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International Association of Broadcasting (IAB)

POSITION REGARDING THE WORLD SUMMIT ON INFORMATION SOCIETY

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The International Association of Broadcasting – IAB - is an Organization that has as its institutional members different private radio and television associations from the Americas and Europe, and hundreds of television channels and radio stations as its individual members.

It was founded in 1946 and today represents more than 17,000 private broadcasting stations.

IAB permanently defends Freedom of Expression and Thought, in order to foster the collaboration of broadcasters in activities of public interest and social service. Among the other objectives of IAB is its contribution to enhance the cultural knowledge of peoples and their social and economic development; advocate in favor of the establishment of standard legal norms to protect private broadcasting activities; application of professional ethical norms for broadcasters; exercise the representation and defense of the interests of private broadcasting stations and, on their behalf, discuss matters with official or private organs and finally, foster all type of continental, regional and national meetings on issues of interest to the broadcasting community.

IAB principles have remained dynamic over more than five decades, and they have been gathered in the Declaration approved by the Extraordinary General Assembly held in Buenos Aires, Argentina on June 7, 1985.

DECLARATION OF PRINCIPLES

- 1) That the existence of free private broadcasting operating as a medium of free expression to ensure a variety of information, constitutes an essential element for the existence of a free society.
- 2) That the free access to information of the individual, and hence of the communication media, must be ensured and strengthened.
- 3) That inasmuch as the practice of journalism is the exercise of an individual right, it may not be subject to any restriction in its coverage of news and that the same rights apply to the print media as well as all electronic media.
- 4) That it is the sole responsibility of those in the communication media to establish principles of ethics ruling their own activity.

- 5) That commercial broadcasting should be privately owned and competitively operated as an activity in the public interest.
- 6) In respect of the frequencies assigned to broadcasters, governments should limit their authority to distribution and administration of the broadcast spectrum.

Private Radio and Television, Instrument of Freedom and Democracy .

In all the countries and regions where the establishment of private, free and independent radio and television channels has been allowed, media have been strengthened, a factor that must exist in order to keep Democracy and Fundamental Rights in force.

- Independent media are the organs through which Freedom of Expression is made known.
- Free and independent media constitute an essential factor in the relationship established between the government, the political parties and the different groups and sectors of society, fostering the formation of public opinion.
- This mediation exercised by news media through their expressly institutionalized role, is essential not only to ensure consolidation but also the permanence and continuity of the democratic system.
- The absence of Freedom of Expression restricts the freedom of the citizen, something that is only perceived when it does not exist anymore. Thus, it is of vital importance to fight on a permanent basis for it to become fully effective.

The full effectiveness of Freedom of Expression lies in the existence of media that, under a free competition and plurality regime, exercise their functions with economic independence, strengthening the credibility that will make them worthy of people's trust.

All intent to impose controls on the contents of the programs infringes one of the most important broadcasting (radio and television) freedoms, such as the right to prepare their own programs.

Public opinion is the arbitrator of truth. With its daily choice, it decides which media it supports or rejects in accordance with the credibility they deserve. It is essential to trust it to do so and one must preserve its will to do it, so that through this free choice one may ensure that pluralism remains in force in our society.

World Summit on the Information Society – WSIS -

The importance of the electronic media in the modern world, their clear impact on all development processes, as well as the large technological changes occurring constantly, place broadcasting into a new century in a far-reaching and important position for the future of all mankind.

Private and Free Broadcasting contributes in an exemplary manner towards international and cultural diversity comprehension, building roads of Freedom that are also the roads of Respect, Tolerance and Peace.

The WSIS is an extraordinary opportunity to allow the international community to strengthen the Freedom of Expression and Thought.

IAB considers that the Information Society cannot and will not be able to keep away from the ruling principle consecrated in Article 19 of the Universal Declaration of Human Rights, regarding the Fundamental Right of Freedom of Expression.

It is on the basis of this Article 19 that other pillars essential for freedom of expression to exist are established, such as pluralism of ideas and opinions, founded on the existence and the setting in motion of a free and independent media.

IAB considers that these principles are also extensive to the new ICTs, and that Information Society must be based on clear-cut concepts of Freedom, without any confusing terminologies or criteria that could promote restrictive concepts to the free flow of information and arbitrary control mechanisms on the media.

In this framework, we have proposed that the Program, Contents and Principles of the World Summit on the Information Society should include the following two principles:

- 1. “The need for the absolute respect for the principles of Freedom of Expression and Information as stated in art. 19 of the Universal Declaration of Human Rights, and article 10 of the Declaration of Sophia, UNESCO 1997, ratified by the General Conference in that year”**
- 2. “The need for the acknowledgement of the submission to any initiative to the basic principle of legality, with full respect for the laws and regulations that govern the administration of frequencies as the only form to guarantee the effective and ordered use of the possibilities new and old technologies offer”.**

ANNEX

World Summit on the Information Society (WSIS)

Broadcasters' contribution to the Pan-European Regional Conference (Bucharest, 7-9 November 2002)

Given the key role of broadcasting, including digital and enhanced broadcasting in the years ahead, in achieving an information society in which all citizens are included and can participate

and in view of the contribution of broadcasters to fundamental values such as freedom of expression and information, media freedom and pluralism and cultural diversity, which should underpin the information society and which already form part of the European *acquis*

the television and radio broadcasters supporting the present text propose the inclusion of the following principles and objectives in the conclusions of the Conference:

1. Providing quality content for the information society should be a priority

Communications technology is not an end in itself but a means of supplying and conserving information and content, and of increasing the public's choice and of opening up options for interactivity and personalization. The information society can thrive only if citizens are provided with full information for democratic participation at all levels, including unbiased information and a plurality of opinions, and if they have access to a wide range of audiovisual productions and other content, including material reflecting national and regional cultures and content relevant to local communities. The electronic media, and public service broadcasting in particular, have a responsibility to produce, gather and distribute diverse quality content to meet the political, social and cultural needs of democratic societies.

2. Fundamental freedoms and values should be respected and promoted

To guarantee fundamental freedoms, rights and values, not least in the context of globalization, a legal framework is needed. Freedom of expression and information, pluralism and cultural diversity should underpin the electronic media and the information society as a whole. Effective safeguards are needed to guarantee media independence and pluralism and access to information, and to protect human dignity, privacy and intellectual property. The principle of legality is essential not only for the protection of rights and freedoms but also, for example, for ensuring efficient and orderly use of frequencies. The public's access to a rich variety of content can be improved by such measures as greater coherence in advertising/sponsorship rules to avoid discrimination against broadcasters, improved protection of broadcasters' investment in content, the transformation of state-controlled media into editorially independent public service organizations, and the creation of open and interoperable platforms for new electronic media.

3. Radio and television are important means of fostering development and social cohesion in the digital world

By providing information and entertainment for all, radio and television are closely linked to citizens' daily lives. Thanks to their presence in almost every home, broadcasting services are ideally placed to help ensure democratic, social, cultural and economic development, to promote discussion of issues of general interest and to deliver reliable information related to education, health care, etc.

Free-to-air broadcasting with universal reach offers everyone affordable access to information. It alone ensures, for example, that all members of society continue to enjoy live coverage of major sporting and other events. Public service broadcasting is required to cater for all sections of the public, including vulnerable and minority groups. Commercial broadcasting, whether funded by advertising or subscription, contributes to the delivery of key policy goals such as the production of original and varied content and the existence of a plurality of news sources.

The new opportunities arising from the information age should serve the whole range of communities. Digital broadcasting, with its interactive enhancements, will be an essential tool for making the services of the information society widely available. In this way it will contribute to bridging the digital divide.

International Association of Broadcasting – IAB

European Broadcasting Union – EBU

Association of European Commercial Television – ACT

Association of European Radios - AER

**COMMONWEALTH PRESS UNION
INTER-AMERICAN PRESS ASSOCIATION
INTERNATIONAL ASSOCIATION OF BROADCASTING
INTERNATIONAL PRESS INSTITUTE
NORTH AMERICAN BROADCASTERS ASSOCIATION
WORLD ASSOCIATION OF NEWSPAPERS
WORLD PRESS FREEDOM COMMITTEE**

STATEMENT: PRESS FREEDOM ON THE INTERNET

The members of the Coordinating Committee of Press Freedom Organizations present at the meeting on 21 November 2002 in Vienna, Austria, issued the following statement stressing the importance of preserving and extending press freedom on the Internet, particular in the context of the upcoming United Nations World Summit on the Information Society, scheduled for 2003 in Geneva; Switzerland, and 2005 in Tunis, Tunisia.

1. News media in cyberspace and via international satellite broadcasts should be afforded the same freedom of expression rights as traditional news media. Any text adopted by the World Summit on the Information Society should affirm this. A free press means a free people. Press freedom on the Internet must be a fundamental characteristic of this and of any new communication system.

2. This principle is embodied in UNESCO's Declaration of Sofia of 1997:

"The access to and the use of these new media should be afforded the same freedom of expression protections as traditional media."

This declaration, adopted by a broad cross-section of journalists from both East and West Europe, was formally endorsed by the member states of UNESCO at its General Conference in 1997.

3. A major priority must be implementation of Article 19 of the Universal Declaration of Human Rights:

"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."

That pledge, made by the international community in 1948, must be a living reality everywhere.

4. There are many forms of communication over the Internet, and it is important not to confuse them. News, for example, is different from such things as pornography, paedophilia, fraud, conspiracy for terrorism, incitement to violence, hate speech, etc., although there may be news stories about such problems. Such matters as those listed are normally covered in existing national general legislation and can, if appropriate and necessary, be prosecuted on the national level in the country of origin.

No new legislation or international treaty is necessary.

5. Some countries that have advocated controls over the free flow of information across national frontiers have tried to justify such controls on political grounds, regional value systems or national information sovereignty.

Such controls are clearly in violation of the Universal Declaration of Human Rights.

6. Over the years, developing countries have complained of being unequal partners in world communication ability. The new information technologies afford just the opportunity for interactive and multi-way communication that these developing world critics have said they want.

For those in many countries, Article 19 is still a promise rather than a reality. The new communication technologies could go a very long way toward fulfilling the promise.

7. Those who seek answers to the so-called "digital divide" neglect to recall that previous communication technologies such as printing, radio and television also started in advanced, more developed countries and spread virtually throughout the world, largely thanks to natural market processes.

The rate of spread of each successive new communication technology accelerated radically. According to the International Telecommunication Union, it took 38 years for the first 50 million radio sets to be in place worldwide, 13 years for the first 50 million television sets, and just four years for the first 50 million Internet connections. There are now more than 10 times as many Internet connections worldwide.

8. Because general principles are at stake, there is concern that controls instituted for new communication technologies could "wash back" into controls over traditional news media. This would be regressive and tragic. Nothing that could work in this manner should be permitted at this Summit.

9. A number of proposals for regulation and controls now being made were made and rejected during past debate over now-discredited proposals for a "new world information and communication order." There are clearly those at work who seek to revive and assert for their own purposes such restrictive proposals in the new guise of countering alleged threats and dangers posed by new communication technologies.

These proposals must again be successfully resisted, just as they were earlier.

10. Many of the fears over the new communication technologies expressed by officials and politicians seem to reflect anxieties about the new and unfamiliar, which they do not control. Such anxieties often reflect ignorance on what the new communication technologies really are and of how they work. They can also reflect a fear of freedom.

Discussions of many alleged problems are often conducted on the basis of unproved assertions and speculations. Rigorously researched, hard data is missing to describe the supposed threats posed by the new communication technologies, with these unproven dangers used to justify the calls for controls.

11. If successful, proposals to control content and its dissemination through new information technologies would severely constrain their rapid spread and development.

12. In the broader freedom of expression context, existing international copyright regimes and intellectual property rights agreements are, generally speaking, an indispensable encouragement to creation and innovation. Those who seek to undermine such existing conventions on the grounds of free access would, in fact, succeed only in drastically reducing incentives for developing and distributing information.

13. Most people in the world continue to receive their news and information through traditional broadcast and print media and are likely to continue to do so for the foreseeable future.

14. The forthcoming World Summit on the Information Society provides both opportunities to broaden the reach of freedom of expression as well as dangers from those who would narrow it -- unthinkingly or deliberately.

15. Everyone involved in preparations for that summit in late 2003 in Geneva, and for the follow-up summit in 2005 presently scheduled for Tunis, should bear firmly in mind the need to maximize opportunities for extending press freedom and to resist the threats to restrict it.

To that end, civil society and all those engaged in news flows over the Internet must be an integral part of the preparations at every stage. This summit conference cannot be left to governments and technocrats alone.

16. The Coordinating Committee of Press Freedom Organizations calls for concerted effort to make preserving and extending the free flow of news and information in cyberspace a basic concern of the Summit.

News on the Internet is the same as news everywhere. New technology does not require any reconsideration of fundamental rights such as freedom of the press.

We call on delegates and others involved in the Summit process to: a) reject any proposal aimed at restricting news content or media operations, b) support inclusion of a clear statement of unqualified support for press freedom on the Internet, and c) include with action on any other subject that could be used restrictively a clear statement that the particular provision involved is not intended to involve any restriction on press freedom.

There must be press freedom in cyberspace.

MEETING OF BROADCASTERS OF CENTRAL AMERICA, MEXICO AND THE DOMINICAN REPUBLIC:

Views, Considerations and Contributions to the issue of the Information Society.

DECLARATION OF EL SALVADOR

We, participants of the Meeting of Broadcasters of Central America, Mexico and the Dominican Republic: Views, Considerations and Contributions to the issue of the Information Society, organized in San Salvador, El Salvador on January 14 –15, 2003, by UNESCO and the International Association of Broadcasting with the co-operation of the Salvadorian Association of Broadcasters (ASDER);

Conscious that Peace, development and democracy are closely linked and they constitute independent processes, hence, as it is stated in the Declaration of the Millennium, efforts cannot be spared to “promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development”.

Convinced that free and independent media in Latin America - the variety of which is the ground of pluralism, being among the most dynamic ones worldwide - carry out a foremost work on behalf of peace, democracy and the cultural, political, economical and social development of our countries;

Reliable of the relevant role broadcasting (radio and television) shall fulfill in Latin America for the evolution of the Information Society, by fostering a wide participation of all the citizens, contributing to the identification and use of their possibilities and strengthening the full effectiveness of Freedom of Expression, pluralism of ideas and opinion as well as cultural diversity, fundamental values in this new age that Humanity observes;

Expressing our support and co-operation to hold the World Summit on the Information Society, organized by the United Nations in Geneva in December 2003, mainly by means of the dissemination of timely information that provides a better knowledge of the Meeting and the importance of its thematic to the public opinion of the countries in the region, according to the good outcome expected and its applications;

Stating our acknowledgment to UNESCO for its support to organize this Meeting and for its work in the defense and strengthening of Freedom of Expression worldwide, as well as its successful task in promoting reflection and a plural broad discussion on the issue of Information Society;

Reaffirming the support to IAB's principles as an International Organization of Broadcasters and showing evidence of our gratitude to ASDER for its worthy contribution to hold this meeting;

Sharing the wording of the Consensus of Tegucigalpa (approved in the meeting Challenges and Opportunities of the Information Society, Tegucigalpa, Honduras, October 31, 2002) concerning "the principles guiding the Information and Knowledge Society should be the respect for individual liberties and Human Rights; full access to education, communication, science and culture; free movement of the ideas of the whole population; the unrestricted respect to freedom of expression; the right to information; citizen's participation in public affairs; transparency in the administration of public affairs; and democratic good-governance";

We have agreed to draw, approve, express and disseminate the following considerations and opinions as contributions of the broadcasting sector in Central America, Mexico and the Dominican Republic, members of IAB, to the necessary and beneficial debate on the issue of the Information Society, bearing in mind both the World Summit in Geneva and the relevance of the Preparatory Regional Ministerial Conference of Latin America And the Caribbean for the World Summit on the Information Society, to take place in Bavaro, Dominican Republic from January 29 to 31, 2003, hosted by the International Telecommunications Union, CEPAL and the Dominican Institute for Telecommunications:

1. Private, free and independent broadcasting is an instrument of Freedom and Democracy that strengthens pluralism and the dissemination of ideas and opinions, and hence it is one of the fundamental grounds for the Information Society.

In all the countries and regions where private, free and independent broadcasting stations have been established and developed, a media system has been strengthened, the diversity and pluralism of which are core instruments for the sustainable development, the effectiveness of Democracy and the respect for Human Rights.

Free and independent media, with their range of information, news sources and content are fundamental in the relation between the government, the political parties and the different sectors of the civil society for the information and expression of public opinion, the necessary control of the State powers and the transparency in the action of a democratic government.

Private broadcasting carries out a significant task by informing, entertaining, spreading knowledge, culture and teaching, essential factors for the progress of the peoples, the fight against poverty, the preservation of the environment and the permanence and continuity of the democratic system.

The full effectiveness of Freedom of Expression in a democratic society lies in the existence of media that, in a system of free competition, fairness and plurality carry out their work with economic and political independence, with the aim of deserving, maintaining and corresponding to the credibility of their audiences.

Any censorship by the State to the content produced and disseminated by media outlets is an illegal and anti-democratic practice that contravenes one of the most important freedoms of broadcasting: to create and broadcast their own programs, under the ethical principles established by those in charge of the media in order to self-regulate their activity and to the corresponding legislations that rule their operations as mass media in a democratic system.

2. The principle of legality is essential to guarantee the efficient, balanced and ordered use of the radio electric spectrum as a welfare of the international community, free of either interfering or illegal broadcasts.

Every initiative towards the technical development and the optimum use of the radio electric spectrum should respect the basic principle of legality and therefore subject to the laws and regulations that govern the administration of frequencies, as the only way to guarantee the effective and ordered use of the possibilities new and old technologies offer, avoiding administrative discretionary excesses or the imposition of economic and legal conditions that favor practices opposed to the transparency and equity in a democratic society.

3. Digital transition in the broadcasting sector, should be a process that fairly deals with and respects the realities and possibilities of each country, allowing the adoption of compatible systems that coexist with the analogue transmission, as well as the approval of common standards for the region.

To achieve this, technical and economical as well as political considerations will be necessary to achieve this, since it will be advisable to reach consensus between governments and broadcasters in the region to get - in common agreement before third parties and as a whole - favorable agreements of technological changes as well as their adaptation, development and maintenance.

4. Private Broadcasting plays a key role in the understanding among the peoples, the strengthening of Cultural Diversity and the promotion of Tolerance and Peace, essential conditions for the development of the Information Society.

Private, free and independent Broadcasting highly contributes to the plurality of broadcasts and news sources, to the understanding and the better relations among the nations and regions in the world, to the existence of the cultural diversity, building roads of Freedom that are the roads of mutual respect and understanding as well.

5. The Information Society should be based on clear principles of Freedom, as provided at the Inter-American level, in the thirteenth article of the Pact of San José, Costa Rica, thus avoiding confusing language or criteria that could promote restrictive concepts to the free flow of information as well as arbitrary mechanisms of control on the media.

These principles are applicable, on the one hand , to the use and access of the citizens to all the new information and communication technologies, based on INTERNET and satellite broadcasts that have been highly spread because of the huge network of submarine cables of optic fiber; and on the other, the free access by people and particularly media to public information sources.

The Information Society shall clearly and unmistakably have to agree with the following postulates:

"The need for the absolute respect for the principles of Freedom of Expression and Information as stated in art. 19 of the Universal Declaration of Human Rights, and article 10 of the Declaration of Sophia, UNESCO 1997, ratified by the General Conference of that Organization in that year"

"The need for the acknowledgement of the submission to any initiative to the basic principle of legality, with full respect for the laws and regulations that govern the administration of frequencies as the only form to guarantee the effective and ordered use of the possibilities new and old technologies offer".
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(*) Postulates that were approved and stated by unanimous decision of IAB XXXII General Assembly – Rio de Janeiro, Brazil, October 2002 – as a contribution to the Themes and Principles for the World Summit on the Information Society.

San Salvador, January 2003.