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INVESTIGATING EVOLVING DISCOURSES ON HUMAN RIGHTS IN THE DIGITAL AGE

Emerging Norms and Policy Challenges

Claudia Padovani, Francesca Musiani and Elena Pavan

Abstract / This article investigates how human rights in the digital age can be considered as an overall frame accommodating fundamental rights and freedoms that relate to communication processes, and related challenges, in societies worldwide. The article brings together different disciplinary backgrounds (communication studies, linguistics and sociology of networks) and complementary empirical analyses of the content, structure and relevance of evolving discourses concerning human rights in the digital age. In doing so, the article defines and adopts a constructivist and communicative approach to the study of world politics, and details its relevance in order to assess the evolution of normative standards concerning communication as a human right in the transnational context.

Keywords / analytical framework / communication rights / digital age / human rights discourses / internet governance / normative standards / semantic networks / world politics

Introduction

The label 'communication rights' has emerged as an attempt to articulate principles and rights to be recognized as guidelines to a group of normative standards of behaviour in societal environments that are more and more characterized by mediated interaction. Scholarly reflections and mobilization initiatives stress the need for a democratization of media systems, discourses and practices, in a 'glocal' environment (Koutsogiannis and Mitsikopoulou, 2004) characterized by the diffusion and use of information and communication technologies (ICTs) and their potential to both enable and constrain democracy. Due to this plurality, however, the concept behind the 'communication rights' label remains controversial, and a clarification is needed for it to inform policy-making processes. This article focuses on evolving discourses concerning communication-related fundamental rights and freedoms; it builds on different disciplinary perspectives, yet it is grounded in the adoption of 'human rights in the digital age' as a master frame (Snow et al., 1986: 464) so as to unify different strands of thoughts and actions developed over

time, in the attempt to clarify if and how societal debates about transformations in communications intersect with the internationally consolidated human rights machinery. Drawing on Donati's definition of discourse as 'extended . . . to the social dialogue which takes place through and across societal institutions, among individuals as well as groups and . . . political institutions themselves' (Donati, 1992: 138), the article hypothesizes that contemporary debates on human rights in the digital age can be conceived as a conceptual 'expansion' of the human rights discourse. Such debates identify and articulate existing rights related to communication processes in a highly mediated digital environment, while not excluding the possibility that new rights may be affirmed.

In this context, four main questions emerge. The first investigates what composes the current discourse on human rights and communication, in search of core normative principles shared among different perspectives, documents and actors. The second relates to continuity and change in the discourse. Indeed, we may expect continuity in language and consistent issue framing when communication processes are addressed through the lenses of human rights, since communication issues have been part of international human rights debates for decades (Padovani and Pavan, 2009). Conversely, it may be that actors concerned with the protection of fundamental rights in the digital context express normative expectations that are more directly linked to technological innovation. The third question concerns the actors participating in the discourse (who they are and how they see and perceive each other) and may also offer some insights to grasp the potential of discourses to inform policy processes. The fourth and final question addresses whether aspirations concerning human rights in the digital age may be consolidating into a somehow consistent normative vision and shared terminology or, on the contrary, if language and issue fragmentation prevails.

These four general questions are differently articulated in the following sections: each builds on a different empirical investigation, but all analyses share a common concern on the role and relevance of communication rights-related discursive practices and on their capacity to shape transnational norms. Before the illustration of empirical analyses and findings, in the following section the discursive approach adopted in this article is further developed so as to clarify the meaning and relevance of the communication rights concept, and its intersection with a larger, more consolidated human rights machinery.

Locating Discursive Practices on Communication and Human Rights

Constructivist perspectives understand social interactions as constitutive of the very meaning actors attach to the situation in which they engage, and therefore argue that interactions have the potential to transform identities and interests. They are present in a variety of disciplines, but the focus is set here on constructivism applied to the context of world politics (Adler, 1997; Onuf, 1989; Wendt, 1992, 1999): an approach that attempts to 'seize the middle ground' (Adler, 1997) between the central components of a rationalist approach (for example, the anarchic nature and static features of the

international system) and the meaning actors themselves attach to their actions. In the words of Adler (1997: 322), 'the manner in which the material world is shaped by human action and interaction depends on dynamic normative and epistemic interpretation of the material world'. Such a perspective focuses on the role of ideational forces in the ongoing definition of situations, adaptation and learning by the actors, thereby emphasizing potential for change.

The centrality of communicative exchanges in this context has been recognized by authors like Khagram et al. (2002b), Sikkink (2002, 2009), Dryzek (1999, 2005) and Risse (2000): transnational communicative exchanges may crystallize into discourses, understood as a 'shared set of concepts, categories, ideas that provide its adherents with a framework for *making sense* of situations, *embodying judgments* and *fostering capabilities*' (Dryzek, 2006: 1; emphasis added) that, in turn, may ultimately translate into provisions and norms, if a number of preconditions are met. Indeed, transnational norms, which are conceptualized as 'shared expectations of standards of behaviour for actors with a given identity' and which become relevant when accepted by states and intergovernmental institutions, derive from the collective ideational and discursive efforts of a plurality of actors (Finnemore and Sikkink, 1998). Khagram et al. (2002a) suggest that, in order for discourses to translate into normative frameworks, it is necessary for issues framed through communicative exchanges (in our case fundamental rights that pertain to communication) to be conceptualized in relation to more consolidated issues and normative provisions (for instance, the broader human rights machinery), articulated into statements (thus proposing specific wording concerning, for instance, 'the right to access the internet'), and put on the agenda in more or less formal occasions for interaction (i.e. policy-finding and policy-making processes).

Consistent to this approach, this article looks at discourses developed by different actors – individual and collective – operating in different settings and at different levels, engaging in transnational dynamics for the production of social knowledge concerning human rights in the digital age, and aims at critically assessing the emergence of communication and human rights related norms in the transnational context. The article does not address the question of discourses and norms potential in restructuring world politics; rather, it investigates the very preconditions for such norms to become recognized, respected and therefore meaningful on the global scene. The heuristic potential of a discursive approach to examine norms emergence within transnational contexts is explored here through the empirical analysis of three different discursive spaces where communication and human rights discourses are evolving. For each of the dimensions identified by Dryzek (2005) as central to discourse development, a specific case study is presented and examined in light of the research questions outlined above. More specifically:

- *Making sense of situations* refers to the role of actors engaged in transnational political interactions in their attempt to 'shape the world according to their principles and beliefs' (Khagram et al., 2002a: 11). This search for meaning, or discourse conceptualization, mostly relates to the social knowledge (Brown Thompson, 2002) brought into the conversation by different opinions, ideas and expectations. Through interactions,

issues can be conceptualized in a way that makes sense to a broader constituency, and in relation to other provisions. Focusing on epistemic communities, whose knowledge is central to the sustained efforts of other actors, the article elaborates an analytical framework to systematize the rich but highly fragmented literature on communication and human rights, to assess how the scholarly community supports the social construction of related discourses.

- *Embodying judgements* refers to discourse shaping, the elaboration of standards against which social behaviour can be judged and sanctioned, and their codification into linguistic forms. How do discourses on human rights in the digital context inform the language of formalized documents, and propose normative references? In this regard, the article analyses 10 constitution-like documents for the digital age, elaborated between 1996 and 2006.
- *Fostering capabilities* refers to how agenda-setting processes can influence and inform relevant policy-making procedures, but also to the appropriation of norms by transnational networks of actors. On the one hand, norms facilitate the emergence and growth of networks by offering them 'a set of values and beliefs around which to rally' (Hawkins, 2002: 50); on the other, networks use such norms to produce change. Thus, the article addresses the formation and performances of transnational networks related to communication and human rights, focusing in particular on debates recently conducted in the context of internet governance.

Conceptualizing Themes and Issues: Towards an Analytic Framework

The conceptualization of rights pertaining to communication processes is often constrained into labels that may be considered not comprehensive enough or not adequate to reflect specific interests. In order to clarify concepts and their interplay, an analytical framework is built to accommodate the plurality of existing perspectives, which reflect the search for meaning to which epistemic communities contribute. The framework is derived from an extensive literature review conducted to flesh out main themes and approaches on this topic. It is followed by the definition of organizational criteria to accommodate such different perspectives and by an assessment of its overall usefulness vis-a-vis actors' perception of communication-related rights in the transnational context.

Main Themes

The literature review was conducted by browsing databases in social and human sciences, political science and law (including, but not limited to, JSTOR, Google Scholar and Biblio SHS) in search for the key term 'communication rights'. Several strands of reflection were identified and turned into organizational criteria for the materials retrieved: a historical perspective on the concept (from intergovernmental supranational debates in the 1970s to the 'passing of the baton' to organized civil society); a 'bottom-up empowerment' focus (placing communication rights within social movements theory,

alternative media, advocacy initiatives to democratize communication policies, evolving transnational mobilizations); a global governance perspective (communication rights as rising factors for new international actors, public constituencies in global media governance processes and their relations to state sovereignty and international law); a focus on the evolution of human rights (reaffirmation of existing rights vs the creation of a separate and inclusive category for communication rights, and the possible 'upgrade' of the human rights system to address the challenges of information society); a focus on new technologies ('electronic activism', Internet Bill of Rights debates, e-democracy); and finally, a perspective focusing on empowerment of specific groups (women, youth, Global South) or addressing specific issues (peace and conflict).

Taking stock of the ways in which communication-related principles and rights have become thematic components of reflections within different scholarly communities, the existence of a conceptually identifiable discursive space characterized by the simultaneous presence of different entry points and disciplinary contributions is hypothesized, a space whose specificities and linkages could be better understood by elaborating upon and referring to a comprehensive framework. It is argued that human rights in the digital age can be adopted as the conceptual container where the identified strands may converge, yet remain discernible in their vocabularies, references, frames. In this context, the communication rights label can be clarified by fully recognizing the relevance of different theoretical contributions, institutional efforts, normative frameworks, community practices and, finally, broader dynamics of collective action, as explored in previous systematization attempts by Carroll and Hackett (2006) and Napoli (2007).

The Framework

The operational hypothesis underlying this analytical step is the identification of two main strands under the umbrella of human rights in the digital age: one that includes conceptions of human rights in relation to communication processes and outlets; the second, stemming from reflections on the interplay between rights and new technologies and from the challenges posed to the human rights machinery by ICTs in recent years. This separation is clearly analytical, since convergence in technology, but also in themes and issues addressed in policy as well as in advocacy contexts, entails an overlapping in practices and discourses. Yet, the literature shows some specific orientations.

These two strands of research are then intersected with a number of aspects addressed in the literature: a focus on theoretical issues; an interest in the evolution of decision-making processes (how and where are the issues discussed in institutional settings); insights on mobilization and collective action processes (both on and through communication, related to these themes); an attention posed on media education and literacy processes; a focus on transversal issues (e.g. gender, peace and conflict). Table 1 shows the resulting analytical grid.

Further Conceptualization

The outlined framework helps to single out the main components of the communication rights discourse, on the basis of relevant literature, so as to render more explicitly possible

TABLE 1

Human Rights in the Digital Age: An Analytical Framework

| | <i>Master frame</i> <i>Human rights in the digital age</i> | |
|--|---|---|
| | Traditional media and HR (democratization of communication, right to communicate, communication rights) | New technologies and HR (emphasis on access, interactivity, connectivity) |
| Focus on theoretical issues (definition, framing) | | |
| Focus on institutional processes (decision-making, governance) | | |
| Focus on mobilization and collective action (on and through communication) | | |
| Focus on media education and media literacy | | |
| Transversal questions with a specific focus (gender, peace and conflict) | | |

interconnections between such discourse and human rights in the digital age. The literature offers a picture where the human rights machinery is central but intersects different strands of reflection; therefore, the broad conceptual reference to human rights in the digital age may constitute a master frame that includes discourses transcending the specific label 'communication rights' and reaching to contributions coming from jurisprudence (e.g. human rights in the Information Society, 'universal design'), social movements theory (movements for media democratic reform, electronic technologies and the public interest) and issues pertaining to specific publics but with broad implications (gendered communication as a political space). A trend towards convergence of different approaches seems to emerge only on specific occasions, such as international debates or world-level events raising the attention on the topic. Conceptual convergence seems therefore closely linked to the political opportunities created and acted upon.

Moreover, the framework provides a conceptual tool to map out and synthesize how contemporary social knowledge on communication rights is constructed by the different actors involved in the international arena (governments, intergovernmental organizations, NGOs, transnational advocacy networks, social movements and activist groups) also on the bases of perspectives they shed on the topic: approach-wise (bottom-up, institutional, networked), object/subject-wise (old media, new technologies, user empowerment) and time-wise (history, evolution, future directions). Furthermore, it helps identify different roles and responsibilities attributed, or self-attributed, to different

actors and groups. Thus, the horizontal dimensions of the framework clarify how joined participation of heterogeneous actors contributes to the shaping of a common discourse on human rights in the digital age: framing and definition of concepts (by epistemic communities and activists), mobilization and action on rights and practices (by activists and social movements), policy-making (by governments and intergovernmental organizations, governance networks), etc.

Finally, the framework accounts for elements of continuity and change, and confirms the co-presence of two orientations: one deploying a more conventional human rights language and establishing a continuity in vocabulary and issue framing (democratization of communication, right to communicate, rights in traditional media); the second, taking stock of recent concepts (e.g. access, interactivity, connectivity) and emphasizing developments in ICTs (communication rights and the internet, community informatics). This dichotomy is likely to be relevant for the construction of a common discourse on human rights in the digital age, notably to assess the emergence of an overall global vision for future policies to take as a reference point.

Shaping Discourses: Wording, Frames and Challenges

This section looks at how norms related to human rights in the digital context take shape and are formalized into documents, through a lexicon-content analysis of 10 declarations aiming at creating a Bill of Rights for the Internet (elaborated between 1996 and 2006). This set of documents is seen as a discursive context, as the elaboration of such texts is often a collective exercise, where different authors share frames and negotiate terms in a plural dialogue aimed at reaching consensus on substance or wordings.

Documents and Variables

The analysis is built on former attempts to investigate emerging discourses on core principles for evolving communication societies (Padovani and Pavan, 2009). In the context of the World Summit on the Information Society (WSIS), textual analyses had identified different perspectives vis-a-vis fundamental principles and rights related to communication: some more conservative (keeping the focus on existing rights and guaranteed freedoms – such as freedom of expression or cultural diversity), others understanding communication as a human right in innovative ways (making explicit reference to the challenges posed by interactivity and connectivity). Five general concepts emerged as shared core principles on which to build a common vision: freedom, diversity, inclusion, participation and the idea of knowledge as commons.

The current analysis investigates 10 documents, listed in Table 2, where human rights concerns are coupled with explicit references to internet-related challenges.

The texts are organized into a corpus and analysed by means of TALTAC software. The variables considered are the year of drafting, the author's name and its status (governmental or non-governmental). Analyses are conducted on a vocabulary including single graphic forms (GF) and complex textual units (CTUs), so as to attribute specific

TABLE 2

The 10 Documents Included in the Analysis

| Author | Title | Year |
|---|--|------|
| John Perry Barlow | A Declaration of the Independence of Cyberspace | 1996 |
| Robert B. Gelman | Draft proposal: Declaration of Human Rights in Cyberspace | 1997 |
| Stephen Page | Human Rights Declaration of Individual Rights in Cyberspace | 1998 |
| Heinrich Boll Foundation (HBF) | Charter of Civil Rights in a Sustainable Knowledge Society | 2003 |
| World Forum on Communication Rights (WFCR) | Statement on Communication Rights | 2003 |
| Civil Society@WSIS | Declaration: Shaping Information Societies for Human Needs | 2003 |
| Council of Europe (CoE) | Declaration of the Committee of Ministers on Human Rights and the Rule of Law in the Information Society | 2005 |
| Eurocities | Charter of Rights of Citizens in Knowledge Societies | 2006 |
| Association for Progressive Communication (APC) | Internet Rights Charter | 2006 |
| David Casauberta and Max Senges | Basic Considerations on the Governance of Cyberspace | 2006 |

meaning to sequences such as 'freedom of expression' or 'access to the means of communication'.

Discourse

It is assumed that higher frequency in the use of certain graphic forms may indicate the overall orientation of a discourse (in our case, for example, human-oriented or mainly structured around technology and infrastructure). Through the years, discourses on human rights in the digital age have evolved with a very strong focus on the social dimension. The aforementioned general principles outlined in former analyses show high frequencies also in this corpus, confirming the possibility that a shared vision of human rights in knowledge societies could be in the making. Conversely, specific features related to the digital environment do not stand as particularly relevant. However, there is a clear sense of 'oughtness' as suggested by the recurrent use of the verb 'should' indicating precise needs and responsibilities in the protection and guarantees of such rights, as seen in Table 3.

Actors

Former analyses (Padovani and Pavan, 2009) showed that different terminologies and languages adopted by governmental and non-governmental actors may be related not only to the degree of document formalization, but also to different substantial frames. In this case, the analysis reveals that governmental speakers tend to focus on ICTs

TABLE 3

Terms with High Frequency in the Corpus (GFs Only)

| High frequency GFs, frequency >40 | High frequency GFs, frequency <39 |
|-------------------------------------|-----------------------------------|
| information (211) | expression (36) |
| should (154) | property (31) |
| access (136) | education (31) |
| knowledge (110) | sustainable (31) |
| society (104)/societies (79) | principles (27) |
| media (93) | standards (26) |
| public (92) | governance (24) |
| development (77) | women (24)/gender (14) |
| freedom (65)/freedoms (15) | democratic (22) |
| people (63)/peoples (19) | needs (19) |
| right (50)/rights (35) | opportunities (19) |
| diversity (42) | citizens (18) |
| global (42) | privacy (18) |
| participation (38)/participate (22) | inclusive (16) |
| protection (28)/protect (18) | |

applications; on specificities of the digital context; on control, legality and restriction matters; while non-governmental speakers focus on human subjects and their diversity/plurality, highlighting responsibilities according to an explicitly global perspective (see Table 4).

CTUs such as *human_rights*, *civil_society* or *knowledge_society*, which could be considered as the basic components of a public discourse on human rights in the digital age, are specific (and sometimes exclusive) of governmental actors (Table 5). Non-governmental actors tend to introduce more complex linguistic forms, but share very little vocabulary and formulas, apart from references to plural *information_and_communication_societies* and *communication_rights*.

Moreover, governmental documents reflect a conventional view of who are the actors on the global scene: they are states and intergovernmental organizations, paralleled by other actors (private sector, civil society) conceived as rather homogeneous and monolithic realities. Non-governmental actors, on the contrary, present a more diversified world of transnational actors and subjects entitled to fundamental rights: peoples, communities, women and marginalized groups.

Continuity and Change

Analysis of GFs and CTUs over time allows an assessment of the persistence and/or change in specific issues, but also of how these documents relate to the consolidated human rights discourse. We assume the WSIS (2003) has been a turning point in the identification of issues pertaining to human rights in the digital age, and we compare

TABLE 4

GFs Specific to Governmental and Non-Governmental Language

| Governmental speaker | Non-governmental speaker |
|----------------------|--------------------------|
| ECHR | We |
| States | Must |
| Member | Societies |
| Private | People |
| ICTs | Community |
| Council | Cyberspace |
| Measures | Global/world |
| Citizens | Sustainable |
| Correspondence | Women |
| E-voting | Diversity |
| Digital/non-digital | Knowledge |
| Legal/illegal | Political |
| Restrictions | |

TABLE 5

CTUs Specific to Governmental and Non-Governmental Language

| Governmental speaker | Non-governmental speaker |
|----------------------------------|--|
| Human rights | Information and communication societies ^a |
| Civil society | Communication rights ^a |
| Digital environment ^a | |
| The knowledge society | |
| Legal frameworks | |
| Intellectual property rights | |

^aCTUs both specific and original, i.e. used in an exclusive manner.

documents accordingly. Table 6 shows CTUs characterizing the three periods under investigation (pre-2003, 2003 and post-2003): textual units that are present throughout the discourse, as if already part of a common language, are in **italic bold**; in **bold** are linguistic forms that have entered the discourse around 2003 thus becoming a common reference to different authors.

Some textual units from the pre-2003 period tend to persist as crystallized issues: `access_to_information`, `intellectual_property`, `right_to_privacy`, `digital_divide`, and `cultural_diversity`. Specific to this early phase is a reference to the 'human' dimension and a more individual-oriented perspective on principles and rights. The language becomes definitely richer in 2003: `information_and_communication_societies`, `cultural_and_linguistic_diversity`, `indigenous_people` seem to have been used only in the WSIS context. Explicit reference to `human_rights`, and more specifically to `communication_rights`, is

TABLE 6

Discourse Evolution over Time

| <2003 | | >2003 |
|----------------------------------|---|--|
| (Barlow, Gelman, Page) | 2003 (HBF, WFCR, CS@WSIS) | (CoE, Eurocities, APC, Committee for Democratic UN) |
| Access to information (1) | Information and communication societies (34) ^a | Human rights (14) '05 ^b Civil society (12) '05 |
| UDHR (3) | Human rights (13) | Freedom of expression (8) |
| Intellectual property (4) | Civil society/CSOs (14) | Access to information (6) |
| The knowledge society (2) | Communication rights (19) ^a | Digital environment (10) '05 |
| The right to privacy (3) | Freedom of expression (6) | Intellectual property (rights) (6) '05 |
| The digital divide (3) | Access to information (5) | Linguistic diversity (4) '05 |
| Human beings (5) | UDHR (9) | Public domain (3) |
| Human development (1) | Cultural and linguistic diversity (8) ^a | Right to privacy (2) |
| Cultural diversity (1) | Intellectual property (rights) (5) | Digital divide (1) '06 |
| | Community media (9) ^a | Sustainable development (1) '06 |
| | The public domain (5) | Women and men (1) '06 |
| | The right to privacy (3) | Legal frameworks (4) '05 |
| | The digital divide (3) | Public services (3) |
| | Indigenous people (7) ^a | Right to access (5) '06 |
| | Sustainable development (5) | |
| | Women and men (5) | |
| | Legal framework (2) | |
| | Public services (2) | |

^aCTUs exclusively used in these documents.

^b'05 or '06 = CTUs only in documents elaborated in that year.

made in this phase: although human rights remain as a reference in later documents (mostly of governmental nature), the communication_rights formula seems to be confined to the WSIS discursive space. CTUs such as freedom_of_expression, public_domain and public_services have consolidated over time, widely referred to by different authors in later documents, indicating a stronger appreciation of the 'public' dimension as a relevant one. Finally, issues such as sustainable_development or women_and_men have become part of the vocabulary, mostly of non-governmental actors, while more specific units referring to digital_environment and legal_frameworks are matters of concern in governmental texts.

Finally, specific rights and freedoms mentioned in the documents were analysed longitudinally to shed further light on the evolution of norm formation for human rights in the digital age. Not surprisingly, the use of the term 'right(s)' is specific to governmental authors, while 'principle(s)' are equally relevant to all. The right_to_privacy is mentioned by all speakers; rights_to_freedom_of_expression, to freedom_of_thought and

of_opinion are relevant throughout the corpus; while Intellectual_Property_Rights catalyse governments' concerns. Furthermore, the right_to_access is exclusively mentioned by the Association for Progressive Communication (APC), suggesting that principles concerning access to infrastructures and knowledge still prevail over the proposal of a fundamental right; right_to_participate has consolidated since the WSIS experience, and both governmental and non-governmental actors use it in post-WSIS documents. Right_to_education is mentioned only by Council of Europe, Civil Society@WSIS and Eurocities, who refer to literacy as a central issue. Finally, 'development' has been part of the discourse since the beginning, shared by different speakers but not conceived as a fundamental right; sustainability is a post-2003 issue, raised during the preparatory process to the WSIS (Heinrich Boll Foundation) and remaining in the non-governmental discursive space.

In conclusion, the corpus displays a difficult balance between the more consolidated human rights tradition and digital complexity: 60 years of fundamental rights do not appear to be fully acknowledged in the digital-oriented discourse. Among the problematic missing components are: the rights of women, minorities and children; issues concerning peace and security; environment and sustainability are also not yet integral to a discourse that is nonetheless, clearly in the making.

Setting the Agenda: The Case of Networks on Internet Governance

The present section examines the nexus between emerging norms and networks related to human rights in the digital age as it has emerged in a specific thematic area (internet governance, IG), within a specific institutional process (the Internet Governance Forum, IGF). The choice of this specific case is due to the recognition that internet governance is the most recent and innovative communication-related domain that addresses human rights issues as well, thus offering a third discursive context that can be investigated in order to assess if and how issues related to human rights in the digital age are put on the agenda in institutionally formalized contexts.

Internet governance as a domain has gained popularity in recent years, also thanks to the establishment of the IGF, a discursive space for multi-stakeholder dialogue on IG-related issues (www.intgovforum.org). Existing literature on IG processes (e.g. Kleinwächter, 2004, 2007) stresses how dynamics of agenda enlargement are at the core of IG evolution: technical-infrastructure matters have recently acquired the status of 'catch-all phrases' (Hofmann, 2006) with expanded significance, sometimes influencing power relations within this domain. The IGF five-year process can be qualified as a discursive context because of its very mandate (to create a new space for multi-stakeholder dialogue on IG, thus a shared understanding of complex issues among different actors), and because it exemplifies the essence of political relations between actors of different natures (Donati, 1992).

Agenda enlargement processes in IG are analysed through network analysis techniques: semantic networks that 'map similarities among individuals' interpretations' are

TABLE 7

Issues Belonging to the IG Framework

| Theme | Frequency | Theme | Frequency |
|------------------------------|-----------|--|-----------|
| Security | 20 | Content regulation | 1 |
| Access | 19 | Deliberation | 1 |
| Internet critical resources | 17 | Global governance | 1 |
| Domain name system | 9 | ICANN role | 1 |
| Privacy | 8 | Interconnection | 1 |
| Freedom of expression | 7 | Internet freedom | 1 |
| Human Rights | 5 | Internet governing bodies | 1 |
| Multi-stakeholderism | 5 | Internet use | 1 |
| Openness | 4 | Juridical conflicts | 1 |
| Open standards | 4 | Malware | 1 |
| Diversity | 3 | Multiculturalism | 1 |
| Intellectual property rights | 3 | Net neutrality | 1 |
| Infrastructure | 2 | Technical standards | 1 |
| Internet Governance Forum | 2 | Routing management | 1 |
| IP addresses | 2 | Spam | 1 |
| Multilingualism | 2 | Youth | 1 |
| Public policy | 2 | Control mechanisms | 1 |
| Developing countries | 2 | IETF (Internet Engineering Task Force) | 1 |

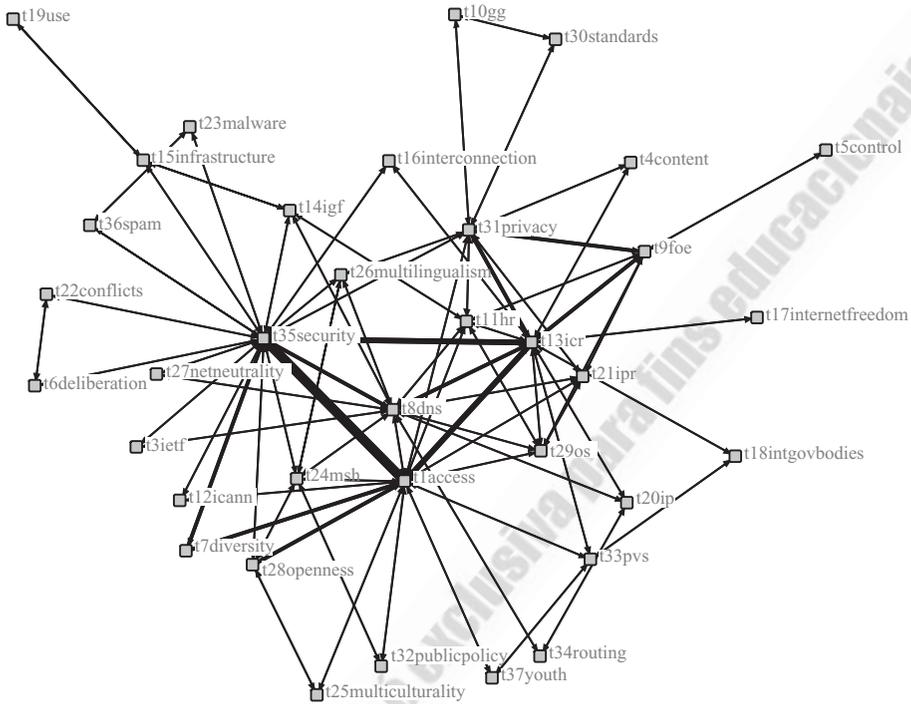
traced within the IGF context, so as to clarify ‘the relationship between communication and shared understanding’ (Monge and Contractor, 2003: 173–87). The construction of the networks builds on 49 interviews with individuals belonging to different stakeholder groups conducted to understand the cognitive frame guiding individual action in the IG field. The themes identified by respondents show an enlargement of the IG agenda beyond technical issues (although some of these are still central to the discussion, e.g. internet critical resources, ICRs). In this context, a set of new issues such as security, access and human rights becomes increasingly relevant, sometimes overcoming more traditional issues in the number of mentions provided by the respondents (Table 7).

However, given the open and participatory features of the IGF, the increasing variety of issues pushed into the agenda is hardly surprising. Evolution of discourses on IG can better be understood through the perspective of semantic networks. Figure 1 shows the overall network resulting from Table 7: the presence of a tie indicates that at least one individual has mentioned two issues/themes together and can be read in terms of a positive association between them, while absence of ties indicates disconnection between themes.

Figure 1 shows not only an enlargement of the agenda, but also a construction of the IG discourse that transcends boundaries of thematic areas, in a cross-fertilization of themes. Moreover, a further pattern in the agenda enlargement process is revealed by ties’ thickness, which represents the number of individuals that have associated two

FIGURE 1

Co-Membership Network among Themes in the Offline Discursive Space; Ties Strength >0

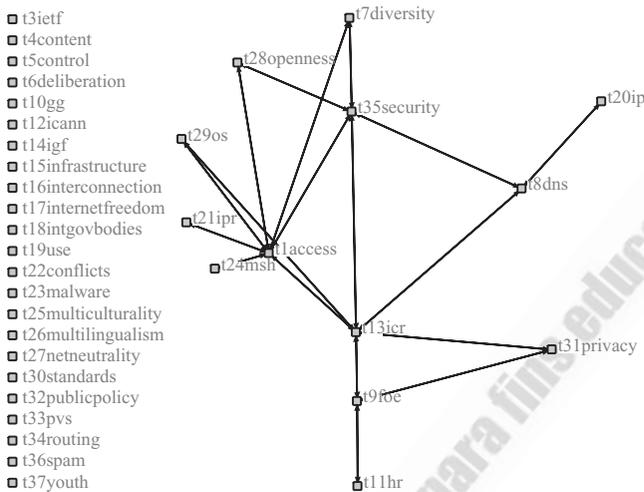


themes in their answers. When the number of respondents associating two issues is higher than one, the number of edges in the semantic network drops from 158 to 36, and most themes disconnect from the network revealing clearer patterns of discourse formation, along which it is easier to identify and assess the place occupied by human and communication rights-related issues (Figure 2).

The right side of the figure groups more traditional, resources-related IG issues (transition from IPv4 to IPv6, domain name system management). More socio-oriented issues are grouped on the left side: access, openness, diversity, open standards definition and intellectual property rights, together with the recent and innovative issue of 'multi-stakeholderism'. Interestingly, human rights enter the discussion through more focused arguments on freedom of expression; but it is around ICRs, still central and at the core of the network, that integration between traditional and recent topics is actually happening. Considering exclusively stronger ties, the crucial role of ICRs is further confirmed but is accompanied by other emerging issues: the only conversational pattern involving at least five individuals is the triangle between access, security and ICRs, which not only are the most popular issues, but also those which are more often discussed in connection with one another.

FIGURE 2

Co-Membership Network among Themes in the Offline Discursive Space; Ties Strength >1



An even better understanding of agenda enlargement emerges if responses are grouped into *subfields* 'which categorize topics of interest to particular participants' (Knoke et al., 1996: 14). Six of them can be identified: security (issues connected to security and privacy of internet users); ICRs (infrastructural issues concerning management, development and communication protocols); access and use (access to the internet system, its expansion and the inclusion of specific categories of users); openness (open and free communication within the internet, interoperability, standard development); human rights and freedoms online (freedom of expression, of speech, intellectual property rights); and finally governance, probably the most heterogeneous subfield (political and legal arrangements, global governance, cooperation among stakeholders, implications of technology development on traditional political practices, reform of IG mechanisms).

The analysis of the relations between subfields confirms the pattern identified through the analysis of single themes: the iron-triangle of access, security and ICRs is reproduced. Yet, within this core, two privileged conversations are ongoing: the first, between the security and ICRs subfields, suggests that IG discourse is orienting towards the (possible) implementation of the existing system; the second, between access and security, fosters reflections about threats posed by the very expansion of the system. The connection between the access and human rights subfields is weak in comparison to the other, which suggests that access matters are more often discussed in connection with security concerns rather than in terms of human rights. Finally, it is worth mentioning that the subfield of governance has very weak connections with the human rights one and this seems to suggest a tendency to avoid associating discourses concerning political procedures and processes to issues dealing with principles.

Conclusions

This article has focused on fundamental rights and freedoms related to communication processes in societies worldwide, bringing different disciplinary perspectives into a dialogue grounded in the adoption of human rights in the digital age as a master frame, at the convergence of strands of debates developed over time. This work aims at contributing to the assessment of the emergence of communication and human rights related norms in the transnational context.

A constructivist approach to the study of world politics suggests that in order for observers and analysts to talk about norm emergence and consolidation, it is necessary that issues be properly conceptualized through collective framing activities, shaped into statements ultimately recognized as endowed with authority, and put on the agenda on formal occasions for interaction. The main question becomes, then, how norms can be recognized. Finnemore and Sikkink (1998: 892) suggest 'we can only have indirect evidence of norms . . . however, because norms by definition embody a quality of "oughtness" and shared moral assessment, norms prompt justifications for action and leave an extensive trail of communication among actors that we can study'.

Three cases for empirical investigation were thus presented, and each offered the possibility to observe relevant aspects characterizing discourse developments in transnational political contexts: *making sense of situations* or issue/theme conceptualization; *embodying judgements* or linguistic shaping; and, finally, *fostering capabilities* or agenda-setting activities. Some conclusions can now be drawn in light of the initial research questions.

A significant body of scholarly literature suggests a comprehensive discourse is taking shape around communication and human rights; yet the extent to which this scholarly reflection can become a policy resource is likely to depend on the kind of political opportunities that allow different perspectives to interact. The formal shaping of the discourse, as investigated through the analysis of documents, has evolved with a strong focus on the social dimension: the language reflects a plurality of issues and a broad discourse, characterized by a comprehensive understanding of societal transformations. Transformations in technology and its application do not emerge as central to any speaker, and a few principles – freedom, diversity, inclusion, participation, knowledge sharing – are the consolidated core holding together an otherwise diversified discourse. The structuring of discourses through agenda-setting, as analysed for IG, showed a wide range of issues present in the discussion, but not all topics are fully integrated into conversational patterns as, for example, it is mainly through the specific concern about freedom of expression that a 'humanized' conception of IG is entering the official agenda. Introducing human rights issues into the IG discourse may contribute to diversify claimant constituencies, but may compromise multi-actor collaborative experiments.

Two main orientations, albeit partially overlapping, characterize scholarly reflections: one uses the traditional language of human rights; the other builds on innovative elements (access, interaction, connectivity), framing issues in relation to technological developments. It remains to be seen if this evolving discourse should lead to further

convergence between these two strands or if one will ultimately become prominent in policy discourses and decisions. The analysis of documents shows that only a few linguistic forms are truly consolidated: access, intellectual property, privacy, digital divide, diversity and freedom of expression. References to the public dimension are the more recent formulae of discourse shaping and yet they do not relate explicitly to technological innovation. Reference to human rights is certainly relevant, but is this a formal recognition or an intentional and strategic choice? The analysis of semantic networks on IG shows an agenda-enlargement in the domain, not a revolution. Technical elements are still a fundamental part of the picture, but social ones are increasingly part of ongoing conversations where actors seem to discuss no longer the legitimacy of adding issues to the technical IG agenda but, rather, how the two sides of the coin can be adequately balanced.

Different scholarly perspectives suggest that a discourse on human rights in the digital age is being constructed through different contributions to a diversified social knowledge, reflecting actors' interests, identities and orientations: concepts are socialized and put on the agenda in a variety of ways by epistemic communities, institutions, movements, practitioners, minorities. This plurality is also reflected in the language of formalized documents, showing that institutional actors use a more crystallized language, while non-governmental actors introduce new linguistic forms to address the complexities of the digital reality. Moreover, governmental actors tend to have a narrower view of who are the actors of the global scene, while non-governmental actors acknowledge a diversified world of transnational actors and subjects entitled to fundamental rights. Finally, analyses conducted here and in previous works (Pavan, 2009) about participation in agenda-setting in the IG context show that the IGF has supported, in some cases, already-established collaborations between governmental and non-governmental actors, and in others has provided an occasion for collaboration between previously disjointed actors, based on thematic commonalities.

Are we to recognize the emergence of norms concerning communication as a human right from the trails of communication investigated here? Can we talk about 'agreement among a critical mass of actors on some emergent norm [that] can create a tipping point after which agreement becomes widespread in many empirical cases' (Finnemore and Sikkink, 1998: 893)? The analyses show that the discourse on human rights in the digital age is lively, and certainly taking shape, but also diversified and complex: it includes actors, and ways to connect human rights and communication matters, that are very different. Ongoing conversations contribute to a rich discourse but seem not to favour the convergence, the intersubjective elaboration and the agreement needed to explicitly talk about norm formation. Some principles are widely recognized and could develop into a more structured normative framework; yet, due to the plurality of perspectives and the unlikely emergence of specific transnational political opportunities (e.g. world summits), it seems unlikely that such a framework may turn soon into a more formalized machinery. Rather, different soft-law tools and legal acts are likely to emerge, as we are already witnessing, though mostly in national contexts.

Finally, even though looking at discourses is a necessary step, it is certainly not enough. Each normative statement must be confronted with the capacities of legitimate actors to guarantee the enjoyment of rights and freedoms, beyond formal statements, while norm application should be fostered by public pressure and supported by media and technologies. Therefore, further empirical investigations should assess if and how far seemingly shared principles actually inform behaviours. In this perspective, the local–global connection remains a major challenge to the affirmation of norms on communication and human rights: it is still mainly within national contexts that these norms actually take shape and gain recognition, and this must be kept in mind when trying to understand if and how such norms may also be considered relevant references in the conduct of transnational and supranational politics.

References

- Adler, E. (1997) 'Seizing the Middle Ground: Constructivism in World Politics', *European Journal of International Relations* 3: 319–63.
- Brown Thompson, K. (2002) 'Women's Rights are Human Rights', pp. 96–122 in S. Khagram, J.V. Riker and K. Sikkink (eds) *Restructuring World Politics: Transnational Social Movements, Networks and Norms*. Minneapolis: University of Minnesota Press.
- Carroll, W.K. and R.A. Hackett (2006) 'Democratic Media Activism through the Lens of Social Movement Theory', *Media, Culture and Society* 28(1): 83–104.
- Donati, P. (1992) 'Political Discourse Analysis', pp. 136–67 in M. Diani and R. Eyerman (eds) *Studying Collective Action*. London: Sage.
- Dryzek, J.S. (1999) 'Transnational Democracy', *Journal of Political Philosophy* 7: 30–51.
- Dryzek, J.S. (2005) 'Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia', *Political Theory* 33: 218–42.
- Dryzek, J.S. (2006) *Deliberative Global Politics: Discourse and Democracy in a Divided World*. Cambridge: Polity Press.
- Finnemore, M. and K. Sikkink (1998) 'International Norm Dynamics and Political Change', *International Organization* 52(4): 887–917.
- Hawkins, D. (2002) 'Human Rights Norms and Networks in Authoritarian Chile', pp. 47–70 in S. Khagram, J.V. Riker and K. Sikkink (eds) *Restructuring World Politics: Transnational Social Movements, Networks and Norms*. Minneapolis: University of Minnesota Press.
- Hofmann, J. (2006) *Internet Governance: A Regulative Idea in Flux*; at: duplox.wzberlin.de/people/jeanette/texte/Internet%20Governance%20english%20version.pdf (accessed 11 January 2010).
- Khagram, S., J.V. Riker and K. Sikkink (2002) 'From Santiago to Seattle: Transnational Advocacy Groups Restructuring World Politics', pp. 3–23 in S. Khagram, J.V. Riker and K. Sikkink (eds) *Restructuring World Politics: Transnational Social Movements, Networks and Norms*. Minneapolis: University of Minnesota Press.
- Khagram, S., J.V. Riker and K. Sikkink (eds) (2002) *Restructuring World Politics: Transnational Social Movements, Networks and Norms*. Minneapolis: University of Minnesota Press.
- Kleinwächter, W. (2004) 'Beyond ICANN vs ITU? How WSIS Tries to Enter the New Territory of Internet Governance', *Gazette* 66(3–4): 233–51.
- Kleinwächter, W. (2007) 'The History of Internet Governance', pp. 41–66 in C. Möeller and A. Amoroux (eds) *Governing the Internet*. Vienna: OSCE Representative on Freedom of the Media.
- Knoke, D., F.U. Pappi, J. Broadbent and Y. Tsujinaka (1996) *Comparing Policy Networks*. Cambridge: Cambridge University Press.
- Koutsogiannis, D. and B. Mitsikopoulou (2004) 'The Internet as a Global Discourse Environment', *Language Learning and Technology* 8(3): 83–9.
- Monge, P.R. and N.S. Contractor (2003) *Theories of Communication Networks*. Oxford: Oxford University Press.

- Napoli, P.M. (2007) 'Public Interest Media Activism and Advocacy as a Social Movement: A Review of the Literature', McGannon Center Working Paper Series, Paper 21; at: fordham.bepress.com/mcgannon_working_papers/21.
- Onuf, N. (1989) *World of Our Making: Rules and Rule in Social Theory and International Relations*. Columbia: University of South Carolina Press.
- Padovani, C. and E. Pavan (2009) 'The Emerging Global Movement on Communication Rights: A New Stakeholder in Global Communication Governance? Converging at WSIS But Looking Beyond', in L. Stein, C. Rodriguez and D. Kidd (eds) *Making Our Media: Global Initiatives Towards a Democratic Public Sphere*. Cresskill, NJ: Hampton Press.
- Pavan, E. (2009) 'Transnational Communication Networks on Internet Governance', PhD thesis, University of Trento.
- Risse, T. (2000) "'Let's Argue!": Communicative Action in World Politics', *European Journal of International Relations* 6: 395–422.
- Sikkink, K. (2002) 'Restructuring World Politics: The Limits and Asymmetries of Soft Power', pp. 301–18 in S. Khagram, J.V. Riker and K. Sikkink (eds) *Restructuring World Politics: Transnational Social Movements, Networks and Norms*. Minneapolis: University of Minnesota Press.
- Sikkink, K. (2009) 'The Power of Networks in International Politics', in M. Kahler (ed.) *Networked Politics. Agency, Power and Governance*. Ithaca, NY: Cornell University Press.
- Snow, D.A., E.B. Rochford, S.K. Worden and R.D. Benford (1986) 'Frame Alignment Processes, Micromobilization and Movement Participation', *American Sociological Review* 51(4): 464–81.
- Wendt, A. (1992) 'Anarchy is What States Make of it: The Social Construction of Power Politics', *International Organization* 46(2): 391–426.
- Wendt, A. (1999) *Social Theory of International Politics*. Cambridge: Cambridge University Press.

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