

---

Volume 4

Number 1 *Volume 4, Number 1, 1982 (Symposium:  
New World Order)*

Article 4

---

1982

# New International Information and Communication Order: Setting the Record Straight

Narinder K. Aggarwala

Follow this and additional works at: [https://digitalcommons.nyls.edu/  
journal\\_of\\_international\\_and\\_comparative\\_law](https://digitalcommons.nyls.edu/journal_of_international_and_comparative_law)

 Part of the [Law Commons](#)

---

## Recommended Citation

Aggarwala, Narinder K. (1982) "New International Information and Communication Order: Setting the Record Straight," *NYLS Journal of International and Comparative Law*: Vol. 4 : No. 1 , Article 4.  
Available at: [https://digitalcommons.nyls.edu/journal\\_of\\_international\\_and\\_comparative\\_law/vol4/iss1/4](https://digitalcommons.nyls.edu/journal_of_international_and_comparative_law/vol4/iss1/4)

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Journal of International and Comparative Law by an authorized editor of DigitalCommons@NYLS.

# NEW INTERNATIONAL INFORMATION AND COMMUNICATION ORDER: SETTING THE RECORD STRAIGHT

NARINDER K. AGGARWALA\*

Oscar Wilde once said that the only thing that divides the British and the Americans is the language. They both speak English. Something similar is happening in the debate over the New International Information and Communication Order (NIICO)<sup>1</sup> which, to all intents and purpose, has become no more than a dialogue of the deaf. Participants in the debate are reacting to their own individual perceptions of what NIICO is all about, reflecting their own specific prejudices and preoccupations.

Today, when computer and communications experts are hailing the dawning of the Information Age, when in the industrialized countries, there seems to be a mad, mad race underway to equip each household with a two-way audio-visual communication center linked to a computer, it is a bit unsettling to have to justify Third World<sup>2</sup> desires to improve domestic information capabilities and facilities, to upgrade technical and human components of the information environment and to augment flows of information both among the developing countries themselves and with the developing countries and the industrialized world. Yet, this is what the New International Information and Communication Order is all about—the strengthening of information structures and institutions in the world. The emphasis, at present, is on the needs of the Third World, or the South, because that is where the information institutions are weakest. Despite all the heat and fury generated by the debate in the past seven years, NIICO is no more than an aspiration. It is neither a program with set goals and rigid deadlines, nor a universal blueprint. It remains, at best, a hope; a long-term objective to be realized through a series of private and public ac-

---

\* Regional Information Officer, Asia and Pacific, United Nations Development Programme, New York, New York.

1. This demand is also referred to as the New World Information and Communication Order (NWICO), the New World Information Order (NWIO) and the New International Information Order (NIIO).

2. "Third World" is used in this article as a shorthand expression to denote approximately 120 developing countries which constitute the Group of 77 at the United Nations. The terms "developing countries," "South" or "information-poor countries" can be substituted for "Third World" according to one's own predilection or preference.

tions, often uncoordinated, but in accord with the information needs and in harmony with the social, political, economic and security environment of a given country or region.

An astonishing aspect of the debate on NIICO has been that nobody has ever cared to define "information" within its context. It is a word of everyday use but has no definition acceptable to all. The Random House dictionary defines "information" as "knowledge communicated or received concerning a particular fact or circumstance; news; any knowledge gained through communication, research, instruction, etc.; the act or fact of informing; any data that can be coded for processing by computer or similar device." This all-inclusive definition is subject to differing interpretations. A doctor's need for and definition of information will most likely not be acceptable to a lawyer, a newsman, an economist, scientist, sociologist or a businessman. Even with a suitable qualifier, "information" can mean different things to the practitioners of the same craft. A UNESCO study prepared by the International Institute of Communications defines "information" as "a collection of many heterogeneous goods and services that together comprise an activity; this information activity includes all the resources used for the production, processing and distribution of information goods and services."<sup>3</sup> John M. Eger, an American attorney and consultant on telecommunication policy, currently a vice-president of CBS, provides a fuller definition. Information, according to Mr. Eger,

no longer refers to conventional bodies of statistics, facts, academic knowledge, scientific data or daily news. It now includes electronic sensing and computer analysis of human heartbeat; electronic impulses measuring physical phenomenon in outer space or in research probes beneath the seas; and numeric digits holding your seat on a plane or transferring funds to and from your bank account. No matter how information is stored or recorded, whether on film, paper or magnetic tapes, or in books, magazines, instruction manuals, movies, television or electronic computer memories, it is part of the growing information industry.<sup>4</sup>

The merger of computer and communication technologies has contributed to an exponential growth of the information industry, causing some social scientists to worry about the impending catatonic syn-

---

3. Report by the International Institute of Communications, *The Use of Satellite Communication for Information Transfer*, UNESCO Doc. PGI-80/WS/23 (draft) (Aug. 12, 1980).

4. Eger, *The International Information War*, 15 *COMPUTERWORLD*, Mar. 18, 1981, at 104.

drome—the destabilizing impact of too much information coming from too many channels simultaneously.

Despite this vastly expanded and multi-dimensional growth of the information industry, the public international debate on NIICO has focused by and large on the news media alone.<sup>5</sup> Perhaps it is natural. The news media have been, and are, the most conspicuous, and in some cases the only, mechanisms for disseminating news and information in the Third World countries which are the prime movers behind the call for restructuring and reinforcing international information institutions. Those who crusade to save humanity from a nefarious Third World grab at “mind control”—the subjugation of journalists through licensing and the conversion of the news media into a propaganda arm of the state, have helped make NIICO and the “news media” synonymous. Also, in the nineteen-sixties, when the seeds of what later became NIICO were being planted, the role of the news media and media technologies in the nation-building process of the newly emergent states of Africa and Asia was being loudly expounded by social scientists and communication experts, some of whom now oppose NIICO. The “information revolution” then was just a dreamy vision promulgated by star-struck science fiction writers such as Arthur Clarke.<sup>6</sup> For these and other similar reasons, there has been an obsessive preoccupation with the media in discussions about NIICO. It is heartening to see that the organizers of this symposium have set aside this afternoon for discussing the non-media aspects of NIICO.

At this point, permit me to make a few disclaimers.

First, I am speaking here as a journalist interested in the well-being of my profession, and not as a representative of the United Nations Development Program. I hold no brief from any government or United Nations agency on the subject. Second, as a journalist, I am committed to the concept of freedom of the press but do not necessarily support the doctrine of free flow of information. Third, I agree that government ownership of newspapers or other media does not guarantee quality, but neither is private ownership of news media the *sine qua non* for good journalism.

A major issue in the NIICO debate has been free vs. balanced information flows.<sup>7</sup> Countries in the Third World would like to balance the traditional media concern and fascination with crises, famines and

---

5. See, e.g., Theberge, *UNESCO's "New World Information Order": Colliding with First Amendment Values*, 67 A.B.A.J. 714 (1981); Power & Abel, *Third World vs. The Media*, N.Y. Times, Sept. 21, 1980, § 6 (Magazine), at 116.

6. See A.C. CLARKE, *PROFILES OF THE FUTURE: AN INQUIRY INTO THE LIMITS OF THE POSSIBLE* (1983 ed.).

7. Power & Abel, *supra* note 5, at 116-17.

disasters with more news about economic and social development. Media leaders, particularly in the West, regard this as an unacceptable interference in their domain—an attempt by governments to use the media for propaganda purposes. They favor total and uninhibited information flows. Neither position tells the whole story.

International news flows, particularly in the non-communist world, which by and by includes most of the Third World countries, are dominated by four transnational wire services—the Associated Press, United Press International, Agence France-Presse and Reuters.<sup>8</sup> The news disseminated by these agencies reflects the priorities, interests and preferences of the Western news media which constitute the agencies' main sources of revenue. News, by and large, has a Western frame of reference; a Western orientation. An issue becomes prominent in international news flows in direct relation to its importance and/or impact upon the policies of the United States, France or Britain and their allies. In terms of quantity as well, Third World leaders claim, international news flows have a preponderant share of news originating from or of interest to the West.<sup>9</sup>

There is no denying the fact that crises and disasters do constitute news, and high priority news at that. Also, news is news regardless of the dateline, and in this context the amount of international news originating in the West should not be a major concern. The issue of quantitative imbalance in international news merely reflects a perception that international wire services carry far too little in the way of news from and among Third World countries. Third World charges of Western media obsession with sensationalism apply equally to developing country media. The media in the South are as guilty, if not more, of the sensationalism and obsession with "sexy" news and all other acts of commission and omission that their Western counterparts are charged with by Third World countries. I state this in order to emphasize that my remarks on the inadequacies in the coverage of the Third World are applicable to all media, Western as well as Southern.

In covering the Third World, the news media suffer from an "instant-achievement" syndrome. From the day a given country becomes independent, it is subjected to analytical reports about how its government has failed to tackle this or that problem. Its administration is often found to be inept, its economy a shambles—political dissension is the reported order of the day. Based on such reporting, the reader forms a judgment—often very unflattering—of the leaders and people of the country, without ever pausing to think that it would be a miracle

---

8. Theberge, *supra* note 5, at 715.

9. Power & Abel, *supra* note 5, at 117.

if matters were not so. The situation in the Third World countries is never reported on the basis of "what was" and "what is" but rather on "what is" measured against "what ought to be." The reporting lacks depth and perspective. Instant man-on-the-street interviews or conversations with taxi drivers during the ride from the airport to the hotel do not provide a careful assessment of changes in Third World countries, negative or otherwise. Instead, they reflect the all-consuming preoccupation of the people in the Third World with the momentary frustrations of the struggle to survive. This topsy-turvy value system, while it may make news interesting, deprives the people in industrialized countries of a chance to perceive the people of the Third World not as mere statistics or objects of pity and charity, but as human beings like themselves, struggling to improve their living standards against tremendous odds. It also tends to give a very negative image of life in the Third World with its numerous and often overwhelming problems.

Coups, civil disorder, famine, corruption and grinding poverty are facts of life in the Third World, but so is the process of economic and social change. In fact, the development process, while imperceptibly slow and almost invisible, is the most important thing happening in the developing countries today. Unfortunately, these developments are rarely covered by the news media. Reasons generally cited include lack of space and time; high costs of covering such process-oriented news; and, most important of all, a perceived lack of interest by the public in such news.<sup>10</sup> However, the media leaders who claim only to be giving the public what it wants may well be keeping their readers mis- or uninformed—a charge that critics of NIICO often hurl at Third World governments.

Mort Rosenblum, former chief editor of the *International Herald Tribune*, Paris, who is not known to support the New International and Communications Order, refers to this very phenomenon: "When crisis impends, they, the Americans, are not warned. When it strikes, they are not prepared. They know little about decisions taken on their security. In their blissful unawareness, they give up their chance to have a hand in events and leave themselves vulnerable in an increasingly competitive world."<sup>11</sup>

The coverage of social and economic development processes in the Third World is of utmost significance in correcting the perceived and very real imbalance in international news flows. The media should engage in such coverage not because Third World governments say they

---

10. See *id.* at 117.

11. M. ROSENBLUM, COUPS AND EARTHQUAKES 1-2 (1981).

ought to but because they owe it to themselves and to their readers.<sup>12</sup>

Richard Critchfield, another American journalist and author who has spent the past twenty years covering the Third World, has provided an absorbing glimpse into the lives and mores of the rural people in his recent book *Villages*:

As a reporter I am very conscious that the sensational or tragic or catastrophic political and economic events occupy the headlines of our newspapers and the foregrounds of our minds. They loom up all out of proportion when they happen, but are quickly reduced to size with the perspective of time. This is true of most wars, revolutions, massacres, terrorist acts, famines, gluts, slumps or booms. We are only vaguely aware that something might be going on in the villages.<sup>13</sup>

But after living and working with, and observing, the common folks in the rural South for more than a decade, he

is convinced that it is the unconscious, obscure and overpowering drives of millions upon millions of ordinary individuals, men and women, that is the real stuff of history. Modern heads of state, like Tolstoy's king, are history's slaves. It hasn't got much zing, but the biggest story of the late 20th century could well be the sum of countless small decisions and actions by unnoticed, humble little nobodies out there in their villages.<sup>14</sup>

Yet another issue which has figured prominently in the NIICO debate in recent years has been the question of protection of journalists. Western media leaders consider this issue a devious Third World plot to license journalists and thereby regulate their activities. The Executive Director of the Freedom House, Dr. Leonard Sussman, a leading critic of NIICO and UNESCO, succinctly summarized this view in a recent article. "To seek special protection for journalists," he wrote, "is inevitably to support those who could dictate content to news reporters, and penalize those who do not produce the reportage that a government demands."<sup>15</sup>

He and others who argue this point of view conveniently forget that the issue of protection of journalists was neither invented nor raised by the Third World countries which are constantly accused of wanting to police the press. It was first discussed outside the United

---

12. Power & Abel, *supra* note 5, at 116.

13. R. CRITCHFIELD, *VILLAGES* 336 (1981).

14. *Id.*

15. Sussman, *Wanted: A Third World Satellite News Network*, WASH. U.L.Q. Winter 1982, at 164.

Nations fora by some Western media organizations in the 1950's during the Korean war. In 1967, with another war in full swing in Southeast Asia, the International Press Institute asked the International Commission of Jurists (ICJ) to draft a convention on the protection of journalists on dangerous assignments. At that time, the ICJ was lead by Sean MacBride, the self-same Irish diplomat and jurist who later headed UNESCO's International Commission for the Study of Communications.<sup>16</sup> A draft convention was prepared by the ICJ in collaboration with the International Red Cross.<sup>17</sup>

In 1970, following the disappearance of a number of Western journalists in Viet Nam and Kampuchea,<sup>18</sup> several other professional organizations, including the International Federation of Newspaper Publishers, the International Federation of Journalists and the International Organization of Journalists, joined in the call for protection of journalists and the ICJ/IRC draft convention was submitted to the United Nations Secretary-General.<sup>19</sup> The Diplomatic Conference on the Re-affirmation and Development of International Humanitarian Law Applicable in Armed Conflicts<sup>20</sup> considered the draft convention and prepared a draft article on the protection of journalists<sup>21</sup> for addition to the existing Geneva Convention of 1949.<sup>22</sup> That Conference even prepared a model identity card for journalists on dangerous assignments.<sup>23</sup> There the matter rested until late 1975 when a group of American editors and news executives urged UNESCO's Director-General to take up the issue on a priority basis. In preliminary discussions on the issue, Third World governments agreed to provide protection to journalists when necessary, but obviously wanted a system to identify those in need of protection.<sup>24</sup> Only then did the Western media denounce the whole ideal as a ruse on the part of Third World governments to license journalists.

Obviously bullets do not discriminate between card-carrying and

---

16. UNESCO, REPORT BY THE INTERNATIONAL COMMISSION FOR THE STUDY OF COMMUNICATIONS PROBLEMS, MANY VOICES, ONE WORLD (1980) (hereinafter cited as MACBRIDE REPORT).

17. Solf and Grandison, *International Humanitarian Law Applicable in Armed Conflict*, 10 INT'L LAW & ECON. 567 (1975).

18. See generally *Confusion in Cambodia: Perils for Newsmen Reporting from Indochina*, NEWSWEEK, May 25, 1970 at 65; *Missing in Cambodia*, TIME, May 25, 1970 at 57.

19. Solf and Grandison, *supra* note 17, at 567-98.

20. *Id.* at 567 n.8.

21. *Id.* at 580.

22. *Id.* at 570-72.

23. Nanda, *The Communication Revolution and the Free Flow of Information in a National Setting*, 30 AM. J. COMP. L. 411, 580 (Supp.) (1982).

24. *Id.* at 416. See generally Theberge, *supra* note 5.



non-card carrying journalists, yet this was as true in the 1950's and 1960's when Western media leaders were campaigning for precisely the same kind of measures to protect their correspondents as are now being discussed at various UNESCO fora. Maybe in the Western countries, journalists do not need special protection. But in Third World countries, where there are few conventions and traditions to guide in this matter, protection is needed by all journalists, not only those on dangerous assignments. An international convention, though initially providing safeguards for journalists only on dangerous assignments, could eventually provide the legal and moral framework to help protect journalists from arbitrary actions by their own governments.

Since all working journalists carry some kind of a press card, the question of identity cards does not and should not present an insurmountable challenge. All journalists must carry accreditation cards when covering special functions, areas or institutions to which access is restricted. Procedures for issuance of press or accreditation cards vary greatly, depending on the event or institution to be covered. Some require merely a letter from the employer or editor, while others require much more elaborate security clearance. However, procedures do exist, and media representatives, rather than denouncing the whole idea as a Third World plot, should suggest guidelines to facilitate the issuance of press or accreditation cards. Obviously, such guidelines could not be mandatory, but would be adapted by each country according to its own information policies and practices.

The same applies to the twin issues of a code of ethics and a media council to oversee the observance of the code, both anathema to my professional colleagues in the United States and denounced by NIICO critics as another alleged invention of conniving Third World dictators. The first code of journalistic ethics, it might be well to remember, was adopted by the First Pan-American Press Conference in Washington, D.C. in 1926—long before many thought that the countries which constitute the so-called Third World today would even become independent nations.<sup>25</sup> Two years later, the International Labour Organization, in a report on conditions of work and life of journalists, stated that codes of ethics were designed “essentially to protect working journalists from unreasonable demands made by those who employed them and give effective force to the nature and security of their professional status.”<sup>26</sup> The Pan-American Press Code was adopted by the Inter-

---

25. *MACBRIDE REPORT*, *supra* note 16, at 243.

26. J. CLEMENT JONES, *MASS MEDIA CODES OF ETHICS AND COUNCILS: A COMPARATIVE INTERNATIONAL STUDY ON PROFESSIONAL STANDARDS*, UNESCO Reports and Papers on Mass Communication, No. 86, Sales No. U1017, at 11 (1980). *See also* INTERNATIONAL LABOR ORGANIZATION, *CONDITIONS OF WORK AND LIFE OF JOURNALISTS*, Report Series L, No. 2, at 8-9 (1928).

American Press Conference in 1950 and later became the creed of the Inter-American Press Association.

Today, all major journalistic organizations, whether national, regional or inter-regional, have their own codes. Examples of such organizations are the International Federation of Journalists, the International Organization of Journalists, the American Society of Newspaper Editors and Sigma Delta Chi, the professional organization of journalists in the United States. The first attempt to draft an international code of ethics of journalists was made in 1950—again long before the Third World existed as a political or numerical voting force within or outside the United Nations—by the twelve-member United Nations Sub-Commission on Freedom of Information and the Press.<sup>27</sup> The draft was later revised in the light of comments received from a large number of professional and mass-media organizations which believed that the code would serve a useful purpose. The revised draft of the International Code of Ethics, after consideration by the Economic and Social Council of the United Nations in 1952, was transmitted to national and professional media organizations for comments, with an offer for convening, if so desired, an international convention to complete work on the code. The subject of the draft code appeared to have been dropped until the late 1970s, when some Third World countries raised it in the context of the debate on NIICO<sup>28</sup> and, here again, Western media leaders saw it as a Third World trap to enslave the media.

Approximately fifty countries have press or media councils, quite a few of which have been in existence for decades. Their functions and composition vary from country to country.<sup>29</sup> A few of them, while empowered to hear public complaints against the media, also act as arbiters and judges in disputes between the journalist and the editor, between the editor and the publisher and between the publisher and the government. The United States is among the few Western countries without a media council although the Code of Ethics of Sigma Delta Chi recognizes that "journalists should be accountable to the public for their reports and the public should be encouraged to voice its grievances against the media."<sup>30</sup> In November 1972, when the Twentieth Century Fund, a non-profit United States organization, announced its plans to set up an independent media council, it was roundly denounced by the media. However, the *Columbia Journalism*

---

27. MACBRIDE REPORT, *supra* note 16, at 243.

28. *Id.* at 244; Power & Abel, *supra* note 5, at 116.

29. MACBRIDE REPORT, *supra* note 16, at 245.

30. Code of Ethics of Sigma Delta Chi, *reprinted in* JONES, *supra* note 26, at 75-76.

*Review*, not a Third World mouthpiece by any stretch of the imagination, supported the proposal, stating that the Council "will act as a strong defender of press freedom. It will attempt to make the media accountable to the public and to lessen tensions between the Press and the Government."<sup>31</sup>

The response to the call for an international code of ethics for journalists, and the related supervisory mechanism, i.e. an international media council, should not be a loud, uncompromising accusatory denunciation. A more constructive and beneficial approach would be to ensure that in drafting an international code of ethics, press freedoms are not compromised and that the international media council, in its composition and charter, does not become a Court of Star Chambers for prosecuting the media. In fact, as an extension of the argument in support of the media council published in the *Columbia Journalism Review*, it can be said that a properly constituted international media council could become a strong defender of press freedom. It could provide a very valuable and effective forum for voicing media grievances against authorities, particularly on such issues as prosecution of journalists.

Another issue on which Western media leaders seem to be at odds with Third World countries is the ownership of the media. Government ownership, or any kind of government subsidy of the media is generally frowned upon by the West. But neither government nor private ownership of the media can guarantee a good newspaper or good news media. All governments, be they in the Third World or in industrialized countries, would like to have a compliant media and could and do use subsidy as a means of controlling or influencing the media where possible. However, in a majority of Third World countries, particularly in African nations, newspapers could not survive without some form of government subsidy because of their limited readership and the extremely narrow economic base on which they operate. Even in a country like India, where newspaper circulation exceeds 15 million, newspapers and wire services require substantial government subsidies in the form of advertising. Government-subsidized media are not something new, even in the West. In the United States, the media have always been recipients of subsidies in one form or another.

The United States postal services distributed newspapers and magazines free in that developing country until the mid-nineteenth century, one of the reasons why most of the early newspaper editions

---

31. *Monitoring National News Suppliers: A Unique Proposal*, Report of the Twentieth Century Task Force, reprinted in *COLUM. JOURNALISM REV.* 43, 46 (March/April 1973).

and publishers in the United States were postmasters, Benjamin Franklin being the most famous of them all. Government contracts were also used to subsidize newspapers. Thomas Jefferson, finding no Washington newspaper supporting his administration, brought Samuel Harrison Smith from Philadelphia to start the *National Intelligencer* and had Congress award it printing contracts. Even today, the media receive subsidies. In recent years, for example, *Newsday*, a Long Island newspaper, is reported to have received a subsidy of \$16 million in tax credits,<sup>32</sup> while CBS and ABC benefitted from similar subsidies to the tune of approximately \$1.5 million each.<sup>33</sup> New York's Mayor Koch has openly talked about giving subsidies to the *Daily News*.<sup>34</sup> The British Broadcasting Corporation (BBC) is government-owned; France's AFP receives more than half of its operating revenues from the government.

In most Third World countries, the choice, if it is a choice at all, boils down to a government-owned or subsidized media, or no media at all. Bearing this in mind, it is essential that media professionals devise ownership/management models which would permit government subsidies while emphasizing journalistic freedom and professionalism as much as possible. Studies should also be made of ways and means to encourage cooperative ownership of the media through the use of non-governmental institutions. In the industrialized countries, several models worth emulating already exist, examples being the BBC, *Le Monde*, and most recently, the arrangement whereby Rupert Murdoch became the proprietor of *The Times of London*.

Critics of the New International Information and Communication Order are also opposed to any assistance to government-owned or subsidized information institutions in the Third World.<sup>35</sup> They claim that such assistance enhances the capability of governments to control and manipulate the media. Such carping amounts to cutting off one's nose to spite one's face if the ultimate objective is to carry information to the people. After all, a government-owned publication, or radio or television program, produced by trained professionals, is likely to be much better than one produced by a bureaucratic grist mill. The journalist as a press information officer, rather than a bureaucrat, is more likely to be aware of the needs of journalists and correspondents. True, he or she will probably also be more adept at managing information or manipulating the media. This, however, is neither unique nor strange

---

32. Friendly, *Owner of Daily News Rejects City's Offer of Help*, N.Y. Times, Mar. 20, 1982, at A30, col. 3.

33. *Id.*

34. *Id.* See also Friendly, *City Offers to Aid the Daily News With 'Financing Tools' and Labor*, N.Y. Times, Mar. 2, 1982, at B5, col. 5.

35. Theberge, *supra* note 5, at 716-18.

to the Western media when press meets politics. After all, information management has become a fine art in the industrialized world and both governmental and private corporations have public information services staffed by highly trained professionals.

Moreover, Third World countries need assistance to acquire and strengthen their basic information capabilities. Whereas in the United States, well-produced information material on a wide range of subjects is but a phone call away, nothing like this exists in any developing country.<sup>36</sup> A single United States federal agency may have more information capability than some of the largest countries in the Third World will possess for many years, if not decades, to come.

All arguments against the New International Information and Communication Order emanate from the perceived threat to the freedom of press and, in the United States, its conflict with the First Amendment. Media leaders talk about this right in absolute terms. However, the freedom of expression or of the press, like any fundamental right, is not something absolute. Even in the United States, there has been a continuing debate over the nature of, and limits to, the freedom of press under the First Amendment.<sup>37</sup> Some of the recent decisions of the Supreme Court of the United States in cases involving the media seem to reaffirm the thoughts once expressed by Justice Holmes.

[A]ll rights tend to declare themselves absolute to their logical extreme. Yet all in fact are limited by the neighbourhood of principles of the policy which are other than those on which the particular right is founded and which become strong enough to hold their own when a certain point is reached.<sup>38</sup>

This is so in the case of the right of freedom of speech, expression and thought. It is fundamental, but not absolute. The process of establishing equations and co-relationships between various fundamental rights is a continuing one. This is especially so in the Third World, where the concepts of fundamental rights are defined and interpreted by the powers that be in terms of each country's national, historical and cultural needs. While media leaders are justified in striving for maximum freedom of the press, they will have to bear in mind that the degree of freedom enjoyed by the press in a given country will depend entirely on its leaders' perception of the country's political and security needs.

---

36. Nanda, *supra* note 23, at 411-14.

37. Theberge, *supra* note 5, at 717.

38. Hudson County Water Co. v. McCarter, 209 U.S. 349, 355 (1907).

Within the context of NIICO debate, freedom of the press has become synonymous with "free flow of information." One wonders if the cries for press freedom and free flow of information are not motivated by commercial interests. According to J. Clement Jones, a former member of the British Press Council and Vice-President of the Guild of British Newspapers, "The freedom of the press fought for by our ancestors was an intellectual freedom, the battle for which has been subsequently carried on more in the academic world than in that of commercial journalism, which is chiefly concerned with the freedom to make money."<sup>39</sup>

Newspapers today are no longer the one-family enterprises they used to be. The news industry is big business. AP, Reuters, UPI and AFP are transnational corporations with multi-million dollar budgets. Even if one were to accept, for argument's sake, the contention of accidental confluence of a high principle with economic self-interest, the fact remains that the information industry is no longer confined to the media and publishing houses alone. The information industry—including computer hardware and software and processed data—has become the second largest export industry of the United States, netting \$80 billion in 1980. Dominated as it is by the United States, this industry has given rise to an intense controversy over transborder data flows (TDF)—computer to computer transmission of intra-corporate data—causing a serious rift among the Organisation for Economic Co-operation and Development (OECD) countries. Some OECD members, such as France, Canada, Sweden and Denmark, are wavering on the issue of free flow of information because of the perceived negative impact of unrestricted TDFs on their national economies. Third World countries have not yet become engaged in this controversy. When they do, they are likely to be against unrestricted TDFs (and free flow of information) because some experts believe that the micro-electronics and information industry pose a serious threat to the independence and economic well-being of developing countries. For those interested in promoting freedom of the press and free international news flows, it becomes essential that a distinction be made between what is news and what the information industry calls "information", i.e. processed data, if the concept of "free flow of news" is not to become a victim of the burgeoning controversy over TDFs.

NIICO critics often claim that even Third World journalists are opposed to the New International Information and Communication Order. This should not be surprising since their sources of information on the subject are no different than those of the public in the United

---

39. JONES, *supra* note 26, at 9.

States. If I were continuously told that NIICO was nothing but a diabolical plot to control the media through government ownership, regulations and licensing of journalists, I too would be opposed to it. I submit that the New International Information and Communication Order is none of the above. These issues are no more than scarecrows which, perhaps, were necessary to erect as warning signals at the start of the NIICO debate. But over the years, these scarecrows have been endowed with life, hampering constructive action in an area which is vital to the economic and social development of billions of people in the Third World.

NIICO deals with the totality of information, not merely news media, as the MacBride commission points out. The challenge of NIICO is how to improve, strengthen and expand information institutions and structures in the Third World so that the people of the developing countries become beneficiaries and not victims of the information revolution. For media professionals, the challenge is to make the news media relevant to the information needs of the people, both in the South as well as in the North. That is what is important in our ever-shrinking world where live satellite transmission has "become a major factor in international diplomacy" and where "a five-minute video-transmission spanning our earth—in a trice—could overwhelm the techniques of quiet diplomacy and jeopardize the climate for development co-operation."<sup>40</sup>

---

40. Address by Erskine Childers, Director of Information, U.N.D.P., to the UNESCO Intergovernmental Conference for Co-operation on Activities, Needs and Programmes for Communication Development (Apr. 17, 1980) (available at New York Law School Journal of International and Comparative Law).