Exploring information governance activism:
Action repertoires, strategies and agendas

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1. Introduction

Media and communication policy has recently moved to the spotlight of international debates on social and political change. The various attempts of governments in North Africa and the Middle East to prevent the sharing of web-based oppositional content; the WikiLeaks saga and governmental attempts to contain it; new laws in many countries that legalize community and citizen media; growing public debate about abstract technical issues such as net neutrality; and mass demonstrations against electronically-mediated surveillance; all these and many other examples show that communication issues are at the heart of contemporary developments and transformations, and that the regulatory environment which facilitates or obstructs communication plays a key role.

Many of these debates, and several legislative changes, were initiated by civil society networks. The latter have included classic 'public-interest groups', academic experts, and civil society organizations on established themes such as human rights, but even more so, they have been driven by practitioners who are creating media projects, information content and communication infrastructures on a regular basis. Mainstream commercial and public service media associations, such as national, regional and international broadcasting unions; journalist associations such as the International Federation of Journalists (IFJ); community media networks such as the World Association of Community Broadcasters (AMARC); blogger networks such as Global Voices; grassroots internet service providers such as those assembled in the Association for Progressive Communications (APC); networks of free software creators; and individual projects such as WikiLeaks; all these and many more have intervened into policy processes, debates and institutions that regulate, enable or obstruct their existence.

Academic interest in the policy interventions by civil society-based, self-organized and non-commercial media is fairly new. It is based on recent work on alternative, community and citizen media (e.g., Rodriguez 2001, Downing 2001/2010, Howley 2005, Rennie 2006, Coyer et al. 2007, Bailey et al. 2008, Kidd et al. 2009, Milan 2012) which has encompassed both 'new media' activism and the persistent relevance of 'older' platforms such as community radio, and it has dealt with, for example, the cautious legalization and contested licensing of community radio (Coyer 2006, Coyer/Hintz 2010, Hintz 2011, Jimenez/Scifo 2010, Light 2011); policy agendas and strategies of online activists (Hintz/Milan 2009/2011); and policy processes on the global level (Hadl 2010, Hadl/Hintz 2009, Hintz 2009, Milan 2010).

In this chapter we will introduce and analyze the experiences of several civil society coalitions and
networks that have promoted policy change, focusing on those that have featured media practitioners and communication activists in key roles. Based on these cases, we will explore common characteristics of current information governance activism. In particular, we will look at the following three aspects:

(1) Action repertoires: What action repertoires do the various social actors adopt, and how do they mobilize ‘inside’, ‘outside’, and ‘beyond’ policy arenas?
(2) Strategies and conditions for policy change: What have been the core factors for successes and failures, what strategies have been applied, and how have social actors exploited political opportunities of political change and crisis?
(3) Policy agendas and interaction: Do policy initiatives connect and relate their agendas, and do they combine concerns from 'old' and 'new' media platforms and thereby overcome divisions between different sets of policies (as well as between different social groups mobilizing on them)?

We will first take outline the context in which these policy initiatives have emerged: the contemporary dynamics of multi-level and multi-actor global governance processes which provide new opportunities of intervention for civil society actors. Then we will introduce several advocacy initiatives for community media legalization and for free online expression, ranging from national to global efforts. Finally, we will identify a set of conclusions from these cases, in the three dimensions that were outlined above.

Research for this paper was based on in-depth qualitative interviews with members of various policy initiatives, document analysis of policy proposals, and draws on results from distinct research projects, conducted by both authors of the paper, on policy change in the field of media, information and communication.

2. Opening Spaces for Intervention: Current Trends in Information Governance

2.1 Global Governance

National laws, as we will see below, continue to be a crucial framework that enables, constrains or obstructs media practices. Policymakers at the national level retain significant capacities to shape the context in which media operate, and national legislation, the implementation of legal texts, institutional design and administrative processes continue to be at the heart of policy analysis. However, these traditional factors increasingly intersect with developments taking place at other levels than the national, and are subject to the both normative and material influences by actors other than the nation-state. The vertical, centralized and state-based modes of regulation have been complemented by collaborative horizontal arrangements, leading to “a complex ecology of interdependent structures” with “a vast array of formal and informal mechanisms working across a multiplicity of sites” (Raboy 2002: 6-7).

In terms of the spatial and geographic levels of policymaking, both the local and the national have “become embedded within more expansive sets of interregional relations and networks of power” (Held/McGrew 2003: 3). Policy is being developed at “different and sometimes overlapping levels – from the local to the supra-national and global” (Raboy/Padovani 2010: 16), and all these levels are interdependent. Norms developed at global summits or by regional institutions constrain national policies, laws in one country affect policy development in another, and responsibilities are moved to, or shared with, regional and local institutions.

In terms of the actors involved, recent policy processes, particularly at the transnational level, have
seen increased involvement of non-state actors such as civil society and the business sector. Global summits such as the World Summit on the Information Society (WSIS) and the Internet Governance Forum (IGF), and regulatory bodies such as the Internet Corporation for Assigned Names and Numbers (ICANN), have experimented with new forms of multi-stakeholder collaboration that move beyond the exclusivity of intergovernmental relations. The reasons for these openings are manifold. Partly they are based in the expertise that these actors provide on highly complex issues, and on the fact that many of them are already shaping policy in latent and informal but nevertheless effective ways, for example through technical standard-setting (e.g., DeNardis 2009). Partly they reflect the recognition that civil society groups have a crucial role in developing new forms of accountability and legitimacy, and thus in democratizing policymaking (Held 2003). Legitimacy, in that sense, “can only come from committed participant citizen action through a multitude of groups and associations that express citizen concern with the various aspects of community life” (Cox 2002: xx).

2.2 Civil Society Interventions

If the emerging system of interdependent global governance can be characterized by “systems of rule at all levels of humanity” (Rosenau 1995: 13), and if shared norms are a key factor of that rule, then the capacity to shape and alter those norms is a crucial asset. Civil society actors, from grassroots activist groups to large non-governmental organizations, are working exactly to that end. They define problems, set agendas, prescribe solutions and hold institutions accountable to previously stated policies and principles, applying a mix of “information politics”, “symbolic politics” and “accountability politics” (Keck/Sikkink 1998: 16). In institutional arenas for policy debate where actors and interests clash in a “battle for justifications” (Khagram et al. 2002: 11) and where “consensus mobilization” (ibid.) is a prime target, their skills in altering norm structures provide a significant leverage for intervening into policy change. This applies particularly to multi-stakeholder fora, but it also enhances the prospects of traditional lobbying efforts to affect governmental policy.

The ability to create conceptual frames is particularly valuable for successful policy interventions. Frames articulate the characteristics of an issue to policymakers, potential allies and the wider public, and may draw connections with the agendas of those target audiences. If successful, framing an issue makes it comprehensible to the audience, attracts attention, and makes it fit with predominant perspectives in an institutional venue. Securing powerful allies both within and outside the institutional arena is another key factor in the policy advocacy toolbox, as those allies will support claims and demands and will represent important forces in shifting predominant institutional ideologies as well as public opinion. Further, the strength of social forces such as civil society groups and supportive social movements depends not least on the creation of networks and collaborations across movements, both domestically and transnationally (Keck/Sikkink 1998).

The success of policy intervention also depends on whether favourable institutional settings lead to 'policy windows', i.e. temporary openings for affecting policy change (Kingdon 1984). A crisis, or at least emerging cracks, in a social, political, economic, or ideological system may lead to disunity of political elites and create a dynamic in which established social orders become receptive to change and new actors can enter the field and advance their agendas. Government or global institutions may become vulnerable to incentives, sanctions or pressures on their accountability and legitimacy. In this situation, 'policy monopolies' – stable configurations of policy actors – may be weakened or even broken up as political constellations change and the balance of power shifts (Meyer 2005).

The way activists respond to such opportunities depends on their cultural backgrounds and ideological values, as well as on whether they perceive these as offering potential gains or as posing a threat (Milan 2009). Traditionally, social movement theorists have divided different types of responses according to the positioning of social actors vis-à-vis political institutions into ‘insider’
and ‘outsider’ strategies (e.g., Tarrow 2005). ‘Insiders’ interact directly and cooperatively with power-holders through advocacy, lobbying and, in some cases, participation in multi-stakeholder fora; ‘outsiders’ question the legitimacy of power-holders and address them through protest and disruptive action.

2.3 Historical Contexts and Contemporary Challenges

Over the past century, communication policy has passed through several ideological phases (Ó Siochru/Girard 2002). Whereas during the 1950s, 60s and 70s, international cooperation and public service values were prominent, albeit with a persistent dominance of state actors, the 1980s and 90s saw the “unobstructed rollout of a neo-liberal model of media development” (Calabrese 2004: 324), characterized by market- and industry-dominated regulatory approaches. For civil society concerns in the media and communication realm, both periods provided substantial challenges. The earlier phase, with its focus on state-led initiatives and inter-national negotiation, left little space for self-organized grassroots media models and for participation in policy debate, while the later emphasis on business initiatives, commercialization and the private sector has largely neglected media that are non-commercial and civil society-oriented. However some openings for their support have emerged throughout these decades. A key document of the earlier phase and main outcome of the international debate on a New World Information and Communication Order in the 1970s and 80s, the MacBride Report, criticized media concentration and acknowledged the role of local, alternative, participatory and decentralized media (McBride et al. 1980). International institutions started to support community radio in the Global South as they recognized its potential for social, economic and cultural development. Meanwhile the later phase, with its focus on deregulation, coincided with the emergence of the Internet as widespread communication platform and allowed not just businesses but also citizen groups and social movements to create their own media online.

The new millennium has seen a cautious return of some public interest considerations and state interventions. Community broadcasting has fared rather well in this context as we will see in the next section. In several countries it has been legalized, and regional policy institutions have declared their support. In 2001 the UNESCO African Charter for Broadcasting recognized community media as a 'third media sector' in a three-tier media landscape (UNESCO 2001), and other regional institutions have called upon states to “legally recognize and reserve parts of the spectrum for this type of media” (InterAmerican Commission on Human Rights 2009: 392). Online media, in contrast, are increasingly facing the negative side of government regulation as the state is trying to gain influence over the new virtual landscapes, has expanded territorial law into the previously non-territorial network (Goldsmith/Wu 2006), and is vastly expanding data gathering and surveillance (Braman 2006). In a growing number of countries, internet filters and blockages affect civil society groups; private actors exert censorship through libel threats and strategic lawsuits; challenges to net neutrality may lead to non-commercial content being slowed down or obstructed; and app stores emerge as new gatekeepers which transform cyberspace into “sterile appliances tethered into a network of control” (Zittrain 2008: 3). Accordingly, Sarikakis (2006) notes that the 'policies of liberation' of earlier periods have been replaced by 'policies of control'.

3. From Argentina to Iceland: Civil Society Initiatives for Policy Change

3.1 Struggles for Community Media Legalization

The following section will take us on a journey through several countries where we will visit policy initiatives by civil society groups, with a focus on those initiatives that have been created or supported by media activist groups, community and citizen media organizations, and that have sought to change the policy environment of these media. We will start in Latin America, and with a
sub-field that may be a non-typical starting point for exploring information governance: community broadcasting.

Across Latin America, community radio has been immensely popular\(^1\), yet it has largely been excluded from access to frequency licences due to discriminatory laws and regulatory practices, and in several countries it remains explicitly forbidden. The political environment was, for most of the past decades, shaped by the combination of authoritarian states and extreme neoliberalism, while large media conglomerates dominated the media and telecommunications landscape. The regulatory framework was characterized by “cozy relations between large media business and governments” (Waisbord 2010: 134), and broadcast licenses were a means to reward political allies. With the crisis of the neoliberal model, the rise of social movements and the election of left-wing governments in many countries of the region since the early 2000s, however, this political environment has been substantially transformed. In countries like Venezuela, Bolivia, Argentina and Uruguay, media policy has risen to the center of the agenda for change.

In Argentina, the 'Coalition for Democratic Broadcasting' formed in 2004 and brought together unions, universities, human rights groups and community media to advocate for a new national audiovisual media law – the then-existing law had originally been passed during the military dictatorship, was amended during the heyday of neoliberalism in the 1990s, and favoured private media conglomerates while excluding community media (Marino 2009). The Coalition published a list of 21 points as a backbone for a new law that was to democratize the media and safeguard communication rights. It raised the awareness of the Argentine President who created a commission to develop a new communication act and who charged a professor from the University of Buenos Aires and policy adviser for AMARC to draft a new law. This first draft was discussed at 28 open hearings, comments by civil society groups were included in the document, and a demonstration of 20,000 people brought the final text to Parliament where it was adopted in 2009, making it a true “law of the people” (Loreti 2011). Community media and other civil society groups were not only involved in the process but took the lead in writing the law and advocating for its implementation. At the center of the new 'Law 26.522 on Audio-Visual Communication Services' is the legalization of community media, the recognition of three sectors of broadcasting – state, commercial, and not for profit – and a 33 per cent share of the radio frequency spectrum for each sector. According to AMARC, the law has “transformed Argentina in one of the best references of regulatory frameworks to curtail media concentration and promote and guarantee diversity and pluralism” (AMARC Link 2010).

Argentina's neighbour Uruguay has experienced a similar historical background and similar recent transformations. The election of the left-wing Frente Amplio in 2004, a coalition of non-traditional parties with strong support from civil society groups, provided a space for policy change, and a campaign for the legalization of community media was created, with AMARC at the center but with broad support from labour unions, educational and human rights organizations, press associations, and the public. A draft legislation, based on a legal framework developed by AMARC, was presented to Parliament in 2006 and the new law was adopted in 2007. It includes similar provisions for the allocation of the radio frequency spectrum as the Argentine law\(^3\), creates transparent allocation procedures, and opens institutional spaces for citizen participation in the administration of the spectrum. As in Argentina, community media advocates crossed the lines between inside and outside the policymaking realm, and the 'insiders' were crucial in implementing the advocacy goals. AMARC expert Gustavo Gomes became the National Director of Telecommunication (Light 2011).

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1 The beginnings of community radio are often traced to radio initiatives in Bolivia and Colombia earlier in the 20th century (Rodriguez 2001).
2 After a legal challenge by the largest media corporation Clarin, the law was finally cleared and put in practice in June 2010.
3 In fact it goes further by guaranteeing 'at least' one third of the spectrum to community and non-profit media.
Similar policy developments, pushed forward by civil society coalitions, have taken place in other countries of Latin America and around the globe, including the biggest countries in South Asia (India) and Africa (Nigeria). In the UK, community media were legalized in 2004, following 20 years of lobbying by community media advocates, and over 200 licenses have been handed out so far. In the US, community media practitioners had to wait until December 2010 for the adoption of a comprehensive and supportive legal framework. The Federal Communications Commission (FCC) had established a regulatory framework in 2000 but was overruled by Congress as a result of intense pressure from the commercial media lobby, the National Association of Broadcasters. For ten years, the community media organization Prometheus Radio Project advocated for policy change, organized protests as well as lobbying strategies, and created alliances with a broad range of civil society groups (including religious and conservative groups) and with politicians from both major parties, finally leading to the adoption of the community media law in 2010.

Whereas national mobilizations and advocacy efforts, such as those just described, have triggered the creation of a concrete legal basis for community media in specific countries, interventions into regional policy debates have helped to establish norms and principles that express a consensus at the transnational level, guide national policymaking, and provide incentives as well as (moral) pressures to governments to follow the norm. The Community Media Forum Europe (CMFE) is an example for such regional interventions. Founded in 2004 and later established as a non-profit association in Brussels (where most European institutions have their seats and headquarters), it serves as a platform to strengthen the participation of community media in policy processes, as a channel for community media to raise their concerns on a European level, and as an effective lobby mechanism to foster the recognition and promotion of community media in Europe. The CMFE has facilitated meetings between community media practitioners and representatives of the European Parliament; has participated in Ministerial Conferences on media policy by the Council of Europe (CoE) and contributed to relevant declarations; and has been a member of regular CoE committees and other policy-related networks (Kupfer 2009).

Its persistent awareness-raising efforts have led to several studies and declarations by European institutions that wished to raise their knowledge about the sector and to recommend action to national policymakers. The CMFE provided its expertise to the studies, thereby contributed to the content of the declarations and intervened in the establishment of policy norms. The European Parliament (EP) commissioned the first study, 'The State of Community Media in the European Union' (European Parliament 2007), in which the authors highlight community media’s contribution to social cohesion, media pluralism and cross-cultural dialogue, and call for the legalalization of community media, access to licences in both analogue and digital environments, and financial support for the sector. The EP adopted these recommendations in its declaration in 2008, particularly it “[a]dvises Member States [...] to give legal recognition to community media as a distinct group alongside commercial and public media” (European Parliament 2008). A further study for the Council of Europe concluded that community media are an “important factor in social cohesion and citizenship” (Lewis 2008: 3) and urged European policymakers to legalize their operations, allocate sufficient frequencies, “ensure that community media are not disadvantaged in the digital environment” (ibid.), and commit funds to support the sector. The Council reaffirmed these concerns in a declaration in February 2009 (Council of Europe 2009).

3.2 Interventions into Global Governance Processes: The WSIS

If interventions into regional policy debates serve to establish and influence transnational norms, this applies even more so to global debates. Global summits, held on a specific issue of major concern to humanity, offer significant opportunities to intervene into how the issue is perceived and discussed, what its components and boundaries are, and on which common understanding policies will subsequently be developed. The World Summit on the Information Society (WSIS) was such an opportunity for organizations and policy initiatives in the field of media and communication.
Hosted and organized by the International Telecommunications Union (ITU), it took place as a summit in two halfs, the first (WSIS1) in Geneva on 10-12 December 2003 and the second (WSIS2) in Tunis on 16-18 November 2005. Each summit was preceded by a two-year preparation phase with numerous meetings of the Preparatory Committee (PrepCom), regional and thematic conferences, during which the actual negotiations took place and the final documents – a declaration and an action plan – were developed. Despite their moderate name, the 'PrepCom meetings' assembled several hundred, often more than a thousand, delegates from most UN member states, international institutions, civil society and the private sector, usually for two full weeks and several times a year, and thus constituted major conferences on their own. The WSIS was a multi-year process of continued exchange, debate, and consensus mobilization which offered a rich ground for information governance activism.

The summit did not invent multistakeholder policy debate, but it significantly advanced its practice and created precedents for the participation of non-state actors. From the outset, ITU announced that WSIS “invites participation of all relevant UN bodies and other international organizations, non-governmental organizations, private sector, civil society, and media to establish a truly multi-stakeholder process”. The WSIS Secretariat included a Civil Society Division, civil society delegates were allowed to attend most of the meetings and to make short statements in plenary sessions, their contributions were represented as official documents in a UN process and some of them were annexed to the draft declarations and action plans. At the same time however, their official status remained that of "observers" (WSIS Executive Secretariat 2002), their speaking rights were limited, several negotiation meetings remained 'government-only', and most of their contributions did not make it into the final documents. So while the inclusion of civil society into the process was advanced and WSIS may therefore have shifted the “rules and parameters” (Raboy 2004: 349) of global governance by “sanctifying the place of global civil society as an organized force in this process” (ibid: 346), the 'participation' which had been announced earlier became rather a structure of extended consultations (Cammaerts/Carpentier 2006).

Civil society groups self-organized a range of thematic caucuses and working groups. Media practitioners were involved, for example, in the Media Caucus, the Community Media Working Group, the Internet Governance Caucus, the Gender Strategies Working Group, the Working Group on Patents, Copyrights and Trademarks, and the Telecentres Caucus. Participants ranged from representatives of major organizations such as APC and AMARC to activists from Indymedia and other alternative media groups, although the latter were underrepresented due to financial and administrative hurdles. The caucuses and working groups developed contributions on their specific issue areas, made statements in WSIS plenary sessions, engaged in informal and targeted lobbying with governmental and institutional delegates, and provided input for collective civil society statements.

A Civil Society Plenary served as a common platform to bring together these activities, synthesize the different thematic objectives, and feed them into the governmental negotiation process. In addition to the ongoing interventions into the drafting process of the official summit documents, this decentralized yet highly structured network adopted the civil society declaration 'Shaping Information Societies for Human Needs' (Civil Society Plenary 2003) which summarized the perspectives of civil society groups and embedded them in an elaborate social and political vision which provided a clear alternative to the official summit outcomes. At its basis lies the concept of 'information and communication societies' which departs from the singular notion of one 'information society' and makes WSIS the “locus of confrontation between opposing paradigms” (Raboy/Landry 2005: 132) – between top-down, technology-based and managerial 'information' and people-centered, diverse and participatory 'communication'. The declaration focused on a wide set of human rights (including freedom of expression, the right to privacy, workers rights, rights of

4 http://www.itu.int/wsis/participation/index.html (retrieved on 1 February 2005; the wording was later changed)
indigenous people); the development of community-based, bottom-up media and ICTs; free software and the knowledge commons; cultural diversity, gender justice and poverty eradication. It has become a reference document for a civil society agenda in the field of media and communication.

The discursive and political environment at WSIS served only some of these concerns. The main goal of the summit organizers was to deliver “access to ICTs for all” (UN General Assembly 2002), safeguard “ICTs as tools for economic and social development” (ibid.), and “reap the benefits of the information and communication technologies revolution” (ibid.) for the countries of the South. Embedded in this technology- and development-oriented framework, the primary debates at the summit revolved around internet governance, the financing of ICT infrastructure in the South, the role of the state versus the role of the market, intellectual property rights versus free software and the commons, and human rights versus security. The WSIS2 process focused almost exclusively on internet governance and ICT financing. Civil society groups focusing on any of these topics had a chance to influence the debate, and groups such as the Internet Governance Caucus enjoyed significant success, while others had to frame their goals in accordance with the main frames of the summit. For example, community media groups attempted to present themselves as locally adapted technology and as communication tools for development, but they inevitably faced an uphill struggle. In the end, only one out of 64 paragraphs of the WSIS1 Declaration dealt explicitly with media, and reference to community media was relegated to a remote subsection of the WSIS1 Plan of Action.5

However, while the results of most civil society interventions into the official WSIS negotiation process were thin, they played a much greater role in the debates and events that surrounded the summits. Some thematic and regional conferences provided a more supportive environment for their concerns6, and many summit side-events discussed issues highlighted in the civil society declaration. Civil society groups thereby intervened successfully into the discourses on information society that span around the summit's core. Some, like the community media groups, used the summit to raise their profile amongst governments, donors, international organizations, and within the media sector. Others, like APC, emerged as major players in multistakeholder governance and intervened successfully into follow-up processes like the Internet Governance Forum. As one participant noted: “This is the first step in any advocacy – to inform and educate” (quoted in Hintz 2009: 230).

Whereas many civil society groups and media activists participated inside the summit process, others were less convinced of this approach and organized a series of events outside the WSIS1 summit under the title WSIS?WeSeize!. Not a traditional protest event, the goal of WSIS?WeSeize! was to advance and promote self-organized and collaborative communication platforms outside the governmental and business realm; to create an open space for experimentation and collaboration; and to develop and publicize alternative views to the hegemonic understanding of information society which dominated the WSIS. Sceptical about government-led institutional processes, and concerned that participation in the summit would mean to legitimize an otherwise illegitimate process, WSIS?WeSeize! explored ways of 'intervening without participating', by emphasizing normative and cultural transformations and by developing technological alternatives – new activist infrastructure and by-passes around controlled information systems – as well as social alternatives – non-hierarchical collaboration and knowledge-sharing. Tech activists, members of grassroots alternative media groups, and advocates of free software and free culture discussed themes such as the privatization of ideas through intellectual property rights, infowar and media misinformation, 6

5 For a detailed analysis of the WSIS process, its outcomes and civil society interventions, see Hintz 2009.
6 For example, the Marrakech Action Plan which was the outcome of a conference on the "Role and Place of Media in the Information Society in Africa and the Arab States", emphasized the importance of community media and supported all of the Community Media Working Group's concerns.
hacking and ICT activism, and the exploitation of immaterial work, and they organized a video stream, screenings and projections. WSIS?WeSeize! thus offered a reference point for alternative discourses around information society; a thematic vision which went beyond the themes laid out in both the official documents and the civil society declaration; the relevance of self-organized communication systems; and the feasibility of extra-institutional tactics.

3.3 Freedom of Expression in a New Media Environment

The previous section has expanded our governance agenda to other media platforms than community broadcasting. At WSIS and elsewhere, transnational organizations such as APC and Global Voices have advanced the interests of bloggers and of non-commercial civil society-oriented internet service providers, and have represented them in institutional policy spaces and global policy fora, focusing on issues such as online communication rights, privacy, and online censorship through filtering and blocking content (Hintz/Milan 2011).

A prominent example for national policy advocacy that is inspired by a new media environment is the Icelandic Modern Media Initiative (IMMI). IMMI emerged in the context of the collapse of the Icelandic economy in late 2008. Whereas previously, Iceland had thrived economically as a favourable location for financial services and had developed an international reputation as a safe haven for banks, the breakdown of the financial industry uncovered the dangers of secretive financial dealings for not just the economy but the democracy of a country like Iceland. A key moment in the increasing public awareness and dissatisfaction with the problematic role of the finance industry was an injunction that Kaupthing bank was granted against the national public broadcaster RUV in August 2009, just minutes before RUV news were to report extensively on Kaupthing's shadowy practices. The injunction stopped the story from being aired, and instead RUV pointed its audience to the WikiLeaks website where detailed documents on Kaupthing's dealings had been posted (thereby making WikiLeaks instantly famous in Iceland).

IMMI was set up to change a development model that was based on secrecy and allowed the suppression of vital information, and to turn Iceland into a transparency haven and a favourable environment for media and investigative journalism. Local social and media activists, supported by international civil society organizations, created a bundle of legal and regulatory proposals to “protect and strengthen modern freedom of expression” (http://www.immi.is). At its core is the concern to prevent the suppression of content by private actors, such as the Kaupthing bank. The proposal therefore limits libel tourism, prior restraint, and strategic law suits that serve to block legitimate information – “legal harassment” of media and publishers, as IMMI puts it. It also includes protection of whistleblowers, journalist sources, and intermediaries (such as internet service providers), as well as a new Freedom of Information Act. In addition to established publishers and traditional journalism, the proposal refers explicitly to non-professional citizen journalists, publishers of blogs, and civil society groups. Should IMMI's proposals be implemented, all information published in (or routed through) Iceland would be governed by the new set of laws and would therefore be very difficult to suppress. In a new media environment, this would not necessarily require the physical relocation of publishing houses to Iceland but merely the posting of content on webservers hosted in the country. Blogs, websites, and all kinds of online publications would thereby fall under Icelandic jurisdiction and would be safe(r) from censorship (Bollier 2010).

WikiLeaks was instrumental in setting up IMMI, not just because of the example it set during the Kaupthing case. WikiLeaks activists raised the idea of a transparency haven, provided knowledge on relevant laws in other countries, and developed the outline of the initiative together with local and international experts. WikiLeaks' own practices have included routing information through, and publishing in, countries with favourable laws, thereby shielding itself from legal threats and censorship. Whether WikiLeaks would qualify as an 'alternative' or 'citizen' media project in the way described above is debatable, and even its self-description has varied between a media activist
project and a traditional media organization. Yet its goal of publishing marginalized and suppressed information through a non-profit organization is certainly at the core of alternative media practices, and it therefore provides us with an interesting case study of information governance activism by these media. After the initial development phase of IMMI, WikiLeaks became consumed with new leak releases and internal struggles (which have been well documented), and IMMI was pursued further by Icelandic civil society groups and parliamentarians. In June 2010 IMMI was adopted in principle by the Icelandic parliament, although the design of specific laws is still pending.

While censorship by private and public actors has been a key concern for civil society groups and online media practitioners, the increase in data gathering and surveillance has been observed with similar diligence. The ubiquity of ICTs and electronically-mediated communication has created vast possibilities for the state and businesses to gather and process information about citizens, trace their activities, track their movements, and learn about their most intimate perceptions (e.g., what and whom they 'like'). According to Braman (2006) we are seeing the emergence of an 'informational state', characterized by systematic and ongoing retention of all data. The recent data retention directive in the European Union provides an exemplary case. The directive, which was adopted in 2006 and implemented by most European countries in 2009, requires telecommunications operators and internet service providers to store their customers' connection data for up to two years and to make it available to the authorities upon request. This concerns detailed information on who communicates with whom, at what times, for how long, and at which physical location. It implies the pre-emptive surveillance of the entire population, leading to “a comprehensive digital dossier about every individual” (McIntyre 2008: 327).

Mobilized by internet activists, privacy advocates and civil liberties groups, numerous campaigns and initiatives have emerged all over Europe to change the new policy. Demonstrations and protests against surveillance, and particularly data retention, have brought to the streets tens of thousands of people since 2007. National campaigns, such as the German AK Vorrat, have organized a range of publicity and advocacy activities, while international NGOs, such as European Digital Rights (EDRI), have raised awareness across the region.7 Constitutional complaints have challenged data retention law in several countries – for example, over 30,000 people signed a legal challenge before the German Constitutional Court, making it the largest constitutional complaint in German history. Meanwhile internet activists and members of civil society-based internet service providers have discussed technical ways to bypass data retention practices and safeguard the privacy of their users. The result of these decentralized yet networked activities (at the time of writing this text) has been that several countries have suspended or abandoned data retention laws.

The new digital environment has led to a range of other concerns, and to civil society initiatives mobilizing around them. A key target for ICT policy activism in North America has been the debate around net neutrality and the efforts of large telecommunications operators to get rid of the latter. Groups such as Free Press (US) and Open Media (Canada) have focused their advocacy on this issue, with mixed results (e.g., Blevins/Shade 2010). An issue that has generated equally significant concern but far less activism has been the anti-counterfeiting trade agreement ACTA which has been negotiated below the public radar and focuses on the enforcement of intellectual property rights. ACTA's opaque approach has been a counter-model to the openness of WSIS, and while its secrecy has drawn criticism from some civil society groups (such as the French La Quadrature du Net), it has also prevented more substantial civil society interventions (Geist 2010). In the following discussion of key characteristics of information governance activism, we will refer to these experiences, but we will focus on the examples which we have elaborated in more detail and where we have identified a more significant role of community and citizen media practitioners.

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7 See http://www.vorratsdatenspeicherung.de and http://www.edri.org
4. Explaining Policy Change: Characteristics of Information Governance Activism

4.1 Action Repertoires

The policy initiatives that we have highlighted in this paper have applied a number of different repertoires of action. Mostly they have created elaborate legislative and regulatory proposals, have provided language for policy development, and have produced knowledge for enhancing policies, in accordance with the 'information politics' noted in chapter 2. Often these have been advocacy interventions from outside into the political process; sometimes civil society actors have participated in multistakeholder fora or occupied positions inside institutional spaces. They have also intervened in social and political discourses more broadly, and have thus tried to shape and alter norms. They have sought recognition by governmental actors, but also by other social forces (for example, in the case of WSIS, recognition of community media within the media sector). The data retention case has added the dimension of legal action and the use of courts. Further, we have seen the use of street rallies in support of policy change (as in Argentina), and demonstrations protesting policy threats (as on data retention).

Civil society-based policy initiatives have thus used a range of available repertoires from 'inside' to 'outside'. Yet we have also seen that many media activists are not engaged with, and not interested in, policy advocacy because they criticize government-led policy processes and prefer to create technical infrastructure that disregards or bypasses regulatory obstacles. WSIS?WeSeize! has demonstrated this approach, the technical efforts by alternative internet service providers to circumvent data retention obligations provide another example, and so do the many unlicensed ('pirate') community radios, not all of which strive for legalization. As an Indymedia activist explained to us:

“I don’t think we need to focus on ‘asking’ or ‘having a voice’. I think we have ‘to do’, ‘keep doing’ and keep building working structures and alternatives that are diametrically opposed to the ways capitalism forces us to function in our everyday lives. Our job, as activists, is to create self-managed infrastructures that work regardless of ‘their’ regulation, laws or any other form of governance” (quoted in Hintz/Milan 2009: 31).

The interactions of these 'non-interventionists' with the policy environment do not take place 'inside' or 'outside' institutional or governmental processes, because they do no directly address power-holders (be it through lobbying or protest). Instead, media activists like our interviewee act mainly 'beyond' those processes. Inspired by cyber-libertarian ideas, by the anarchist strands in the recent global justice movement, or just by the empowering experience of self-organization, they focus on creating alternatives to hegemonic structures and procedures, both at the material level (communication infrastructure) and the political level (social interactions). They aspire social change not through advocacy but through prefigurative action. As the Indymedia slogan goes: ‘Don’t hate the media, be the media’.

‘Beyond-ers’ do react when their activities and values are threatened by laws, regulations or repression, but they choose a tactical repertoire of circumvention and evading regulation. They typically use their technical skills in creating encryption, moving servers to other countries, and developing creative solutions that allow them to stay one step ahead of regulatory efforts (Milan 2012).

Despite the stark contrast in action repertoires and political approaches between 'inside' and the 'beyond' actors, the relation between technical and legal expertise provides a connection point. As Coleman (2009) points out, technical developers (many of whom would be classified in our model...
as 'beyond-ers') have integrated law into technical practice and advocacy and have acquired legal fluency and literacy. “Tinkering” (ibid: 420) with technology and the law requires similar skills and forms of reasoning, as both technology and the law are formal, rule-based systems. Reconfiguring communication technology has therefore led to efforts to reconfigure the law. These forms of 'legal hacking' have included, for example, the development of legal tools such as the GPL and Creative Commons licenses. Amongst the policy initiatives portrayed in this paper, WikiLeaks and IMMI may offer the best examples for legal hacking and tinkering, as existing legal instruments were assembled, revised and 'upgraded' towards a new 'legal code'. However other initiatives applied similar practices of using and shaping the law, building legal frameworks and, if necessary, engaging in legal challenges.

4.2 Strategies and Conditions

The policy initiatives that were outlined in chapter 3 offer a rich pool of experiences that can help us understand some of the decisive factors for whether an intervention is successful and what civil society actors can do to increase its chances of success. An important condition that is outside the immediate influence of these actors is the existence of a policy window. The Icelandic case demonstrates the centrality of a window of opportunity with particular clarity: As the strategy of being an offshore safe haven for banking led to an economic breakdown in which many citizens lost their savings, and as the secrecy of banks was widely debated and criticized, an overwhelming part of the public was in favour of a radically new model (and a new international reputation that would not be based on banks and secrecy). Parts of the old political class were delegitimized, new social actors were swept into politics, and thus traditional policy monopolies were broken. In Argentina and Uruguay, the link between economic crisis and policy change was less immediate, yet clearly existent. Both countries had suffered from economic depression (and Argentina from an unmatched collapse), the established political forces were in retreat, and a broad social debate on the role of the media was emerging, with strong criticism of the large private media conglomerates. The election of new governments and fresh political forces provided a framework for change.

In Europe, interest in community media preceded the financial crisis, however it grew significantly during a legitimacy crisis of European institutions, which was reflected in the defeat of the European constitution in several referenda. In response, European policymakers identified the need to communicate more directly with citizens, and accordingly the community media reports and declarations (as mentioned above) stressed that the local and participatory nature of community media would provide an excellent opportunity to generate this dialogue. Questions of legitimacy were also at the core of the extended opportunities for participation that civil society actors enjoyed during the WSIS process, and the inclusion of new stakeholders destabilized existing policy monopolies. However the debate was dominated by inter-governmental conflict and resistance against multistakeholderism by many governments. In the specific case of community media, the timing played a role: Pro-community media policy change in many countries was just beginning, and thus the window was just starting to open up. In the net neutrality debate, a significant opportunity emerged as the new US government (in 2008) and the new chairman of the Federal Communications Commission were net neutrality-friendly, yet also vulnerable to strong opposition from influential parts of the industry, leading to a mixed outcome. The existence of a policy window is thus an important but not a sufficient factor for policy change.

Policy initiatives need to identify windows and opportunities, and act decisively to make use of them. IMMI's swift action following the economic crisis provides a textbook example. Moreover, they need to frame their objectives so that the latter resonate with the ideas and perceptions of the target audience. IMMI emphasized that its proposal would create an international reputation for Iceland as a transparency haven and “thereby engender the goodwill and respect of other nations”; that its legislative package is “internationally attractive” as a model for other countries; and that it
would attract media companies to Iceland – overall that it would “promote the nation's international standing and economy” (http://www.immi.is). In Latin America, the policy initiatives referred to widespread concerns regarding the democratization of communication and the right to communicate, while in Europe they tapped into current debates on social cohesion and media literacy. The US community media initiative offered a particularly unusual but promising argument: As locally-grounded media organizations, community radios would be able to provide local emergency services requested by Homeland Security (services which commercial broadcasters were unwilling to offer). It thereby framed community media as necessary channel of communication between local communities and the authorities.\(^8\) As was already mentioned, the framing attempts of community media activists at WSIS were less successful, as the summit's agenda was dominated by other concerns.\(^9\)

All initiatives were based on strong alliances of civil society and public interest groups. The Argentine Coalition for Democratic Broadcasting encompassed unions, universities, and human rights groups, while the Uruguayan community media initiative also included the Uruguayan Press Association. IMMI was composed of national civil society groups, international civil society organizations (including WikiLeaks and Index on Censorship), national parliamentarians, and a French member of the European Parliament. Community media advocates at WSIS tried to find allies amongst mainstream media organizations, but progress was slow and not sufficient to make a difference in the WSIS negotiations. Similarly, they generated support from some governments (Switzerland, Botswana, Venezuela, Colombia), but not enough from those that had a substantial leverage in the negotiations.

The presence of sympathetic individuals inside the institutional or political space where relevant decisions are made was a key factor for several of the initiatives. In Argentina, two progressive university professors who had long been involved with civil society initiatives for democratic communication came to occupy strategic positions and facilitated the process from the inside: Juan Gabriel Mariotto became the President of Regulatory Authority, Damian Loreti was assigned to draft the new law. In Uruguay, the head of AMARC’s policy advocacy program, Gustavo Gomes, became the National Director of Telecommunication. In Iceland, the experienced campaigner and IMMI member Birgitta Jonsdottir was elected as parliamentarian, brought IMMI into parliament and facilitated its adoption. Where no movement members were available inside the institutional space, champions had to be created, as Prometheus did regarding the community media initiative in the US. Over several years, they developed sustained connections with parliamentarians and senators from both parties, and their most influential champion was to be the Republican John McCain.

International norms and the example of existing model laws in other countries played a significant role for these initiatives. IMMI did not build its legislative proposal from scratch but cherry-picked laws and regulations from other countries, creating a puzzle of tried-and-tested components. The creators of the Argentine law, similarly, drew from best practices around the globe and referred heavily to norms set by international institutions, such as the UNESCO media development indicators. They benefitted from the model legal framework which AMARC had already developed, but they also viewed their own law as a model that would be replicated or, at least, would influence legislative development in other countries of the region. The campaigns against data retention in several European countries have been collaborating, and any policy change in one country would immediately create a precedent for other countries.

\(^8\) Presentation by Pete Tridish, Prometheus Radio Project, at the US National Conference for Media Reform, 9 April 2011

\(^9\) It has been suggested, though, that the 'community media' frame was not the most promising in this context and that other terminologies may have been more fruitful (Hadl/Hintz 2009).
Finally, in most of the cases presented here, a basic but no less challenging component of successful policy interventions was tenacity and perseverance. In the US, the new community media law was the outcome of ten years of persistent advocacy work by the Prometheus Radio Project and its allies. In the UK, community media advocates had been lobbying, proposing and pressing for 20 years, and in Latin America, policy change followed the long-standing advocacy efforts by the regional AMARC chapter.

4.3 Agendas and Interaction

Several of the initiatives that we have looked at in this paper focus on access to infrastructure. This concerns the community media campaigns which seek to establish citizens' access to the airwaves and to break the monopoly of traditional commercial and public service institutions in using media platforms and communication infrastructure. Campaigns on net neutrality effectively relate to the same concerns as they seek to prevent a dominant gatekeeping position by large telecommunications and media businesses.

Other initiatives have focused on content. IMMI is primarily concerned with threats to freedom of expression by private actors who apply libel rules, prior restraint, and strategic law suits to censor information. Similarly, criticism of excessive intellectual property protection and enforcement, for example by free software advocates and by groups and individuals who criticize ACTA, relates to concerns on the increasing enclosure of public domain content and the lack of accessibility of crucial information. Other initiatives have focused on further thematic areas, such as privacy and surveillance.

Some of these agendas have converged, as one initiative picks up the concerns of another. For example, IMMI has become increasingly interested in data retention, and while the issue did not play a role in the initial IMMI proposal, it has now moved to the forefront of IMMI's policy work. However, in most cases, the different agendas and thematic foci of different initiatives have remained disconnected. This is particularly so regarding the persistent division between 'old' and 'new' media. The lack of interaction between, for example, initiatives for community broadcasting and those focusing on (or coming from) an ICT environment is striking, and often both sides are unaware of each other's concerns. This may seem understandable if we assume that technical platforms require different policy approaches and are connected with distinct 'era' in technological development, but it is less so if we recognize that all initiatives presented here are, to varying degrees and in varying ways, concerned with unimpeded access by citizens to communication infrastructure and to the existence of a wide variety of information in the public realm. In the absence of a broad thematic framework – as it was provided by WSIS, caused different civil society groups to interact and led to a common civil society declaration – significant obstacles remain with regards to the convergence of policy agendas and the development of common efforts of information governance activism.

5. Conclusion

Civil society initiatives have been intervening into national and international information governance debates and have played an important role in generating policy change. They have taken advantage of emerging policy windows, have framed their agendas so that the latter resonate with the perspectives of policymakers, have created alliances with other civil society and media groups as well as with influential forces inside the institutional arena, and sometimes have been able to place members of their own networks in governmental or regulatory positions. They have thereby applied core components of the toolbox for policy advocacy which social movement and policy studies have provided. On the international level, they have also claimed their space in emerging fora for multistakeholder policy debate.
At the same time, we can observe that non-interventionist and policy-sceptical perspectives exist in some parts of the sector, in addition to the various cases of policy interventions, so that the traditional distinction into 'inside' and 'outside' approaches needs to be complemented by the strategic creation and use of communication infrastructures to 'by-pass' policy. The breadth of policy-related activities that we have seen in this chapter thus ranges from technological infrastructure development and protest to institutional advocacy and to occupying institutional positions.

A recurring feature has been the centrality of information politics, the development of legal proposals and legislative frameworks, and practices of 'legal tinkering'. Moving far beyond the roles that have traditionally been assigned to civil society groups – creating accountability, generating public pressure, etc. – the initiatives portrayed here have developed detailed policy alternatives, some of which have served as model laws and have been adopted by states. Other core aspects have included the important role of economic and political crises in creating a favourable environment for policy change, and the international dimension. Even those policy initiatives operating within a specific national context and with the dedicated goal of national policy change have borrowed from legislative models and regulatory practices developed and implemented elsewhere. They have thereby benefitted from existing experiences and have legitimated their own actions, and they, in turn, have perceived the laws and regulations that they initiated as models for others.

However, and in contrast to these elaborate international 'relations', policy agendas that have slightly different roots or a different thematic focus remain disconnected. Particularly the persistent division between 'old' and 'new' media provides significant obstacles to the convergence of policy agendas and the development of common interventions by diverse groups. A broader collaborative approach would serve to strengthen activities and agendas.

The imperfections and gaps of information governance activism should not, however, blur our view on its achievements. Most of the initiatives portrayed here are not run by professional lobbyists but volunteers, their financial resources are scarce, and the institutional environment is rarely supportive. Even a forum like WSIS which explicitly invited their participation caused tremendous challenges for civil society groups with regards to access and accreditation, the financial resources needed to attend long conferences several times a year, and the policy language expertise to ensure effective participation. Despite facing these and many other obstacles, civil society initiatives have managed to leave a decisive mark in information governance and have initiated change towards more democratic, diverse and open communication environments.
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