

# Role of un and wto in regulating global media



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The issue of politics and the regulation of media is not a new debate.

Discussions around communications have a long history and governance and policy around telecommunications is a well-established topic at both national and international levels (Fylverboom, 2011). Even before national governments realised that international mechanisms were required to manage global issues such as trade of the environment, many realised that the benefits of international telecommunications would only be apparent if there were shared rules of the game in terms of governing how national networks would connect with each other (Fylverboom, 2011).

This study looks at the role of two key intergovernmental organisations and their role in regulating the global media. The United Nations (UN) and World Trade Organisation (WTO) both exert considerable influence on the world stage and it can be argued that both are influential in the regulation of media around the globe.

The United Nations was established in 1945 to bring together nations of the world to promote peace and security (United Nations 2015) it is involved in missions around the world ranging from peacekeeping and sustainable development to fighting terrorism and addressing climate change.

In relation to global media, UNESCO is an arm of the UN with a focus on education, cultural understanding and promoting freedom of expression and democracy. It states that it has a specific mandate to “ foster freedom of expression and to promote the free flow of ideas by word and image”, The UNESCO webpage states that the organisation “ works to foster free, independent and pluralistic media in print, broadcast and online. Media

development in this mode enhances freedom of expression, and it contributes to peace, sustainability, poverty eradication and human rights.” (UNESCO, 2015).

Interestingly, UNESCO itself has entered the debate around media regulation, although more with a view on the contract between media self-regulation and state regulation than addressing the issue of media regulation by NGOs. A UNESCO report by Pudephatt (2011) provides a useful declaration of a media environment that supports freedom expression stating: “ it will be a diverse media environment, part public, part private and part community; a plurality of different media outlets; and a system that is broadly self-regulating with the exception of broadcast media (where spectrum has been limited and a regulatory body allocates bandwidth)” (Pudephatt, 2011, p10).

Pudephatt debates a central question around media regulation, which is whether it threatens or supports democracy. Some argue that minimal state interference in the media is necessary for a media environment that supports democracy, whilst other will argue that state intervention is required to promote a pluralist and diverse media (Pudephatt, 2011). A good example to support this argument would be a democratic state in which a small number of wealthy individuals bought up most of the media outlets and used this near monopoly to promote one political or economic view with the result that democratic debate became stifled. Pudephatt (2011) makes the point that in the past many states have looked to prevent a company from occupying a dominant market share of the media in order to ensure freedom of expression.

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It can certainly be argued that many arms of the UN do oppose most forms of media regulation. Human rights instruments such as the UN Charter, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights for example can all be seen as tools to support rather than suppress freedom of expression.

O'Siochru et al (2002) suggest that there have been three broad phases in the development of global media regulation. The initial phase, pre-UN was driven by the economic and industrial revolution and accommodated the societal concerns of the time. A second phase came with the emergence of the UN and closer international relations. The increased presence of developing nations within the UN and its bodies, and calls for societal and human rights saw freedom of expression on the UN agenda, and through bodies such as UNESCO it encouraged greater freedom of expression in both national and international media (O Siochru et al., 2002). The third phase is represented by a weakening of the UN role in global media governance and one in which big business with a focus on the commercial rewards of global media looks to undercut national regulation and looks to free trade proponents such as the WTO to support this.

The WTO was established with a narrower agenda. It is an international body established to promote free trade through the abolition of tariffs and other trade barriers. It is closely linked with the ideas of globalisation and faces criticisms that it is too powerful, indifferent to worker's rights, biased towards the rich and that it lacks democratic accountability (BBC, 2012).

These criticisms can arguably be extended towards the WTO and global media, particularly when consideration is given to the expansion of powerful

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media conglomerates which benefit from the trade liberalisation ethos of the WTO.

The WTO has a great deal of power in relation to global economic matters and its influence on global media has also grown as media organisations become bigger business and increasingly commercialised (Leicester University, 2015). One of the key concerns for the WTO is promoting free trade and the addressing the pre-existing barriers that national sovereignty can put in place of media expansion globally.

Hackett and Zhao (2005) argue that the WTO has become an organisation which “ straddles key areas of communication and is set to extend its mandate further” (p212). The WTO appears to be as supportive of the liberalisation of media and telecommunications as it is for the liberalisation of other areas of trade. With its rulings on formal trade complaints enforceable in international law, it is increasingly being seen by the largest media organisations as an ally as they look to expand into new markets (Mansell and Raboy, 2011). The difficulties that companies such as Google have in establishing a presence in states where there is more rigid censorship serve as one example of this.

Global broadcasting has been happening for decades yet whilst organisations such as the WTO have long had success in securing international agreements which liberalised trade, cultural industries have often been afforded greater protection by governments and certain restrictions have been placed on the importance of cultural industry products and media services (Mansell and Raboy, 2011).

One consequence of globalisation of the media however has been an increased commercialisation of the industry (Mansell and Raboy, 2011). Essentially, global media is now big business and there are huge profits to potentially be made if the largest media corporations can overcome national media regulation and expand into new territories. As Mansell and Raboy (2011) state “ global markets in broadcasting are commercial, even when they involve trade among national broadcasters” (p55). In many individual nations, national broadcasters have seen their market share decline.

The WTO's influence can be seen in the growing dominance of a small number of market leaders in the media industry and much of the context to this can be found in the US media. In 1984 around 50 corporations controlled the vast majority of news media in the US; this in itself seemed a small number but by 2004 similar criteria being applied found that this number had reduce to five huge organisations controlling over 90 per cent of mass media in the US (Mansell and Raboy, 2011). These organisation are looking to expand their influence globally and the liberalisation of trade under the WTO is enabling this to happen.

The dominance of a small number of corporations, the majority of which share a similar world view, brings us back to the question as to whether regulation of the media is a good or bad thing in terms of promoting democracy and freedom of expression. As these huge corporations use their market power as leverage to reduce traditional national interest public broadcasting, there are questions as to whether broadcasting in the public interest is still happening. Mansell and Raboy (2011) suggest that there is no global forum with sufficient influence to tackle these questions; in essence <https://assignbuster.com/role-of-un-and-wto-in-regulating-global-media/>

the liberalising power of the WTO is overcoming national attempts to regulate media and also the efforts of organisations such as UNESCO to promote a diverse global media.

One of the key media developments for both the UN and the WTO to address has been the growth of the Internet over the last two decades. Whereas global media had always been subject to some form of governance, the Internet has been portrayed as outside of the reach of regulation due to its global and decentralised nature (Fylverboom, 2005). Its ever-expanding nature and its versatile technical platform have left it for some time outside of global media governance but there is some evidence that this is beginning to change and the UN and the WTO have both had at least some involvement in this.

In 2003 a UN World Summit on the Information Society (WSIS) debated issues around global governance of the Internet. It looked at the status quo at the time where national governments were largely regulating the Internet within their own boundaries, and discussed whether some form of global governance was possible (Mansell and Raboy, 2011). It was clear at this point that both democratic and authoritarian governments were taking steps to deny access to their citizens for content that was seen as illegal or objectionable. The WSIS was ultimately unable to make much progress on this issue, finding that the conditions for access to the Internet would continue to be determined by the national government policies that were established and the effectiveness of their implementation (Mansell and Raboy, 2011). This suggests that the UN at least is limited in its capability to regulate some part of digital media on a global scale. Whilst the Internet is a

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global tool to be used, national governments so far are able to maintain a certain level of control as to the level of access that citizens have.

Unsurprisingly the WTO has looked to extend its influence into the complex area of Internet regulation. One of the difficulties it faces is that the complexity of Internet regulation makes it an issue much larger than something that simply comes under the remit of free trade or trade liberalisation. The whole area of content regulation has to be addressed; the attitude of China for example towards Internet content from the democratic West for example is not something that can easily be resolved (Kong, 2002). There remains a possibility that the WTO may be asked to step into legal battles around freedom of trade related to provision of Internet services. There has been discussion recently that companies such as Google might look to sue governments such as the Chinese's for discrimination because of its harsh web filtering conditions (World Trade Law, 2015). If this were to happen, the WTO's role in Internet governance would expand rapidly

Issues around Internet content make ideas of global regulation difficult; different cultures have different views on acceptable content. For the WTO, there are other issues around the Internet which it can more easily address. It may be able to coordinate regulation and standard-setting in areas such as data protection and enabling access to financial services (IP Watch, 2015).

A summary of the current position would be that the UN's influence over global media regulation diminishes as the globalised nature of the Internet develops further, and as powerful media conglomerates exert influence to facilitate their own plans for future dominance. The WTO with its



commitment to free trade has enabled some of these huge corporations to grow; the challenge it faces in future will be to resolve the ongoing issues between these media giants and the national governments which wish to maintain a level of control on the media access open to their citizens. The likelihood given its nature is that the WTO will support the media organisations; the question is whether individual governments will adhere to its decisions.

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