ideational driven ones. The United States, France, Norway, and Sweden were chosen as examples because they represent four most-likely cases. France and the US have placed a historically strong emphasis on liberal ideals, while Norway and Sweden have the friendliest domestic environment for press freedom. One would therefore expect that these countries promote press freedom in the context of the UN human rights agenda. Yet, evidence suggests that their efforts are also minimal and largely rhetorical. To further prove the point that strategic interests, rather than ideas, determine Western state action on the issue of press freedom, the chapter also examines the historical trajectory of press freedom at the UN.

Chapter 5 focuses on who might promote press freedom if not states or the UN. The chapter examines the efforts of NGOs that work on behalf of press freedom issues, but also looks at what role the media itself play with regard to the press freedom debate. The marginal role of the media as an actor at the international level supports the argument that press freedom does not garner sufficient attention in the context of democracy and human rights promotion. Despite some successes in countering NWICO plans to restrict the free flow of information during the 1980s, the influence of the media on the press freedom debate these days seems to be minimal. Even back then, the successful opposition to the information order was mostly due to efforts by the US and UK governments.

Given that the media at the international level are an economic player, but not necessarily a political one that exercises oversight, the absence of a well-organized, global media lobby might not come as a surprise. Yet, media influence stems, to a great extent, from being a cultural force that shapes identities and values. Since the dominant media organizations originate in the West, they are likely to spread Western, democratic values. This leads to the contradiction that, on the one hand, the media help promote press freedom through other means than politics. On the other hand, the media's status as a political and economic player undermines efforts to promote press freedom, as states are tempted to avoid advocating press freedom out of fear that an independent press will eventually undermine their own interests and power. The chapter also makes the case that anti-press freedom measures are indirectly supported by Western publics that seem to have lost their trust in the press as an independent political institution aimed at representing the voice of the people.

Chapter 6 examines press freedom in the context of increased political activity by new media. The focus here is on the future of press freedom in the age of the Internet, as this medium has become the most central to the global communication rights debate, particularly since the Arab Spring and more recent developments in the context of disinformation and fake news. Such discussions highlight the new challenges the world faces with regard to the state–society balance in the twenty-first century. The chapter contends that promoting and protecting press freedom is of vital importance in the digital age.

Chapter 7 provides a summary of the book's findings and discusses their implications for press freedom, human rights, international

relations, and the future of the Western liberal order. It argues that press freedom and other communication rights are at the forefront of the global struggle between democracy and authoritarian counternorms. It also offers suggestions on how to elevate press freedom to a more prominent place in the current human rights debate.

1.6 Conclusion

The importance of a free press as the basis for democracy and human rights seems universally acknowledged, but curiously press freedom has not become part of the established human rights discourse. This book investigates why, and aims to place press freedom at the center of how we think about democracy and human rights promotion. The goal is not to argue for press freedom as the end-all and be-all of human rights, but to point to the central place of press freedom within the dynamics of the indivisibility, interrelatedness, and interdependence of human rights, particularly in the context of civil and political rights, but also related to economic, social, and cultural rights. Of course, press freedom has not been entirely ignored in this context, but it also has not garnered adequate attention that should be given to a right that has historically and philosophically been at the center of democratic theory.

Notes

1. See, for example, Sen (1999), Norris (2008), Guseva et al. (2008).
2. Jefferson (1904–1905). Of course, Jefferson also famously became discontented with the press once in office, showing that all politicians dislike a free press.
3. I am indebted to Kurt Taylor Gaubatz for having pulled together and shared this raw data on the human rights literature. The ten most prominent human rights articles have between 100 and 492 citations each.
4. The term was first attributed to Edmund Burke by Thomas Carlyle in his book *Heros and Hero Worship in History* (1841) 141.

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CHAPTER 2

The Case for Press Freedom as a Human Right

Abstract This chapter addresses the relationship between press freedom and freedom of expression. It makes the case that press freedom matters as a right in itself due to its government oversight capacity, and that the right to freedom of expression is in fact meaningless without a free press, or the Fourth Estate. Since the free press fulfills several vital political and social functions, while also having access to a mass audience, it has a powerful influence on the government–citizen relationship. The chapter also highlights the importance of press freedom for promoting and protecting human rights.

Keywords Press freedom · Freedom of expression · Fourth Estate Human rights

2.1 Introduction

The International Bill of Rights does not feature a protection of press freedom, or even a mention of it. Those concerned with promoting and protecting a free press usually point to Article 19 of the Universal Declaration of Human Rights that states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The focus here is not on safeguarding the press, or even the media, but rather on

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ensuring every individual's right to express themselves freely. Yet, one should remember that "the press is not everyone; everyone is not the press" (West 2011, 1070).

This chapter focusses on the difference between press freedom and freedom of expression, while exploring the functions of the press that are not easily replaced by granting everyone the right to freely express themselves. The roles of the press as a political institution, provider of information and context, and as a social necessity are not fully developed within the human rights framework. As this chapter will outline, however, press freedom should be of central concern to human rights promoters because it is important as a basis for other human rights.

The absence of press freedom from the international human rights framework is historically striking for several reasons. First, throughout history, thinkers and practitioners have made the case for the necessity of press freedom as the basis for human rights and self-government, values to which the Universal Declaration of Human Rights is clearly committed. Second, securing a free press emerged as a constitutional concern in the United States and France at the end of the eighteenth century, when revolutionaries fought to overcome tyranny and establish equality, values that are also fundamental to UN objectives.

Third, press freedom was a key talking point during the early deliberations on drafting the Universal Declaration of Human Rights. In 1946, the Commission on Human Rights even recommended that the Economic and Social Council creates a Sub-Commission on Freedom of Information and of the Press (ECOSOC 1946, 7).[1] What is more, the Draft Declaration of the International Rights and Duties of Man, formulated by the Inter-American Juridical Committee and submitted to the UN General Assembly, explicitly included "the special and highly privileged right to freedom of the press" under Article III on the right to freedom of speech and of expression (Inter-American Juridical Committee 1947, 3). Article 17 of the subsequent Draft Outline of the International Bill of Rights does not mention press freedom specifically, but states that "[c]ensorship shall not be permitted" (Commission on Human Rights Drafting Committee 1947, 6). But despite the fact that press freedom was an issue at these early stages of drafting the Universal Declaration of Human Rights, any reference to it or even to censorship did not make it into the final version of the document.

The debate over the legal status of press freedom has long been fraught with difficulties. In the US, the First Amendment clearly states

"Congress shall make no law… abridging the freedom of speech, or of the press…" Nonetheless, legal experts continue to debate whether the press clause is redundant, or whether the press indeed deserves constitutional protection.[2] The difficulty mostly stems from the close relationship between the concepts of free speech and free press. Indeed, it is no easy task to disentangle freedom of expression from freedom of the press, which is underlined by the fact that the US Supreme Court did not touch the subject of press freedom in any significant way until 1919, and has continued to deflect decisions on the status of press freedom vis-à-vis freedom of expression.

Some historians even argue that the Founding Fathers did not differentiate between the two either, and that they equated free speech with free press. But, as Nimmer points out: "As nature abhors a vacuum, the law cannot abide a redundancy. The presumption is strong that language used in a legal instrument, be it a constitution, a statute, or a contract, has meaning, else it would not have been employed" (Nimmer 1975). Indeed, there is plenty of evidence that suggests that the Founding Fathers were well aware of the connection between guaranteeing a free press and preventing the abuse of power, or even overthrowing tyranny.

Originally, British censorship practices were exported to the American colonies and the early American newspapers fell victim to printing restrictions by the colonial government (Sussman 2001, 23). The reason for this was twofold: First, there were only a small number of printers operating in the colonies, making it easier for the colonial government to control them. Second, the printers were dependent on governmental printing like official documents, money, and legislative proceedings for their primary income. As a result, the printing of anything that would challenge the authorities was a rare occurrence (Copeland 2006, 108).

Printing limitations remained a staple of the American societal and political landscape throughout the seventeenth century. The early stance of American officials was that any kind of debate had to be curtailed because it "inevitably endangered the moral and social values that government protected, the public peace it sought to maintain and the institutions it erected and protected to serve those ends" (Copeland 2006, 119). The end of the British licensing law in 1694, however, resulted in a dramatic rise in the number of newspapers both in England and in the colonies. Controlling what was being published became more difficult for government authorities.

But the influence of the newly flourishing printing business on political events in the British colonies did not stop there. Sussman argues that the arrival of the printing press was the central factor that eventually led to the revolution. He contends that the people of Boston—where the first American newspapers originated—saw themselves as good Englishmen who came to America to resist harsh civil and religious rule. He continues: "The press, however, served to build solidarity among the colonists of differing European backgrounds" (Sussman 2001, 24). Or, in John Adams' words: "The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people" (Sussman 2001, 25). The newspapers, Sussman writes, "were the *real* revolution, in Adam's view."

It seems quite far-fetched, then, to assume that the people who were at the forefront of the revolution, who in some cases were journalists or publishers themselves and who later went on to oppose the Alien and Sedition Acts, were not aware of the unique democratic functions of a free press. Even though the debate continues over what the Founding Fathers meant by the press clause, a strong case can be made in favor of the argument that they intended to specifically protect it with the First Amendment. After all, the fourth article of the original draft of the Bill of Rights as proposed by Madison states: "The people shall not be deprived or abridged of their right to speak, write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable" (Lewis 1991, 50).

First Amendment historian Levy even argues that the free speech clause was a result of the perceived importance of an unrestricted press: "It developed as an offshoot of freedom of the press, on the one hand, and on the other, freedom of religion – the freedom to speak openly on religious matters" (Levy 1960, 5). Rather than being an addition to the free speech clause, there is a strong case to be made that the press was important to the Founding Fathers from the beginning. According to Levy, they might not have had a clear idea of what precisely they were doing by including the press clause, but they were nonetheless implying that the press should have a Fourth Estate function as an unofficial part of the checks and balances system (Levy 1960, 273).

Whether the press clause debate in the US is settled or not, it is clear that there is a strong link between free press and state–society relations that was recognized by the American drafters of the two documents that are commonly seen as the most comprehensive attempt

at translating the values of the Enlightenment into a constitutional blueprint. Consequently, the question that arises is not so much whether press freedom is a vital ingredient for democracy and human rights; that the press is important in this regard is more or less accepted.

The more important, but less discussed, issue in the context of democracy and human rights is how to distinguish between freedom of expression and freedom of the press. Within the current debate, freedom of expression or free speech carries more weight, while press freedom is often not more than an afterthought. As a result, what is forgotten are the functions that are unique to the press, which cannot be fulfilled by simply guaranteeing everyone the right to freely express themselves. To come back to this chapter's initial quote: "The press is not everyone; everyone is not the press" (West 2011, 1070).

The unique roles of the free press can be divided into three broad categories: a political institution, provider of information and context, and the press as social glue. While these different roles overlap to a certain degree, it is nonetheless important to distinguish between them in order to discuss them vis-à-vis freedom of expression and make the case that press freedom is equally, if not more, important than free speech.

2.2 The Press as a Political Institution

The Founding Fathers were not the only ones to recognize the value of a free press as a government oversight mechanism that complimented the system of checks and balances. The term that is today often used to describe this political role of the press—the Fourth Estate—is attributed to the English constitutional theorist Edmund Burke. Thomas Carlyle describes its use in a parliamentary speech by Burke:

> Burke said there were Three Estates in Parliament; but in the Reporter' Gallery yonder, there sat a Fourth Estate more important than they all. It is not a figure of speech, or a witty saying; it is a literal fact – very momentous to us in these times. Literature is our Parliament too. Printing, which comes necessarily out of Writing, I say often, is equivalent to Democracy; invent Writing, Democracy is inevitable … Whoever can speak, speaking now to the whole nation, becomes a power, a branch of government, with inalienable weight in lawmaking, in all acts of authority. It matters not what rank he has, what revenues or garnitures: the requisite thing is that he have a tongue which others will listen to; this and nothing more

> is requisite. The nation is governed by all that has tongue in the nation. Democracy is virtually there.[3]

Often, this quote is limited to the first sentence. However, when looking at the full quote, it becomes clear that Burke highlights the importance of the press as a power because of its mass audience, a point that is just as relevant today.

Madison summed up what constitutes the basis of democracy: “The people, not the government, possess the absolute sovereignty” (Lewis 1991, 60–61). And the institution of a free press ensures that the people receive the information they need in order to make government accountable to them. It is, therefore, the greatest safeguard the public has against government abuses.

Blasi coined the term “checking value” in reference to the First Amendment, arguing that the speech, assembly, and press clauses were designed to check “the inherent tendency of government officials to abuse the power entrusted them” (Blasi 1977, 538). Official misconduct is particularly dangerous, he writes, because the government can employ legitimized violence and other “investigative capabilities” like subpoena power or the accumulation of data that governments require citizens to submit on a regular basis (Blasi 1977, 538–39). On the other hand, there is no concentrated and easily mobilized checking system to ensure the government does not abuse its powers. Hence, Blasi concludes, public opinion needs to act as a check on official power, especially because public officials are expected to fulfill the moral duties of serving the general welfare (Blasi 1977, 540). Blasi cites the Watergate scandal as an example of how profoundly society can be shaken by official betrayal of the public trust, much more than any wrongdoing on the part of private power by corporations for example. Consequently, the government needs to be checked by the public, and the most reliable way to do so is via the press.

Furthermore, a government that is checked by a free press is more accountable and less likely to become corrupt (Dworkin 1996, 199–200). This goes back to the likes of Kant and Montesquieu, who argued in favor of the principle of publicity to prevent the abuses of power. Or, to put it in Justice Brandeis’ words, “Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman” (Brandeis 1914). It is the press that has the facilities to shine the light

on those in power. The individual right to freedom of expression, on the other hand, does not automatically grant access to public institutions. A free press endowed with investigative rights can make information available to the public that it otherwise would not have. For example, it does not make a lot of sense, or is even possible, to allow every citizen access to criminal trials or prisons, when there are representatives of the press who are much better positioned to attend such events and then make the information public (Barendt 1985, 72).

If one person expresses a view critical of the government, this exercise of free speech is unlikely to cause public officials to take note. If, however, the mass media publicize the same issue, the government faces more pressure than from one person or a small group of people. In fact, the importance of press freedom vis-à-vis free speech is today more pronounced than it was at the time the Bill of Rights was drafted. Yes, newspapers were a driving force behind the revolution, but it was also easier for a person in the market square of Philadelphia to reach a critical audience.

The key to understanding press freedom in its own right is the fact that it makes information available to the masses. In an age of ever-expanding government bureaucracies and capabilities, and changing social fabrics, the press holds a bigger responsibility for ensuring government oversight than ever. Critics may point out that the rise of the Internet is reversing this trend, but events in the Arab world tell a different story. To reach and mobilize the masses, traditional news outlets are still indispensable. The Arab Spring originated with a few hundred activists that organized protest movements through new and social media, but only after Al Jazeera and other traditional media outlets started reporting about the protests, did the movement scale upward to mobilize millions (Alterman 2011, 104–10). The course of the protests that erupted on September 11, 2012, in the Middle East in response to the controversial video The Innocence of Muslims tells a similar story. The video was published on YouTube in July 2012 without garnering much attention. Only after the video was sent to reporters in the US, Egypt, and elsewhere on September 6, did it become widely publicized and caused outraged responses from Muslims (Chayes 2012).

The fact that everyone can express himself or herself through whichever media they like does not guarantee a government oversight mechanism. But the role of the press as a political institution reaches farther than simply providing a check on those in power. According to Walter

Lippmann, a free press is an organic necessity in a great society, not just a privilege, because "[w]ithout criticism and reliable and intelligent reporting, the government cannot govern. For there is no adequate way in which it can keep itself informed about what the people of the country are thinking and doing and wanting" (Newspaper Association of America Foundation 2005).

Given the fact that the people possess the absolute sovereignty in a democracy, and that elected officials are representatives of the public will, their government needs a way of staying in touch with the wants and needs of the citizenry. Simply granting free expression to every citizen does not fulfill this vital function. Bobbio reminds us that it is the press through which public opinion—"the public expression of agreement or dissent concerning institutions"—circulates (Bobbio 1989, 26).

This process is not unique to press freedom, however. It goes back to Meiklejohn's broader free speech argument based on its necessity for the implementation of self-government:

> The First Amendment is not, primarily, a device for the winning of new truth, though that is very important. It is a device for the sharing of whatever truth has been won. Its purpose is to give to every voting member of the body politic the fullest possible participation in the understanding of those problems with which the citizens of a self-governing society must deal. (Meiklejohn 1965, 75)

Others have argued that this democratic dialogue function is best served by the press, since it is difficult to imagine other forms of speech to offer the same kind of contribution to the democratic dialogue than the "informing and opinion-shaping" influence of the press (Nimmer 1975, 653). More recently, further evidence has emerged that supports the case for highlighting the key role of the press for the democratic process even in light of changes in the media landscape.

One report argues that the traditional media outlets are "increasingly central to the large and densely networked public sphere" because blogs or other alternative media pick up the debates that are conducted in the opinion sections of the elite national newspapers and by commentators of the mainstream television programs (Jacobs and Townsley 2011, 14). A 2016 Pew survey finds, for instance, that large percentages of online news consumers in the US still get their news mainly from news

organizations rather than from friends or family (Mitchell et al. 2016, 8). Despite a greater availability of channels of communication, politicians still turn primarily to the newspapers and major TV networks to sell their policies to the people. Even Donald Trump, who likes to use Twitter to reach his supporters directly, cannot avoid doing mainstream media interviews and has his staff justify his administration's often controversial policies on CNN and other TV news channels.

The Internet offers a place for everyone to voice their opinions and thus serves a self-fulfilling purpose. It is also easy to find like-minded people online who share the same political opinions, however rare they might be. But in terms of serving the political process, new media cannot easily replace the press, because the latter also acts as a facilitator of forming majorities (Garry 1990, 76). "Democratic government," Garry writes, "must come from what is common among its citizens" (Garry 1990, 81). The press is well suited to pick up the central debates that are of concern to everyone and presenting them to a wider audience, because they are:

> well-organized, well-financed, professional critics to serve as a counterforce to government – critics capable of acquiring enough information to pass judgment on the actions of government, and also capable of disseminating their information and judgments to the general public. (Blasi 1977, 541)

Indeed, the notion that press involvement in political reporting and debate leads to political participation and progress of democratic politics is not new. Leonard posits that it was not necessarily the republican style of government that created the democratic process in the US. Instead, it was the press because it created a "common language in both words and pictures for political interests to be expressed and shared" (Leonard 1986, 4). To this day, this is true of the press as it dominates the way public debate and opinion is framed.

At the same time, some philosophers—John Stuart Mill and de Tocqueville among them—have been wary of the "tyranny of the majority" (Altschull 1990, 170). Consequently, a just society needs many factions, and preferably a system of checks and balances, but also a free press because it "is a powerful protection against the influence of oppressive and tyrannical factions" (Altschull 1990, 112).

2.3 The Press as Provider of Information and Context

The second key role of the press is closely related to the first. For the democratic process to function, the public needs to be informed not only about its government's conducts and policies, but also about important issues and debates. The press aides the democratic dialogue in this context, but it does more than simply provide information. If its only purpose were to make relevant information accessible to the people, the press could be easily replaced by new technology.

These days, governments have ways of making information public directly through their websites or social media channels. But the availability of information does not automatically increase the number of informed citizens. Most people do not have time to spend hours online going through hundreds of pages of meeting minutes or draft legislation. The press is needed to make sense of the sheer amount of information that the government and other institutions release every day. According to Rosen: "Journalists build up the world because their reports about it contain more than 'information,' that superabundant commodity. Headlines and the stories that follow are guides to what's important, cues to what's current…" (Rosen 1999, 3).

Although the lines between individual speech and journalism are becoming increasingly blurry as a result of the digital revolution, having a press that provides an editorial function and adheres to professional standards like objectivity, accuracy, and confidentiality is vital. Edward Snowden deliberately chose to work with journalists, who could put the information he revealed into context, rather than simply making the information available online (Greenwald 2014, 53, 248). Reaching a mass audience is critical for having a political impact, but explaining information, so that the public can make sense of it, is just as important.

Recent developments in the US and other Western democracies have also highlighted the importance of verifying and filtering the vast amount of information people are exposed to on a regular basis in the digital age. Disinformation, which aims to deliberately mislead the audience, can spread easily online through social networks, and can even influence electoral outcomes, as the 2016 US presidential election and the Brexit vote in the UK suggest. But disinformation is not just a domestic problem. It has also become a tool for authoritarian regimes to spread their counter-norms internationally.

These authoritarian regimes are becoming more and more adept at creating an "alternate universe of faux democracy," where they not only create fake political parties, but also pseudo news media that disseminate the messages and ideas of faux NGOs, think tanks, and election monitors (Walker 2015). Given the global flow of information, it is not surprising that these messages spread to audiences abroad and become increasingly difficult to disentangle from normal news, particularly online:

> Popular aggregators of information on Russia [...] seamlessly include RT and other Kremlin-backed media alongside sources such as the Associated Press and the German broadcaster Deutsche Welle. Slick Web sites with phony, misleading news reports appear increasingly in the new democracies of Central Europe to offer a Kremlin spin on events. As China, Iran and other ambitious, undemocratic regimes scale up their global media activities, the challenge of distinguishing between authentic and phony information will become only more complicated. (Walker 2015)

In order to fight this onslaught of disinformation, it is vital to have trained reporters and reputable journalistic outlets that can help legitimize information. They have the knowledge and tools to sift through much of the material that is disseminated by homegrown or international authoritarian disinformation machines and can thus give the public a better idea of what information and sources can be trusted and which ones cannot.

The press thus plays an important role not just in informing the public and the government, but also by putting this information into context and verifying it. Granting the right to freedom of expression does not automatically safeguard this vital democratic function. Altschull argues that technology itself does not inform anyone; instead "someone or something must produce the constant stream of information in a form that provides an accurate representation of what is happening, in a form that the audience can comprehend," and it must be information that the audience needs to know (Altschull 1990, 14).

It is therefore also vital to distinguish between the right to freedom of information and the right to a free press. Without the latter, a lot of information might end up in the vast depths of the Internet even in the unlikely case that a government is fully transparent and informs its citizens truthfully about its activities.

2.4 The Press as Social Glue

In addition to its political role, the press also fulfills a social function. The social and political are closely intertwined, of course, particularly when it comes to concepts such as the democratic dialogue or the opinion-shaping purpose of the press. De Tocqueville was convinced not only of the political influence of the press, but also of its social function:

> To suppose that they only serve to protect freedom would be to diminish their importance: they maintain civilization. I shall not deny that in democratic countries newspapers frequently lead the citizens to launch together into very ill-digested schemes; but if there were no newspapers there would be no common activity. The evil which they produce is therefore much less than that which they cure. (de Tocqueville 1840 [2007], 455–56, Vol. II, Chapter VI)

Indeed, one of the functions of the press is to foster a sense of community, much like Adams described the effect of the newspapers in creating solidarity among the settlers of the American colonies. Rosen writes that the press helps people develop a stake in community affairs, particularly through local news outlets. This trend continues, as the National Newspaper Association community newspaper readership surveys reflect. According to the last survey, published in 2013, 71% of respondents read a local newspaper at least once a week and the majority of local readers continue to view community newspapers as highly valuable and as important sources of information about their communities (RJI Online 21 March 2013). The appeal of community papers is clear. Most of them do not uncover major scandals, but they provide information that their readers can only get from them: "the births, deaths, crimes, sports and local shenanigans that only matter to the 5,000 or so souls in their circulation area" (Muller 2011).

Democracy starts at the grassroots level, where the press is counteracting what Rosen calls the "disappearing public" through community newspapers and local TV and radio news (Rosen 1999, 24). With social fabrics changing and more and more of our day-to-day interaction replaced by online activities, the threat of the disappearing citizen is becoming more troubling. The argument about declining social capital and the loss of a sense of community in Western societies has been made for decades now (Putnam 2000). It is therefore particularly important to

highlight the values of the press both for sustaining democracy at home and in our efforts to promote it internationally.

There are two other arguments in favor of promoting a free press in this societal context. On the one hand, keeping the public channels of communication open will enable society to be able to adapt to changing circumstances and develop new ideas (Garry 1990, 85). On the other hand, allowing all forms of speech, even the extremist kind, fosters a sense of tolerance, which is vital for a free society (Bollinger 1986). Both of these are arguments highlighting the role of the press as promoting a certain type of society that goes beyond the notion of the press as a political watchdog (Garry 1990).[4] Accordingly, the 1947 Commission on Freedom of the Press framed the role of the press in broad terms:

> Today our society needs, first, a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning; second, a forum for the exchange of comment and criticism; third, a means of projecting the opinions and attitudes of the groups in the society to one another; fourth, a method of presenting and clarifying the goals and values of the society; and, fifth, a way of reaching every member of the society by the currents of information, thought, and feeling which the press supplies. (Commission on Freedom of the Press 1947, 20–21)

This account of what kind of media democratic societies need is still as relevant in 2017, arguably even more so considering the disinformation dangers of the digital age.

The role of the press in democratic societies is varied. It functions as a political institution that checks public officials for abuses of power; it also provides information and content that contributes to the democratic dialogue between citizens and their government representatives, and it plays an important role in fostering social cohesion. However, the right of the individual to be able to say and write whatever he or she wants does not protect from tyranny, corruption, or incompetence by itself. Only if there is a press able to report without restrictions to the public at large, can government oversight by the people truly be guaranteed.

The importance of the press therefore stems from a combination of two things: The press holds power due to its mass audience and as a result carries out vital social and political functions. As pointed out in this section, both of these factors underscore the difference between

free speech and free press. The fact that governments have a different relationship with the Googles, Facebooks, and Verizons of the media landscape further highlights the distinction between press freedom and freedom of expression. These companies, although providing people with the tools to freely express themselves and access information, are not tasked with providing a government oversight role and can even be abused by the government, as revelations surrounding American and British data surveillance programs have shown. The very idea behind having a free press, on the other hand, is to safeguard the people's interests by widely publicizing government policies and behavior. Freedom of expression is not necessarily a thorn in the side of governments that aim to pursue their interests, but press freedom is. Even in advanced democracies government interests and promoting a free press are at odds, since the very goal of press freedom is to keep the government in check and protect civil and political liberties.

In fact, when it comes to recognizing the political power of the press, governments have been beating the human rights community to the punch for decades. They are apt at drawing distinctions between freedom of expression and press freedom on a regular basis, thus able to circumvent the more damaging effects of press freedom on their own power, while claiming to uphold the cherished human right to freedom of expression. Russia under Putin has provided ample evidence of this.

In a 2010 article on the status of press freedom in Russia, Lipman makes the case that freedom of expression is possible without a free press. "Today's Kremlin," she writes, "doesn't mind free and critical voices as long as they remain politically irrelevant and have no impact on decision-making" (Lipman 2010). She concludes that Russia enjoys freedom of expression but no press freedom, if one understands press freedom "as one of the elements in an institutionalized democratic polity" (Lipman 2010). More recently, President Putin summed up his government's approach to freedom of expression: "Citizens' right to freedom of speech is unshakable and inviolable — however, no one has the right to sow hatred, to stir up society and the country, and put under threat the life, welfare and peace of millions of our citizens" (Barry 2013). In other words, speech is free until it poses dangers to the state as defined by the government. Putin draws a clear distinction between the right to free speech, which every Russian citizen is granted, and the channels that can render speech politically relevant, in this case the Internet: "It is necessary to block attempts by radical groups to use information

technologies, Internet resources and social networking websites for their propaganda," Putin justifies his position (Barry 2013).

This definition of free expression is, of course, a very narrow one. People who have to live in fear of saying something that might become politically relevant are less likely to say anything at all. At the very least they are more likely to self-censor what they say. Neither of these scenarios is in accordance with the idea of free speech that lets people express themselves without fear. What is more, none of this is in line with the idea that people are the masters of their government.

Because authoritarian regimes draw these distinctions, the human rights community needs to distinguish between freedom of expression and press freedom as well. Only if the vital political functions and power of the free press are appreciated to their full extent, can press freedom be promoted accordingly in the context of human rights.

2.5 Press Freedom as a Human Right

Press freedom and freedom of expression or freedom of information are different in many ways. What is more, the functions of a free press in a just society go beyond the protection of the individual's right to free speech. Yet, international law neglects the issue of press freedom almost completely. In 1762, John Wilkes declared in England: "the liberty of the press is the birth-right of a Briton, and is justly esteemed the finest bulwark of the liberties of this country" (Wilkes 1769, 1–2). This birthright should not be confined to Britons. Everyone should be able to benefit from the right to a free press. The first step toward this goal is to anchor press freedom more firmly in the international human rights framework.

Free press supporters point to Article 19 of the Universal Declaration of Human Rights as a home for press freedom. As outlined in the previous section, however, the benefits of press freedom extend far beyond the realms of guaranteeing free speech as a channel of individual self-fulfillment. In fact, most human rights actually depend on a right to a free press.

Human rights are first and foremost aimed at protecting the individual from abuses of government power. Article 5 of the Universal Declaration of Human Rights protects "freedom from torture and cruel, inhuman treatment or punishment." Article 9 grants "the right to freedom from arbitrary arrest, detention or exile." Article 12 states that "no

one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation." But who is most likely to interfere with these freedoms is the government. It holds the monopoly on legalized violence and thus, as Blasi points out, requires a checking mechanism that can protect citizens from undue exercise of such government power (Blasi 1977, 538).

Like the US Constitution and Bill of Rights, the Universal Declaration of Human Rights is an attempt at safeguarding against tyranny. But unlike the Founding Fathers, the makers of the Universal Declaration of Human Rights ignored the "great bulwark of liberty." Westerners might think that this does not affect them, since their constitutions tend to prescribe systems of checks and balances to prevent the abuse of power. But even in these systems, action against the government is taken only if there is a high level of public dissatisfaction with official actions and a demand to look into the actions of one branch of government (Blasi 1977, 538). Whether it is the president or a member of parliament who is guilty of misconduct, they are subject to the same kind of power dynamics and have access to subpoena powers, citizen data, or law enforcement personnel. In the absence of any other channel through which public dissatisfaction can be expressed in a way that puts pressure on those in government, the press remains the only viable protection mechanism against official misconduct.

This fact alone justifies a more central role of press freedom in the human rights debate than it currently holds. Everyone who is not a journalist, publisher, or owner of the press deserves the right to benefit from the advantages of a free press and the work of these individuals. To frame the debate within the context of freedom of expression ignores the wider social and political consequences of protecting the free press as a structural necessity of the modern state, and underestimates its significance as the basis of other political and civil rights.

Although the significance of the free press as the basis for human rights is neglected in international law, scholars have recognized the checking value of the free press in recent years. In 2008, a statistical report found that there is a good correlation between press freedom and different indicators of development, poverty, and governance (Guseva et al. 2008). Sen (1999) makes the powerful case that a free press encourages good governance and emphasizes public concerns. He finds that "in the terrible history of famines in the world, no substantial

famine has ever occurred in any independent and democratic country with a relatively free press."

Similarly, several studies have shown that a free press has positive effects on human development.[5] In 2012, a representative of the Committee to Protect Journalists made a similar case for the importance of journalistic oversight on issues like malnourishment and other humanitarian crises. Not only does a lack of reporting on such matters prevent the local government from adequately taking action, it also hinders the ability of aid groups to quickly and effectively provide support (Keita 2012).

At the systemic level, scholarship has also highlighted the importance of press freedom, particularly since Hallin and Mancini's (2004) comparative analysis of Western media systems that created a systematic approach to studying the relationship between media and politics. Studies employing the community approach, for example, have shown that the media are also influenced by society and can be agents of social change in that they have a greater capacity to criticize established institutions and traditions than other institutions (Demers and Viswanath 1999; Winston 2015).

In a study on the media coverage of HIV/AIDS in Sub-Saharan Africa, a group of researchers found that in countries with more democratic press–state relations the coverage was framed toward heightened governmental responsibility and progress in fighting HIV/AIDS, meaning that the news agenda in more democratic media systems pushes policymakers harder to address HIV/AIDS than in more authoritarian systems (D'Angelo et al. 2013). This provides another example of the importance of press freedom for society and politics, and supports the idea that a free press is more conducive to facilitating human development than repressive media systems.

Indeed, press freedom is more important than simply establishing multi-party elections. A 2009 study found that impunity, that is, failure of governments to guarantee that their representatives comply with the same laws that apply to the rest of the citizenry, drastically decreases in the presence of higher levels of press freedom (Jorgensen, 385). "Formal democracy," the author contends, "results in episodic rather than constant pressure on abusive and poorly controlled military and police forces" (Jorgensen 2009, 385).

In this context, the democratic dialogue function of the press is also important. Article 21 of the Universal Declaration of Human Rights

states that "Everyone has the right to take part in the government of his country" and that "The will of the people shall be the basis of the authority of the government." Elections are not the only mechanism through which the public will is expressed, and if it is, it happens only in intervals. On the other hand, the public expresses its will constantly through the channels of the free press thus aiding the democratic dialogue. If everyone is entitled to participate in the collective decision-making process, everyone is entitled to a free press.

Observers have increasingly pointed out that the global wave of democratic reversal is due to the fact that democracy promotion has been focused on establishing institutions like elections at the expense of supporting initiatives that help people value the practice of democracy itself. Many countries today are democracies on paper, but in practice the citizens in many of these states do not trust their institutions. According to Ottaway, this is because they are familiar with the organization side of democracy, but not with the democratic processes that help them to ensure that their governments are implementing citizens' interests (Ottaway 2000). She explains that democratic consolidation can only take hold if citizens become convinced that democratic mechanisms, such as political parties and pressure groups, work to further their demands and interests: "It is only at this point that citizens will not be tempted to applaud military coups d'état and support populist leaders with weak democratic credentials" (Ottaway 2000).

A free press is the key prerequisite to facilitate democratic consolidation. It uniquely helps citizens to understand that they can further their interests through democratic means. It gives people the tools to make their demands heard and the oversight capacity to ensure their government works for them. With a press in place that provides the necessary political information and context, facilitates the dialogue between the governed and the governing, and checks government policies and agencies, it is much more difficult for officials to abuse their power. These functions also underline the importance of establishing a free press in order to secure human development.

The societal role of the press cannot be left out in this context, as Ottawa indicates when she emphasizes the role of civil society as a basis for healthy and just societies. A study examining the relationship between civil society and press freedom in the fight against corruption

concludes that "claims of civil society's anticorruption impact must acknowledge its significant dependence on civil society's ability to generate public pressure against corruption and that, in turn, the public pressure mechanism is strongly conditioned by the extent of press freedom" (Themudo 2013, 82). In other words, corruption stands a much better chance of being weeded out if civil society is strong, which in turn depends on the presence of a free press.

To be fair, the relationship between civil society and a free press is one of the aspects to which the UN draws attention when it speaks about press freedom, most often in the context of World Press Freedom Day. But as this chapter outlines, there is more to press freedom than simply being a means to secure the right to freedom of expression. Despite the vital social and political functions a free press fulfills, this idea of press freedom as a common or human right has not taken hold in the established discourse.

This might ultimately go back to the assumption that because the right to freedom of expression covers journalists and other media workers just like every other individual, a specific protection for the press is not necessary. While this might be an acceptable notion in theory, the reality looks very different. The fact that journalists are more prominent precisely because they have more power as a result of reaching a bigger audience than regular citizens means that they are the first ones to get arrested or killed. The many reports on journalist mistreatment and new UN initiatives on the safety of journalists seem to suggest that the international community recognizes this circumstance, but plans to anchor press freedom more firmly within the human rights framework are nonetheless underdeveloped. Surely, the fact that journalists in theory enjoy the same right to freedom of expression as everyone else should not detract from extending special safeguards for press freedom. Equal rights for women are not specifically spelled out in most domestic legislation, and yet the human rights community considers it a priority to promote equal rights for women and to monitor and admonish those that violate them. Press freedom, however, enjoys a neglected status at the international level and often has to give way to human rights considerations of Internet freedom, despite the fact that those two concepts diverge as well.

2.6 Press Freedom vs. Internet Freedom

In his book *Images of the First Amendment*, Bollinger makes the point that freedom of the press, in its central and widely accepted image, is about the state not being allowed to coerce the press in order for the public to receive the information they need to make up their minds on their own and ultimately be the sovereign (Bollinger 1991, 1). But Bollinger also outlines another press freedom image that tends to be downplayed in US domestic considerations, namely the fact that if unfettered, the press can also be a gatekeeper with influence over which voices get heard (Bollinger 1991, 62ff). This has become more of a concern after the advent of radio and television news and has led to the implementation of regulations aimed at guaranteeing a fair and balanced access to a plurality of voices.

At the international level, it is the second image of press freedom that dominates, while Bollinger's central image is mostly ignored. The human rights community is primarily concerned with the dangers of the gatekeeper role of the press. This is hardly surprising considering that in the majority of states the government has control over most, if not all, broadcasting channels. But this state of affairs has also had the unfortunate consequence of diminishing the positive functions of the press at the expense of focusing on the notion of the press as a mere tool of the government.

This reality is reinforced by the fact that the Internet, particularly social media, is treated as the solution to the gatekeeper problem. Because the Internet eliminates access barriers, everyone can be heard. Consequently, the freedom of expression community is concerned with keeping the Internet free from restrictions. While this is undoubtedly an important cause, one that should not be at odds with promoting press freedom, it tends to neglect the role of journalists and the wider implications of a free press.

In this context, the Internet has been celebrated by some, because it blurs the lines between traditional journalists and others who can now also disseminate information and opinions easily, with some proclaiming that *We're All Journalists Now* (Gant 2007). Similarly, Article 19, a NGO dedicated to the promotion of freedom of expression, published a policy brief in which it makes the case for the international community to recognize the right to blog. This is a laudable cause, since bloggers are

targeted and persecuted by many governments for their political views. However, Article 19 also calls for a functional definition of journalism, meaning it is “an activity that can be exercised by anyone” (Article 19 2013, 1). While in theory this might be workable, in practice it is not. The functions of the press cannot simply be replaced by access to Tumblr and Twitter. For one, roughly four billion people, or more than 55% of the world’s population, are still without Internet access (World Economic Forum 2016, 5).

Furthermore, what is published on blogs and social media is primarily information, not necessarily context. Sure, there are bloggers that investigate, fact-check, and explain. But there is no guarantee that they will be heard. It is easy to get published online, but difficult to be heard and even more difficult to be heard by a critical mass. Traditional or professional journalists are still needed to sift through the vast amounts of information we are bombarded with and give it meaning, particularly for those people that do not spend their time searching for information online on their own initiative. Even though journalism *can* be exercised by anyone, it does not mean that it *will* be exercised by everyone; or that everyone will have the time or incentive to actively pursue the efforts of citizen journalists. Those people, too, have a right to a political institution that makes sure their government responds to their interests. And that institution is the press.

What the Internet is good at, among many other things, is making traditional journalism more accountable, since it is much easier to spot errors in reporting with an added layer of online fact-checkers that have the tools to spread the news about these errors more quickly. It is one way of bringing the press closer to the people and making them more responsive to the public’s interests, which is what the press is supposed to look out for in the first place. It also shows how press freedom and Internet freedom are two sides of the same coin and work best together. It does not show, however, that focusing exclusively on Internet freedom will solve the problem of securing an unrestricted, independent press. If anything, political and civil rights would benefit if in addition to the gatekeeper concern, the human rights community would invest more resources into highlighting what Bollinger calls the central image of press freedom—that a free press protects the status of the people as the masters of their government.

2.7 Common Sources of Resistance to Press Freedom as a Human Right

Of course, the different roles of the press described above are mostly best-case scenarios, ones that only rarely translate into reality in their idealized theoretical understanding. The press and the system in which it operates have many flaws. In some cases, as in the UK *News of the World* phone-hacking scandal, the press abdicates its responsibilities entirely and thus opens itself up to criticism from those that would like to see the power of the press checked. However, politicians are not the only ones who emphasize the problems of a free press at the expense of its merits. All too often, observers and the public alike forget about the vital role the press plays for the protection of democracy and human rights.

Granted, dealing with the press in legal and political terms is often complicated. The following section addresses several criticisms that are commonly brought up in discussions about press freedom and its special status in democracy. Some of them will be examined in later chapters in more detail, but they should nonetheless feature here for the simple reason that they are so often brought up. This is not an argument to ignore any of these concerns, but at the same time we should not let them drown out the reasons for giving the "great bulwark of liberty" its rightful place in the context of human rights.

Problems for press freedom usually start with definitions. A lot of the First Amendment literature, and many of the Supreme Court rulings, are concerned with the difficulty of defining the term "the press." This is further complicated by considerations of what the Founding Fathers meant by the term and the fact that the media landscape has drastically changed since the creation of the Bill of Rights, and more so since the drafting of the Universal Declaration of Human Rights. Things become even trickier when considering the fact that these days "the press" has practically disappeared in common usage. Instead, it has been replaced by "media" to be all-inclusive and non-discriminatory, when in fact some discrimination in this context might be rather helpful (Rosen 2003).

By trying to protect any and all media, the unique functions of the press outlined above are diluted and downplayed. Most movies do not serve a political oversight purpose. Nor do dance competition shows on television, or food blogs, for instance. The key is to differentiate between the all-encompassing media and the press that is engaged in newsgathering activities, provides government oversight, and facilitates

the democratic dialogue. These tasks can be carried out by reporters for newspapers, producers of TV news programs, or investigative journalists who publish their stories exclusively online. Their medium is different, but the activity is the same, namely engaging in newsgathering and providing oversight and context for the public. This is not to say that food bloggers and screenwriters have no right to freedom of speech. They do, of course. But their rights are guaranteed by the right to freedom of expression, whereas the special political functions of the press are rarely recognized within the human rights debate and even more rarely legally protected.

Rosen points out a similar concern with switching from "the press" to "the media:"

> Today we say media instead of "the press." We need to keep the press from being absorbed into The Media. This means keeping the word press, which is antiquated. But included under its modern umbrella should be all who do the serious work in journalism, regardless of what technology they use. […] It has a powerful social history and political legend attached. (Rosen 2003)

Others have argued that it is possible to determine who and what constitutes being part of the press and thus deserves protection that goes beyond the general free speech rights (West 2011). In general terms, however, arguing that it is difficult to define the press should not be an excuse for not treating it as the important right that it is.

Furthermore, if press freedom is recognized as a distinct human right, the fact that media systems differ dramatically from one country to the next will not pose any more obstacles to addressing press freedom more uniformly at the international level. In this case, it will not matter if the press in Britain and France developed differently, or if one system is more market-oriented in one country and government-subsidized in another. As long as the press is recognized for playing these important structural roles and protected for it, other differences will become less of an obstacle of framing press freedom as a human right.

Another reason that is often brought up in negative reference to the media is their status as an economic actor. At the international level, global media corporations are often seen within the debate of Western cultural and economic dominance and exploitation of other countries. The next chapter will address this question in more detail. Suffice it to

say at this point that by focusing on the media's economic status and the resulting drawbacks, their political and social functions are often overlooked.

An additional concern is that many people think of the press as an elite club, rubbing shoulders with political insiders instead of being in touch with the needs of the public. Related to this is Lewis' (1991) argument that it makes people apprehensive to talk about the press as a political institution or watchdog, because referring to it as such invokes the notion of outside checks. The question that arises then is who is supposed to check the press?

This is certainly a valid concern, but it is also a somewhat hypocritical question. It seems to put a lot more confidence in the other branches of government to check each other, although they have vastly more capabilities to affect the lives of its citizens in harmful ways than the press does. While presidents or members of parliament can abuse their access to law enforcement and legislation, the press has no such power. It can fail in its task of its watchdog function or informing the citizenry adequately, as was the case with the 2003 Iraq War and the 2016 presidential election, for example.

Overall, however, the benefits of a free press far outweigh the disadvantages. Or, to paraphrase de Tocqueville as quoted earlier: Citizens might be led by newspapers to engage in ill-digested schemes, but without them, they would not join efforts at all. This would be detrimental to democratic politics. Indeed, without a free press, democracy would be unthinkable. An independent press is the only way to ensure that the government ultimately remains responsive to the people, the sovereign.

2.8 Conclusion

Political theorists and journalists alike have long praised press freedom for its special democratic role. However, the distinction between press freedom and freedom of expression has been underdeveloped, particularly in the context of human rights. Such a distinction is necessary, though, as it shows that the functions of the free press, as political institution, provider of information and context, and as a social necessity, reach farther than the individual right to freedom of expression.

The central difference to freedom of expression is the fact that the press possesses power that it draws from its mass audience and its resulting status as the people's surrogate. Its role is to protect the masses from

the age-old reality that power corrupts and the conviction that those in charge of running the government consequently require an outside checking mechanism that holds them accountable to the public whose interests they are representing.

However, the human rights community tends to neglect this vital function of the press, while governments from Beijing to Washington know how to conveniently draw the lines between the broader but not necessarily political concept of free speech and the notion of a free press whose role is to exercise political oversight. But as press freedom is increasingly coming under threat worldwide, it is time for the human rights community to rethink its current treatment of the press and re-instate it as a fundamental ingredient to securing human rights, and start promoting it as the guardian of the central goal of the human rights movement of making the people the masters of their own governments.

Notes

1. The Sub-Commission was established in 1947, but was short-lived, and suspended in 1952.
2. For an excellent recent overview of the debate, see West (2011).
3. The term was first attributed to Edmund Burke by Carlyle (1841, 141).
4. Garry's overall argument is that the watchdog rationale is too narrow a prism through which to evaluate the merits of the free press.
5. Summarized in Norris (2008, 187).

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CHAPTER 3

UNESCO, World Press Freedom Day and Beyond: The Marginal Place of Press Freedom at the UN

Abstract This chapter provides a case study of the treatment of press freedom within the UN framework since 2006, highlighting in particular the absence of press freedom in the UN human rights debate. The chapter also examines indicators for the state-driven nature of the UN discourse and actions on press freedom, such as the funding of UN bodies like UNESCO and initiatives that deal with press freedom and media development.

Keywords Press freedom · United Nations · UNESCO · Human rights · Media development

3.1 Introduction

Promoting and protecting a free press protects and promotes a political institution that acts as the people's surrogate and provides a government oversight function. In this role, press freedom differs from freedom of expression, as the latter lacks the power aspect of the press that it draws from its political functions and its mass audience. As a consequence of its power and oversight role, the press is a key to promoting and protecting human rights, the very notion of which rests on the curtailment and accountability of government. Therefore, it is not just worrisome that press freedom reports of press freedom violations have been worsening across the world every year for more than a decade, but also that press

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freedom has largely been absent from the human rights discourse during that time. The introductory chapter included evidence of the absence of press freedom in the academic literature on human rights. This chapter demonstrates that the concept of press freedom is also neglected in the wider context of the human rights debate.

In order to do so, this chapter studies in detail the treatment of press freedom at the United Nations since 2006. The UN is the central setting for establishing and upholding international norms on human rights. Because it is an inclusive organization, it can form internationally agreed norms that are politically legitimate. In addition to that, the UN monitors states' commitments and adherence to these norms, while also carrying the moral authority to admonish those that engage in norm violations. Consequently, the UN is the logical place to investigate how states treat press freedom in the context of human rights and international relations and to what extent, if any, press freedom has reached the status of accepted international norm.

The UN is also the most logical place for a case study on the international treatment of press freedom, since there is no other institution with comparable reach that works on behalf of freedom of the press. Several international NGOs champion press freedom, and the European Union and the Organization for Security and Co-operation in Europe (OSCE) have offices dedicated to the promotion and protection of media and press freedom. Yet, these do not have the global, universal reach of the UN to elevate press freedom to a human rights priority internationally. While the UN in theory has the means to make press freedom a top agenda item for the international human rights community, the evidence presented in this chapter shows that this is not the case.

Proving a negative, in this case the absence or neglect of press freedom in the human rights debate is never an easy endeavor, especially since the absence of evidence does not necessarily constitute evidence of absence. It is further complicated by the fact that there is no template to rank the level of UN attention paid to different human rights. But since press freedom has been linked philosophically to the core of democracy and has been established as a vital civil and political right in the US and other countries' bill of rights, one can reasonably expect there to be a discussion of press freedom within the context of human rights. Furthermore, this chapter does not argue that there is a total absence of press freedom at the UN: UNESCO's World Press Freedom Day, for example, is an annual occasion to highlight the importance of press freedom and remind

people of the continued violations against it. This makes it even more difficult to make the case that press freedom is neglected in the context of human rights, although it is an important case to make.

While UNESCO's work on press freedom is important, it is not enough. Other rights have their own conventions, like the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) or the Convention Against Torture (CAT). They also have committees, working groups, and regular conferences exclusively dedicated to this right, feature as regular agenda items at UN human rights bodies, and are thus much more visible in the human rights debate than press freedom. Due to its philosophical and historical link to democratic theory and fighting tyranny, press freedom should occupy a much more prominent role in the human rights hierarchy.

In order to make the case that press freedom is neglected, this chapter follows the subsequent outline. First, it presents an examination of the legally binding human rights instruments and declarations on the subject. As a key to securing democracy and human rights, press freedom should be well established and protected in this regard. As this chapter shows, however, this is not the case. Second, the chapter contains an analysis of the work of the various UN human rights bodies as it pertains to the protection and promotion of press freedom. The results here are mixed. While the Human Rights Committee and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have made some progress in their efforts to support press freedom, the topic is largely marginalized in the work of the Human Rights Council. If it is addressed more widely at the UN, it is in the context of journalist safety.

Third, the chapter provides details on the work of UNESCO, the UN organ where most work on press freedom is done. This includes both more normative, standard-setting efforts like the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, or promoting press freedom through the annual World Press Freedom Day activities, and more practical, on-the-ground initiatives in media development programs facilitated by the International Programme for the Development of Communication (IPDC). Finally, the chapter concludes with a section detailing the amount and content of press freedom references in speeches delivered by high-ranking UN officials in order to determine whether press freedom is of high priority to them and, by extension, the wider human rights debate.

3.2 The UN Human Rights Structure

Before moving on to the press freedom case, this section gives a brief overview of the UN human rights framework. The UN human rights structure is based on the UN Charter, the International Bill of Human Rights, other legally binding treaties, and various non-binding declarations and documents. Work on human rights is done by many UN bodies and agencies, committees, working groups, rapporteurs, and other experts, but at the center of these is the Office of the High Commissioner for Human Rights (OHCHR). The High Commissioner for Human Rights administers the human rights activities of the UN and reports to the General Assembly and the Human Rights Council.

The principal UN human rights organ is the Human Rights Council. It was established in 2006 with the mandate to promote and protect all human rights and fundamental freedoms. The Council is made up of representatives from 47 states, elected based on equitable geographical distribution for a renewable three-year term. Its predecessor, the Commission on Human Rights, had been established in 1946 under the UN Charter, but had become discredited over the years, due to the fact that many of its member countries were known human rights violators. As a result, the Commission was not so much a tool to address real human rights concerns, but was used to block serious inquiry and became the setting for political criticism and attacks, most often focused on Israel.

Whether the Human Rights Council will suffer a similar fate remains to be seen, although the election of major human rights violators China and Saudi Arabia to the current Council does not inspire much confidence that it will not. Nonetheless, the establishment of the Human Rights Council in 2006 serves well as a starting point for this case study on the treatment of press freedom at the UN, due to its predecessor's image as something of a farce. Furthermore, the Council was also equipped with a new feature: The Universal Periodic Review (UPR), which reviews the human rights records of the 193 UN member states once every four years, thus giving the Council more monitoring power than its predecessor. The Council is also supported by the so-called Advisory Committee, a form of think tank made up of 18 members providing expertise and advice on human rights issues, and manages the improved complaint procedure, through which individuals and

organizations can bring human rights violations to the attention of the Council (OHCHR 2017b).

The UN human rights system also features ten human rights treaty bodies that monitor implementation of the core international human rights treaties. Since there is no explicit treaty on press freedom, the most relevant of those is the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR).

Special rapporteurs form another pillar of the UN human rights structure. These rapporteurs are independent experts and serve on the front lines of protecting and promoting human rights. There are country-specific and thematic rapporteurs. They prepare reports on their country or thematic issue to the Human Rights Council and the General Assembly. They collaborate with NGOs, governments and work in the field to gather the necessary information to report on the status of their respective responsibility. The issue of press freedom falls within the domain of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, which will be addressed in more detail near the end of the chapter. First, the analysis will turn to the human rights instruments and declarations on freedom of the press.

3.3 Human Rights Instruments and Declarations

The human rights regime with regard to press freedom is weak. There are no legally binding treaties or conventions that protect freedom of the press. Article 19 of the ICCPR is often cited as the legal instrument protecting press freedom. However, the Covenant does not specifically address press freedom:

Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

   (a) For respect of the rights or reputations of others;
   (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Unlike many national constitutions, the ICCPR does not mention the press. Instead, the focus is on the individual right to freedom of expression. As demonstrated in Chapter 2, however, press freedom and freedom of expression cannot simply be equated. They are closely intertwined and both fall within the broader category of communication rights, but they are nonetheless differing concepts. While a free press has a political role as government watchdog and representative of the public will, freedom of expression primarily guarantees that every individual can freely express himself or herself, which does not necessarily constitute a political act.

While press freedom has been ignored in any legally binding sense, it has garnered some attention from UNESCO, the UN body with the mandate to "promote the free flow of ideas by word and image." On November 28, 1978, UNESCO's General Conference adopted the *Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War*, or, in short, the Mass Media Declaration. As the title indicates, this declaration treats the press, and the media more generally, as a tool for advancing certain goals rather than framing the importance of the press in a structural sense. While the declaration highlights the important contribution the media can make in strengthening peace and international understanding, it also points out the restrictions of the current media landscape and the responsibilities that come with such opportunities for playing a key role in fostering peace. This compromise was a direct result of Cold War politics and the divisive New World Information and Communication Order (NWICO) debate, which, according to observers, rendered the declaration so ambivalent and inconsistent that it became pointless (McPhail 2010, 71). And since it is a declaration, it does not demand any binding commitments from states.

The same applies to the series of declarations that resulted from various regional UNESCO workshops on promoting independent and pluralistic media in the 1990s. The Declaration of Windhoek, focused on promoting independent and pluralistic media in Africa, made the start in 1991, followed by similar declarations on media development in Asia (Alma Ata, 1992), Latin America and the Caribbean (Santiago, 1994), and the Arab states (Sana'a, 1996). These declarations have been influential in establishing regional norms on press freedom and have helped media development efforts.

They also acknowledge that "freedom of the press is a key and indivisible part of freedom of expression," which in turn is "the cornerstone of our democracies" (UNESCO 6 May 1994). However, these declarations were initiated in the early 1990s, when communism had collapsed and Western liberalism was at a peak. The Declaration of Sana'a even recognized and welcomed "the world-wide trend towards democracy, freedom of expression and press freedom" and urged "all Arab states to participate in this historic process." Since then, however, such optimism over the spread of democracy has subsided and the topic of press freedom has failed to work its way up the ranks of the human rights debate. Press freedom in the UN forum is still largely confined to discussions and initiatives by UNESCO.

Press freedom, or freedom of expression for that matter, never warranted the creation of specialized working groups in other UN bodies that other human rights issues like freedom from torture and arbitrary detention, enforced and involuntary disappearances, the rights of the child, the rights of women, or the right to development enjoy. In terms of UN conferences and summits, press freedom is also neglected. The World Summit on the Information Society (WSIS) in 2003 and 2005 focused on a related issue, namely the potential of new information and communication technologies (ICTs) for human development. However, press freedom was only addressed marginally in this context until recent WSIS + 10 follow-up meetings have included more discussions on press freedom related issues under Action Line C9: Media, such as the safety of journalists, or the impact of the Internet on traditional media.

In light of the lack of legally binding instruments that promote and protect press freedom, one needs to look at how often and in what context press freedom is addressed in various UN forums in order to evaluate whether press freedom is indeed absent from or neglected in the wider debate.

A search of the United Nations Bibliographic Information System (UNBISNet) shows that the subject "freedom of the press" only returns 924 results (UNBISNet 2017a). Freedom of expression, by comparison, is cited 2335 times and women's rights 7131 times. A search for "freedom of the press" in the Official Document System of the UN at search.un.org returns 4009 results for the exact phrase search term. However, about 1500 of these are categorized as NGO documents many of them reporting press freedom abuses to various UN bodies. Another 348 documents are related to UNESCO's annual World Press Freedom Day.

Unsurprisingly, "freedom of expression" fares much better than press freedom in the Official Document Search, with 15,970 results, while "freedom of information" returns roughly the same hits as press freedom with 4301 results. Searches for other civil and political rights have similar results. For example, "freedom of assembly" shows up 3381 times, although "freedom of religion" has much more visibility with 7786 times. Rights in the social, economic, and cultural category also count many more mentions, like the "right to food" with 6413 and the "right to education" with 13,210 results.

Overall, this does not indicate that the UN is preoccupied with promoting press freedom in a substantial manner. It shows that the UN is concerned with publicizing World Press Freedom Day once a year and that NGOs attempt to bring press freedom violations to the UN's attention. It also suggests that civil and political rights, particularly those in the area of communication and expression, receive less attention than other, less controversial rights.

A closer look at the UN human rights bodies under the OHCHR umbrella also shows that the discourse on press freedom is surprisingly limited.

3.4 Human Rights Council

A search of all Human Rights Council resolutions from its regular sessions since its inception in 2006 shows that press freedom is very rarely a topic of conversation. In 34 sessions, only four resolutions related to press freedom were adopted. These, however, do not directly address the issue of press freedom, but concern the safety of journalists. In terms of overall mentions of press freedom or freedom of the press in the annual reports of the Human Rights Council, the results are equally dismaying. Press freedom comes up a total of four times in these reports

that contain resolutions, decisions, and president's statements of the Council's sessions between 2006 and 2016. Interestingly, when press freedom is mentioned in the annual or session reports, it occurs in the context of UPR and other reports on the state of human rights in certain countries.

Freedom of expression only fares somewhat better, with one dedicated resolution from 2009, one resolution on the role of "freedom of opinion and expression in women's empowerment" adopted in 2013, and four more resolutions that pertain to the mandate of the Special Rapporteur on the right to freedom of opinion and expression. On the other hand, freedom of religion is on the agenda periodically with 18 resolutions in total, as is the right to freedom of assembly with seven resolutions. The right to food and the issue of women's rights are very prominent as well, counting 14 and 21 resolutions, respectively, in 34 sessions since 2006. These numbers show that press freedom is a marginal issue in the Human Rights Council debates.

One topic that attracted attention in recent years is the safety of journalists. Although it should not be equated with addressing the issue of press freedom, the discussions surrounding the safety of journalists pick up on the importance of media workers and the press. While the safety of journalists is an important part of protecting press freedom, saving journalists from being killed or thrown in jail does not constitute the overall solution to guaranteeing everyone the right to a free press, whether in times of crisis or peace. It is a step in the right direction to acknowledge the political significance of press freedom. However, it should be remembered that the Human Rights Council so far has primarily addressed the issue of journalist safety from a humanitarian point of view and in the context of protecting journalists in crisis and conflict situations, or primarily in the context of "the physical protection of journalists," as one scholar categorizes it (Parmar 2015).

The first time the issue of journalist safety in conflict situations came up at a high priority meeting at the UN was in 2006. France and Greece sponsored Security Council resolution 1738, which was adopted unanimously and which "condemns intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and calls upon all parties to put an end to such practices" (UN Security Council 2006). The resolution also states that journalists and other media workers on a professional mission in areas of armed conflict should be considered civilians and are thus protected

under the same Geneva Convention statutes that apply to other civilians in conflict situations. The issue resurfaced in various UN human rights forums in 2010 due to an increased trend in violence and discrimination against journalists worldwide.

On June 4, 2010, the Human Rights Council convened a panel discussion on the protection of journalists in situations of armed conflict (UN General Assembly 2010). Although some delegations pointed out that there is a need to address the protection of journalists in all situations, not just in armed conflict, and recommended a follow-up panel discussion on the topic, the issue of the safety of journalists largely remained focused on conflict situations. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity states that it aims to protect the fundamental right to freedom of expression by creating a free and safe environment for journalists and media workers in conflict and non-conflict situations (United Nations 2012). However, the plan is not clear about what is meant by non-conflict situations: It focuses in this context primarily on acts of violence and intimidation carried out against journalists by non-state actors such as terrorist and organized crime groups, which again invokes the broader situation of conducting journalistic work in an environment of insecurity and protecting journalists from physical harm.

Similarly, the Human Rights Council in 2012 adopted a resolution on the safety of journalists in which it "*[c]ondemns in the strongest terms* [sic] all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment" (UN Human Rights Council 2012, para. 5). It should be stressed, however, that this document, too, focuses on journalist safety in armed conflicts and calls on all parties to armed conflict to respect their obligations under international humanitarian law and international human rights law (UN Human Rights Council 2012, para. 6).

Subsequent Human Rights Council resolutions have become more comprehensive, for example, resolutions A/HRC/33/L.6 and A/HRC/27/L.7 highlight the specific risks faced by women journalists and the risks for journalists in the digital age, where journalists have increasingly become targets of unlawful surveillance (UN Human Rights Council 2014, 2016).

The increased focus on the safety of journalists is a result of the rising trend in killings of and attacks on journalists worldwide over the last decade. In this context, it should also be noted, however, that representatives of some of the deadliest countries for journalists according to

reports by the Committee to Protect Journalists are serving currently on the Human Rights Council. For example, Iraq is the deadliest country for journalists, and the Philippines follows in third place (Committee to Protect Journalists 2017). This highlights the difficulties of reconciling state interests with the promotion of human rights.

A look at the UPR documentation paints a similar picture. Since press freedom is under attack worldwide, UN human rights bodies like the special rapporteurs and NGOs point out such violations in many countries as part of the review process. Western states also usually raise questions about how the country under review plans to remedy these shortcomings in the areas of free speech and freedom of the press and make recommendations for improving the situation. However, in many cases, the governments insist that press freedom is guaranteed in its country. In some UPR cases, governments even reject UN recommendations. It is clear that while the UPR process is a useful monitoring exercise and helps raise awareness of human rights violations in all countries, it is not an effective tool for effecting change in government behavior. The government has the last word and UN human rights bodies, NGOs and other stakeholders can only wait for the next review in four years to call out violations again.

Overall, press freedom in the context of Human Rights Council discussions appears from time to time in the UPR reports on individual countries. When it comes to the discussion of journalist safety, however, the discourse is framed primarily in terms of the importance of journalists for securing the right to freedom of expression. It is remarkable that in most of the documents on the safety of journalists, press freedom is mentioned only rarely. If it is, it usually appears in the context of raising awareness through World Press Freedom Day, or the link between press freedom and keeping journalists safe is raised by members of the NGO community. The safety of journalist issue has now received attention in the General Assembly with two resolutions (one of them proclaiming 2 November as the International Day to End Impunity for Crimes against Journalists) and in the Security Council with Resolution 1738 (2006) and Resolution 2222 (2015), both on the protection of journalists in armed conflict. The issue has been closely linked to freedom of expression and the importance for democracy as well as development. Yet, it is strangely lacking clear connections to press freedom in these documents, most notably in the adopted resolutions (UN General Assembly 2014b, 2016).

3.5 Human Rights Committee

In addition to overseeing state party compliance with the ICCPR and managing the interstate and individual complaints procedures, the Human Rights Committee also interprets the content of human rights provisions and publishes them as so-called general comments.

Until 2011, the Human Rights Committee had published only one general comment on Article 19. This comment from 1983 was brief and did not speak to press freedom. In 1996, the issue of press freedom came up in General comment No. 25 on Article 25 of the ICCPR granting the right of every citizen to take part in the conduct of public affairs. The document states:

> In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. (UN Human Rights Committee 1996, para. 25)

An important step toward explicitly acknowledging the importance of press freedom in the legal context was thus taken. But it took 15 more years until the Committee focused on Article 19 specifically and delivered a much more detailed interpretation of the article in General comment No. 34, which addresses the relationship between press freedom and freedom of expression. It states that:

> A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.[n28] The Covenant embraces a right whereby the media may receive information on the basis of which it can carry out its function.[n29] The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.[n30] The public also has a corresponding right to receive media output. (UN Human Rights Committee 2011, para. 13)

The general comments are viewed as general statements of law that communicate the Committee's conceptual understanding of a particular

provision, in this case Article 19, aimed at adapting the ICCPR to modern circumstances (OHCHR 2005, 24). Consequently, the Committee's interpretation of press freedom as an essential factor for safeguarding freedom of expression, democracy, and human rights is a significant development in elevating press freedom to a more central position not only in the context of Article 19, but also in the wider human rights debate. It also suggests a step forward in terms of normative standard setting in disentangling press freedom from freedom of expression, even if the Human Rights Committee lacks effective enforcement mechanisms that ensure that states adhere to the provisions of the Covenant and the Committee's interpretations thereof.

3.6 Human Rights Council Advisory Committee

Despite efforts by the Human Rights Committee in framing press freedom as a central component of democracy and human rights, other bodies have not followed this trend. It is indicative of press freedom's neglect in the academic and activist community that the Human Rights Council Advisory Committee, whose task it is to provide the Council with expertise in the form of studies and research-based advice and recommend further research proposals, does not seem to consider press freedom as a high priority (OHCHR 2017a). The issues the Advisory Committee has covered between its inception in 2008 and 2016 do not feature press freedom, freedom of expression, or any other civil or political right. Instead, their work focuses on issues like the right to food, the right to peace, international cooperation on human rights, and missing persons. All of these are important causes, of course, but they do not fall within the category of political or civil rights. This failure of the Advisory Committee to advance civil and political rights highlights the reluctance of the Human Rights Council to promote rights that could possibly threaten state power.

3.7 Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

The mandate for the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression was established in 1993. His primary job is to monitor violations of the right to freedom of

opinion and expression and make recommendations on ways and means to improve the promotion and protection of the right "in all its manifestations" (OHCHR 1993).

Overall, the UN special rapporteurs and their work are well perceived within the human rights community. Kofi Annan called them the "crown jewels" of the UN human rights machinery (UN News Centre 2006). Louise Arbour titled the individual special rapporteurs "the frontline human rights troops" (OHCHR 2006). Others have argued that the special rapporteurs are not just crucial due to their monitoring function, but also because of standard setting, with which "they have significantly influenced the elaboration, interpretation, and implementation of international human rights law" (Subedi 2011, 204).

When it comes to press freedom, the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression reflects the peculiar state of press freedom in the human rights debate. For example, the rapporteur's website highlights plenty of "issues in focus" like access to information and censorship, but there is not one specifically dedicated to press freedom (OHCHR 2017d). A survey of the rapporteur's annual reports since 2003 also shows that press freedom as an issue by itself is not a high priority.[1] Depending on the topic of the reports, press freedom often does not come up at all, or they mention press freedom due to the rapporteur reporting about his annual participation in World Press Freedom Day events. When the topic of protection of whistle-blowers and sources is discussed by the rapporteur, the debate is framed in terms of access to information and how the issue affects journalists and their work; press freedom is not mentioned. The same is true when it comes to discussions on the safety of journalists: They are framed primarily in terms of freedom of expression rather than in the context of press freedom. Only the 2014 rapporteur report on freedom of expression and communication in electoral processes includes a more detailed discussion of the important links between a free press and democratic politics (UN General Assembly 2014a, para. 18–32).

On the other hand, the reports on country visits for monitoring purposes by the Special Rapporteur often feature press freedom violations by various countries. Furthermore, in 2010, the Special Rapporteur at the time, Frank La Rue, issued a statement of the ten key challenges to freedom of expression in the next decade. While press freedom is not addressed specifically, the list indirectly speaks to several issues that are

closely related to press freedom, particularly government control over the media, which tops the list (UN General Assembly 25 March 2010).

These findings with regard to the Special Rapporteur's work on press freedom indicate two things: First, that clear distinctions between the concepts of press freedom and freedom of expression are lacking even in communications by experts in the field. And second, that the importance of the press for securing human rights and freedom of expression is mostly implied, rather than outright stated, much like the Human Rights Committee's General comment No. 34 leads to conclude.

So, while the rapporteur has been active in monitoring and promoting the right of freedom of expression and developed numerous subcategories, press freedom by itself is very rarely a talking point in this forum. Furthermore, there have even been attempts to limit the mandate of the rapporteur. In 2008, for example, China and Russia joined forces with the Organisation of the Islamic Conference (now the Organisation of Islamic Cooperation) to amend the mandate of the Special Rapporteur on freedom of expression and opinion requiring him not just to report on infringements of the right by governments, but also report instances of "abuse" of the right to freedom of expression as an act of racial or religious discrimination (Article 19 2008). This initiative was part of an ongoing campaign started in 1999 by the organization to have "defamation of religion" recognized internationally as a crime (Reporters Without Borders 2013, 21). This trend has become more threatening to freedom of expression since Russia and even atheist countries like China, Cuba, and Vietnam joined this call for more respect for religion. What is more, they are increasingly linking concerns over blasphemy with attempts to promote "traditional values" at the UN, thus signaling opposition to Western values and civil and political liberties (Reporters Without Borders 2013). In light of these worrying developments, one has to wonder not just about the effectiveness of the Special Rapporteur on freedom of expression and opinion, but also about the influence of the West on the UN human rights agenda in the future.

3.8 UNESCO

As the UN organ mandated to protect freedom of expression, UNESCO is the central UN forum for issues of free speech, freedom of information, and freedom of the press. But even here press freedom seems to be a marginal issue. For years, World Press Freedom Day, which falls

on May 3 and was created in 1993 to mark the anniversary of the Declaration of Windhoek, was UNESCO's primary activity and the UN's flagship initiative on the subject of promoting press freedom. As is still evident from the organization's website, press freedom was treated as a subcategory of Freedom of Expression, which is one of the main themes in UNESCO's Communication and Information (CI) sector (UNESCO 2017b). Accordingly, it was only marginally visible and received limited resources compared to freedom of expression or even freedom of information initiatives.

More recently, however, UNESCO has given press freedom a more prominent role in its activities and on its website. Its new freedom of expression landing page features a link to "Press Freedom on All Platforms" at the top of the page, along with resources to other freedom of expression priorities such as the safety of journalists (UNESCO 2017e). Encouragingly, the website characterizes press freedom and freedom of information as corollaries to freedom of expression and now prominently states that "UNESCO sees these rights as crucial foundations of democracy, development and dialogue, and as preconditions for protecting and promoting all other human rights" (UNESCO 2017h).

A look at UNESCO's budget and strategic plans confirms that press freedom is not a central issue for the organization. Both the 2008–2013 and 2014–2021 strategic plans mention press freedom only three times each, all under broader concerns for freedom of expression (UNESCO 2008, 2014). In the 2014–2021 strategic plan, press freedom falls within Strategic Programme Objective 9 (out of 9 in total). However, contrary to the 2008–2013 strategic plan, the current one highlights the importance of press freedom as a corollary to freedom of expression as reflected on the UNESCO website.

Table 3.1 shows that among UNESCO's five major programs, CI, under which the promotion of press freedom falls, currently comes last in terms of funding, while in previous years, only the Social and Human Sciences sector received less funds.

Thus, the CI sector qualifies as one of the smallest UNESCO sections with sparse resources and staff. In June 2017, it counted 79 employees in its headquarters and field offices, while the education sector by comparison employed 439 staff and the National Sciences sector about 292 (UNESCO 2017g).

A 2010 UN evaluation report of UNESCO's contribution to Strategic Programme Objectives (SPO) 12 and 13: "Enhancing universal

Table 3.1 UNESCO budget by major programme (Data compiled from biannual UNESCO budgets, which are available from UNESCO 2017d)

Year (Doc. #)	*Total budget (in million US$)*	*Education (in million US$)*	*Natural sciences (in million US$)*	*Social and Human Sciences (in million US$)*	*Culture (in million US$)*	*Communication and Information (in million US$)*
2006–2007 (33C/5)	610	108	56	31	51	33
2008–2009 (34C/5)	631	108	57	29	51	32
2010–2011 (35C/5)	653	119	59	30	54	33
2012–2013 (36C/5)	653	115	59	29	52	32
2014–2015 (37C/5)	653	118	62	33	54	33
2016–2017 (38C/5)	667	124	67	38	54	34

access to information and knowledge" and "Fostering pluralistic free and independent media and infostructures" found that the CI sector was indeed spread too thinly as the vast range of its activities by themes shows. This situation, the report concluded, was exacerbated by the circumstance that the sector was "also probably the most complex and diverse in its range of responsibilities" (UN Office of Internal Oversight Services 2010, 35).

Since the publication of the report, the sector has consolidated its organizational structure somewhat and is now broken down into the Division of Freedom of Expression and Media Development and the Knowledge Society Division (UNESCO 2017a). Still, the tasks of the CI sector start with access for people with disabilities, include all kinds of freedom of expression and media development activities as well as Internet governance, linguistic diversity and documentary heritage initiatives, and end with cross-cutting priorities like post-conflict and disaster responses, gender and media issues (UNESCO 2017b).

In some of these areas, most notably in media development, the CI sector has been rather successful. One of the main findings of the evaluation report states that the sector had made significant progress in achieving enhancement of the capacities and competencies of media and information professionals. It does so by developing guidelines and tool kits like editorial guidelines, which support the work of media professionals; by training media professionals in areas such as investigative journalism, information management, and supporting training facilities; and by creating and supporting regional and national networks of media professionals (UN Office of Internal Oversight Services 2010, 20).

The objective of integrating "communication and information policies conforming with the principles of press freedom, independent and pluralistic media and contributing to the development of infostructures adopted by Member States" also received good marks due to the sector's development and use of the Media Development Indicators and its efforts in supporting legislation and policies in the field of media regulation and literacy (UN Office of Internal Oversight Services 2010, 20–21). The positive evaluations with regard to these two objectives are due to the fact that the CI sector is also in charge of the IPDC.

IPDC was established by UNESCO in 1980 as a consequence of the NWICO debate, which will be discussed in more detail in the next chapter. The overall objective of IPDC is to promote freedom of expression and media pluralism by supporting media development projects in

developing countries. According to its website, it "is the only multilateral forum in the UN system designed to mobilize the international community to discuss and promote media development in developing countries" (UNESCO 2017f).

IPDC evaluations have repeatedly indicated that the program is very effective in directing support to grassroots media organizations and assisting with training and preparation needs of media professionals, thus fostering media professionalization and advancing community media (UN Office of Internal Oversight Services 2010, 25). Even though the program secretariat falls within the organizational structure of the CI sector, the budget for its projects comes from an external funding pool to which donor countries have contributed approximately a little over 100 million US dollars since its inception (UNESCO 2017f). This leads to some confusion about the activities of UNESCO and IPDC, as themes and tasks overlap in many cases.

The evaluation report also identified a basic dilemma of the CI sector, namely that on the one hand it "lacks funding for activities to implement and embed policy and standards," but on the other hand, it is at an advantage when it comes to media development initiatives because of external IPDC funds and resources (UN Office of Internal Oversight Services 2010, 22). In this context, there is another factor that contributes to the difficulties of the CI sector's efforts in promoting and achieving its tasks, the promotion of press freedom among them. As the report points out, "evidence from field missions suggests that whereas education, health and climate change are clearly understood by other UN agencies, they generally remain confused about UNESCO's Communication and Information priorities and approach" (UN Office of Internal Oversight Services 2010, 29). This is hardly surprising, considering the broad range of its tasks, which makes it difficult to present a coherent sector.

What becomes apparent from UNESCO's work in the field of freedom of expression and press freedom is that it is better at downstream activities that implement projects at the grassroots level, particularly in the area of media development. When it comes to upstream activities and promoting press freedom in the context of international norms, however, its efforts lack clarity. One might blame the UNESCO constitution for this state of affairs. Since its constitution frames the media ("all means of mass communication") primarily as a tool through which the organization should work to contribute to mutual knowledge and understanding

of peoples, it is difficult for UNESCO to promote press freedom as a distinct human right (UNESCO 1946). What is more, the UNESCO mandate is kept vague in that the organization shall "promote the free flow of ideas by word and image." However, the free flow of ideas is not the same as freedom of the press with its intrinsic political function. And as the next chapter outlines, the phrase has been interpreted differently by different countries, and thus led to substantial controversies over UNESCO, its mandate and concepts like freedom of information.

Given its limited mandate, funds and resources, however, UNESCO works within its limits to monitor press freedom violations and promote press freedom best practices by helping on the ground to improve media in developing countries. In recent years, the organization has also made progress in highlighting the importance of press freedom vis-à-vis freedom of expression. Its 2013 report *Pressing for Freedom: 20 Years of World Press Freedom Day* even presents press freedom as a basis for other rights: "Press freedom is a cornerstone of human rights and guarantees other basic liberties due to its unparalleled capacity to encourage transparency and good governance" (UNESCO 2013, 15). Nonetheless, there is still a lack of upstream activities that widely promote it as a key to democracy and human rights.

World Press Freedom Day is an effective measure in this regard. Yet, even this initiative is subject to different themes every year, themes that also tend to conflate the different debates within the broader field of communication rights. In 2017, the day focused on linking the media to creating justice for all as a prerequisite for freedom of expression and sustainable development. The year before, the theme was access to information, while in 2015 and 2013, the events were focused on the safety of journalists. In 2010, the spotlight was on freedom of information. This conflation of themes is not exactly helpful in shedding light on the already very murky subject of communication rights.

3.9 UN Speeches

The lack of upstream activities within the UN framework is demonstrated by a survey of speeches on the subject of press freedom given by high-ranking UN officials and representatives of country missions to the UN. Interestingly, UNBISNet only returns four indexed speeches on the subject of press freedom or freedom of the press, and all four of them date back to 1993 (UNBISNet 2017c). In comparison, freedom

of expression counts 131 entries (UNBISNet 2017b). When looking for speeches on press freedom by high-ranking UN officials, the results are equally limited. A search of former UN Secretary-General Ban Ki-moon's speeches for the keyword "press freedom" on the UN News Centre website returns ten speeches, six of which are his remarks on the annual occasion of World Press Freedom Day (United Nations 2017).

As can be expected from the UNESCO Director-General, the current office holder, Irina Bokova, has given significantly more speeches on the subject since she took office in 2009 than the Secretary-General. A total of 74 of her speeches contain references to "press freedom" or "freedom of the press." However, 50 of these speeches simply mention World Press Freedom Day or UNESCO's Guillermo Cano World Press Freedom Prize.[2] The rest of her speeches on the topic contain only cursory references to press freedom, or bring up the subject in the context of brief descriptions of UNESCO's objectives of supporting freedom of expression and of the press. Even the handful of speeches that do contain more than a fleeting reference to press freedom do so because they quote famous people like Albert Camus and John F. Kennedy on the importance of press freedom in order to make the case that press freedom should be respected. Overall, however, the lack of substantial discourse on the subject of press freedom is further highlighted by the fact that the UNESDOC database indexes roughly three times as many speeches (224) by Bokova on the subject of freedom of expression.

These discoveries based on the amount and content of speeches and remarks by UN officials on press freedom represent evidence that coverage of the topic is limited and usually coincides with World Press Freedom Day event announcements. They also show that press freedom is not addressed in a normative or policy-oriented sense, but is linked to practical matters of protecting journalists, for example, rather than being discussed in the context of its place in the human rights framework. These speeches might also be interpreted as taking the importance of press freedom for granted. What many of the documents and speeches featuring press freedom have in common is the implied understanding that press freedom and freedom of expression go hand in hand and that press freedom is a necessary component for securing both freedom of expression and democracy. It is difficult to know for sure, however, whether UN officials take the importance for granted, which further highlights the necessity of a debate on press freedom and what is meant by it.

Freedom of expression is for all, whether they are journalists or regular citizens. But as put forward in the previous chapter, press freedom and freedom of expression are two distinct concepts. A free press is a political institution that ensures that the government draws its authority from the will of the people. This endows the press with both a government oversight role and political power derived from its mass audience and the fact that it acts as a surrogate of the public. Given this situation, and the fact that individual freedom of expression does not fulfill the same function, one would expect press freedom to be of more prominence and more clearly distinguished from the right to free speech. As the evidence in this chapter shows, however, this is not the case.

3.10 Conclusion

Press freedom does not hold a prominent place in the human rights debate at the UN. Article 19 of the ICCPR does not specifically address the right to a free press, and the handful of press freedom related declarations from the 1970s and 1990s are not legally binding. The Human Rights Committee has made some progress in clarifying the relationship between the concepts of press freedom and freedom of expression, but discussions on press freedom in the Human Rights Council are limited. The safety of journalists has garnered considerable attention from the UN in recent years, but even though this is a topic closely related to press freedom, the UN focus is primarily on the humanitarian aspects of protecting journalists as civilians in armed conflict. Several other UN bodies are tasked with the monitoring of press freedom violations and the promotion of press freedom issues. Most monitoring work is done by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, while UNESCO deals with a broad range of tasks relating to freedom of expression and press freedom. Its efforts are most successful in the area of media development in developing countries and by drawing attention to press freedom issues on World Press Freedom Day.

Despite these grassroots efforts, however, press freedom does not reach high priority status within the human rights debate at the UN. Compared to other rights, press freedom garners little attention, a fate it shares with other civil and political rights. Yet, even those receive more coverage, particularly the right to freedom of religion. Despite recent efforts by UNESCO to make the importance of press freedom more

visible, the press freedom debate is still often subsumed by discussions on the right to freedom of expression. As the previous chapter argued, however, this situation needs to be remedied in order to highlight the special role that a free press plays in promoting and maintaining democracy and human rights. The press is a political institution that draws power from its mass audience and functions as a government oversight mechanism. As touched upon with regard to the Human Rights Council earlier in this chapter, promoting such institutions or practices can often not be reconciled with government interests. The following chapter will look closely at this circumstance.

Notes

1. Reports are available from OHCHR (2017c).
2. Speeches are searchable on UNESCO (2017c).

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CHAPTER 4

The Politics of Press Freedom

Abstract This chapter examines the politics of press freedom, arguing that when it comes to promoting press freedom, power and state interests carry more weight than ideas and norms. The emphasis here is on Western states in particular. To prove the point that strategic interests, rather than ideas, determine Western state action on the issue of press freedom, the chapter also examines the historical trajectory of press freedom at the UN.

Keywords Press freedom · United Nations · Human rights · NWICO Realism · Norms

4.1 Introduction

Chapter 3 has shown that press freedom has not been of much concern to the UN human rights debate since 2006. Although it is not completely absent from the agenda, it is confined to the margins of the discussion, usually subjugated to the debates on freedom of expression and freedom of information or focused on the safety of journalists. Press freedom, in short, is neglected in the UN human rights context.

The resulting question, then, is why do states neglect press freedom? And why do Western states in particular not do more to promote press freedom as a human right? It is to be expected that China, Russia, or other authoritarian states do not speak up for the civil and political

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rights of their citizens, let alone try to promote them internationally. Expectations for Western liberal democracies are different, however. The very notion of the international human rights regime rests on liberal values like equality, personal freedom, and self-determination, after all. Western states are, in fact, the architects of the human rights order. And yet, press freedom, which is central to these values, is left on the sidelines.

This chapter contends that when it comes to press freedom at the UN, idealism matters very little. Instead, what matters is state interests defined in the traditional sense of power, security, and wealth. Press freedom is neglected because it undermines state power, and this applies not just to authoritarian governments, but also to liberal democratic ones as well. In the rare cases when the West stood up for press freedom at the UN, it was not to champion an ideal of liberal self-determination, but because they saw some benefit for their strategic interests.

4.2 Ideas

As outlined in Chapter 2, press freedom is central to classical liberal philosophy. It is the foe of tyranny, precisely because it is the key to ensuring individual rights and democratic politics. Its presence or absence defines the status of state–society relations in any given country. If the press is free, civil society is thriving, as is democracy. A free press ensures that citizens are informed, that the government responds to the will of the people, and that it does not abuse its power and violate the rights of its citizens.

The UN human rights regime is a reflection of Western liberal ideals that are safeguarded by the institution of a free press. The International Bill of Rights is based on the very idea of individual self-determination and the prevention of abuses of power that had led to the atrocious human rights violations during World War II. Consequently, the nature of the human rights discourse in general, and on press freedom in particular, reflects liberal ideals.

Of course, it is difficult to isolate ideals from considerations of the national interest in liberal democracies in any policy area, but even more so when it comes to human rights. These ideals inform the foreign policy behavior of Western states. In the case of the US, this dates back even further than President Wilson's goals of making the world safe for democracy and building peace on "the tested foundations of political

liberty" (Wilson 1917). Liberal values have been enshrined in the concept of American exceptionalism since the nation's birth. Therefore, this is not an argument challenging the notion that ideas influence Western policies, even when it comes to promoting press freedom. As the historical section of the chapter demonstrates, it can hardly be denied that Western delegates believed in the merits of the "free flow" doctrine they advocated.

What ideational theories fail to explain, however, is why Western states do so little for press freedom. According to liberal theory in international relations, state behavior is a result of state preferences that are determined by domestic circumstances. Consequently, if the domestic preferences for individual rights, democracy, and a thriving civil society determine the behavior of Western states, they should promote press freedom at the UN. As the evidence in Chapter 3 shows, they do so to some extent. For example, France was one of the sponsors of the safety of journalists issue at the UN. Western countries also routinely raise the issue of press freedom violations in other countries during the Universal Periodic Review (UPR) process at the Human Rights Council. So, press freedom is not completely absent from UN human rights discussions and initiatives. Given the centrality of press freedom to democracy and human rights, however, these discussions and initiatives are not prominent enough.

In short, the mere existence of a human rights framework is a triumph of ideas. Idealism explains the existence of press freedom (and human rights) discussions at the international level as well as the nature of the current discourse framing press freedom as an important ingredient for the individual right to freedom of expression. But it does not explain why there is so little of it.

4.3 Norms

The human rights phenomenon is not easily explained by rationalist theories. In general, there is little strategic motivation for states to sign up to treaties that limit their own power without much of an incentive like reciprocity. Realists, therefore, regard human rights treaty compliance as a consequence of coercion or coincidence. But since states do sign up to international human rights treaties even when they are not coerced, this lack of explanatory power has given rise to ideational explanations, especially constructivist ones, which now dominate the human rights

literature. They focus on ideas and norms, their formation, diffusion, and influence.

Like liberals, constructivists are concerned with norms and ideas, but not whether or how they regulate state behavior. Instead, constructivists focus on the interactions between agents and structures, which influence the formation of interests and identities and consequently create the social environment in which states and other agents exist. In short, norms and values matter because they have an effect on state preferences and interests. Assuming, then, that these interests shape state behavior and given that states tend to neglect press freedom, a constructivist would come to the conclusion that press freedom is of little normative importance, and that it has not reached the status of an established human rights norm.

Some might argue that this is a rather common occurrence when it comes to human rights, and that concerns for power and survival always outweigh the loftier goals of providing every human being with the means to secure their dignity. However, there are several examples of human rights norms that have gone beyond being a tool of regulating state behavior and even had an impact on state identity. One of those is the issue of racial equality. During the 1980s, many states imposed sanctions on South Africa due to its apartheid policies, even though strategically and economically, interests would have dictated otherwise (Klotz 1995, 3–4). Women's rights is another example. In 1945, women were still widely regarded as second-class citizens. By 1975, the idea that women deserve the same rights as men had become widely acknowledged, and UN-organized conferences, working groups, and various other activities promoting gender equality became ubiquitous. Today nearly all countries (189) have ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Press freedom is not one of these norms, however. As argued in Chapter 3, if press freedom would have reached the level appropriate for a right that is so central to the promotion and protection of human rights, there would be international conventions, other legal instruments, and a host of UN conferences and initiatives on the subject. Instead, press freedom does not even get an explicit mention in the International Bill of Rights, let alone its own treaty or even conference. This circumstance is even more astounding, considering that press freedom predates the establishment of the UN human rights regime by several hundred years. In 1644, Englishman John Milton delivered his well-known

Areopagitica speech against government censorship of the written word, which would later become the blueprint for the right of freedom of the press. By the end of the eighteenth century, the French and American revolutionaries recognized its importance and secured it constitutionally. Consequently, the question of why press freedom has not become an international norm that neither regulates state behavior nor has had much of an influence on the content or sources of state interests, the social fabric of world politics, and the human rights discourse is even more puzzling.

Finnemore (1996, 24) argues that normative shifts are not only due to structures, but also a result of agents who promote new norms. In the case of press freedom, one would assume these agents to be Western liberal states, led by the Americans who cherish their First Amendment rights. National identity based on values, therefore, cannot explain why the US does not lead the efforts to protect and promote press freedom as a human right.

Furthermore, if there is no established norm on press freedom or active agents who champion it, international organizations, such as the UN and UNESCO, can hardly be expected to teach or socialize other countries to adhere to these standards or even to make them a more central part of the human rights debate. It is thus not surprising that we do not see the UN Secretary-General or UNESCO's Director-General be more outspoken about the central role of press freedom and urging heads of state or country delegates to call for a specific press clause in the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee might have spelled out their interpretation that a free press is implied in the right to freedom of expression in their General comment No. 34 in 2011 (UN Human Rights Committee 2011). But the UN executive staff has not picked up this interpretation. The only actors that seem to be working on popularizing freedom of the press as a human right are NGOs, and even those tend to be caught up in definitional problems, as will be discussed in Chapter 5.

Looking at the UN rhetoric on press freedom further highlights the fact that there is no established norm on freedom of the press. First of all, rhetoric is limited when it comes to press freedom, even from the most liberal of liberal democracies, as is outlined below. Second, the existing rhetoric, usually concentrated around World Press Freedom Day, is murky at best. Press freedom gets mixed in with discussions of freedom of expression and information and even those concepts are not very

well defined in the human rights context. The UN has been grappling with these definitional questions since the drafting of the Universal Declaration of Human Rights. To this day, however, the area of communication rights lacks clarity, a circumstance that is further complicated by new considerations over Internet freedom and everything that it entails. What is clear, however, is that the political aspect of the press and its power as a democratic institution, which makes it so valuable to the promotion of human rights, is very rarely addressed.

Constructivism is a useful guide for explaining instances of normative change in state behavior. The case of press freedom, however, is not such an instance. In the end, constructivists believe that press freedom, like anarchy, is what you make of it. States—even the liberal ones—make very little of it, which suggests that ideational concerns are not much of a driving force in this case. Instead, the neglect of press freedom in the human rights discourse comes down to old-fashioned power politics.

4.4 Power

While norms, in theory, have dominated the way we think about human rights, the reality, particularly in the field of civil and political rights, is still firmly guided by state power. Realists, who attribute state behavior to the national interest as defined in terms of power, security, and wealth, thus still offer the better explanation for the current status of civil and political rights. Sometimes, interests in the realist sense overlap with idealist goals and values, but when it comes to promoting press freedom through the UN, these interests almost always trump ideas. The evidence from the case presented in this section will support this hypothesis.

According to realism, state interests are a result of strictly rational, cost-benefit considerations based on power politics, national security, and/or the economic well-being of the nation. Given that press freedom is currently not high on the Western agenda, one can assume that promoting press freedom is not in states' interests as defined by realism. If anything, a free press undermines the power of those in charge of running the government and their self-interests.

Realists argue that no matter what type of regime, its policies are determined by calculations that enhance its power. This is on display with press freedom in the UN context. Even the most liberal democratic states have a very limited agenda when it comes to promoting press freedom at the UN, take for example the United States, France, Sweden,

and Norway. The US and France are the liberal pioneers in that their respective Bill of Rights and Declaration of the Rights of Man and of the Citizen and their constitutions translated the Enlightenment principles of political equality and individual freedom into blueprints for democratic government. Sweden and Norway are also champions of equality and liberal values, and they regularly top the various press freedom rankings for their exemplary free and independent media. Sweden is in fact the first country worldwide which introduced legislation supporting freedom of the press and freedom of information with the Freedom of Press Act of 1766. These countries therefore serve as most likely examples of countries in support of liberal values like press freedom. If not even they, the most liberal, most likely states to pay attention to press freedom in their human rights policies do so, it is unlikely that other states would.

Speeches and statements by representatives of their missions to the UN, however, indicate that press freedom is not a high priority issue for them. The US Mission to the UN published a list of its statements from 2009 until the end of the Obama administration in January 2017.[1] When searching the statements, remarks, and speeches on the archived website with Google Site Search, press freedom comes up approximately 29 times, the majority of them on the occasion of the annual World Press Freedom Day. In 2013, the Acting US Ambassador to the UN also delivered remarks at a Security Council Open Debate on the protection of journalists in armed conflict. It is notable, however, that even these remarks do not contain any reference to press freedom and simply stress the universal right to freedom of expression (DiCarlo 2013). On the other hand, the Google Site Search brings up documents on women's issues 74 times.

Doing a similar Google Site Search for the website of the Swedish missions to the UN in New York and Geneva cites two speeches on press freedom. One simply mentions the World Press Freedom Index in the context of a UPR session on Thailand (Jakenberg Brinck 2011). The other is a short article written by a journalist with IRIN News on the subject of freedom of expression (Aly 2016). The track record on press freedom is even worse for the Norwegian mission to the UN, with no recorded statements on press freedom or related search terms on Google Site Search.

The French UN representatives dedicated more resources to press freedom, although they are also framed by World Press Freedom Day and eclipsed by the issue of journalist safety, a topic that France has

sponsored at the UN and supported with the adoption of Security Council resolution 1738 on the protection of journalists in armed conflicts. A Google Site Search of the website of the French Mission to the UN returns 10 results for press freedom ("liberté de la presse"). To compare, women's rights ("les droits de femme") shows up 141 times.

These findings indicate that coverage of the topic is limited and usually appears in conjunction with event announcements surrounding World Press Freedom Day. They also demonstrate that press freedom is not addressed in any normative sense, but is linked to practical matters of protecting journalists, for example, rather than being discussed in the context of its place in the human rights framework.

There also seems to be a tendency to take the importance of press freedom for granted. Many of the documents cited here and in the previous chapter share the implied understanding that press freedom and freedom of expression go hand in hand, and that press freedom is a necessary component for securing not just freedom of expression, but also democracy. At the same time, however, by focusing on issues such as journalist safety in conflict zones, the debate is put into the humanitarian context. In other instances, free expression or freedom of information takes precedent over press freedom. It seems, however, that by circumventing discussions of the political aspects of having and championing a free press, governments protect their own power.

Observers might point out that this is not always the case; that the West does take a strong stand in favor of press freedom at the UN from time to time. However, even in instances when Western states did go out of their way to support it, they did so not out of purely idealistic reasons, but because the national interest in the sense of power, security, or wealth dictated it. This is demonstrated clearly by taking a look at the history of press freedom at the UN.

4.4.1 The Drafting of the Universal Declaration of Human Rights and the Early Days of the UN Human Rights Agenda

Press freedom entered the international debate early on. What is more, deliberations always followed the same pattern. The League of Nations portrayed the press as a tool to usher in peace and a precondition for material disarmament (Hamelink 1994, 18). A few years later, in 1932, the League focused on the press again, but this time it was during a conference to discuss the problem of inaccurate news, followed by another

meeting in 1933 on the right to correct false information (Hamelink 1994, 19). The emerging pattern was that the free flow of information ideal was introduced by the West, and then followed up by opposition from the Soviets, highlighting the many alleged dangers of a free press and requesting regulation.

During the initial stages of establishing the UN human rights framework, the press garnered a fair amount of attention, too. Following the experiences and consequences of World War II and its widespread propaganda campaigns, the issue of freedom of information was a priority for those tasked with drafting an international human rights regime. Members of the Commission on Human Rights pointed out that "it had often happened that newspapers and news agencies had poisoned the mind of the public by twisting the facts" (ECOSOC 1946, 10). They felt that "in the future, measures be considered against deliberate and systematic distortion of the truth" (ECOSOC 1946, 10). To do so, the Sub-Commission on Freedom of Information and of the Press was created. The Western delegates encouraged it "to get to work immediately because it was formulating one of the basic human freedoms" (ECOSOC 1947b). But the official mandate of the Sub-Commission was "to examine what rights, obligations, and practices should be included in the concept of freedom of information" (ECOSOC 1946, 11). It seems that enthusiasm for advocating an unfettered press was not just limited on the side of the Soviets.

Press freedom was a major talking point during the early stages of the drafting of the International Bill of Rights. But the debate occurred within the framework of discussing the concept of freedom of information and the accepted notion that the press needed restrictions, since its role came with certain responsibilities. Like the discussions of press freedom at the UN today, the drafting process of the Universal Declaration of Human Rights also suggests that no clear distinctions were drawn between press freedom and freedom of information. The former was simply regarded as being part of the larger idea of the free flow of information.

The first draft of the Universal Declaration of Human Rights was written by the Canadian John Humphrey, who served as Director of the UN Division of Human Rights. The Humphrey draft was based on numerous other drafts written by interest groups, NGOs, organizations of lawyers, and the like. At least one of these drafts, that of the Inter-American Juridical Committee, includes the right to a free press

specifically. In Article 3 of the draft, it states: “The right to freedom of speech and of expression includes the special and highly privileged right to freedom of the press” (Inter-American Juridical Committee 1947). Furthermore, a report by the UN Division of Human Rights summarizes that the various draft versions address the status of liberty, and that freedom of information and of the press (sometimes qualified in the interests of responsibility) is among the rights listed (ECOSOC 1947a, 4).

The Humphrey draft, however, did not mention press freedom specifically, but clearly prohibited censorship and also highlighted the responsibilities of a free press (Glendon 2001, 272). The following draft by Cassin again included the press: “There shall be freedom of expression by word of mouth, in writing, in the Press […]” (Glendon 2001, 277). However, it did not grant freedom of the press like the First Amendment did, because the emphasis was still on freedom of expression. It also emphasized the restrictions on freedom of expression, and the free press in particular, by saying “that the author, and the publishers, printers and others concerned shall be answerable for any abuse of this right by defamation of character or failure to present information and news in a true and impartial manner” (Glendon 2001, 277).

Although the article on freedom of expression was subject to heated deliberations in the Sub-Commission on Freedom of Information and of the Press, there does not seem to be any evidence that the specific inclusion of references to the press was considered controversial. This suggests that the delegates considered press freedom as part and parcel of the freedom of information concept. Indeed, the US-backed Philippine draft resolution from December 1946 that called for the convention of an international conference on freedom of information notes that “[f]reedom of information implies the right to gather, transmit and publish news anywhere without fetters” (UN General Assembly 1946).

US delegate Chafee advocated passionately for the inclusion of a free press clause in the International Bill of Rights:

> It raises the banner of freedom of the press, where all citizens can see and respect it. Constitutional recognition prevents freedom of speech from remaining an ideal of radicals or of isolated thinkers like Milton and Mill, or of any other special group such as professors and newspaper owners. These men would probably cherish the ideal, without the first amendment, but that ideal would then lack a large portion of emotional force which it now possesses. Its embodiment in a very prominent place in the

> Constitution, proclaims it to every school-child.… What might otherwise be the forlorn hope of eloquent highbrows and frustrated lowbrows, has a strong hold upon everybody in the United States. (Mehra 1986, 18–19)

Yet, the West failed to secure a place for the free press in the Universal Declaration of Human Rights and the ICCPR. Whether this was intentional or happened in good faith because they considered press freedom as an intrinsic part of freedom of information is difficult to say. However, it does seem like the Western delegates had a good understanding of the role of the press within the broader free flow of information and democratic governance, as this quote by Eleanor Roosevelt shows:

> The Soviet delegations never understand that the free press in America has great advantages, even though we sometimes have to agree that it has disadvantages; but in the case where it fights the battles of the underprivileged, or of those people who temporarily are being exploited by individuals, its freedom is valuable to us all. (Roosevelt 2012, 755)

Furthermore, the matter of a free press came up in various discussions. A US delegate to the General Assembly pointed out that "[p]rogress was based upon the continual criticism of institutions. The existence of a free and diversified Press was one of the most important factors in that process" (Mehra 1986, 21). A Cuban representative supported this view with a similar statement in another meeting: "A free and independent Press in democratic and liberal States contributed to the development of civil responsibility and critical judgment" (Mehra 1986, 21).

Clearly then, the Western states discussed the idea of press freedom in the context of individual rights and framed it as a vital ingredient for a healthy civil society, democratic governance, and a public government oversight mechanism. But it became obvious very quickly that these values were not shared by the Soviets, and that American idealism could not be reconciled with the Soviet position. Ideological clashes thus marked the discussions from the outset. The US opposed any kind of restrictions on the press, while the Soviets claimed to be worried about the abuse of the press by fascists, and wanted to impose limitations on the free press. The American position, defended by Eleanor Roosevelt, was "that a good press will compensate for a bad one; remove all restrictions and the public will be served" (Humphrey 1984, 51). But the Soviets stood their ground:

> The use of freedom of speech and of the Press for the purposes of propagating fascism and aggression or of inciting to war between nations shall not be tolerated.… In order to ensure the right of the free expression of opinion for large sections of the peoples and for their organizations, State assistance and co-operation shall be given in providing the material resources (premises, printing presses, paper, and the like) necessary for the publication of democratic organs of the Press. (ECOSOC 1949)

They also accused Western countries of pursuing a free flow of information policy in order to ensure "the most favorable conditions, in certain countries, for the activities of the Press monopolies" (Mehra 1986, 25). They complained that the Sub-Commission on Freedom of Information and of the Press had become a "loudspeaker spreading the expansionist ideas of Anglo-American monopolists" (Mehra 1986, 26). The Soviets even alleged that press corporations were used as cover-ups for Western propaganda and espionage activities (Mehra 1986, 27). This Soviet mistrust of the commercial ownership of media organizations in the US would later resurface in the New World Information and Communication Order (NWICO) debate, but in those early stages of debating the right to freedom of information, ideological positions were already hardened.

As the East–West conflict intensified further, the Sub-Commission on Freedom of Information and of the Press was discontinued in 1952. This was a result of divisive debates between the West, pushing for the free flow doctrine, and the Soviets opposing it based on their argument that unrestricted press organizations are a tool of Western expansionism, at the 1948 UN Conference on Freedom of Information. At this conference, three draft conventions were proposed: the Convention on the Gathering and International Transmission of News ("the American convention"), the Convention on the International Right of Correction ("the French convention"), and the Convention on Freedom of Information ("the British convention"). Only one of them, on the right of correction, was adopted by the General Assembly (in 1952). Although it became a binding international agreement, even this convention did not have much of an impact, due to the small number of states who ratified it and as a result of clumsy enforcement procedures (Österdahl 1992, 29).

In light of these differences, Humphrey describes the atmosphere at the 1948 Conference on Freedom of Information as highly political,

where the committee rooms became arenas for fighting the Cold War, positions hardened, and very little room was left for compromise: "As so often happens at the United Nations, it was a dialogue between the deaf" (Humphrey 1984, 53).

It became clear that no consensus could be reached, and consequently, the freedom of information debate disappeared almost entirely until the late 1960s. Although the issue of freedom of information and, within it, discussions of a free press started out as a high priority at the UN, it fell victim to Cold War power politics between the West and the Soviet bloc, highlighting that the impact of ideals was limited.

4.4.2 The Great Global Media Debate of the 1970s and 1980s

While the early stages of the freedom of information deliberations at the UN were marked by concerns over the role of the press as a tool for propaganda and warmongering, the NWICO discourse primarily focused on the economics of the debate. As a result, ideological differences between the developing world, the communist East, and the capitalist West became very prominent within the communication rights debate, which often framed the "free flow" idea as a tool of Western cultural imperialism.

NWICO grew out of calls from the newly decolonized states for a New International Economic Order (NIEO), which was first formalized at a summit of the Non-Alignment Movement in Algiers in 1973. The goal of the new economic order was to restructure the global economy in a more balanced way that would benefit developing nations, who felt disadvantaged in the current system dominated by Western industrialized nations and their transnational corporations. The Non-Alignment Movement called for, among other things, more favorable terms of trade, control over multinationals working within their borders, foreign aid, technology, and knowledge transfers from industrialized nations, and full permanent sovereignty over their own territory including the right to nationalize foreign property (UN General Assembly 1974).

The concept of cultural imperialism was also a talking point at the 1973 Non-Alignment Movement summit in Algiers (UN General Assembly September 1973). Consequently, NIEO and the emerging NWICO were closely linked from the outset. In 1976, a Non-Alignment Movement media seminar first declared the call for the new international information order:

> Since information in the world shows a disequilibrium favoring some and ignoring others, it is the duty of the non-aligned countries … to change this situation and obtain the decolonization of information and initiate a new international order in information. (Roach 1997, 95)

The representatives of the developing countries did not make a secret of feeling culturally dominated by Western forces, stating that they are "the victims of domination in information," and that this domination is a blow to the "most authentic cultural values" of the peoples of developing countries (Roach 1997, 95). "The colonialist, imperialist and racist powers," they argued, "have created effective means of information and communication which are conditioning the masses to the interests of these powers" (Roach 1997, 95).

The same Cold War rivalries that had derailed the discussion of freedom of information in the 1950s were on display in the NWICO debate. Now, however, the issue also pitted developing countries against the Western "free flow of information" doctrine. McPhail divides the Third World criticism of the mass media into three categories: First, peripheral nations took a straightforward anti-capitalist approach, criticizing the commercial orientation of the media. Second, they criticized the one-way flow of information through the media from Western nations, primarily the US, to other nations with little reciprocity. Third, they feared "electronic colonialism" (McPhail 2010, 69).

Consequently, the Third World, joined by the Soviets, saw the press primarily as a Western economic force that required regulation. The West opposed this characterization, pointing out that this was simply an excuse for authoritarian regimes to curb free speech and free press at home to consolidate their power. Canada's Secretary of State at the time, John Roberts, aptly summarized this position in 1978:

> On every continent there are some people who think that governments should regulate journalists, should tell them, in the public interest, what to write, or should pass judgment on their accuracy. Canadians do not believe that either politicians or public servants should have anything to say in the management, direction or correction of the media. Quite the contrary. In their view, only a free press can guarantee that the decisions of the state power are in harmony with the wishes of the people. Governments have no means of knowing what the needs of society are for its own well-being, unless they are told by an informed public. (McPhail 2010, 69–70)

By the mid-1970s, the positions of both sides had hardened and the conflict between the West, the Non-Alignment Movement, and the socialist East unfolded in the UNESCO forum, nowhere more pronounced than during the deliberations over the organization's Mass Media Declaration. The draft declaration had been introduced to UNESCO's agenda in 1972, before neither NIEO nor NWICO was even formulated, and it took until November 22, 1978, for it to pass. When it did pass, under its full name, *Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War*, it was unanimous, but in no way uncontroversial (Nordenstreng and Hannikainen 1984, 1). Nordenstreng and Hannikainen (1984, 8) identify several stages in the tumultuous life of the declaration. One coincided with the offensive of the newly decolonized countries on the international stage, calling for a new global economic and information order, briefly outlined at the beginning of this section. Another phase was characterized by a Western counterattack starting in the mid-1970s (Nordenstreng and Hannikainen 1984, 15).

Western interests had been threatened from the beginning of the great media debate for several reasons. On the one hand, the US national security strategy of containment, aimed at stopping the spread of communism, was undermined by non-aligned nations siding with the Soviets on the issue of the international flow of information. Given the prevalent anti-Western narrative of framing the free flow doctrine as a Western tool of exploitation and imperialism, the US saw its power at the UN and in terms of global spheres of influence vis-à-vis the Soviets threatened.

At the UN, UNESCO had already started to move away from its intended technical mandate toward a more normative approach on the issue of communication rights. UNESCO's Director-General at the time, Amadou Mahtar M'Bow, contributed to forging close links between NIEO and NWICO (McPhail 2010, 68). In an address to the 1978 General Assembly on the future agenda of UNESCO, he stated: "the establishment of a new international economic order constitutes … one of the major contexts, and no doubt the largest, within which the activities of the Organization will take place" (McPhail 2010, 68). His promotion of NIEO and NWICO did not go over well with the West, and UNESCO would indeed become the primary battleground for the ideological clashes over NWICO.

The British Managing Director of Reuters, Gerald Long, summed up the Western problem with UNESCO's newfound advocacy zeal:

> Unesco's aims are clear: it seeks money from those countries that have developed the technology of media communications, and which are for the most part committed to the view that information is an essential component of freedom, and makes plans to use that money to transfer media technology to the countries that do not have it, while encouraging them to use the technology to control information for the purposes of government. We are being asked to put up the money and provide the technical, human and operational resources to spread throughout the world that very view of information that is most repugnant to us. The fact that such a programme has not already been rejected out of hand shows that we would be wrong to underestimate the political skill of Unesco. (Nordenstreng and Hannikainen 1984, 44)

The change in UNESCO's orientation and its poor reception by the West is linked to another set of interests that the West regarded as being threatened by NWICO. As McPhail (2010, 68) points out, UNESCO's shift "from a passive, pro-Western agency to an activist, pro-development, peripheral oriented agency" was seen "as a threat to the free markets and economic security that core nations had taken for granted since UNESCO's inception in the 1940s."

Economic considerations played an important role in Western opposition to NWICO. Many Western media professionals and transnational media companies saw their interests threatened by the international calls for the new economic and information orders. An American delegate to UNESCO and later Director of the US International Communication Agency pointed out some of the specifics in the calls for NWICO that would hurt Western businesses and that they found unacceptable, such as "a wholesale withdrawal of radio frequencies from current users, and a possible abolition of international copyright for published works entering the Third World" (UNESCO and Freedom of Information 1979, 4–5).

But Western strategic and economic interests in opposing NWICO coincided with a genuine Western aversion toward restricting free speech and the free press. A US member of the MacBride Commission, Elie Abel, neatly summarizes this confluence of moral reasoning against censorship, the fear of economic losses, and the notion that NWICO is nothing short of a threat to US national security:

> If adopted, this version of the new world information order would have serious consequences for the United States. As Senator George McGovern once observed, "One way to attack a nation such as the United States which depends heavily on information and communications is to restrain the flow of information." Adopting [the Non-Alignment Movement's] proposal would mean accepting the idea of state control (i.e., censorship) over all news or information crossing a nation's borders. It would reduce greatly the amount of news about the world available to Americans and their Government. It might provide justification for countries to exclude form their markets American movies, television programs and advertising. It might even produce the extraordinary result of nationalizing information throughout the world, thereby enabling governments to tax or even prohibit computer conversations via satellites. (Power and Abel 22 September 1980)

As a result of these concerns, Western states staged their counterattack. They were supported by media organizations, which also saw their interests threatened and formed interest groups to lobby Western governments and international organizations on their behalf. Chief among these groups were the World Press Freedom Committee (WPFC), the International Press Institute (IPI), and the Inter-American Press Association (IAPA). With the help of international news agencies and other commercial media outlets, these organizations launched a publicity campaign aimed at the Non-Alignment Movement and UNESCO (Nordenstreng and Hannikainen 1984, 15–16).

But as Nordenstreng and Hannikainen (1984, 16) posit, this offensive was not an isolated incident; it was a matter of international politics overall. The Western line became harder on other issues that concerned its interests. Détente of the early 1970s was replaced with "trilateralism" at the end of the decade, mobilizing the Western world to be more coherent and stronger when defending its interests (Nordenstreng and Hannikainen 1984, 16). This new strategy paid off, as they were able to stage enough opposition to the Mass Media Declaration that it was successfully stalled for a while.

Adopting more of a carrot than a stick approach, the US also tried to get the more moderate developing countries onto its side by offering assistance and training for journalists, investments in communication infrastructure, and other measures that would foster a knowledge transfer between advanced and developing countries. This "divide and conquer" strategy led to the proposition of a "Marshall Plan

of Telecommunications," but many representatives from the developing world were not entirely convinced that the US was sincere (Nordenstreng and Hannikainen 1984, 18–19).

Only three weeks after this Marshall Plan proposition, however, the Mass Media Declaration was passed, which some observers have characterized as a defeat for the West. Efforts by the United States to de-politicize the debate by focusing on practical measures to reduce inequality in the field of communications, rather than stressing normative considerations about the free flow of information, certainly failed. They also did not do a lot to avoid the restrictive nature of the declaration (Nordenstreng and Hannikainen 1984, 19).

One of those normative debates emerged around the concept of the Right to Communicate (R2C). Originally attributed to Jean D'Arcy in 1969, it still lacks a clear definition. Due to the lack of consensus on these issues, the 1980 MacBride Report mentions the right to communicate only briefly and when it does, puts it in very vague terms:

> Communication needs in a democratic society should be met by the extension of specific rights such as the right to be informed, the right to inform, the right to privacy, the right to participate in public communication – all elements of a new concept, the right to communicate. In developing what might be called a new era of social rights, we suggest all the implications of the right to communicate be further explored. (International Commission for the Study of Communication Problems 1980, 265)

Although hailed as a fundamental right that would encompass all the previously discussed communication rights (freedom of opinion, of expression, of the press), the right to communicate aimed to re-frame the issue of communication away from the mass media as a one-way information channel. Instead, D'Arcy wrote, "what matters is the establishment or re-establishment of true communication among human beings" (D'Arcy 1982, xxv). The existing formulations of communication rights and freedoms were no longer sufficient, he and other experts charged with investigating the right to communicate argued: "They concentrate on the content of communication. Their thrust is to ensure that the information contained in the message is available to all. The emphasis is on a one-way flow of information from the few to the many" (Fisher and Harms 1982, 3).

Discussions like these, however, were loaded with the potential for ideological clashes, since they primarily stressed normative issues such as the place of communication rights in preserving cultural heritage and identity. The right to communicate debate, for example, was welcomed by the Third World, who regarded it as a new collective right defending cultural sovereignty. But it was also supported by some in the West, most notably Sweden, who sponsored it at the UN. The MacBride Commission (1980, 265) came to the same conclusion, arguing that freedom of speech, of the press, of information, and of assembly are vital for the realization of human rights and that the "extension of these communication freedoms to a broader individual and collective right to communicate is an evolving principle in the democratization process."

Unsurprisingly, however, the right to communicate was less enthusiastically received by the US and its allies, who saw it as related to NWICO proposals (Hamelink 1994, 299). Moreover, the US also tried to frame R2C as a communist ploy, despite the fact that the Soviets had their own reservations about the right. The American opposition was triggered, according to Hamelink, by the link between the right to communicate and people's rights, a notion which they regarded as a threat to individual rights (1994, 300).

Debates about the right to communicate continued at UNESCO throughout the 1980s, but never came to any satisfactory definition or implementation. In the 1990s, the debate disappeared almost completely, without any mentions in the Declaration of Windhoek or its successors (Hamelink 1994, 298). But not even the Mass Media Declaration of 1978 had much of an impact.

Despite its unanimous passing, the Mass Media Declaration has little legal significance. Generally, declarations are important because they can be forerunners of binding treaties or can become international customary law. The power of a declaration depends on the way it is worded, that is, whether it is written in a way that is strong and obligatory. The importance of declarations also depends on whether it was adopted unanimously, whether it is referred to in later debates, or whether it intends to interpret or clarify existing legal principles or rules. The Mass Media Declaration has a poor record on most of these criteria (Hamelink 1997, 73). Despite the unanimous vote, the declaration was undermined by strong reservations from Switzerland, Denmark, Austria, and the Netherlands, as well as Third World countries who wanted a more normative document (Hamelink 1997, 73).

Even though the Mass Media Declaration passed, the West did not turn to drastic measures in response. They did not return to the uncompromising position they had held during previous disputes at UNESCO meetings before and up to the Nairobi conference in 1976 (Nordenstreng and Hannikainen 1984, 90–113). Their threat to withdraw from UNESCO entirely and the eventual follow-through by the US and the UK were still six years away. Still, parallel to the deliberations on the declaration, at the same UNESCO session, the US and moderate members of the Non-Alignment Movement cooperated. They intended to find a middle ground between the information Marshall Plan project and the idea that developed countries set up a fund at UNESCO for helping the improvement of communication in developing countries through a transfer of technological know-how (Nordenstreng and Hannikainen 1984, 20, 44). This collaboration led to the creation of the International Programme for the Development of Communication (IPDC) two years later, apparently the lowest common denominator in terms of communication rights that all sides could agree upon.

The "Great Global Media Debate," as it was known at the time, died during the 1980s, after the West waged another offensive with the help of the media and their lobbying groups that culminated with the 1981 Declaration of Talloires, which rallied Western governments and media and journalism organizations against the plan of placing restrictions on press freedom. But as previous Western strategies on communication rights, this offensive also coincided with an overall shift in policy not just toward the UN, but the Soviets as well. NWICO received its final blow when the West refused to compromise after calls for draft resolutions on communication issues became increasingly militant (Mehra 1986, 40). In the end, the US and the UK withdrew from UNESCO in 1984, UNESCO's Director-General M'Bow, who had been instrumental in the organization's advocacy on behalf of the new information order, was unseated, and the NWICO concept met its demise.

While it seems that the Western representatives certainly believed in the merits of an unfettered press, their policies were not strictly guided by normative considerations either. On the one hand, they regarded the notion of placing restrictions on the right to freedom of information and expression as a way for Soviet leaders and Third World dictators to silence their domestic oppositions and continue their oppressive rule. On the other hand, the West was also driven by strategic and economic interests in opposing the proposed new information order.

4.4.3 The 1990s and 2001

Following the collapse of the Soviet Union, the economic incentive to champion the free flow of information evaporated. The free market model had triumphed over the Soviets' command economy. Multinational media companies could now pursue their business interests in a globalized world characterized by an ever-increasing flow of information across borders. Or, as one expert put it, NWICO "came about—in reverse" (Gerbner et al. 1993, xi). A new information order had already been established by CNN and other transnational corporations, so by the early 1990s, the new information order was a reality (Gerbner et al. 1993). And with it the Western worries about regulations being imposed on their media multinationals dissipated.

Not for long, however, since the importance of strategic and economic interests is also highlighted by the Internet freedom debate that is currently the focus in the field of communication rights. Even though the Cold War is over and the West is not trying to contain the Soviets anymore, there are certain parallels between the NWICO and Internet freedom debates at the UN. Looking at the question of why states support or oppose Internet freedom, it is obvious that the central concern is power. China, Russia, and other authoritarian Internet freedom offenders are pushing for regulation of the medium. It is in their interest to maintain or extend censorship to online channels in order to consolidate their own power vis-à-vis their citizens. Western countries, on the other hand, are interested in keeping information flowing freely. Part of it is due to their commitment to liberal values, but it is also in their interest to stand up to China and Russia and their growing global influence. As during the NWICO debate, there is also a Western economic incentive to oppose Internet regulation due to the fact that many Internet multinationals are Western and their livelihood depends on the free flow of information.

But not just economic incentives disappeared in the 1990s. Politically, it also did not pay to defend press freedom at the UN anymore. The West won the Cold War, and there were no Soviets left to oppose or contain. Western liberal ideas seemed to have triumphed. The end of history had arrived. UNESCO had gotten rid of its trouble-maker Director-General M'Bow and took a more pro-Western, pro-free flow of information direction. Post-Soviet and non-aligned states turned toward democracy and capitalism. To support them in this endeavor, UNESCO

continued its media development programs through IPDC, mostly funded by Western countries. UNESCO organized seminars on promoting an independent and pluralistic press in Africa, Asia, Latin America and the Caribbean, and the Arab States that led to the respective declarations on the issue of supporting a free press.

A sense of optimism prevailed. A lot of trust was put into new information and communication technology and its democratizing power. The Soviet Union had been brought down, as one story went, by the fax machine. "Too many people," Dine observes, "in both the post-Soviet states and in the West" believed that there was nothing that could keep the media from transforming unfree societies (2001, 48). They believed "that democracy was secure, and that the future was one of unalloyed brightness" (Dine 2001, 48). But this optimism and confidence was premature, and the West failed to use the 1990s and the international goodwill toward its liberal values to advocate for a human rights discourse that bolstered freedom of the press. Instead, the 1990s were a lost decade for the promotion of press freedom. Except for IPDC, World Press Freedom Day, and Windhoek and its successor declarations, press freedom and communication rights were of no interest to the West.

After the 9/11 terror attacks, the cause of press freedom was even less likely to gain Western supporters on the international stage. For the US, the "War on Terror" took precedence over concerns for promoting human rights. At home, civil liberties came under threat following the passing of the Patriot Act in 2001. Historically, this is not an isolated incident. In times of war, national security concerns tend to hold more sway than the protection of civil rights, particularly those that concern the press or freedom of expression. Governments have a stronger case to restrict these rights when there is a credible threat to the nation and its soldiers.

Enacting legislation to stifle freedom of information and of the press during wartime was always controversial in the US. The Sedition Act of 1798, which restricted speech that was critical of the government, only lasted for a couple of years. It took more than a hundred years and World War I before a similar act, the Sedition Act of 1918, was passed. It also did not last long and came with a high political cost for the Democrats who proposed it (Smith 1999, 221). But governments found other ways to control the press and the flow of information, always in the name of national security. Over the years, censorship techniques included news

management, emphasizing secrecy, and denying access to journalists (Smith 1999, 221).

The 2003 Iraq War is seen by many observers as the epitome of government media management. The Bush administration bullied reporters, isolated and limited critical reporting, and was generally apt at manipulating the media, because they knew how the media operate and how to stay on message (Dadge 2006, ix). A report by the Reporters Committee for Freedom of the Press lays out in detail how the "War on Terror" affects access to information and the public's right to know. It cites incidents of the US military keeping journalists from access to soldiers, for example. It also concludes that the Bush administration went to unprecedented lengths in their efforts to manage the flow of information (The Reporters Committee for Freedom of the Press 2005, 41).

Other Western countries were subject to similar trends. Deadly attacks on the transportation systems in Madrid and London also fueled anxiety over terrorism and gave governments more tolerance and scope for implementing surveillance measures in the name of the safety of the nation and its citizens.

Today, the effects of 9/11 are still pronounced when it comes to the national security versus communication rights debate. Current Western administrations are still trying to control information. The Obama administration was criticized for being the most aggressive in its "war on leaks" since the Nixon years (Downie and Rafsky 2013). The current political climate in Western Europe and the US is marked by recent terrorist attacks on EU soil and an ongoing pattern toward securitization, which infringes on civil and political rights in the name of counterterrorism and national security. Journalists and whistle-blowers, primarily those who are engaged in national security reporting, are at the front lines of resisting the advances of the surveillance state and are prime targets for governments trying to maintain control over the information flow in the name of security.

According to Downie and Rafsky (2013), 9/11 was a watershed. It changed Western priorities both in regard to their civil rights at home and in their policy agenda abroad. Fighting terrorism and keeping citizens safe started to become the go-to excuse for limiting civil rights, among them press freedom. It is no surprise, then, that press freedom did not gain much support in the context of the UN human rights discourse from the West following 9/11.

Although the US rejoined UNESCO in 2003, the visibility of the press freedom issue did not increase. The World Summit on the Information Society (WSIS) drew some attention to the issue of communication rights, but it was primarily focused on the Internet. Press freedom rankings and the number of journalists killed in various countries are often brought up by Western states in the context of the UPR process at the Human Rights Council, but actions to elevate the protection of press freedom to a central concern of the human rights discourse are lacking. It seems like Western states have no problem using press freedom to measure and criticize other countries. What is more, particularly in recent years, Western states did not have a problem with cracking down on press freedom themselves. It is hardly surprising, therefore, that they do not champion the political importance of press freedom in the international human rights debate.

4.5 Conclusion

The conclusion is clear: Power and politics trump ideas or norms when it comes to press freedom at the UN. Nordenstreng reached the same conclusion about the NWICO debate:

> NWICO was not really about media or communication but basically about 'high politics.' The first lesson to be learned about the NWICO story is indeed that the determining factors are socio-economic and geopolitical forces rather than intellectual and moral arguments. In other words, power rather than reason sets the rules of debate. (Nordenstreng 2012, 36)

The NWICO debate dominated UNESCO in the 1970s and 1980s, but more than twenty years after its end, the same dynamics seem to be at play when it comes to the area of communication rights at the UN. Some might argue that this is a natural by-product of any liberal project in a realist world (Forsythe 2012, 317). But it is difficult to find an area of human rights that historically has been as contested as the one of communication rights. Other human rights, like women's rights for example, have made an enormous amount of progress since 1945, while press freedom and its cousins have been stuck in the same controversial debates and are still sidelined at the UN.

Compared to other human rights, press freedom had much more time to become an established international norm given its historical

significance in fighting government oppression. Our thinking on issues such as slavery or racial and gender inequality has been overhauled. Even the concept of development, which is closely linked to other human rights such as food security, has undergone a process of rethinking. When it comes to press freedom or even freedom of information, that is not the case. Internet freedom is the latest complication in the discourse, but the debate follows the same pattern as the discussion over freedom of information at the early stages of the UN and the NWICO debate during the 1970s. Strategic and economic interests defeated the notion that the free press is a key liberal institution that is essential for democracy and human rights.

A similar argument could be made for other civil and political rights, like the right to peaceful assembly or association. The UN human rights discourse steers clear of these subjects much like they prefer to stay away from clear discussions of press freedom in the context of its central political role. What this shows is the broader realization that the human rights regime still inhabits an overwhelmingly realist world, one in which despite a vast net of transnational actors, state power and interests still largely outweigh any normative progress. In many cases, the existence of transnational actors and the effects of interdependence and globalization have led to progress in the sense that most states do not want to be seen as human rights violators and therefore sign on to international treaties and obligations. In practice, they often do not follow these commitments, even in the case of such widely championed issue as women's rights. In the case of press freedom, however, states do not even pretend that it is something that needs to be protected or promoted in their rhetoric. In the rare cases that they do, it is only a marginal concern.

This is further reinforced by the fact that the West was trying to avoid normative discussions about the role of information and the press during the early stages of the International Bill of Rights and the NWICO debate. Granted, they probably knew that during the Cold War this would have been a futile endeavor due to the opposing ideological points of view. However, Western policy on communication rights has not changed since the end of the Cold War. The early 1990s were marked by Windhoek and the related declarations in order to push for regional implementation of press freedom standards. Yet, these initiatives coincided with the enthusiasm for liberal values after the demise of communism. And once the initial euphoria wore off, not a lot happened in terms of expanding on issues of freedom of information or of the press.

To this day, IPDC is the main channel for grassroots media development at the UN. It was underfunded when it was founded and it is underfunded now.

The evidence presented in this and the previous chapter supports the view that press freedom or even freedom of information or expression is not a high priority for the UN or its Western liberal member states. What is more, the fact that the existing discourse is void of any real discussion of the role of the press, or media, as a key political institution can only lead to one conclusion: namely that states do not want to talk about it. Since a free press is a thorn in the side of every government, whether democratic or not, this may not be surprising. What is surprising, however, is that this matter has attracted such limited attention so far. A lot of the current human rights literature and many observers agree on the fact that the needed human rights instruments are in place, and that the real battle now is to implement them. If this is truly the case, then what should be addressed are the underlying political issues of press freedom, freedom of information, freedom of assembly and association and related rights, because they are the key to free, healthy, and prosperous societies.

Note

1. These statements are now archived and available from US Mission to the UN (n.d.).

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CHAPTER 5

Non-state Actors and the Promotion of Press Freedom

Abstract This chapter looks at non-state actors and the promotion of press freedom. In particular, it examines the efforts of NGOs that work on behalf of press freedom issues, but also looks at what role the media itself play with regard to the press freedom debate. The chapter also makes the case that anti-press freedom measures are indirectly supported by Western publics that seem to have lost their trust in the press as an independent political institution aimed at representing the voice of the people.

Keywords Press freedom · Media trust · Democracy · NGOs
Non-state actors

5.1 Introduction

When looking at current global press freedom trends and the history of press freedom in the international political context, as previous chapters of this book have done, it is becoming clear that politicians cannot be trusted to be reliable advocates for the promotion of press freedom. No politician likes the press. In order to successfully protect and promote press freedom, therefore, other actors need to step up. Hence, this chapter provides an overview of how press freedom is and has been promoted by non-state actors. It focuses on the media as an actor in this regard and on NGOs that are active in the field of communication rights.

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First, however, it looks at the public attitude toward the press as a foundation for the promotion of press freedom by other non-state actors. The chapter finds that support for press freedom lacks sufficient advocates and resources, not just in the media themselves, but also among the NGO community and the public.

5.2 The Public Attitude Toward the Press

In the West, the days when journalism was seen as an honorable field and journalists were viewed as the noble defenders of democracy are long gone. Public trust in the media in the United States has declined steadily since the 1970s (Swift 2016). In 2011, 42% of Americans participating in a poll conducted by the Pew Research Center even said that the media hurt democracy (Fig. 5.1).

The news media are among the least trusted institutions in the US. In a 2016 Gallup poll, only 20% of the respondents said that they trusted television news and newspapers "a great deal" or "quite a lot." This leaves the news media just ahead of big business and Congress, and even behind banks in terms of institutional trustworthiness (Norman 2016).

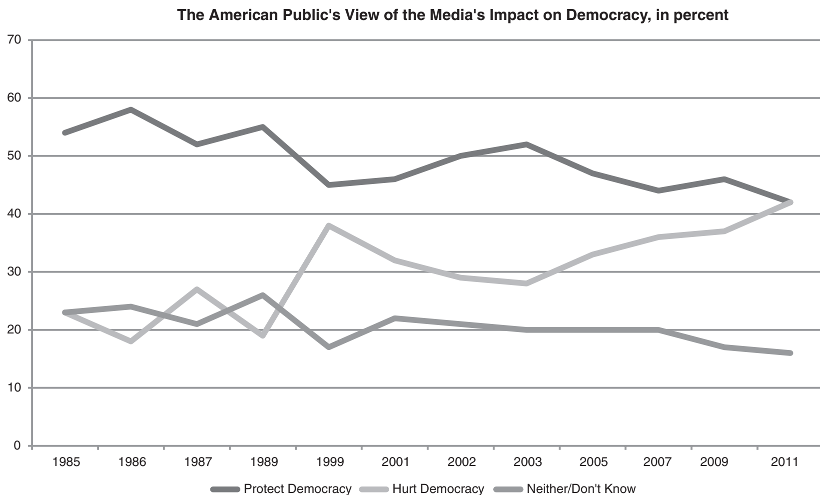

Fig. 5.1 The American public's view of the media's impact on democracy, 1985–2011 (Pew Research Center 2011b)

Young Americans are particularly skeptical about the media. A 2013 poll conducted by Harvard's Institute of Politics found that only 11% of the approximately 3000 surveyed young adults between the ages of 18 and 29 had confidence in the media (Harvard University Institute of Politics 2013, 15). According to the poll, young Americans trust Wall Street more than they trust the media to do the right thing all of the time or most of the time. In 2015, a Gallup trend analysis found that the distrust in the mass media had more steeply declined among young people than among people aged 50 or older (Riffkin 2015).

This loss of trust development is not confined to the American media, however. Europe is following a similar trend. According to Eurobarometer surveys on the subject of media trust, which are conducted periodically in all 28 EU member states, the number of people in the EU who "tend not to trust" the media has gone up since 2003, albeit not as dramatically as in the US.[1]

Where does this mistrust come from? Research carried out by the Pew Research Center shows that negative views of the news media have increased considerably over the last 30 years. The number of survey respondents who think that the media often publish inaccurate stories, favor one side in their coverage, and are often influenced by powerful people or organizations is now in the 66, 77, and 80% range, respectively (Fig. 5.2). The vast majority of participants also said that news organizations tried to cover up mistakes (72%) as opposed to being willing to admit mistakes (18%). In 1985, 55% of respondents said the media were trying to cover up their mistakes, and 34 said they were willing to admit mistakes (Pew Research Center 2011a).

Another study supports these findings, arguing that the loss of trust in the media is due to two main factors: elite opinion leadership (i.e., partisan media criticism) and tabloid-style news coverage (Ladd 2012). The consequences of this increasing public distrust of the media are far-reaching. Before addressing them, a closer look at the reasons why the public has lost confidence in the press, or news media, and the broader driving forces behind them is warranted.

5.2.1 *Business v. Audience Interests*

Journalism is vital for a functioning democracy, but it is also a business. As a consequence, it is driven by market forces. At the same time, news is not a commodity like any other, which creates problems like inadequate

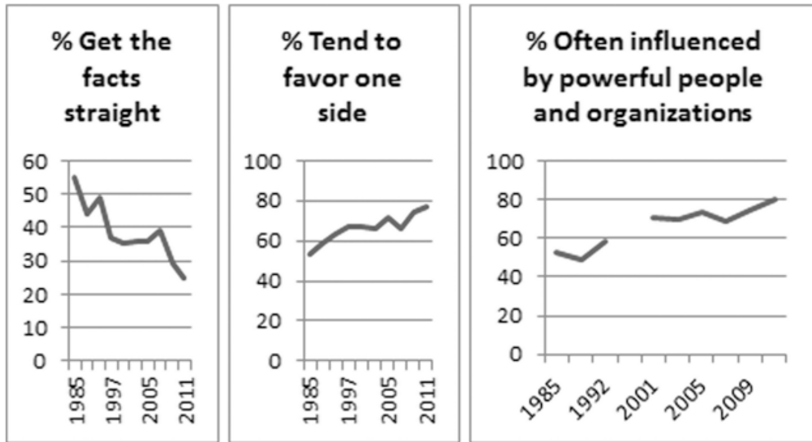

Fig. 5.2 Public evaluations of press performance in America, 1985–2011 (Pew Research Center 2011b)

coverage of public affairs, the "race to the bottom," or increased coverage that is biased and caters to people's already formed opinions.

According to the literature on the subject, there are several characteristics that define the special nature of media products. First, like public goods, the news and other media products can be watched or read by anyone without limiting anyone else's ability to watch or read the same news. Media products incur high first-copy costs, meaning owners and editors have to invest a lot of resources to create a news broadcast or article, but once it is published, it does not cost anything (or very little) to circulate it to any more readers or viewers (Baker 2002, 8–10). These factors make it difficult for media organizations to adequately charge for their news services, so that they then, in turn, can invest these revenues into better public affairs coverage. What is more, not being able to exclude people who do not pay for their consumption of news might discourage news organizations to create certain types of news (Hamilton 2004, 9). This is further reinforced by the fact that competitors can also use news stories once they are circulated, which also lowers incentives for original and investigative reporting, as these types of news take more time and resources (Hamilton 2004, 3).

Second, news products create positive externalities. Those readers or viewers who are interested in learning about public affairs will learn

about policies, candidate positions, and other issues that will help them make better choices when they go to vote. This benefits society overall, since the votes of better-informed citizens might positively impact the lives of those who did not take the time to inform themselves on public affairs issues. However, since readers and viewers do not fully take into account the impact their reading or watching the news has on society, they will not be likely to express a great desire to consume the news, hence limiting the demand for it (Hamilton 2004, 10–13).

Third, media products are peculiar in that although they cater to advertisers and audiences, they often only charge the advertisers. Since the value of a product is made up of the combined value of the product for the advertiser *and* the audience, this creates inadequate incentives for the broadcasters to spend resources on quality news programming. The fact that the media are heavily reliant on advertising creates further problems. They are often brought up in the context of the criticism leveled against the media that powerful people or organizations have an impact on the nature of news coverage. Because the media rely on advertisers, they are more likely to modify their coverage in ways that do not alienate advertisers, thus potentially creating a conflict between the interests of the audience and those of the advertisers (Baker 2002, 11–12). The influence of advertisers might also extend to considerations over which target audience the news should cater to. Young people are the most sought-after advertising target group, but they are also often less interested in public affairs (Hamilton 2004, 4).

Related to this third point is another concern many media critics bring up often: the fact that media ownership has become highly concentrated over the last three decades, to the point where only a handful of media multinationals own the majority of media outlets (Winseck and Yong Jin 2011, 8, 15). Because of this consolidation, journalists are more likely to exercise self-censorship to avoid a clash with the owner's interests, critics say.

Fourth, media products are peculiar in that it is difficult for media organizations to give audiences what they want. The reason for this lies in the difficulty of assessing why or how audiences value news products (Baker 2002, 12). Some readers or viewers are interested in local news, others follow politics in the capital, and another group would like to know the latest celebrity gossip (Hamilton 2004, 13). Differing interests combined with high costs and the fact that media products have to be consumed to be fully understood, all contribute to the overall

challenge of meeting the needs of the audience, while also turning a profit.

Media outlets attempt to tackle this problem by reporting in predictable ways. Another way is to create brands, which are often focused on the personality of news anchors (Hamilton 2004, 2). This trend has led to media criticism, however, decrying the cult of celebrity and the watering down of news coverage. In this context, the news media also gain the reputation for not being an independent watchdog, but rather a lapdog, as journalists rub shoulders with the rich and the powerful. As journalists become wealthy and/or famous, one expert points out, they "join the country club, and start spending time with people of power" (Serrin 2000, x). They start out on the side of the people, but as they become friends with the powerful, they stop challenging power, the argument goes.

Another consequence of the business side of journalism and its need to be profitable is the chase for additional consumers, which results in a "raise to the bottom" because the content will often reflect the preferences of those viewers or readers who are least interested in public affairs reporting (Hamilton 2004, 2). The result is more sensational, tabloid-style news coverage that Ladd identifies as one of the main reasons for public distrust in the media. Native advertising is also a new trend that resulted from the pressures of remaining profitable in the digital age. It has become increasingly popular with newspapers and other news media because it accounts for ever more advertising revenues (Edmonds 2016). But it is also controversial because it makes paid advertising look like articles and makes it more difficult for readers to tell the difference (Lazarus 2016).

Interestingly, the very economic and technological forces that drove the broadcast media toward more partisan coverage in the 1990s were also behind the decline of the partisan press in the nineteenth century. Back then, the availability of high-speed printing presses made it possible to reach many more customers and in order to reach them and gain more attention from advertisers, the newspapers refrained from covering events in a partisan manner (Hamilton 2004, 3). The standard of journalistic objectivity was born.

In the 1990s, however, this trend started to reverse, particularly in the area of broadcast news. Because the television networks saw increased competition from cable channels, programmers started to focus on marginal viewers and other attractive advertising target groups, who were more interested in soft news programming and issues that fall on

the liberal side of the political spectrum (Hamilton 2004, 2). The same rationale was behind the emergence of the Fox News channel. Due to the fact that more and more channels competed for viewers, it was not necessary to appeal to a big audience anymore, and the channel's coverage started catering to its conservative viewer base (Hamilton 2004, 3).

Given these developments, it is no surprise that many observers point out that press freedom in the West is primarily threatened by economic factors, rather than political ones. Because media organizations have to turn a profit and are threatened by funding cuts, they have fewer resources to invest in public affairs coverage and investigative reporting due to the reasons listed above. Press freedom, it is argued, is threatened not because the government is trying to control the flow of information, but because the need for profit, and consolidated ownership by rich and powerful individuals undermines the independence of the press.

However, while economic trends are certainly influential, political control still poses the primary threat to press freedom. This claim is supported by Freedom House statistics. Freedom House rankings are based on three categories: the legal environment, the political environment, and the economic environment of the country in question (Freedom House 2017). Looking at the score breakdown for the US and several European countries between 2007 and 2017 shows that while the legal and economic environment has remained largely consistent over this time, scores for political control of the media in France, Germany, the UK, the US, and particularly in Poland and Hungary have increased. This implies that despite worrying economic trends in the Western media landscape, political forces are becoming more threatening to press freedom, even in the West.

Ladd's finding that partisan media criticism is one of the major contributors to the increasing public distrust of the news media in the US further highlights the political threat, which press freedom faces. What it comes down to is the fact that those in power are undermining the press. Politicians have various ways of doing so, from giving out so-called gag orders and passing legislation on confidentiality of journalistic sources to managing access to official press conferences and other government events and information. Another, rather successful, way has been to criticize the media in ideological terms, that is, liberals and conservatives alike condemning the news media for being too biased. Or, as one observer puts it: "Politicians won the war against the media with a simple rule: first, attack the messenger" (Crawford 2006, 15).

Current populist leaders in the US and in Europe apply this rule with little restraint. They share a common distaste for the mainstream media, which they try to discredit at every opportunity. Donald Trump continuously attacks the mainstream media as fake, failing and lying, to the point where he even advocated violence against journalists by posting an anti-CNN GIF on Twitter. In Italy, the Five Star Movement (M5S) created by comedian Beppe Grillo is adept at using social and alternative media to reach their voters directly, while being critical of the mainstream media at the same time. Populist, right-wing politician Marine Le Pen is using similar tactics to stoke distrust of the traditional media in France. The rising popularity of these leaders seems to imply that their messages resonate with large sections of the public in these democracies.

5.2.2 *Consequences of Public Distrust in the Press*

The consequences of this sad state of affairs in media popularity are significant. Ladd's study found that those who distrust the media are less likely to accept new information from the news media and more likely to turn to partisan outlets for new information. This means their beliefs also tend to be more partisan and less accurate, which in turn has an impact on the political system and society as a whole, as citizens become less informed (Ladd 2012, 138). Furthermore, due to this negative effect on political learning, electoral outcomes are also impacted. When voting, people who distrust new information rely more on party identification and less on actual circumstances, like the current economic situation. Therefore, media distrust has effects on the way the public holds the government accountable in elections (Ladd 2012, 176).

Media distrust affects press freedom as well. If the public does not trust the media, they are less likely to stand up for the freedom of the press or that of the media. And if the public does not stand behind them, then who does? Politicians are unlikely candidates, because they would like nothing more than to control the flow of information. As will be discussed later in this chapter, it is also difficult for the media to take a stand because they are supposed to be objective. If they lobby governments on legislation, they are blamed for being in cahoots with the rich and powerful or for being guided by their rich owners.

This is not to say that the media do not deserve their share in taking the blame for the increase in public mistrust. The *News of the World* scandal in the UK is the prime example. Not only did reporters hack

into the phones of thousands of targets, but Rupert Murdoch then attempted to keep politicians from investigating them. But there are other instances in which the news media, particularly TV news, publish stories that are misleading or even false, often because of pressures to break a story first.

Despite such regrettable episodes and growing concerns over economic driving forces behind the news media, it is worth noting that there never was a golden age of journalism free from economic influences. What is more, the vast majority of journalists are still very much interested in serving the public. Journalism schools still teach codes of conduct and professional ethics. And, by and large, news media organizations adhere to them. Luckily, polls also show that the public still recognizes these circumstances. Although journalists have fallen drastically in the public esteem, with only 28% of the public saying that journalists contribute a lot to society in 2013, the public also regards the news media as highly professional and believes that journalists care about doing a good job (Pew Research Center 2011b, 2013). Overall, the American public thinks that the watchdog role of the press has its merits and keeps political leaders "from doing things that should not be done" (Pew Research Center 2011b).

The consolidation of media ownership is a reality and certainly has its drawbacks, but not all of its consequences might be negative. For example, consolidation of ownership might mean that news desks can tap into greater resources and invest time and effort into investigative reporting. This new state of media structure also comes with a trend toward absentee stockholders, which means a lot of the day-to-day decision-making is left to professional managers and editors who care about more than making profits (Demers 2002, 7).

In the end, it is important to remember that news media trends, like the rise of news anchor celebrities, biased coverage, and ownership consolidation, are first and foremost about people and their preferences and not about the media themselves. Hamilton argues:

> I believe the more fundamental truth is that our problems lie not in our media stars but in ourselves. Those making efforts to improve media markets need to recognize that news emerges not from individuals seeking to improve the functioning of democracy but from readers seeking diversion, reporters forging careers, and owners searching for profits. (Hamilton 2004, 6)

Accordingly, as it becomes increasingly obvious that the political and societal functions of the news media cannot simply be replaced by social media and citizen journalists, more and more research is done on how to save the media in economic terms. In her book *Saving the Media*, Julia Cagé (2016), for example, proposes the creation of a nonprofit media organization, that is, a new form of media corporation. Whether this is the solution to pull the news media out of their economically driven troubles remains to be seen.

However, it should also be noted that the public plays a key role in saving the news media. If citizens do not stand behind the press, then there is no reason why Western governments should respect press freedom, let alone promote it internationally. While other human rights issues, like equality of women and minorities, have broad domestic constituencies and thus more visibility, press freedom advocates find themselves marginalized and with limited resources. More often than not the first thing they hear when championing the press is that the media are no good, biased, and run by big business. But by focusing exclusively on the negative aspects of the press in the West, we undermine its status as a political institution that is the very basis for the democratic systems in Western liberal states. According to one observer:

> Corporate and global media are almost always portrayed as organizations that work to the disadvantage of all except a small group of political and economic elites. Even when a series of investigative news reporting uncovers wrongdoing and the political system makes statutory changes that benefit the disadvantaged, critics typically see this as an anomaly that has virtually no impact on changing the power structure, even in the long run. (Demers 2002, 94)

Such negative characterizations are indeed dangerous. The media might slip up or chase after more profit promising formats, but democracy without a free press is unthinkable. Government officials and their access to legislation and legitimate violence is a greater threat to political and civil rights than media conglomeration or a rogue reporter. Current events in Turkey, Hungary, and Poland support this argument. These countries are currently run by leaders and governments who have not made a secret of pursuing illiberal policies. While crackdowns on the press have gradually increased in Turkey since 2007, the swiftness with which the Fidesz government in Hungary and the PiS government in

Poland have targeted the independent media is astonishing. One of the first steps toward authoritarianism is to take control of the media, and these governments seem to be well aware of this. To expand power, the first order of business is to control the message, and the messengers who do not deliver the desired message get destroyed.

Despite such worrying events, there is some good news. The awareness that the news media are fulfilling an important political role by keeping politicians in check has not (yet) disappeared. In many developing countries and in states that experience democratic setbacks such as Turkey and Hungary, journalists are leading human rights defenders, who try to inform their fellow citizens about stories of public interest and speak truth to power, even where this can cost them an extended time in prison or their life. Western publics will have to adjust their attitude toward the press and its freedom, if they want to truly help these human rights defenders and make any advances in implementing, protecting, and promoting civil and political rights internationally and at home.

5.3 Non-governmental Organizations

There are, of course, NGOs that promote press freedom. But their work and resources are limited. As of September 2016, there were 40 NGOs working on press freedom, censorship, journalistic, and media related issues registered in consultative status with the UN Economic and Social Council (ECOSOC) and other UN agencies (ECOSOC 2016). To compare, there are 350 organizations registered that work on women's rights issues. There are also several bigger human rights organizations, such as Freedom House, Amnesty International, Human Rights Watch, Human Rights First, Human Rights Internet, and Internet Society, that promote freedom of expression, freedom of information, and, to a lesser degree, press freedom. However, they do not dedicate significant resources to the advancement of press freedom and related issues.

The media NGOs can be broadly divided into two subcategories. On the one hand, there are the NGOs that mainly represent business or professional interests of various media organizations or journalists. The most notable of these are the Inter-American Press Association (IAPA), the International Press Institute (IPI), the World Press Freedom Committee (WPFC), the Association for the Promotion of the International Circulation of the Press (DISTRIPRESS), the International Federation

of Journalists (IFJ), the International Federation of the Periodical Press (FIPP), and the International Publishers Association (IPA).

Most of these are not very active at the UN, however. A search of the UN's Official Document Search shows that with the exception of the WPFC, all of these organizations are almost exclusively mentioned in UN documents relating to the annual listing of NGOs in consultative status or the quadrennial report that is required to maintain their status. The WPFC is also mentioned in a Universal Periodic Review on Tunisia from 2008, to which it contributed (UN Human Rights Council 2008). Mostly, however, the WPFC entries date back to the 1990s. If they are more recent, they usually refer back to the Committee's activities in the 1980s, when it was very active in opposing the proposed New World Information and Communication Order (NWICO).

The second category is made up of NGOs that are concerned with human rights violations, particularly in the field of freedom of expression and press freedom. The most prominent are the Committee to Protect Journalists (CPJ), Reporters Without Borders/Reporters Sans Frontières (RSF), and Article 19: International Centre against Censorship. They are considerably more active at the UN than the industry NGOs. As of October 1, 2017, Article 19, which gained consultative status in 1991, comes up 208 times in the UN Official Document Search at search.un.org. Some documents are related to NGO status, but most results are from ECOSOC documents (154) and the rest come from the Human Rights Council (54). Reporters Without Borders is even more active, evidenced by nearly 700 Official Document Search results. Most of them, roughly 500, are Human Rights Council documents, and 78 of those are written statements submitted by Reporters Without Borders on topics such as the status of press freedom worldwide, the safety of journalists, or the situation of press freedom in specific countries.

Despite the best efforts of organizations like Reporters Without Borders, however, groups working on press freedom and related issues make up only a very small part of the overall community of human rights organizations. Even Freedom House, which does high-profile work on the status of global press freedom with its annual Freedom of the Press reports, also has an agenda of other issues that it champions at the UN. Overall, the Official Document Search returns 804 documents on Freedom House, but only 119 feature a mention of press freedom or freedom of the press. Yet, 334 mention the Internet, Internet freedom, or Internet censorship. This is hardly surprising, given the fact that

Freedom House has also been monitoring the state of freedom on the Internet since 2009. However, it also shows the relative priority given to press freedom on the agenda of many human rights NGOs when they lobby various UN bodies.

The low priority given to press freedom is further demonstrated by the fact that Human Rights Watch features a press freedom section on its website (under the topic Free Speech), but does not employ an expert on the topic. In fact, the only expert on free speech issues listed on the website is someone with expertise in Internet freedom. Similarly, the website of Amnesty International features a section on Freedom of Expression, but press freedom is never mentioned. The page includes a part on the digital frontier, but mentions the free press only once in the context of the safety of journalists (Amnesty International 2017).

Many of the human rights NGOs mentioned above, while active in raising awareness of press freedom violations, are not directly supported by the media. Many of their members are journalists and a lot of their leadership and employees are, or were, as well. However, as listed in Table 5.1, the most active organizations at the UN in this regard tend not to be funded by the media, or if they are, contributions from media organizations only make up a small part of their budget. Reporters Without Borders lists its contributors on its website, among them media companies, but does not provide a detailed breakdown of the funding. The most recent data available publicly are from 2010, when Reporters Without Borders relied mainly on its own publications (45.4%) for its budget. Donations from corporate entities made up 17.8% of the budget (Reporters Without Borders 2011, 19). Article 19, however, does not count any media organizations among its donors, according to their annual reports. Instead, it is funded primarily by government and foundation grants (Article 19 2016, 41). The Committee to Protect Journalists, on the other hand, wants to remain independent from government influence and does not accept government funds (Committee to Protect Journalists 2017). Instead, it is funded to a large degree by media organizations and corporations (Committee to Protect Journalists 2016, 25).

There are also three other notable organizations that work on behalf of journalists and press freedom, although they do not have consultative status at the UN. These are the Canadian Journalists for Human Rights, the American Reporters Committee for Freedom of the Press, and the global network for defending and promoting freedom of expression,

Table 5.1 International press freedom NGOs

NGO	*Members/leadership*	*Donations/membership fees from media?*	*Partly government funded?*	*UN consultative status*
Inter-American Press Association (IAPA)	Publications or newspaper chains	Yes	Unknown	ECOSOC, since 1953
International Press Institute (IPI)	Editors, media executives, leading journalists	Yes	Yes	ECOSOC, since 1993
World Press Freedom Committee (WPFC)	National and international news media organizations	Yes	Unknown	UNESCO
Committee to Protect Journalists (CPJ)	Media executives, journalists	Yes	No	ECOSOC, since 2016
Reporters Without Borders (RSF)	Journalists	Corporate, foundations	Yes	ECOSOC, since 1993
Article 19	Human rights/NGO experts	No	Yes	ECOSOC, since 1991
Journalists for Human Rights (JHR)	Human rights/NGO experts, journalists	No	Yes	
IFEX	Representatives of IFEX network organizations	No	Yes	
Reporters Committee for the Freedom of the Press (RCFP)	Journalists, lawyers	Corporate, foundation and individual	No	
Association for the Promotion of the International Circulation of the Press (DISTRIPRESS)	Press distribution companies	Yes, in the form of membership dues	No	UNESCO
International Federation of Journalists (IFJ)	Journalist associations and trade unions	Yes, in the form of membership dues	No	ECOSOC, since 1953
International Federation of the Periodical Press (FIPP)	Media owners, associations, service providers and individuals	Yes, in the form of membership dues	No	UNESCO, WIPO[a]
International Publishers Association (IPA)	Publishing companies and organizations	Yes, in the form of membership dues	No	UNESCO, WIPO

[a]WIPO stands for World Intellectual Property Organisation

IFEX. The American Reporters Committee for Freedom of the Press provides free legal support to journalists. Journalists for Human Rights is, according to its website, Canada's leading media development organization, which trains journalists to report on human rights and governance issues in their communities. The IFEX network campaigns "for the free expression rights of all, including media workers, citizen journalists, activists, artists, scholars" (IFEX 2017).

While these organizations are very prolific in their field, their impact at the UN seems nonetheless limited. This is demonstrated by the lack of high-profile items on the UN human rights agenda relating to freedom of expression and press freedom. In some cases, their work is even openly undermined, as in the case of Reporters Without Borders.

In 2003, ECOSOC suspended Reporters Without Borders' consultative status with the UN Commission on Human Rights, the predecessor of the Human Rights Council, for one year, after some of its activists had protested the decision to let known human rights violator Libya chair the Commission. ECOSOC did not even invite Reporters Without Borders to explain their actions and among those that voted in favor of suspension were countries like South Africa and Brazil, while Argentina, Ecuador, Japan, and Senegal abstained (Reporters Without Borders 2003). This shows that it is not only the authoritarian regimes that make life more difficult for those who aim to promote human rights.

It is difficult to measure NGO impact on the issue of press freedom, since most of them do not focus on this issue specifically. The tagline for Reporters Without Borders is "for freedom of information." Article 19 states on its website that "[f]reedom of expression and freedom of information are fundamental human rights that are central to freedom and democracy" (Article 19 2017). Press freedom does not get its own section on the Article 19 website, instead appears under "Censorship, Violence & Press Freedom." Similarly, IFEX lists several free expression issues on its website (access to information, attacks, censorship, digital rights, freedom of assembly, free expression and the law, and impunity). But press freedom is absent.

The work of these NGOs is further complicated by limited financial and human resources, which leads them to focus primarily on pressing issues such as media development and protecting journalists from getting killed, imprisoned, and harassed, rather than pushing for more normative debates about the central role of press freedom in the human rights discourse.

NGOs like Reporters Without Borders do a great deal of work advocating for their issues by lobbying international bodies. They also collaborate with Western governments, providing them with information on the status of press freedom in various countries, so that government officials can adequately address the situation at international meetings if they choose. Media corporations or associations also lobby Western governments, but their efforts are primarily focused on domestic issues and legislation.

5.4 The Media and the Promotion of Press Freedom

The most surprising gap of all is that the media themselves are not very focused on promoting press freedom either. The news media generally follow professional codes of conduct, which might explain why they do not talk often about the importance of press freedom in an advocacy sense. Lobbying activities by the printing industry in the US is also limited, particularly when compared to other sectors of the communications industry.

In the US, the Communications and Electronics sector has ranked in fourth place in terms of expenditures on government lobbying over the past 18 years with an annual spending between 350 and 400 million dollars in recent years (Center for Responsive Politics 2017b). When looking at the breakdown of the sector, it becomes apparent that the printing and publishing industry has consistently been the lowest spender in the sector. The computers and Internet industry far outspends newspapers, magazine publishers, and other printing and publishing interests (Center for Responsive Politics 2017a). In 2016, for example, the News Media Alliance, the parent company of the Newspaper Association of America, spent 1.3 million dollars on lobbying efforts according to the Center for Responsive Politics (2016b). Google's parent company Alphabet, on the other hand, spent nearly 15.5 million dollars (Center for Responsive Politics 2016a). This does not indicate that the press has a lot of influence on US government policies through lobbying efforts, particularly if one assumes that more money means more influence.

Such lobbying activities also do not necessarily mean that media organizations advocate for matters of press freedom. Most of the subjects they lobby for relate to copyright, science and education issues. Nonetheless, there have been a few freedom of the press and free flow of information bills for which newspapers and other media organizations

lobbied, like the Freedom of Information Act of 2013, for example, which would establish a federal shield law for journalists.

The Freedom of Information Act of 2013 has not passed, however, and this was not the first year the act was introduced in Congress. This indicates that the printing and publishing industry does not have much influence on government policies on freedom of the press. Influence of lobbying efforts is difficult to measure, of course, but the US government made no secret of its attempts at securing the upper hand when it comes to press freedom issues. In 2013, the Department of Justice seized the phone records of reporters of the Associated Press without disclosing why. The same year, whistle-blower Chelsea Manning was, among other things, charged with "aiding the enemy" for leaking classified documents to WikiLeaks. Although she was cleared of it, the fact that she was even charged with this serious offense sent a chill down many a journalist's spine, causing fears about the future of investigative reporting in the US. Even more so, considering that Fox Reporter James Rosen was investigated by the Justice Department on charges of being a criminal co-conspirator for seeking classified information, which allowed them to seize his emails and phone records.

The Department of Justice under President Trump is continuing these worrisome policies against journalists and whistle-blowers. In August 2017, Attorney General Jeff Sessions went so far as to suggest that news organizations had endangered people's lives by publishing stories based on leaked information, thus justifying a review of Department of Justice policies on media subpoenas in the name of national security, worrying journalists that it would become easier for them to be threatened with jail time (U.S. Press Freedom Tracker 2017). At the end of the day, it seems, there is a limit to what NGOs and media lobbies can do in terms of exercising influence over legislators, especially if the public is ambivalent about the role and benefits of the news media, and the media themselves are not a very active promoter of press freedom.

Furthermore, the news media are not openly campaigning for press freedom given the nature of news making. Journalists are supposed to be objective, not push an ideological agenda. Journalism ethics and codes of conduct help ensure that journalists meet the obligations of accurate, independent, and accountable reporting that come with their jobs. Most codes of conduct focus on the practical aspects of the day-to-day work of a journalist. But some also compel journalists to uphold and defend the principle of press freedom. The media have access to the public, of

course, but at the same time they are committed to objectivity, which has been discussed at length in both the academic and journalist community as a concept, but boils down to its contemporary form of making sure all sides of an issue are equally presented, without any judgment or emotion. And covering press freedom is no exception, even though it goes straight to the core of the news media's very existence.

As of October 1, 2017, *The New York Times* archive contains 11,394 articles indexed for the subject of freedom of the press since 1851. This is not a bad result compared to other topics such as religious freedom (6719 articles) and freedom of information (6410 articles). Free speech, however, trumps press freedom with 19,804 articles, as does equal rights with 15,385 articles.[2]

Between 1990 and 2007, an average of 49 stories per year appeared on freedom of the press (see Fig. 5.3), a meager number. The results are slightly better, when including *The New York Times* blogs in recent years, but even those do not increase the number as much as one might expect, with the archive registering 375 blog entries on press freedom overall (*The New York Times*, n.d.-b). In 2008, the number of articles doubled and remained at an annual average of 103 articles for a few years, before increasing to around 170 in both 2015 and 2016. This rise might be explained by the increasing threats on press freedom globally and in Russia and China particularly, as these two countries feature most prominently in *The New York Times* coverage on press freedom in 2008. A high number of articles appeared during 2011 because of the Arab Spring and more importantly, the breaking of the *News of the World* hacking and bribery scandal in the UK. The candidacy and election of Donald Trump and his open hostility toward the press might also explain the higher number of articles in 2016.

Most of these articles are, as one might expect, objective reports on domestic press freedom issues. Only a small percentage of articles, however, appear in the opinion section of the paper, where journalists are allowed to take sides and defend the value and system of press freedom. It has been said, though, that the editorial pages do not have as large an audience as the news sections (Altschull 1995, 63).

Searches of other newspapers paint a similar picture. According to the Factiva database, the *Washington Post* published 1655 articles on freedom of the press and/or press freedom between 1990 and the end of 2016. For the British, *The Guardian* published 3201 articles and the database counted 3236 in *The Times*. The French *Le Figaro* published

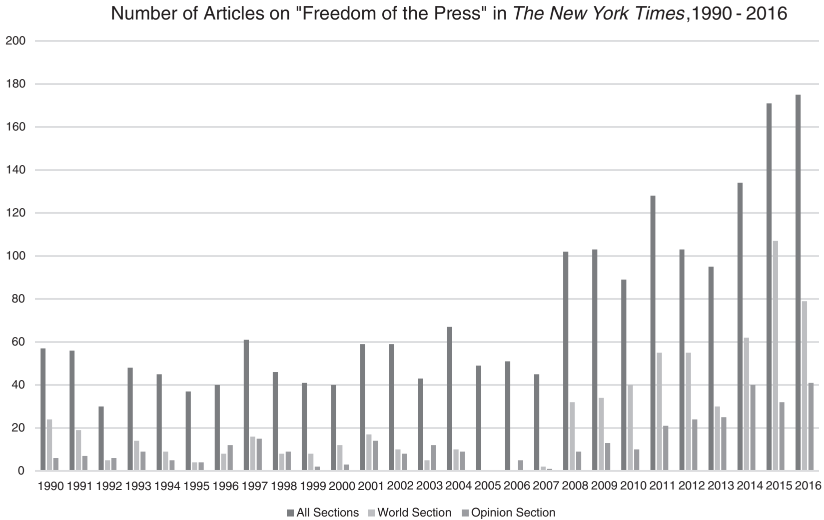

Fig. 5.3 Number of articles on "Freedom of the Press" in *The New York Times*, 1990–2016 (*The New York Times*, n.d.-a)

730 articles on "liberté de la presse" during this time. The volume of articles published by news agencies like Reuters and AP is in general higher, which explains the bigger number of press freedom related articles for these two outlets (13,845 for AP and 10,768 for Reuters). Reuters, for example, delivered 2.3 million unique stories in 2016 (Thomson Reuters 2017, 73). Ten thousand articles on press freedom over the span of twenty-six years, thus, do not constitute a significant share of Reuters' total output. Overall, therefore, these numbers show that the topic of press freedom garners only moderate coverage in major print news outlets. It is also interesting to note that when searching within the press freedom results for United Nations related coverage, the results are even more limited, as Table 5.2 shows.

Human rights gain the highest amount of coverage in the context of press freedom, but the UN, in general, and UNESCO, in particular, are only subject of a small number of articles. In fact, a search for press freedom and the Human Rights Council returns no results whatsoever. There also do not seem to be a lot of connections drawn between press freedom and individual rights when it comes to news coverage of the

Table 5.2 Number of articles on press freedom and UN related coverage in seven major international publications, 1990–2016 (Data retrieved from Dow Jones, n.d.)

	Freedom of the press + press freedom	*Press freedom + United Nations*	*World Press Freedom Day*	*Press freedom + UNESCO*	*Press freedom + human rights*
New York Times[a]	2084	115	13	26	281
Washington Post	1655	68	17	16	254
The Guardian (UK)	3201	45	31	37	611
The Times (London)	3236	58	23	33	423
Le Figaro[b]	730	23	2	13	129
AP	13,845	431	374	185	1797
Reuters	10,768	1432	901	357	2695

[a]Discrepancies between the results from the Factiva database and *The New York Times* online archive might be due to overlap between the search terms "press freedom" and "freedom of the press" in the latter

[b]French search terms were used

topic. And lastly, even the UN's flagship press freedom awareness-raising campaign, World Press Freedom Day, receives a measly amount of coverage in most of the surveyed publications, given it has been around since 1993.

The findings on the limited coverage of press freedom above are disheartening, particularly when looking at them in conjunction with the lack of public support for the news media. If the press does not promote press freedom more visibly, and they do not do so for good reason, then who will?

In some cases, the press even undermines its own interests and status as a political institution. For instance, while the majority of British newspapers strongly opposed the implementation of legislation that would regulate the press following the release of the Leveson report in November 2012, *The Guardian* expressed a favorable view toward the proposed legislation in an editorial (*The Guardian*, 2012). What is even worse, however, are the actions by the *News of the World* reporters,

editorial and executive board that led to the Leveson inquiry in the first place. They hacked (or allowed their employees to hack) into phones of victims of the 2005 London terror attacks, relatives of deceased soldiers and others, bribed police officers to gain stories, topped off by owner Rupert Murdoch pressuring high-level politicians to not investigate the scandal.

Such misbehavior can have dramatic consequences not just for the press in the UK, but in less democratic places around the world. As then editor in chief of *The New York Times*, Bill Keller, puts it: "Despots love to see a free press behaving badly" (Keller 24 July 2011). It gives them an excuse to make the case against an unfettered press. Their argument is further fueled by a Western response to such scandals that advocates press regulation, as demonstrated by the following quote by a spokesman for Robert Mugabe's oppressive Zimbabwean regime:

> [T]he hacking scandal should serve as a lesson to the Third World that the concept of free media is a myth, saying people should judge from the way the British government has reacted to the scandal that even the West can not practice what they preach. (ZBC 2011)

The press and its freedom, in short, are easily criticized, and criticism often comes from more than just the government and sometimes from the media themselves. This is not to say that the media do not stand up for press freedom. Many newspapers in the UK strongly and publicly opposed the establishment of the new press Council, albeit unsuccessfully. At the international level, news organizations occasionally even join forces in criticizing the press freedom practices of governments. In 2010, for example, several major news agencies (the AP, Reuters, Bloomberg, and Agence France-Presse) wrote a letter to South African President Jacob Zuma to protest the planned "protection of information" bill and further legislation that would establish a media tribunal in order to punish inaccurate reporting (Baldauf 2010). Such instances of united action are rare, however.

The most notable one occurred during the NWICO debate in the 1970s and 1980s, when Western media became organized and rallied in favor of protecting press freedom, particularly when they saw their business interests threatened. In this context, a closer look at the World Press Freedom Committee and its actions during the NWICO debate is useful

to highlight that the media can be effective in opposing international attempts at curbing press freedom.

The WPFC began operations in May 1976 as an NGO aimed at coordinating the policies and actions of the IPI and the IAPA (Bullen and World Press Freedom Committee 2002, 2–4). One of its first major tasks was to stage protests in response to the IAPA's ban from a 1976 UNESCO conference in Costa Rica. They did so by setting up office across from the conference hotel, monitoring developments, issuing statements, briefing reporters, and generally getting the word out about a conference that otherwise might not have garnered any public attention (Bullen and World Press Freedom Committee 2002, 7).

Other successes followed. The threat of a publicity campaign led by the WPFC was able to persuade the UNESCO leadership to meet with media organizations and discuss their concerns over allegations of media imperialism and threats to establish greater media regulation (Bullen and World Press Freedom Committee 2002, 13). In 1981, the WPFC was able to raise enough awareness to gain media attention and news coverage of a UNESCO meeting discussing the licensing of journalists that was supposed to be held in secret (Bullen and World Press Freedom Committee 2002, 41–43). They also worked with the US government and newspapers and news agencies to coordinate the US response to the 1976 UNESCO conference in Nairobi (Bullen and World Press Freedom Committee 2002, 11). The WPFC also started to implement media assistance projects in Third World countries to improve news media around the world and to help eliminate many misconceptions that existed about the international news agencies and the Western press (Bullen and World Press Freedom Committee 2002, 17).

The organization's objections to UNESCO's Mass Media Declaration fell on deaf ears initially, but after increased rallying and lobbying efforts, the revisions proposed by the WPFC were passed. Although the result was not perfect in the eyes of the Western media lobby, the Committee's efforts brought some success (Bullen and World Press Freedom Committee 2002, 22–25). The biggest achievement for the WPFC, however, was the Declaration of Talloires of May 1981, signed by 63 delegates from 21 countries from around the world.

At Talloires, delegates from independent news organizations gathered to declare that international efforts to regulate the media be abandoned and set out to propose and implement practical steps to help the media in the Third World. They declared: "Press freedom is a basic

human right. We pledge ourselves to concerted action to uphold this right" and laid out global press freedom principles (World Press Freedom Committee 1981). These principles were further consolidated in the 1987 ten-point Charter for a Free Press.

Since then, however, efforts by the WPFC have become fewer (as of October 2017, even its online presence had disappeared). This is to a large degree due to the end of the Cold War and the end of the NWICO debate. The West won and with it capitalism and Western media multinationals. While the WPFC and other organizations were still active on issues such as opposing insult laws during the 1990s, the threat of media regulation had largely disappeared and with it the visibility of the WPFC and its friends. This shows that although media organizations rally when their interests are at stake, these interests are most important when they coincide with business interests and, in the case of NWICO, with the political position of Western governments. The WPFC and its allies might have been able to raise awareness of UN efforts to constrain press freedom; their overall successes were limited, however. Not the threat of media NGOs incentivized UNESCO to rethink its press freedom policy, but the withdrawal of the US and UK from the organization, and ultimately the end of the Cold War, did.

Politically speaking, the media are not a very influential force internationally, even when their most basic principle, press freedom, comes under attack. Western media products export Western values and are thus influential in a cultural sense. As a unified political actor on the international stage, however, their impact is minimal.

5.5 Conclusion

Press freedom is attacked across the globe, it is neglected as a human right at the UN, and it has only a small number of highly visible organizations that work on its behalf. Governments try to undermine press freedom to control the flow of information and consolidate their power. The media and journalists themselves (mostly) uphold the principle of press freedom through their work, by adhering to journalistic standards of fairness, accuracy, transparency, and objectivity. But because they are sworn to these principles, there is a limited degree to which they can use their news outlets for publicity campaigns for the issue of press freedom, even if they wanted to. The NGO community is active in areas such as the safety of journalists, media development, and more general

freedom of expression issues. But their resources are limited, especially those focusing on press freedom, and particularly when compared to the resources that go into the promotion of other human rights.

The public, which should support a free press, is turning increasingly against it in Western democracies. The public view is increasingly that the news is biased and inaccurate and journalists are controlled by the rich and powerful and news reporting is only an afterthought to making profits. Arguments like these are ubiquitous in the press freedom debate in the West. Economic forces are causing the news media to undermine press freedom themselves, the argument goes. But the much more worrying trend is that Western politicians are increasingly successful in undermining the news media. Their preferred techniques used to be things like managing access to officials and information. These days, they call journalists who do not agree with them liars or even "enemies of the people" (Erickson 2017).

The politicians are winning the upper hand against a vital institution that is meant to represent the voice of the people. This has serious consequences not only for the media, but for democracy itself. Public distrust of the news media leads to a neglect of press freedom on all fronts, a trend that needs to be corrected as soon as possible, if the state–society balance is to remain a democratic one in the West and if the principle of a free press is to be exported to other parts of the world. Mistrust of the press leads to people, organizations, and governments not caring about the press, and this development is reinforced by the emphasis on the Internet. But as Chapter 6 will show, the press is not obsolete in the age of the Internet. On the contrary, it is needed more now than ever.

Notes

1. Eurobarometer data is accessible at European Commission n.d.
2. Results gathered from *The New York Times* online search tool (*The New York Times*, n.d.-a).

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CHAPTER 6

Press Freedom in the Internet Age

Abstract This chapter examines press freedom in the context of increased political activity by new media. The focus here is on the future of press freedom in the age of the Internet, as this medium has become central to the global communication rights debate, particularly since the Arab Spring and more recent developments in the context of misinformation and fake news. Such discussions highlight the new challenges the world faces with regard to the state–society balance in the twenty-first century. This chapter contends that promoting and protecting press freedom is of vital importance in the digital age.

Keywords Press freedom · Freedom of information · Internet freedom New media · Misinformation

6.1 Introduction

Press freedom is undermined by states, and the human rights community is only slowly catching up with the need to provide effective countermeasures for this trend. Government interests in sustaining their own power run counter to promoting a watchdog press. The UN debate on press freedom, when it happens, is mired in power politics and finger-pointing. The few NGOs working on behalf of press freedom do important work, but grapple with limited resources in the face of increasing attacks on press freedom worldwide. And the media, particularly those dealing in

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news, face a whole onslaught of complications: increasing tabloidization, the steady replacement of hard news by soft news, shrinking newsrooms, rising public mistrust of the media, falling viewer and readerships, and plummeting advertising costs along with it. In addition, the advent of new information and communication technologies (ICTs) has brought about a news media landscape that is increasingly influenced by citizen journalists, political bloggers, and social media.

The field of communication rights has always been murky. There is talk about free speech, freedom of expression, freedom of information, the right to communicate, and press freedom. But clear definitions are rare, and even rarer are distinctions drawn between these concepts. With the advent of the Internet, the field of communication rights has become even more complex.

As Delphine Halgand, US Director of Reporters Without Borders, explains, the NGO changed its official tagline from "Reporters Without Borders for Press Freedom" to "Reporters Without Borders for Freedom of Information" in 2005 to be more inclusive of bloggers and other Internet activists who also face threats in many countries due to the publication of their political opinions. However, the debate is a complicated one, and one that is constantly evolving (Halgand 2013). Other NGOs have also been putting more weight on issues of Internet freedom in recent years, as discussed in Chapter 5.

At the UN, the World Summit on the Information Society (WSIS), which was held in 2003 in Geneva and 2005 in Tunis and has generated numerous follow-up meetings, focused specifically on the digital divide and its implications for the world. Press freedom did not play any significant role in the WSIS deliberations until recent WSIS + 10 follow-up meetings have included more discussions on press freedom related issues, such as the safety of journalists, or the impact of the Internet on traditional media.

Western governments have also put more international rhetoric and resources into Internet freedom than they have into press freedom. In 2010, then-Secretary of State Hillary Clinton spoke about the importance of Internet freedom and global US policy in this field:

> We are making this issue a priority at the United Nations as well, and included internet freedom as a component in the first resolution we introduced after returning to the UN Human Rights Council. […] I'm announcing that over the next year, we will work with partners in industry,

> academia, and non-governmental organizations to establish a standing effort that will harness the power of connection technologies and apply them to our diplomatic goals. (Clinton 2010)

A 2013 White House factsheet on the Obama administration's international leadership on human rights states that: "With over 120 million in Internet freedom grants since 2008, the United States has made Internet freedom a central program and foreign policy priority" (The White House 2013). A comparison of the issue pages on Internet freedom and freedom of the press by the Department of State shows where the Obama administration's focus was. The Internet freedom page provides a factsheet that outlines what goals and priorities the Department of State has in this policy area (United States Department of State 2015). The page on press freedom, on the other hand, is only two paragraphs long and simply lauds journalists for their important and often dangerous work (United States Department of State, n.d.).

According to a 2015 report, support for media from OECD donors makes up only a small percentage of Official Development Assistance (ODA), and media development funding even less: Media development assistance from global donors amounted to nearly half a billion dollars in 2012, but made up only 0.4% of total OECD ODA (Cauhapé-Cazaux and Kalathil 2015, 7). What is more, the Center for International Media Assistance (CIMA) found that, especially since the Arab Spring, more investment had flown toward digital technology and the Internet, often at the expense of traditional journalism training (Center for International Media Assistance 2012, 14, 7).

Does this mean, then, that press freedom has become obsolete in the digital age? Is the reason why states and the human rights community neglect press freedom that Internet freedom is the solution for abuses of communication rights? The answer to both questions is a clear no. This chapter outlines why.

6.2 Internet Freedom vs. Press Freedom

Internet freedom and freedom of the press clearly belong to the communication rights category. But despite the fact that they are related, and often are equated in their importance for protecting freedom of expression, they are still two different concepts. To put it in the words of a former UNESCO Assistant Director-General, "while what we often call

'new media' technologies always imply the fundamental right to freedom of expression for the individual, they do not necessarily imply freedom of the press" (Khan 2007, 76).

The Internet and other new media technologies make it easier for people to spread or publish their own opinions, be it through text message, social media status update, or a blog. As argued in more detail in Chapter 2, however, giving everyone the means and right to freely express themselves does not automatically grant press freedom. The reason is simple: "One can safely say that contestation around press freedom in general is fundamentally around public power – and in particular about journalism, the form of communication that deals with power" (Berger 2007, 14).

One of the central aspects of promoting press freedom is that a free press has a mass audience. When information and opinions are published by the press, they are more likely to reach a critical mass, which is necessary to affect political change and thus has an impact on the power relationship between the state and society. It is hardly surprising that governments prefer to support Internet freedom rather than press freedom, given that freedom of expression is not necessarily a threat to state power, while press freedom almost always is. Of course, these days there are political bloggers and other activists who primarily reach their audience through the Internet, and some have audiences big enough to threaten state power. This explains why more and more netizens are targeted by authoritarian regimes and thrown in jail or even killed.

One reason why the international community tends to pin its hopes on the Internet and new media is the fact that in many authoritarian countries, the traditional media are firmly in the hands of the state. Supporting new media and ICTs in those countries thus promises to give more power to people.

Nonetheless, the traditional media should not be forgotten, since they are still the best way to reach a mass audience. During the Arab Spring, for instance, satellite TV, particularly Al Jazeera, played a crucial role in scaling the protest movement up from a few hundred to several hundreds of thousands (Alterman 2011, 104–10). Supporting press freedom is still as relevant as ever, despite the advances new media have made in giving people the means to free expression.

This becomes even more obvious when considering that Freedom House reports on freedom on the Net routinely find that the Internet is significantly more free than news media in general (Freedom House 2016, 26).

At a UNESCO conference in 2007, experts pointed out that there was silo thinking among the realms of the old and new media (Berger 2007, 17). And although Internet freedom and press freedom are two sides of the same coin and should be advocated together, the trend in recent years is going toward more emphasis on Internet freedom.

6.3 Freedom of Information vs. Press Freedom

The Internet and other ICTs have also had an impact on how people think about freedom of information. Due to these technologies, the flow of information has not only accelerated, but also expanded. There is so much information available at all times now that the Internet age is also becoming the age of information overload and misinformation. And so, the sense-making and educational role of the press is needed more than ever.

Although some might regard the press as obsolete in an age where governments can communicate directly with citizens through websites and social media, it still has a vital task to fulfill in informing and educating the public. In Western democracies, in theory, citizens simply need a computer or smartphone and Internet access in order to read up on government policies, legislation, other public affairs topics, or about what is happening abroad. Governments and other organizations publish policy papers, speeches, statistics, and other data constantly through their websites, as do plenty of political bloggers and activists. But, as the Ian Katz character puts it in the movie *The Fifth Estate* in reference to WikiLeaks, "[a]nyone can take a bundle of information, toss it up on a website and call it news. But people buy our papers for something a little more discerning."[1]

In 2017, where the term fake news has become ubiquitous, this discussion has taken on a new facet. Although the phenomenon has yet to be studied in depth, it is starting to become clear that the Internet and social media in particular are not the best arbiters of what constitutes information, misinformation, or disinformation, which deliberately aims to mislead the audience. It certainly looks like they facilitate the spread of fake news stories that pretend to be serious journalism. No wonder, then, that the latest Digital News Report from the Reuters Institute for the Study of Journalism found that most people are significantly more suspicious of social media than of the mainstream media, which, granted, do not enjoy high public trust either (Reuters Institute 2017, 10). Still, this led one of the researchers on the report to speculate that: "Fake

news could be the best thing that has happened to journalism in a long while. It's an opportunity to re-establish the value of mainstream brands and focus on quality" (Goldsmith 2017).

Indeed, as we grapple with information overload and misinformation, we need journalists to sift through information, tell us what is important, and package it in a way that is accessible and understandable. Having freedom of information and an Internet accessible to all does not guarantee an informed public. Many people do not have the time or interest to immerse themselves in public affairs research in order to make informed decisions. In fact, studies (Brundidge and Rice 2009, 149) have shown that the Internet, too, is making the information-rich richer and the information-poor poorer: Even though it is easier to access information, the new information resources that are a result of the Internet are more likely to be used by those who are politically knowledgeable and from a higher socioeconomic status.

But the average citizen also needs the necessary information about the pressing issues of public life in order to participate in political decision-making. In the words of two journalism experts: "Journalism goes where its audience cannot or will not" (Kennedy and Moen 2007, 1). And that applies as much to far away countries as to the depths of information and data we are confronted with in the digital age.

Of course, the digital revolution has brought many improvements. Now that practically anyone with a phone and Internet access can take and upload pictures or videos to Twitter or YouTube, and citizen journalists can contribute to traditional news websites or get political on their own blogs, more voices can get heard. New media can provide information and points of views that enrich the public sphere, voices that might not be able to be heard through traditional communication channels.

Furthermore, in some cases citizen journalists and bloggers can act as additional fact checkers or watchdogs, thus making the press more accountable as well. Those that are worried about the press getting too powerful or irresponsible should welcome citizen journalism as a tool to ensure that the press is doing its job of informing and educating citizens on public affairs. Ideally, the Internet can bring journalism closer to the people, making sure that the press stays in touch with its constituency, the public.

Accounts of the demise of the press, on the other hand, seem premature. For all the positive developments the Internet and ICTs have brought, there are also considerable drawbacks. In authoritarian regimes,

the Internet can become as much a tool of government oppression as of democratization, as Evgeny Morozov (2011) convincingly argues in *The Net Delusion*.

In the developed world, too, the Internet has not just affected democracy positively. Some have argued that instead of enhancing the diversity of the public sphere, the Internet creates echo chambers, in which people's existing attitudes and opinions are reinforced rather than challenged or changed (Sunstein 2007, xi). New studies confirm the existence of echo chambers on social media, providing evidence that this phenomenon results in group polarization (Quattrociocchi et al. 2016). The notion that the Internet is a "breeding ground for extreme opinions" has been around almost as long as the Internet (Lovink 2011, 17). In addition, some find excessive personalization and the increasingly widespread option to filter news according to personal preferences and interests concerning. They argue that it keeps people from stumbling upon information or points of view that they would otherwise not come across. The public debate thus becomes poorer instead of richer (Sunstein 2007, 4–6).

Other studies have also found that online politics has been less open and diverse than expected: Although countless political bloggers are active and a lot of citizen-created content is available online, there has not been a shift from big outlets to smaller ones (Hindman 2009, 133). In fact, as of 1 October 2017 the majority of the top 25 news sites as registered by Amazon's analytics service was made up of newspaper websites (ten), broadcast network television, or cable news sites (six) and the Reuters website (Alexa, n.d.).

In this context it should also be noted that only a small percentage of bloggers focus on politics to begin with: "most are focused on describing their personal experiences to a relatively small audience of readers" (Lenhart and Fox 2006). This means that there are a lot of new voices out there, but politics or even public affairs are not a high priority for their online musings. It also means that ordinary citizens may be able to put things online, but it is highly unlikely that others will see it (Hindman 2009, 142). Or in the words of another observer, "[w]hen everyone broadcasts, no one is listening" (Lovink 2011, 7). Indeed, the fact that the information-rich are getting richer, and political debate and participation is firmly in the hand of the well-off and well educated, is backed up by other surveys (Smith 2013).

New media have also had negative effects on traditional journalism, which is another reason why the two are commonly pitted against each other. With the advent of the Internet, newspapers experienced a

dramatic loss of advertising revenues and thus had to cut costs, which allows for fewer resources and investment into investigative reporting. Furthermore, websites like YouTube and Twitter have, much like the arrival of cable news before them, made it much more difficult for journalists to keep up with the constant stream of news and work to deadlines. As a result, substance has been suffering as a consequence of placing more and more emphasis on speed and scoops (Hamby 2013).

To be fair, the news media had done a pretty good job of undermining themselves, even before the Internet came along. Practices such as horse race campaign coverage or the general "he said, she said" reporting style justified under the misguided principle of balanced reporting had already helped to erode the quality of hard news reporting. Increased competition and financial imperatives, as discussed in the previous chapter, led to tabloidization and further damaged the news media output and consequently its reputation.

It does not come as a surprise, therefore, that many see the press as being in decline, or even worse, in a "crisis of existential dimensions" (McChesney 2013, 175). But following the latest developments surrounding fake news, disinformation campaigns, and the global attack on press freedom, support for the press has become more common again. Following the election of Donald Trump, for example, subscriptions for newspapers and investigative journalism websites like ProPublica have increased in the US (Lichterman 2016). The renewed debate about the political importance of functioning news media coincides with increasing attention in the research community on re-framing journalism as a public good in the context of saving the media (McChesney 2013, 175).

Others have long been calling for the implementation of "networked journalism," a compromise between old and new versions of journalism that is taking advantage of new technologies in order to let professionals and amateurs, like citizen journalists, cooperate toward a more efficient, inclusive and accountable type of journalism (Beckett 2008, 14). Andrew Chadwick advocates a similar approach, as he argues for more emphasis on hybridity when addressing media systems in the US and UK. Instead of talking about old or new media, he contends, it is more useful to focus on how these media forms overlap, how and where distinctions between them are dissolving and how this affects political communication (Chadwick 2013, 4).

Thomas Patterson, a scholar on the subject of media and politics and participant in a new initiative to strengthen journalism education and practice, also has not yet given up on the traditional news media, despite

acknowledging the many ways in which the press has been failing the American public over the last decades. He argues that "citizens need journalists more than ever, precisely because there is so much information available, of such varying quality and relevance" (Patterson 2013, 6). He continues:

> Journalists are in the daily business of making the unseen visible, of connecting us to the world beyond our direct experience. Public life is increasingly complex, and we need an ongoing source of timely and relevant information on the issues of day. That's why we need journalists. (Patterson 2013, 6)

This goes back to a debate that Walter Lippmann and John Dewey were engaged in nearly a century ago. Lippmann argued that the world had become so complex that it was difficult for the average citizen to grasp it. Lippmann's solution was to have elites run foreign affairs, whereas Dewey thought that democracy was too vital a process to be limited just because technology was advancing rapidly. Although they differed on their prescriptions, they agreed that in order to educate the American public, journalists should be well trained in the complexities of modern societies (Sussman 2007, 74). Since their debate in the 1920s, the world has become even more complex, but the point they make about the press and its educational responsibility is still relevant. Patterson takes it up and calls again for knowledge-based journalism, this time as a solution to the crisis in journalism itself.

Despite the ongoing crisis of the traditional news media, there are still those who have not given up on promoting the press. But they seem to wonder why not more people do so: "As a journalist you are constantly being told that the news media have enormous power to shape society and events, to change lives and history. So why are we so careless as a society about the future of journalism itself?" (Beckett 2008, 2). Not only journalists have a dog in this fight, the public has, too. It seems, however, as if society has lost interest in traditional journalism because new technologies handed everyone the capability to post their every thought or picture online. What often fails to be stressed, though, is the difference between amateurs and professionals.

Snapping a picture and putting it on YouTube, or watching a presidential speech and tweeting one's reactions to it live, is not the same as journalists leaving their desks, building rapport with sources, verifying facts and then presenting, in Carl Bernstein's words, "the best obtainable

version of the truth." What most citizen journalists and bloggers provide is more information, not necessarily a way to make sense of it. Most of them, particularly in Western democracies where hacktivism is quite common, are not going to go out into the real world, or take risks to tell the story. Without the press as an institution, who is going to cover the city hall beats or the police departments? Journalism is not just about high-level politics or uncovering scandals; it is also about keeping an eye on the day-to-day workings of public authorities, so that those they are supposed to be serving know what they are up to.

Although the functions of the press are still very much needed, journalists have fallen out of favor. It seems that the press has become a relic of the un-networked past, while the future will be monitored and served by the Fifth Estate.

6.4 Fifth Estate vs. Fourth Estate

The Fifth Estate is new digital technologies and citizen journalists, bloggers, hackers, etc. that constitute an addition to the four existing estates. They create a space "for networking individuals in ways that enable a new source of accountability in government, politics and other sectors" (Dutton 2009). One criticism that is often leveled against the press is that journalists are getting too cozy with those in power, or become part of the elite establishment as well. The Fifth Estate is seen as an antidote to this trend. In the digital age, the sources do not need the press anymore; they can go straight to the people and can bypass another one of the traditional gatekeepers, the press. But an equally problematic question is who holds the Fifth Estate accountable?

Journalists and traditional news media work according to codes of conduct and ethics that have developed over centuries. The Fifth Estate, at least for now, is a loose network of citizens armed with smartphones, political bloggers (that might or might not have their own agenda), whistle-blowers with access to online submission platforms, and computer geeks who know how to use these platforms to leak information. All of these people might have noble goals, but they are not bound by professional codes of conducts, or by anyone to be accountable to. If we do not like what they do, we cannot simply change the channel or cancel our subscription. Sure, we can stop reading their blogs, but there is not much the average citizen can do to stop a hacker. All we can do is trust that they will do the right thing, whatever that might be.

The WikiLeaks phenomenon highlights precisely this dilemma. At the height of its influence in 2010, the organization was firmly led by Julian Assange and his morals. At WikiLeaks, paradoxically a secretive organization that advocates transparency, the lines between activism and journalism became blurred, a circumstance that is not bound to disappear quickly in an era where information can come from a lot of different, often unverified, sources. But despite these unresolved questions, WikiLeaks also demonstrates that the Fourth and Fifth Estates are not adversaries, despite the fact that current punditry likes to belabor the adversarial relationship between the two. In reality, they often complement each other. For example, the Fourth Estate is useful in keeping the Fifth Estate in check and vice versa. Or a Fourth Estate strapped by financial pressures and shrinking newsrooms can benefit from collaborating on investigative reporting with representatives of the Fifth Estate. Furthermore, the events surrounding WikiLeaks have shown that the Fifth Estate still relies on the Fourth Estate for legitimacy and audience.

In 2010, US analyst Chelsea Manning, in the possession of hundreds of thousands of classified documents, called the Afghanistan and Iraq war logs, and diplomatic cables of the US Department of State, submitted them to the anonymous WikiLeaks platform, which was aimed at protecting whistle-blowers. WikiLeaks was determined to publish them, but decided to work with several traditional news organizations in different countries, most notably the *Guardian, The New York Times* and *Der Spiegel.*

This cooperation once more underlined the benefits of having the press as an institution with a mass audience, legitimacy, professional standards, and expert knowledge. WikiLeaks, with its handful of staff and volunteers, would have not been able to sift through the documents the way the news media were able to. The journalists worked with the US authorities to decipher the abbreviation-laden documents, edited and interpreted what they meant for US foreign policy and diplomacy, published them to the local audiences in their languages, and, most importantly perhaps, went to great lengths to redact names and other information that could have identified any sources and jeopardized them.

Edward Snowden was also convinced that getting the information about mass surveillance by Western intelligence services to the public could only meaningfully be done through the press. He explains his trust in the press as follows:

> If we can't have faith in the press, if we can't sort of take that leap of faith and either be served well by them, or underserved and have the press fail, we've already lost. You cannot have an open society without open communication. Ultimately, the test of open communication is a free press [that can look for information, contest the government's control of information, and print information that has an adverse impact on power]. (Snowden and Bell 2017, 65–66)

In short, journalism is about much more than just about information or facts. According to Lovink (2011, 179), there are three phases of traditional investigative journalism: unearthing facts, cross-checking them, and backgrounding them into an understandable discourse. The Fifth Estate, as Snowden acknowledged with his choice to work with journalists, is still lacking in the third area. Lovink agrees, saying that WikiLeaks does the first [of the three investigative journalism stages], "claims to do the second, but omits the third entirely" (Lovink 2011, 179).

Citizen journalism and crowd-sourcing are valuable new tools, but they do not replace, at least not for now, the standards and expert knowledge of the traditional news media. Some have argued that the cult of the amateur is leading to an overreliance on citizen journalism and crowd-sourced outlets like Wikipedia, an example of the blind leading the blind, "perpetuating the cycle of misinformation and ignorance" (Keen 2007, 4). In 2007, scholars already pointed out that people often cannot distinguish between what they read on a random blog and objective political reporting by professional journalists (Keen 2007, 3). Being able to make such distinctions has become even more difficult ten years later, where "the internet has broken down the traditional distinction between professional news-gathering and amateur rumor-mongering," as evidenced by the fact that websites set up to look like those of real newspapers can elevate fabricated news stories to national prominence (Lee 2016). In this kind of media environment and political climate, sounding the death knell for traditional journalism is not going to serve the public interest.

Not just the verifying, sense-making and educational role of the press is still needed; its watchdog function is still vital as well. Rather than pitting the Fourth and the Fifth Estates against each other, they can be most useful to the public if they combine their resources. Because in the digital age we do not only have to worry about human rights violations from public authorities or governments; we also have to worry about the

increasing influence of tech companies that are gaining more and more insights into our lives and have a growing impact on privacy and free speech issues.

In 2013, Jeffrey Rosen drew attention to what he called the deciders of Silicon Valley, the people at Google, Facebook, Twitter, and other tech companies who determine the various companies' content policies. He argued, "[t]heir positions give these young people more power over who gets heard around the globe than any politician or bureaucrat—more power, in fact, than any president or judge" (Rosen 2013). Fast-forward to 2017, when Germany enacted legislation that imposes high fines on social media companies if they fail to remove "obviously illegal" content such as hate speech within 24 hours. Civil rights activists rightly point out that this law hands immense power to these companies in putting the burden on them to evaluate the legality of online content (Toor 2017). They decide on free speech issues, define what constitutes hate speech, pornography, or unacceptable violence, and are consequently shaping social norms (Toor 2017). Their approach might be a better option than installing regulatory bodies, as policy-makers in Germany seem to think. But the issue nonetheless brings up a wide range of questions, from matters of monopoly (Facebook and other big social media companies have the resources to pay the hefty fines, smaller Internet companies do not) to accountability and corporate social responsibility, all the way to the privatization of human rights (DeNardis and Hackl 2015).

In an ideal world, one in which tech companies subscribe to corporate social responsibility policies, the Googles and Facebooks have a responsibility to protect user privacy, but in many cases that might go against their business interests. Facebook sells user data to advertisers so that those can target users better. Google does the same by scanning the email content of Gmail users and collects other user data through its other services. Furthermore, as the Snowden revelations have shown, Google and other Internet companies collect user data and make them available to governments. It is therefore unlikely that we can count on them to be transparent about their motives or the implications of their policies. Not even the top executives of the tech companies are sure that corporate social responsibility will be successful. According to a 2012 survey of more than one thousand Internet stakeholders, views are mixed on whether social responsibility can trump political and economic incentives to cooperate with governments on monitoring or tracking people (Anderson and Rainie 2012).

These cases underscore why we need a watchdog press now more than ever to tell us the whole story, not just about what the government is doing, but also about what the new tech giants, who dominate already so much of our lives, are up to. This is particularly true because there are obvious possibilities for governments to exploit the services of the tech companies for their own ends. American and British surveillance programs are only one example of this.

6.5 Conclusion

This chapter is not intended to be an argument against the Internet, new technologies, or the Fifth Estate, as there can never be too many estates checking up on each other. Rather, it is a call to remember the traditional media and the important job journalists do for society. The Internet has brought positive changes, but it is not an adequate replacement for traditional news media. Far from being obsolete in the digital age, the press still provides important functions for society. There might be a glut of information available these days, but the press is still needed to provide citizens with context and interpret the information that they are confronted with. In a world as complex as ours, such a role is indispensable, even if citizen journalism, user-generated content, and crowd-sourcing have become a staple of the new era of news production, the bulk of the job of creating news content and distributing it to the masses still falls to the legacy news outlets.

The digital age that allows more voices to be heard than ever before also requires journalists with expert knowledge and their ability to put things in perspective, educate the wider public, and present the "best obtainable version of the truth." In the post-factual world inundated with blogs, activists, and citizen journalists, each voice becomes just one more version of the truth. Journalists need to make sense of it.

To prioritize Internet freedom over press freedom, therefore, would be a grave mistake. Political authorities, and economic actors, need to be checked, and the most effective way to do so is still with the help of a free press. In the digital age, the press is needed more than ever, and promoting and protecting press freedom should be of the highest priority for activists who want to keep political power in the hands of the people.

Note

1. The character of former Guardian deputy editor Ian Katz, as quoted in *The Fifth Estate* (2013).

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CHAPTER 7

Conclusion

Abstract This chapter provides a summary of the book's findings and discusses their implications for press freedom, human rights, international relations, and the future of the Western liberal order. It argues that press freedom and other communication rights are at the forefront of the global struggle between democracy and authoritarian counternorms. It also offers suggestions on how to elevate press freedom to a more prominent place in the current human rights debate.

Keywords Press freedom · Democracy · Human rights · Authoritarian counternorms · Liberal order

Press freedom is under attack worldwide and has been for more than a decade. Authoritarian regimes have long treated the free press as the enemy, but now we are witnessing similar trends in liberal democracies as well. In the US and Western Europe, populists rally against the mainstream media, declaring their stories fake and the journalists the enemies of the people. At the same time, the news media are mired in an economic crisis that has led to a drastic shrinking of newsrooms everywhere. In short, the current situation of press freedom and the news media looks bleak, both at home and globally.

When the idea for this book first started to take shape in 2013, the situation was not quite as bad, but the global crackdown on press freedom was well under way already. What was striking, however, was that not a

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lot of attention was paid to press freedom in the international human rights debate. Preliminary inquiries showed that the UN did not address the issue a lot, which inspired a detailed study of the status of press freedom as an international human right. After all, press freedom is closely linked to the fight against tyranny and oppression. Hence, it should be at the core of efforts to promote human rights. But the findings in this book tell a different story.

As Chapter 1 shows, press freedom is virtually absent in the academic discussion on human rights. Where it does get coverage, it is mostly sidelined. Looking at the treatment of press freedom in the UN human rights framework between 2006 and 2016, as Chapter 3 does in detail, paints a similar picture. Press freedom is, at most, a minor issue in the international human rights framework.

This marginal existence of press freedom in the human rights debate at the UN is remarkable given the fact that history and philosophy have recognized press freedom as central to democracy and human rights for well over 400 years. Throughout this period, thinkers and practitioners have made the case for the necessity of press freedom as the basis for human rights and self-government, values to which the Universal Declaration of Human Rights is clearly committed.

Democratic politics are based on the principle that the people are the ultimate sovereign, meaning that the government responds to the will of the public. Without an unfettered press, it is difficult for the voice of the people to be heard and for the government to be held accountable. The institution of a free press, or the Fourth Estate, is the greatest safeguard the public has against official misconduct. The press acts as a facilitator for public opinion, which in turn acts as a check on official power. Furthermore, the press fulfills a social function by fostering a sense of community, engaged citizens, and tolerance—all vital ingredients for democratic politics.

In the post-factual world, the press is also important as provider of context and verifier of information. This demonstrates why it is important to distinguish between the right to freedom of information and the right to a free press. Even in the unlikely case of absolute government transparency and free flow of information, a lot of information might still end up in the vast depths of the Internet, if it were not for the press to gather, interpret, and publish the most relevant information.

In the human rights debate, press freedom is also often subsumed by debates on freedom of expression, but it is important to distinguish

between the two concepts. Freedom of expression protects the individual's right to express what is on his or her mind, but does not guarantee that these views reach a larger audience and become politically relevant. The key to understanding press freedom in its own right is the fact that the press possesses power that it draws from its mass audience and its resulting status as the people's surrogate and government oversight mechanism. It thus protects the very core of the kind of government–citizen relationship that the human rights framework is aiming to promote: a system in which the will of the people is the basis of the authority of the government.

Despite these essential benefits, states are not very active when it comes to protecting or promoting press freedom as a human right, or as the basis for other rights. This might not come as a surprise in the case of Russia or China, but the liberal Western states also do not treat freedom of the press as a political priority. Recent press freedom rankings support this observation, but they primarily show how states treat press freedom at home.

As Chapter 4 shows, press freedom has historically only garnered significant attention in the human rights debate when Western strategic interests were threatened. This demonstrates that Western actions when it comes to press freedom are instrumental, rather than normative. According to ideational theories, norms and values matter because they influence state preferences and interests. Since press freedom has a long tradition in Western liberal thought, one might expect that this key right would have more of an effect on the human rights policies of Western states than this study finds. But the evidence suggests that when it comes to press freedom, state behavior is first and foremost guided by strategic interests and considerations of power. This is not to say that Western foreign policy is free from normative concerns, but it shows that the press freedom ideal has very limited influence on Western human rights policy. This is surprising because the idea of press freedom has been around much longer than gender or racial equality, for example. The Founding Fathers championed press freedom at a time when women and black people were still considered second-class citizens.

What, then, accounts for this paradox? The answer comes down to power. No politician really likes the press; even those who praised the benefits of the free press and wanted it included in the First Amendment complained about the press once they were in office and learned how inconvenient a government watchdog could be for them. An

independent press with a mass audience is a thorn in the side of every government that wants to sustain or consolidate its power.

But states are not the only ones who do not pay a lot of attention to press freedom. There is no significant domestic constituency for press freedom in Western states. Until Donald Trump's successful campaign for president and his open hostility toward the press, most people seemed to look at championing press freedom as an issue that only concerned people in places that are ruled by dictators, in which journalists are being thrown in jail, harassed, or killed. But that is not so. Protecting and promoting press freedom in the West is just as important as promoting it around the world, because it is the basis for democracy. If increased newspaper subscriptions in the wake of Trump's election are anything to go by, Americans might be starting to remember the importance of a free press. Even more so in light of current developments which emphasize that new and social media might have negative effects on democracy by spreading misinformation or creating echo chambers that might lead to more polarization.

Still, it remains fair to say that publics in the West do not fully appreciate the role of the press. The news media are perpetually plagued by a bad reputation, but the situation has gotten worse over the last three decades, as outlined in Chapter 5. Economic pressures have further contributed to the widespread notion that the news media business is undermining the principle of press freedom all by itself, even without the help of power-hungry politicians. The public and many observers complain about the increasing sensationalism of the news and obvious grabs for bigger audiences, trends that are embodied by Fox News and MSNBC's blatant bias, CNN's fascination with all things social media and touch screen, and the dumbing down of newspapers in favor of more lifestyle rather than investigative reporting. Public trust in the news media is accordingly low and has a negative impact on public support for the press.

This means that NGOs are the most reliable upholders of the press freedom cause at the international level. The field of press freedom NGOs is small, and many focus more generally on freedom of expression issues. Furthermore, they have to grapple with limited resources in the face of ever expanding lists of press freedom violations around the globe.

The media themselves are not very successful in advocating press freedom either. You will not see journalists take to the streets and march for press freedom. Journalists, for the most part, adhere to professional

standards like fairness, accuracy, transparency, and objectivity, so they rarely use their news outlets for advocacy campaigns for press freedom. Even as a lobby, the organizations behind the news media are not very influential. Although media organizations used to rally when their interests were at stake, as was the case with the World Press Freedom Committee during the New World Information and Communication Order (NWICO) debate, these interests are most important when they coincide with business interests and with the political position of Western governments.

In short, the free press is not just under attack in authoritarian countries. It faces many challenges in the West itself and lacks adequate support from the human rights community, the NGOs, and the public. What are the implications of this reality for press freedom, its promotion, and human rights more generally?

The findings suggest that the impact of transnational actors on promoting human rights, in this case the media and media NGOs, is limited. There is neither a bottom-up nor a bottom-down movement when it comes to press freedom. States avoid press freedom issues, particularly in the context of discussing them in a normative sense. The safety of journalists issue has become relatively popular at the intergovernmental level, but it primarily focuses on the physical protection of journalists and humanitarian law. It is also easier for transnational actors to mobilize for this issue because it is framed in terms of physical violence and death, which evokes stronger emotional reactions than say lofty arguments about the importance of press freedom for civil society. Additionally, the area of communication rights, with its related concepts of freedom of expression, freedom of information, press freedom, and Internet freedom, continues to lack definition and clarification, which probably makes advocacy harder.

When looking at press freedom in the context of the international human rights framework, it also becomes clear that power and interests still matter. The fact that press freedom is only of marginal concern to the human rights community and Western states, underscores the realist notion that international organizations are extensions of state interests. It also means that there is a limit to the idea of universal human rights, since civil and political rights, with press freedom at the core, are still very much contested. Rights that fall within categories such as protecting the innocent, or making sure people have enough food to survive, are the rights that all states can, at least in theory, agree on. The crux of

human rights, however, is still very much subject to state interests and state concerns for sustaining power and sovereignty. Press freedom and other civil and political rights strike precisely at the core of these.

But the fact that press freedom is neglected as a key human right has wider implications for international relations and the future of the liberal order, too. If not even the most liberal democratic states find it necessary to stand up for core human rights like press freedom, then how can the West expect to protect liberal values in an international system that is increasingly characterized by "the rise of the rest"? China and Russia are not exactly known for cherishing individual rights and personal freedoms, and other authoritarian states find the Chinese and Russian approach marked by centralized power and the protection of state sovereignty at the expense of human rights appealing. At the UN, new coalitions are forming. China, Russia, and the Organization of the Islamic Conference join forces on issues of blasphemy, aimed at curtailing freedom of expression rights and guarding "traditional values." Many of the states that are growing more powerful do not care about liberal norms. Even states that until fairly recently could be counted as liberal have now taken a turn toward what is commonly called the illiberal, although by undermining independent journalism, the rule of law, and freedom of assembly, it can be more accurately described as anti-democratic (Mueller 2016).

It is unlikely that human rights as a concept will disappear from international relations, since in overall terms they have become an established norm. But given the current political international climate and backlash against liberalism, there is an increased danger that the human rights discourse and its implementation might stagnate if core human rights like press freedom, which truly challenge government power and encourage democratic politics, are continued to be neglected.

This danger is particularly pressing against the backdrop of a global recession of democracy and a simultaneous resurgence of authoritarianism. Authoritarianism has deepened, and cooperation between authoritarian states has become more coordinated and assertive, to the point where they are now increasingly pushing back against democratic norms (Diamond 2015, 151). They have become increasingly adept at simulating democratic institutions in order to maintain the appearance of legitimacy, while at the same time preventing real democracy to take root. Not only do authoritarian regimes make lives difficult for genuine democratic opposition and civil society in their own countries, they

now also use these pseudo-democratic institutions to increase their influence abroad.[1] They do this, among other things, by exploiting freedom of information and the media. A Russian media analyst aptly warns: "if the 20th century was defined by the battle for freedom of information and against censorship, the 21st century will be defined by malevolent actors, states or corporations, abusing the right to freedom of information" (Pomerantsev and Weiss 2014, 14).

Authoritarians making use of propaganda tools to control the information flow to their own citizens to make sure they only hear what the government intends them to hear, thereby undermining informed decision-making, is not new. But these days, authoritarians take such strategies to new levels. The Kremlin, for example, is weaponizing information by exploiting the idea of freedom of information to inject disinformation into society: "The effect is not to persuade (as in classic public diplomacy) or earn credibility but to sow confusion via conspiracy theories and proliferate falsehoods" (Pomerantsev and Weiss 2014, 6). What is more, the disinformation flow that authoritarians create can set an example for other authoritarians, or those on the way there, to use the same kinds of tools and tactics.

This state of affairs means that communication rights, once again, are at the core of the struggle between global political norms. The authoritarians have learned very well how to use them for their purposes, while the West fails to uphold these central rights. While freedom of information plays a significant role in this context, press freedom does even more so. As Chapter 2 argues, press freedom has an intrinsic power aspect to it that freedom of information and free speech do not have, which is why no government likes the press, whether it is authoritarian or liberal. And so, Western states, too, crack down on their own investigative journalists and satirists in the name of counterterrorism and state security, thus giving the authoritarians even more ammunition to undermine the West.

The power struggle between state and society in the context of communication rights, therefore, does not just unfold within authoritarian states. How Western states treat these rights has implications for the very idea of democracy and human rights at home and abroad, because the issue of press freedom lies at the heart of democratic government. The French revolutionaries and American Founding Fathers realized it. However, in the centuries since, the idea of press freedom has lost traction. Media development in developing countries is something that is supported by the West and international organizations, but attempts

at repairing the free press in the West is largely the domain of journalists themselves. And normative discussions of press freedom as central to human rights are absent from the international discourse and in the West almost entirely.

Given the current crisis of democracy domestically and in the context of the global competition between the norms of democratic liberalism and authoritarianism, it is vital that the West refocuses its human rights priorities and makes the defense and promotion of press freedom a central theme. It is unlikely that states can be counted on to become serious about protecting the free press by themselves, since promoting press freedom runs counter to government interests, more so than the promotion of probably any other human right. This suggests that non-governmental actors need to take a more prominent role in the promotion of the freedom of the press. Several well-known organizations are already active in the field, but the prominent, multi-issue human rights organizations should also dedicate more resources to press freedom in order to elevate the topic to more than an annual talking point on World Press Freedom Day at the UN. They should become more vocal about the important functions the free press fulfills for democratic politics and society. Because NGOs are often struggling with resources, media companies could support the important work of NGOs on the issue of press freedom by becoming donors for the cause. This might, of course, not be easy because the news media have their own funding problems. Efforts to solve the economic crisis of the news media should consequently be a priority. Without it, it will be difficult to bolster independent journalism and a pluralist media landscape.

It is also vital that those promoting press freedom make the public aware of the fact that the press is working in their interest. Media literacy classes and citizen education about the importance of a free press as a political institution might be useful in this context. The problem with press freedom in the West is to a large extent a problem of public support. If the public does not want or cherish a free press, it is unlikely that there will be one.

Finally, at the international level, media representatives and NGOs working on behalf of publishers and journalists might think about coming together to update the Charter of the Free Press for the new realities of the age of misinformation. In the 1980s, journalists from all over the world rallied against plans to place restrictions on press freedom that had been brought before the UN within the context of NWICO. The Cold

War is over, but the threat against independent journalism has reemerged and, along with it, a threat to democracy and the liberal world order.

Note

1. For a discussion of authoritarian counternorms, see Cooley (2015).

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