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A PERSPECTIVE ON THE NEW WORLD INFORMATION ORDER

J. GREGORY LYNCH*

The assiduous protection of freedom of the press, guaranteed in the first amendment of the United States Constitution, is a cornerstone of American society. The vitality of our society indeed depends to a great degree on staunch dedication to the continuous defense of the right of persons to communicate free from all but the widest constraints, and requires both journalistic independence and the continued right of access to information by the general public. Any attempt to codify this right within the bounds of an international "Order" might naturally be expected to provoke acute interest and concern on the part of the public, the media and the legal community alike.

The promulgation of the Declaration on the establishment of a New International Information Order¹ by the UNESCO General Conference in 1978 and subsequent resolutions² have indeed met with apprehension if not outright hostility in important segments of both the American community and other media rich nations of the West. This concern can be attributed to a well founded pride in the achievement of a highly developed and sophisticated communication network representing important economic and geopolitical interests as well as the strong tradition of freedom of the press. This communication network, representing advanced scientific and technological achievements and

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1. 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 Racism, Apartheid and Incitement to War, UNESCO Res. 4/9.3, 20 UNESCO Gen. Conf. Res., UNESCO Doc. 20C/Resolutions at 100-04 (1978).

2. Resolution 4/19 on the International Commission for the Study of Communications Problems; Resolution 4/20 on the Application of 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 Racism, Apartheid and Incitement to War; Resolution 4/21 on the International Programme for the Development of Communications (IPDC); and Resolution 4/22 on International Telecommunications Tariffs, UNESCO Res. 4/19-22, 21 UNESCO Gen. Conf. Res., UNESCO Doc. 21C/Resolutions at 86-104 (1980). *See also* Questions Relating to Information, G.A. Res. 149A & B, 36 U.N. GAOR Supp. (No. 51) at 92-5, U.N. Doc. A/35 (1981).

an accelerated capacity for the delivery of information, spans the globe through a complex of news media, television and other information channels. Strong sentiment prevails in the West that such a highly developed and sophisticated communication system should not be fettered by international political considerations that are considered alien and are little understood. Critics of such an "Order" have inevitably focused their suspicions on the potential for massive intervention in the field of information dissemination by governments and autonomous international bureaucracies, perceived as operating in isolation from any genuine accountability to the citizenry in whom is vested the right to communicate and to be informed. The potential for manipulation of information by the use of new technologies has only served to accentuate these misgivings. Yet, for all concerned, it does little good to cling unbendingly to the status quo, as the world around us changes. To understand even our own perspectives in this process, it would be unpardonable to ignore the motivations of large sectors of the world community which have initiated consideration of this New World Information Order (NWIO).

First it must be recalled that the vast majority of the over 100 countries comprising the Group of 77—the most significant block in the development of the NWIO concept—have achieved political independence only in recent decades. A minority of these countries have managed to establish a semblance of an "open society," as this term might be defined by Western constitutionalists; most are still struggling to attain viable economic independence. In addition, for most of these nations a long colonial experience is perceived as having stunted and, in some cases, destroyed the cultural heritages of their people. Wholesale importations of information via news media, television and film are viewed as a type of penetrating threat to the development of their full social and economic sovereignty from powerful developed countries. Sophisticated sources of information, principally obtained from the West, are necessary components for the development of most of these nations. Yet these information sources are too often perceived as destabilizing and inappropriate to that very developmental process. Information gathering and dissemination, whether for political or economic ends, is a highly expensive undertaking. In the West this is achieved either through "commercialization," whereby consumers directly or indirectly absorb its costs, or through various forms of state subsidization of information activities. In the United States information systems of all types generally fall into the former category, but tax and other government policies in fact produce a mixed system. By either means, the costs involved in major information undertakings are inappropriate in the case of most developing countries. Information

disseminated from developed countries may also be inappropriate in its all too natural emphasis on the economic and other priorities of those "producers" in opposition to the expressed priorities of less advantaged countries, e.g., the establishment of national and cultural identities and motivation of the citizenry for national development goals. Troubling to many nations struggling with the harsh economic and social realities of the Third World are the images of developed societies to a large degree disjointed from their own experiences.

NWIO must therefore be viewed as representing more than an attempt to impose control by governments whose dedication to freedom of information is held suspect by the West. Rather, it must be understood as reflecting the consequences of a process of decolonization and democratization of international decision-making combined with widespread dissatisfaction among developing countries with their perceptions of a present condition of exploitation of certain informational advantages by their developed counterparts. NWIO is thus a political initiative, especially on the part of new states, to develop an international system of institutions built upon the principle of sovereign equality. In this sense it is a manifestation of a far broader approach to rebalancing the global partnership, a process heralded by the advent of the New International Economic Order³ and other declarations emanating from international fora.⁴ In effect, NWIO is but one facet of the evolving challenge to the world community as it approaches the 21st century—that of creating and preserving harmony through collective decision-making and effective communication, thereby fostering appropriate social and economic development and minimizing the risk of regional and international conflicts in an age when mass destruction is within the grasp of all. The establishment of new international norms based on universal participation and mutual respect between developed and developing countries alike challenges their capacity both to establish sound, acceptable policies in the field of information and mass media and to cultivate a genuine sense of an international partnership, mutually arrived at by all concerned parties. The success of what has been termed the North/South dialogue has by no means been

3. Declaration on the Establishment of a New International Economic Order, G.A. Res. 3201, 29 U.N. GAOR (6th Special Session) Supp. (No. 1) at 3, U.N. Doc. A/9559 (1974).

4. See, e.g., Charter of Economic Rights and Duties of States, G.A. Res. 3281, 29 U.N. GAOR Supp. (No. 1) at 156, U.N. Doc. A/9946 (1974); Development and International Economic Co-operation, G.A. Res. 3362, 30 U.N. GAOR (Seventh Special Session) Supp. (No. 1) at 65, U.N. Doc. A/10232 (1975); International Development Strategy for the Third United Nations Development Decade, G.A. Res. 56, 35 U.N. GAOR Supp. (No. 48) at 97, U.N. Doc. A/35 (1980).

substantial. Nonetheless, it should be noted that world negotiations leading to the adoption of the UNESCO Resolution of 1980 have in many senses been remarkable, despite the intense debate accompanying consideration of the MacBride report.⁵ The willingness of the members of the Group of 77 to reach accommodations, as illustrated by the deletion of certain provisions of the draft report most offensive to the West,⁶ should be interpreted as an encouraging signal that further dialogue can also lead to productive agreement. Thus, many of the most controversial elements of the original MacBride report, relevant to the licensing of journalists by governments and the "negative effect" of commercial forms of communication, have been eliminated or have been deemphasized. In its final form, the UNESCO Resolution of 1980 emphasizes such concerns as the elimination of censorship and arbitrary control; free access to news sources by journalists; the promotion of educational and informational uses of communication; the isolation of codes of journalistic ethics from governmental interference; the right of reply; and the right of all peoples to participate in an international exchange of information based upon equality, justice and mutual benefit—values which, in principle, are shared by the entire world community. Their endorsement through global consultations and consensus should be welcomed.

Like other declarations relevant to the North/South dialogue, the expression of a New World Information Order by the members of UNESCO can be seen as only a starting point. For all its flaws and

5. This report is officially known as the Report of the International Commission for the Study of Communications Problems. The International Commission was established by the Director-General of UNESCO as a result of the intense debate, at the UNESCO Nineteenth General Conference, on international communications policy (Nairobi, Oct.-Nov. 1976). The International Commission was Chaired by Irish statesman and journalist Sean MacBride. This report was published as UNESCO, Report by the International Commission for the Study of Communications Problems, *MANY VOICES, ONE WORLD* (1980) [hereinafter cited as *MACBRIDE REPORT*].

6. The draft report, UNESCO Doc. 20C/94 (1979), tacitly supported state control of the media and referred to the press as a "tool" of the state. See Theberge, *U.N.E.S.C.O.'s "New World Information Order": Colliding with First Amendment Values*, 67 A.B.A. J. 714, 716 (1981). One document, prepared by Mustapha Masmoudi of Tunisia, criticized the protection given the press under international law at the expense of the "collective" rights of nation states, UNESCO Doc. 20C/31 at 6 (1978), and called for the "regulation of the collection, processing and transmission of news and data across national frontiers. . . ." *Id.* at 16. The Declaration did not contain any of these objectionable, from the Western point of view, elements. Subsequently, the final MacBride report, deleting such proposals as state regulation of the media, recommended improving the imbalances in communications systems between developed and developing countries and condemned press censorship and "arbitrary control of information." *MACBRIDE REPORT*, *supra* note 5, at 266.

inadequacies in fully reflecting the rights of all concerned groups, the 1980 Declaration represents an important attempt to arrive at a new understanding on the nature and uses of information by the international community. It is now the task of lawyers, journalists, media interests, governments and, most important, the public itself to give studied substance to these broad principles. Inherent in this exercise is the test of our capacity to collectively mold diverse historic and political heritages into a coherent answer to the common challenge for the future. The significance of this Symposium is that it offers the opportunity to participate in this process. The reflections of its participants offer a diversity of views on the NWIO from which the reader may better appreciate the nature of the dialogue inherent in the shaping of any information "Order."

