



REPORT

Seminar on Governance and Media Reform in Sri Lanka and the Commonwealth

Senate House University of London – 20 October 2015

09.30-17.00

Democracy, Governance and Media Reform in Sri Lanka and the Commonwealth

Introductory remarks – William Crawley

Welcoming participants and speakers, William Crawley said the trigger for this seminar had been the publication earlier in the year of the book 'Embattled Media: Democracy, Governance and Reform in Sri Lanka' co-edited by David Page and himself at the Institute of Commonwealth Studies and by **Kishali Pinto Jayawardena** from Sri Lanka. She came from Colombo at the weekend and was especially welcome, as was **Lawrence Liang** from the Alternative Law Forum in Bangalore India who had come from a lecturing assignment in Germany for this event. He had worked with us in the research project that culminated in the publication of the book. They would both be speaking in the first session today. William also welcomed another contributor to the book Nalaka Gunawardene who had managed to make a flying visit from Colombo to coincide with this seminar.

One of the main aims of the book was to analyse issues of media practice and regulation - both abuses and the potential reform of those abuses – in the specific circumstances of Sri Lanka. The contributors to the book were all practitioners or experts in aspects of the Sri Lankan media. They had written primarily about Sri Lanka but in the knowledge that although Sri Lanka is very much an island, its media and legal systems have been shaped by international influences which have been evident in India and other parts of south Asia as well as in the wider global environment in which no country is an island.

The seminar had a broader aim to explore and compare thinking and practice affecting media and journalism in countries with other legal and constitutional foundations and cultural inheritances. We aim, said William, to go beyond the parameters of the book and hear from speakers with wide experience of the dilemmas facing policy makers in high income, middle income and low income countries. The three distinguished speakers in the seminar's second session will reflect on best practice in Commonwealth countries regarding the promotion of media development and the safeguarding of media freedoms.

In the third session, in the afternoon, the aim was to focus on the very practical issue of protecting both the freedoms on which journalism depends and the safety of the journalists and reporters themselves. Their work especially in areas of war and civil conflict had become increasingly dangerous. The speakers in this session had all been involved in reporting on these dangers and seeking ways of reducing them

The final session had been called '**Lessons for Academia and Development Policy**'. It had been one of the editors' main objectives in 'Embattled Media' to produce a volume which could be helpful in developing and improving the study of media law and journalistic practice and issues of media freedom in colleges and training institutes in Sri Lanka. This session would focus on the place of this subject in academic teaching and media research internationally and the potential role of the donor community in strengthening the fourth estate as a pillar of governance.

09.30-11.00: Session One - Democracy, Governance and Media Reform in Sri Lanka and India
Chaired by William Crawley

William Crawley said that the first session would focus particularly on Sri Lanka, India and the south Asian regional environment which they share. It had been encouraging that while for much of the time that Embattled Media was in preparation a sceptical commentator would perhaps have said 'This is all talk. Nothing will make the slightest difference', the change of President after the election in January and the new composition of the Sri Lankan parliament following the elections in August, had changed that. Not necessarily irrevocably, as Kishali Pinto Jayawardena would be making clear, but at least enough to open up a debate and create the possibility of real reform. Introducing Kishali, he said she had a distinguished record and was well placed to analyse how attitudes and possibilities for Media Reform had changed in the 10 months since the Rajapaksa government was ousted.

Kishali Pinto-Jayawardena – 'Governance and Media Law Reform in Sri Lanka: Agendas for Change and Political Realities.'

Kishali identified three main obstacles to reform in Sri Lanka: the obstinacy of the regime, the conservatism of the judiciary and the stresses and tensions within the media itself. During the long period of war and emergency rule, the judiciary had remained silent in the face of flagrant killings of journalists. There was now a need for Sri Lankans to look within themselves as a community and as a society. One lesson of the last twenty years was that structural change and reform of the media could not come from above; there needed to be pressure from below as well.

Kishali spoke of three flashpoints in the relations between the judiciary and civil society and the media. One related to censorship: the judiciary had failed to intervene to modify emergency legislation and to limit censorship. The second related to criminal defamation, which had eventually been removed from the statute books by legislation. The third related to contempt of court and the use the court had made of it to muzzle criticism. These illiberal positions in effect reinforced the culture of impunity which characterized the Rajapaksa regime.

The waning independence of the judiciary can be traced historically to the 1970s when a new constitution declared parliament supreme. In 1973, a number of judges resigned rather than approve a Press Council Act which made the judiciary complicit in measures to control the press. As a result, new pliant judges were appointed and the Act was approved. The issue of whether the press should be regulated by the state or by its own members is a sensitive one in all democratic countries. In Sri Lanka, after a period in which the Government allowed the Press Council to lapse, the Rajapaksa regime had revived it, though no journalists' representatives could be appointed. Strangely, President Sirisena has appointed representatives to the Press Council, despite the on-going controversy. A great deal of hope was invested in his election and the promise of a new start. But promises and delivery are different things. Parliamentary privilege has also been used to limited discussion of the Bank Scandal. But some space for reform has opened up, particularly in the field of Right to Information, where much work has been done on a new law. In the first instance, a constitutional reform bill has established a general right to information, though this is balanced by a right to privacy, which threatens to trump the specific RTI law which has been approved by the Cabinet but not yet by parliament.

A number of other areas of reform have been mentioned. An Independent Broadcasting Regulatory Authority has been promised but nothing has so far been done.

Kishali said the media also needs to reflect on its own record. At the height of the crisis, many citizens turned to social media because the mainstream print and electronic media were not serving their needs.

There is a need for greater professionalism in the media, better training and more responsiveness to public needs.

Introducing Lawrence Liang, William Crawley commented that Sri Lanka's immediate neighbour India had been treated with wariness as a 'big brother' whose past intervention in the Sri Lankan conflict ended disastrously for its own long term influence. Yet Indian legal practice and judicial decisions had provided some welcome examples and support for a Sri Lankan civil society seeking to conserve and rebuild its democratic foundations.

Lawrence Liang – 'Freedom of speech and expression by stealth: The ongoing dilemmas of free speech jurisprudence in India'

Lawrence began his talk by referring to what he called 'long term cultural constraints on democratic freedoms and political independence' in India. He pointed to particularly acute problems in the present period, with the Modi government asserting its political power arbitrarily over state institutions, such as the Sahitya academy. This had resulted in very prominent writers returning their Sahitya Academy awards. In another instance, a porn actor had been appointed Director of the Pune Film Institute. Faced with this political assertiveness, the Indian Supreme Court had taken an 'admirable but inconsistent approach' to new legislation.

It was abundantly clear that the judiciary had a very important role to play in protecting free speech. Lawrence highlighted the problem of consistency by citing two recent cases. In March 2015, the Supreme Court, pronouncing judgment in the Shreya Singhal case, struck down Sec. 66A of the Information Technology Act as violating Art. 19(1)(a) of the constitution. The decision illustrated how a careful use of doctrinal principles and a skilful use of precedent by the judiciary was still the best safeguard against draconian speech restrictive laws. The judges struck it down in its entirety, on grounds of vagueness, overreach and the 'chilling effects' it has on speech. While previous decisions had hinted at the dangers of laws that allow for a 'chilling effect', this was the first instance in which a court explicitly uses "chilling effects" as one of the grounds for striking down a law as being unreasonable. In doing so, it has built upon a rich body of free speech cases in India and has paved the way for a jurisprudence of free speech in the 21st century, and in the era of the internet and social media. It explicitly acknowledges that the internet has radically democratized communication, allowing people to participate in the 'marketplace of ideas.' In the Shreya Singhal judgment the judges concluded that not only does Sec. 66A interfere with the right of the public to receive and disseminate information, the provision also fails to distinguish between "discussion, advocacy and incitement".

In subsequent judgments the courts have adopted a far stricter standard in protecting freedom of expression. This requires both an incitement to action, as well as a demonstrable link between such incitement and actual consequences. The judgment explicitly holds that "public interest" is not a valid ground for curtailing free speech.

But the Supreme Court has not been liberal in all its judgements. In *Devidas Ramachandra Tuljapurkar*, the Court was asked to quash charges of obscenity leveled against a poet for writing a poem called "Gandhi Mala Bhetala" ('I Met Gandhi'), published in 1994 and meant for *private circulation*. A police complaint was filed against the author and publisher, alleging offences under hate speech provisions and for obscenity. The Magistrate discharged the accused on the incitement charges, but not under the obscenity law. This judgment, Lawrence said, '...*totally misinterpreted* fifty years of Indian obscenity law jurisprudence'. In contrast to Shreya Singhal, which denied the possibility of creating new exceptions to free speech under Article 19(2), this judgment inventing a new category of "historically respectable figures" as the basis for curtailing speech. This had the potential in the current political climate of having a chilling effect on speech.

Lawrence contrasted the way in which the interpretation of the law developed in US and India. In Lawrence's opinion, the Indian Supreme Court has tended to pick doctrines selectively rather than determining matters according to first principles.

Lawrence highlighted a new kind of 'network activism' in India which was a civil society response to some of these conservative judicial trends. The Alternative Documentary festival was one positive development in the media field. Social Media activists had also prepared a review of the Supreme Court and its judgements. The Shreya Singhal judgment had represented not an individual but a collective achievement by those who had campaigned for freedom of expression.

Lawrence mentioned the extraordinary backlog of cases in India – 35 million of them – which would take 320 years to clear at the present rate of progress. As a result of these pressures, some important issues were being determined by two-judge benches which did not result in definitive judgements.

Because the system was not working, many freedoms were being taken by stealth rather than underpinned by the judicial process. Relations between the state and the citizen were fluid and now the biggest threat to free speech was 'the constant horizontal application of censorship, which is much more violent and sinister'.

In this situation, Lawrence asked 'where are we to ground free speech?' Laws should not only be used as punishment but to underpin those freedoms. The role of the judiciary needs to be a more active one in this field.

Commenting on Lawrence's paper, Kishali said if she compared the Sri Lankan judiciary with the Indian one, there had certainly be a decline in recent decades. In Sri Lanka, the judiciary was 'inherently volatile'.

Mark Stephens wondered if there had been any challenges to the appointment of judges and was told that no formal challenges had been made.

William Horsley wondered if the media in India were being silenced. Lawrence said a number of factors had led to the present situation. One was the increasing breakdown of the Chinese wall between management and editor. A second was the 'insane proliferation of media'. This should have produced an expansion of democratic space but it had actually shrunk. Lawrence described the media landscape as 'very depressing'. Credible independent media are the absolute exception in India today. In fact, he said, 'it is ridiculous to think of 'Media' as committed to freedom of expression. The media is as essential an actor in the infringement of rights as others are.'

11.15-12.30: Session Two – Media Policy and Governance in the Commonwealth

Chaired by David Page

Victoria Holdsworth, Head of Media at the Commonwealth Secretariat

Victoria said there were many similarities across Commonwealth countries in the role that the media plays and the limitations on it. The Commonwealth is a soft power institution and there are limits on its influence. The aim in general is to keep countries within the fold and to influence them from within.

The Commonwealth Charter, which was drawn up in 2012/13, talks about freedom of expression. It is an aspirational document and it is not being policed. At the same time, it is recognized that it is important to get the institutional framework right.

There are a number of laws which continue to restrict freedom of expression. Defamation is still being used in some countries. Anti-terrorism Laws and Official Secrets Acts are also restrictive. On the other hand, Right to Information legislation is increasingly enacted in Commonwealth countries, providing a means for the public to hold governments to account. Beyond regulation, there are also issues of self-regulation and of newspaper ownership.

The Commonwealth Media Development programme, which began in 1979, had provided regular training for media professionals. In the years between 1993 and 2011, 400 training activities had taken place. But funding has more or less dried up. This funding issue would be raised at the Malta CHOGM. There was still demand for training – particularly in institutional capacity building but funding was ‘a huge issue’.

Victoria called for a more integrated approach, to media capacity building, which would involve, in the first instance, building focused cooperation between the divisions of Rule of Law, Political, Human Rights Communications and Youth. The development of model laws was a successful example of work being done at the Secretariat, which could be applied in areas such as media codes of conduct, particularly during election times. Media capacity building linked to recommendations made by Commonwealth Observer Groups would be an excellent entry point. Another would be further developing the Commonwealth Correspondents project, which nurtures young media talent through the Your Commonwealth website. A Commonwealth Correspondent and contributor to this website had recently won a CNN Award for journalism.

James Deane from BBC Media Action asked about windows of opportunity for collaboration between the Secretariat and other media development institutions. There was also some discussion of the possible role of CMAG – the Commonwealth Ministerial Action Group – in monitoring media freedom in Commonwealth countries.

James Manor criticized the Commonwealth Secretariat for failing to uphold Commonwealth principles in going ahead with the CHOGM in Colombo. He said it was important for the Commonwealth to have a clear public profile on Right to Information and on Broadcasting Regulation.

Mark Stephens CBE – Past President of the Commonwealth Lawyers Association

Mark Stephens said that many of the laws in need of reform in Commonwealth countries were originally British colonial laws which had been intended to be restrictive. Many of them had been embraced by successor Commonwealth states, particularly those in conflict situations, where the government was facing violent opposition.

Mark provided a list of such laws which are still on the statute book and still being used by governments against their opponents. These include civil and criminal libel laws, the latter being used in India by Narendra Modi’s government to silence critics; blasphemy laws, which also present problems for defence lawyers; insult laws, which go back to the Statute of Westminster in 1275, and which protect people of status. Judiciaries are also using ‘scandalizing the court’ laws to restrict criticism of judges.

Across the Commonwealth, the degree of reform of such legislation varies considerably. In Britain, many of these laws have been reformed over the past seventy- five years as a result of public pressure and judicial and parliamentary activity. In many Commonwealth countries, even if governments have wanted to reform legislation, they have lacked the capacity to do so. The time of skilled parliamentary draftsmen required to reform such laws is quite considerable and this is one area in which countries like Britain could help others.

Another factor which is clearly important in prompting reform is the existence of a more open economy and a keenness to do business internationally. According to the World Bank there is a link between greater inward investment and greater freedom of the press and greater independence of the judiciary.

Mark Stephens drew on his own experience of Commonwealth litigation to highlight some areas of concern in the working of the law. He said freedom of speech was very far from being established even in countries with a strong democratic tradition. As the former Indian Attorney General Soli Sorabji had said: 'Freedom of speech is one thing but freedom after speech is more important'.

In Uganda, a journalist facing criminal libel charges was in prison for five years before he was freed. Kenya courts have also handed down tough sentences. In the Gambia, journalists have been physically abused in prison. In Rwanda, so many independent journalists had been prosecuted, there was no independent press left in the country; only bloggers in exile operating from Sweden. In Malaysia the media is controlled by the Government and its friends and online platforms are playing a far bigger role in disseminating information. In Fiji, bloggers have been arrested in an attempt to limit their influence. In Singapore, the government exercises very strict controls.

South Africa is one bright spot. It has passed an amazing freedom of information law, which requires that all contracts should be in the public domain. It is also expected to repeal its own criminal defamation legislation. Freedom of Information legislation has been introduced in many other Commonwealth countries, though not always with the same success.

What to do about all this? Mark Stephens said he would favour a UN periodic review of freedom of expression, which would act as a slide rule to judge performance in different countries. He also advocated a number of tests which could be applied to determine how far freedom of speech exists.

The Commonwealth and the Commonwealth Parliamentary Association could also do more to support reform. He and Sir Edward Garnier had looked at impediments to reform and insufficient capacity was both widespread and remediable. They had drawn up a draft media law which was available for countries to use and modify if required.

Mark welcomed the idea of expanding the Latimer House principles to cover the role of media in governance. Such an exercise would need to look at how freedom of expression is to be promoted in the Commonwealth and it would need to consider not only national media but also online media sitting off-shore.

Lawrence McNamara, the Bingham Centre for the Rule of Law – 'Media Freedom and Executive Accountability under the Commonwealth (Latimer House) Principles: normalising the Best of Commonwealth Law and Practice'

Lawrence said the "Commonwealth (Latimer House) Principles on the three branches of government" are, as the title suggests, concerned with the legislature, the executive and the judiciary. However, they include numerous references to the media's role in democratic and institutional accountability. His presentation looked at how some of those principles are given life in the UK, with comparisons with three other Commonwealth jurisdictions. He had undertaken a review of Commonwealth legislation affecting freedom of expression, like Secrecy Laws and Security Legislation, and had asked himself the question: how do you take the best and normalize it? Three areas in particular were considered. First, the relationships between executive accountability and media freedom, looking at how secrecy provisions are becoming more widespread, and at how those may be addressed, in part by requirements that government report to parliament when it requests that court proceedings be held in secret, and how legislation may provide for media submissions in courts. The best way to underpin freedom of expression was by grounding it in the

concept of accountability. For example, the Right to Information is generally trumped by security issues in a time of crisis; the one limits the other. The tendency then is to highlight the ‘responsibility’ of the media and their obligations rather than their rights. Accountability, particularly accountability to parliament, involves engaging a wider public than the media and has the effect of qualifying the strength of security arguments.

Second, Lawrence considered the relationships between the courts and the media, looking at how courts may improve access to documents in law and practice. Third, he looked at the freedom to criticise the courts and considered reforms to the laws of contempt of court, focusing particularly on contempt by ‘scandalising the court’.

The question of how to achieve media freedom or how to operationalize media freedom was considered in practical terms. The argument was made that rather than making general and broad claims to media protections access to information can be very effectively secured through detailed and specific legislative provisions. That is, inserting provisions into legislation that require the executive to report to parliament on the use of any given law may enable information to come out which otherwise would not, and which can then be reported by the media, and that can be done within an accountability framework. Similarly, changes to process may be achieved by legislation or procedural rules that allow access to documents. In that regard, the decision of the Court of Appeal in *The Queen (on the application of Guardian News and Media Ltd) v City of Westminster Magistrates Court* [2012] EWCA Civ 420 was discussed, especially as it explains the importance of open justice principles in the respect for rights to access to documents and, importantly, that the default position should be that documents can be accessed unless there are reasons to withhold them from the media (as opposed to the position in the past where the default position was the reverse).

Overall, it was argued that the Commonwealth Principles provide an important opportunity for the normalisation of laws and practices that enhance democracy and accountability. This is especially important as internationally contemporary security debates are seeing moves away from open justice. One of the key challenges, however, lies in the way that freedom of expression arguments can be framed most effectively. It was suggested that media freedom in these areas is best secured not by putting media freedom itself as the primary goal. Instead, alternative strategies may work to better effect, including (1) putting accountability as the primary goal and then media freedom has an instrumental role in securing that, and (2) focusing on the integration of media freedom into the Commonwealth principles, with fidelity to the Commonwealth principles being the main point and protections for the media being a part of fulfilling the commitment to Commonwealth principles. Lawrence McNamara agreed with Victoria Holdsworth that there needed to be an ‘unrelenting push’ to assert the public interest.

13.30-15.00: Session Three – Safeguarding journalistic freedoms

Chaired by Rita Payne

Rita Payne, the Chair of this session and President of the Commonwealth Journalists Association, began by referring to the dangers faced by journalists in some Commonwealth countries. In Bangladesh, four bloggers had been killed in recent months; in Kenya, journalists were threatened with a two-year jail sentence for defaming parliament; in Malaysia, journalists feared that Islamic laws were being used to stifle freedom of expression; while in the Maldives, a journalist had been missing for a year and very little had been done to investigate the circumstances. She welcomed the seminar as a means of reviewing the state of media freedoms in the Commonwealth and coming up with some remedial measures.

Oliver Spencer – Article XIX

Oliver Spencer of Article XIX had been on an international media mission to Sri Lanka earlier in the year and he reported on the findings of the mission and its recommendations.

The mission had found the media in Sri Lanka to be suffering from a number of ailments: excessive politicization; a monopoly of media ownership or too much power in the government's hands; a breakdown of the management/editorial divide; low morale and low wages; clear ethnic divisions; and a strong need to address impunity.

In broadcasting, the mission had called for proper frequency planning and the establishment of an independent regulator. The state broadcast media needed to be made more autonomous and to be given a public service broadcasting role, with clear editorial guidelines. As far as Lake House was concerned, it was not clear how feasible it would be for the state print media to become independent while still remaining state-owned.

Commenting on the recent UN report on human rights violations and disappearances during the civil war, Oliver said that the Sri Lankan government should uphold the 'right to truth' and ensure that victims and their families are provided with the information they need.

He said the media mission had called for the abolition of the PTA, the Prevention of Terrorism Act, and its replacement by a more balanced law.

On government-media relations, it called for the abolition of the Press Council Act, which did not have media support, and the recognition by government of the right to unionise. It also called for the draft Right to Information Law to be subject to international review.

A consultation process had also been established to look at ways in which the journalism profession could be strengthened.

Nupur Basu - Indian journalist and documentary maker

Nupur Basu highlighted the contrast between the proliferation of media in India in the last 15 years post-liberalisation on the one hand and the increasing 'corporate stranglehold on the media' on the other. There were now over 800 television channels in India with 80 news channels but the content quality had taken a hit. TV journalism had suffered in recent years due to the race for TRPs. The media had been complicit in its own deterioration by allowing the corporates to breach the iron curtain of the newsroom, Nupur said. Some segments of the private media had succumbed to self-censorship, while the ruling BJP government had appropriated the state broadcaster, Doordarshan, to propagate its views. There was growing pressure from the state on media organisations she said, adding that some segments of the Fourth Estate were not playing its proper role in holding government to account. The government was increasingly shunning media enquiry and curtailing the access of beat journalists to ministries and bureaucrats.

Attacks on journalists in India was also rising at an alarming rate. In the previous four months alone - between July 2015 to October 2015, four journalists had been killed in India, including Jagendra Singh of Shahjehanpur in Uttar Pradesh, the state in North India that send the maximum number of MPs to the Indian Parliament. Singh had been burnt to death allegedly by police officers on the orders of a state minister that the journalist had tried to expose. These had not been journalists with the mainstream newspapers but mofussil journalists who had shown courage in exposing corruption in their small towns. Nupur also mentioned the case of Ravish Kumar, a well-known anchor on India's leading channel, NDTV, India who had closed his Twitter and Facebook accounts after being attacked for his secular views. Women



journalists were subjected to abuses on social media platforms on a regular basis. Arrests of media persons was also on the rise to silence their voices, Nupur said. Meanwhile, competition had hit solidarity among journalists which was a very dangerous trend. Some of these killings and attacks, as a result, were not adequately highlighted in the mainstream media.

The BJP was treating the government and the state as one, and this had resulted in civil society also treating the two entities as one. For example, the killings of prominent writers and rationalists spurred prominent authors in the country to symbolically return awards given to them earlier by the state. Recent months have also witnessed a crackdown on NGOs, with thousands losing their right to foreign exchange accounts in a bid to restrict their overseas funding. The crackdown on the India office of Greenpeace by the government was another classic case. Nupur also highlighted the toll on RTI activists of India's Right to Information Law, which had now been in force for ten years. The law itself was a powerful instrument for good, but according to a recent CHRI report, 39 activists have been killed during the decade and up to 275 have been assaulted by powerful forces opposed to their efforts to access information from government under the law.

**Judith Townend – Information Law and Policy Centre, Institute for Advanced Legal Studies (IALS)
–‘Digital media regulation and legal protection: UK and the Commonwealth’**

Judith Townend began with some definitions. The term ‘Digital media’ includes a wide variety and range of public communication media - from established mass media including print and broadcasting media which are disseminated online; ‘small media’ including bloggers, individuals, community groups; and so-called ‘citizen media’. She argued that the term citizen journalism is a misnomer. Professional journalists are also citizens, and citizens who are not primarily journalists have a long history of contributing to media content. The platforms and level of communication may have changed. But nonetheless there remains a big difference between sustained regular journalistic activity (e.g. a local news blog) and what may be called ‘accidental journalism’ when eyewitness testimony forms a major part of a news story. The ‘small people’ can include those individuals or groups who make regular, sustained journalistic contributions to media outlets on either a commercial or non-commercial basis. And those who write for local or special interest communities (includes ‘hyperlocal’ media and investigative publications).

In the UK there are a number of legal and regulatory issues which small media outlets and contributors encounter. They are in general not subject to a specific media regulation system, but they are likely to be working without in-house lawyers and unlikely to have legal insurance, (though she noted that not all big organisations have such insurance either). They may have limited knowledge of media law (especially if they have not been trained as a journalist, they may be working without collegiate and editorial support. But small media do not all have the same experience or problems. A survey conducted by Townend in 2013 of more than 200 online writers and bloggers indicated a range of legal knowledge, resource and experience. For example, one respondent said ‘I have ‘no idea what it [libel] is, if it affects the information I publish then I’d be happy to break it.’ Another - ‘There have been some things I wanted to publish on my blog but I thought better of it and decided not to do it for fear of being sued.’ A third says ‘as a very experienced investigative journalist, I have sufficient knowledge of the libel laws to legal myself.’

There are a number of areas in which typically small media outlets and contributors may be vulnerable. Those doing serious public interest stuff are likely to encounter legal issues – threats from individuals/corporations. They are likely to be handicapped by lack of funding and in-house representation, making such threats difficult to assess and fight. For those working in small communities which are close to the issues under scrutiny, national-level coverage can provide valuable distance and escape from the risks involved.

Conversely the small media may benefit from some strengths. A lack of detailed knowledge/support can (perversely) stop their stories from being subject to greater sensitivity and consequent deterrence. They may enjoy a relative freedom from institutional pressures including advertising, editorial whim, and slavishness to and what is believed to be a public appetite for certain kinds of story. In addition, close proximity to the issues allows genuine connection with a local audience or one with special interests.

Addressing issues of media regulation in the UK, Judith Townsend said that small media are generally seen to fall outside scope of the press regulator (previously PCC, now IPSO) and broadcasting regulator (Ofcom), or Atvod (until Jan 2016 regulator of video-on-demand programme services). They are however subject the rules of the platforms on which they appear, for example YouTube community guidelines.

Media Regulations: Chart of different types of media

Table from Fielden, L., 2011. Regulating for trust in journalism: standards regulation in the age of blended media. Oxford: University of Oxford, Reuters Institute for the Study of Journalism. P.13.

Delivery	Regulation	Requirements	Scope	Regulator
Broadcasting	Statutory regulation	Comprehensive statutory standards requirements protecting the under-eighteens, on harm and offence, crime, religion, due impartiality and due accuracy, elections and referendums, fairness, privacy and commercial communications.	<ul style="list-style-type: none"> • Applies to all content on UK television and radio broadcasts (but not, for example, to associated websites which may include audio and audiovisual material, or YouTube offerings) from the same brand. • BBC accuracy, impartiality and certain commercial requirements are regulated by the BBC Trust. • Not open to non-broadcast providers seeking regulation. 	Ofcom Administration and enforcement underpinned by statutory powers. Plus, in the case of the BBC, certain standards responsibilities for the BBC Trust
Newspapers	Self regulation	Voluntary clauses, drawn up by industry, on accuracy, opportunity to reply, privacy, intrusion into grief or shock, children, hospitals, reporting of crime, clandestine devices and subterfuge, victims of sexual assault, discrimination, financial journalism, confidential sources, payments to witnesses and criminals.	<ul style="list-style-type: none"> • Applies to UK newspapers and magazines that accept the PCC's jurisdiction, in print and/or online (which may include audio and audiovisual material and blogs). • For VOD material see below. • Open to independent bloggers to sign up to PCC membership. Remit being extended to members' tweets. 	Press Complaints Commission (PCC) Administration and enforcement underpinned by voluntary membership (some newspaper titles do not accept the jurisdiction of the PCC and are unregulated).
Video On Demand (VOD)	Co-regulation	Statutory rules on incitement to hatred and material that might seriously impair under-18s; plus commercial rules on sponsorship and product placement.	<ul style="list-style-type: none"> • Applies to the editorial content of VOD programme services (however they are distributed). • A number of newspaper, broadcaster and other providers dispute ATVOD's authority over their content. 	ATVOD Administration and enforcement underpinned by partnership with industry but with backstop powers for Ofcom. BBC VOD content falls under BBC Trust or Ofcom or ATVOD depending on BBC or non BBC delivery.
Other online/ electronic content	Elements of self-regulation Civil and criminal law applies	Self-regulation, for example, to minimise the availability of criminal content (e.g. child sexual abuse images) or offensive content (e.g. user-generated material on YouTube).	<ul style="list-style-type: none"> • Providers choosing to adopt self-regulation. 	Regulation in limited areas. Examples: Internet Watch Foundation (IWF) YouTube Community Guidelines Note: BBC and other individual broadcasters are responsible for their websites including audiovisual material on them (unless deemed 'VOD'); and for online content via RadioPlayer.

13 Figure 2.1: Summary of current delivery-based standards regulation

Apart from specific media regulation media outlets are subject to a range of general laws. They are not immune from general civil and criminal law, including those of defamation (libel and slander); privacy (e.g. breach of confidence, misuse of private information, data protection); contempt of court; copyright; bribery and other communication-related criminal offences.

Judith Townsend then turned to the constraints on large media organisations in the UK. The post-Leveson regime – composed of a Royal Charter and accompanying legislative package (Crime and Courts Act 2013;

Enterprise & Regulatory Reform Act 2013) – creates a distinct system for those deemed ‘relevant’ publishers. There are also potentially major costs implications of a legal challenge from a source which is not part of a ‘recognised’ regulator. An organization may be exposed to exemplary damages provisions. These provisions have yet to be fully activated (and current media reports suggest they may not be).

The question as to who is and who is not a ‘relevant publisher’ is summed up in official guidance from the UK government below:

Leveson and press self-regulation

Are you a relevant publisher?

Start ↓

<p>Does your publication contain ‘news-related material’? <small>This means news, opinions about news or gossip about celebrities or other public figures.</small></p> <p>Yes → No ↓</p>	<p>Does your publication have more than one author?</p> <p>Yes → No ↓</p>	<p>Is it published ‘in the course of a business’? <small>Are you carrying out commercial activity?</small></p> <p>Yes → No ↓</p>	<p>Is your publication under editorial control? <small>This means that someone decides what the articles are about, what they say and how they look.</small></p> <p>Yes → No ↓</p>	<p>Is your publication a blog?</p> <p>No → Yes →</p>	<p>Is publishing news the main focus of your business? <small>For example, your business is mainly about news rather than a bit of news on a website that largely covers something else.</small></p> <p>No ↓</p> <p>Do you have 10 or more employees and an annual turnover over £2m?</p> <p>Yes → No ↓</p>
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Relevant publishers produce the newspapers and newspaper-like publications that we are incentivising to join a self-regulator.

If you are not a relevant publisher then nothing changes: you carry on as you are.

Department for Culture Media & Sport

This is not legal advice

This is a guide to help you understand the relevant publisher definition

www.gov.uk/dcms

Key

- You’re probably not a relevant publisher, based on your answers.
- ★ You may be a relevant publisher, based on your answers. However, there are other exemptions such as charities publishing news connected to what they do, special interest titles, scientific journals, and companies publishing news about their activities.

There is some confusion about whether a ‘blogger’ – straightforwardly defined - will qualify as a relevant publisher under the post Leveson rules in the UK. Essentially a blogger may be a relevant publisher if publishing news is the main focus of his or her business. If a blogger has fewer than 10 employees and an annual turnover of less than £2m, he or she is probably not a relevant publisher [see English PEN / Anthony 2014; Booth 2015]. Judith Townend argued that until now, it didn’t really matter: but if the post Leveson system were fully activated with recognition of a new regulator then it would be something for small media to consider.

Judith Townend outlined some policy suggestions and options. She argued that whether or not small publishers are and should be inside regulatory system, more protection is needed. She suggested that the required legal resources depended on a number of factors: - reform of legal costs (this issue is still pending); consultation/pilot schemes on Alternative Dispute Resolution models, including Online Dispute Resolution specifically for defamation and privacy cases; pro-bono clinic or advice service (cf. in the United States, the

Online Media Law Network) . She suggested that detailed training could be offered by BBC and media charities.

There are also a number of structural support measures that could be considered or introduced; including a review of implicit press industry subsidies, to consider whether they should be opened up more widely. More recognition and/ or access could be given to small media (by local councils etc.) Stronger recognition should be given to “public benefit journalism” as a charitable activity (see forthcoming Reuters Institute for the Study of Journalism / Yale Information Society Project report). Initiatives could include an opening up or sharing of BBC content (see Geels, 2015)

She considered the possible impact of regulatory changes in the UK on the Commonwealth. In advance of the implementation of the post-Leveson system there had been some significant reactions. Lord Hunt (last chair of the PCC, 2012): *“There are many countries, particularly in the Commonwealth, that base their whole system ... on the British system. There are a lot of countries watching what happens here”*. On the current situation for regulation, Guy Black (Executive Director of the Telegraph Media Group) as chairman of the Commonwealth Press Union (CPU) said he was *“particularly appalled because of the effect it had on journalism in the rest of the world”* (2015).

She asked whether the argument that Britain will influence other countries on media regulation was valid. She noted that the Leveson recommendations, in their original form, contained important safeguards for journalism and freedom of expression. It was fair to ask how much concern about their impact was appropriate. There were difficulties in making accurate comparisons between research methodologies in different contexts and circumstances. There were perhaps bigger dangers, for example the “collective shrug” by UK media towards mass surveillance (see Rusbridger, 2015). We should also ask what the UK can learn from other Commonwealth countries (e.g. those ranking more highly for press freedom). The influence should not be one-way.

In conclusion Judith Townend drew attention to opportunities for global knowledge exchange. Existing initiatives include the Common Thread Network (coordinated by the Commonwealth Telecommunications Organisation) to *‘enable the sharing of experience, knowledge and expertise across Commonwealth nations, tackling critical issues such as the growth in use of the internet, international data transfers and the cloud’*; global press freedom organisations e.g. ARTICLE 19, RSF (Reporters without Borders); ROLE UK - a UK government initiative to improve the rule of law in 28 priority countries; UNESCO Communication and Information Sector; the role of UN Special Rapporteurs (especially those freedom of expression, and privacy); the Open Governance Partnership. She suggested that Institute of Commonwealth Studies and the Institute of Advanced Legal Studies could help generate ideas through events and further research.

**William Horsley – Director, Centre for Freedom of the Media, University of Sheffield –
‘International benchmarks for the protection of journalists’**

William Horsley spoke about the role of the UN and international law in creating an effective framework to stamp out the habitual impunity that now protects those who attack or kill journalists.

He said the 47 member States of the Council of Europe had finally approved an online ‘Platform’ for monitoring and challenging European states about serious violations of media freedom. Under concerted pressure from some media and NGOs, Council of Europe states had also recognised the need for anti-terrorism and other laws to be reviewed to bring them into line with obligations under the European Convention on Human Rights. Strong pressure would be required to get reluctant governments to live up to these pledges. But without that the growing repression of free media across much of Europe as well as Africa, Asia and Latin America would surely get worse.

In 2006, the UN Security Council passed its first resolution on the safety of journalists, which stipulated that the killing of journalists in a war zone is a war crime. This had been followed up in December 2013 by a landmark resolution on the safety of journalists passed without opposition by the General Assembly of the UN.

Among the UN agencies, UNESCO has taken a strong lead on the protection of journalists with country-specific programmes and the ambitious UN Action Plan on the Safety of Journalists and the Issue of Impunity. The UN Secretary General Ban Ki Moon has been mandated to carry out an annual review of progress in this field.

2 November has been declared an international day to end impunity for crimes against journalists – and in the UK there will be a meeting on that day in 2015 in the Houses of Parliament to debate concrete actions by UN bodies, states, NGOs and media to better protect journalists from violent attack and to end the scourge of widespread impunity, which means that the killers of journalists mostly go unpunished.

On 5 February, UNESCO is holding a conference in Paris of media owners and editors to discuss their more active role in improving the safety of media professionals.

The International Press Institute and a group of leading global media houses have also drawn up an International Declaration on the Protection of Journalists. The BBC recently hosted a meeting in London to advance those discussions.

In discussion at the end of this session, the importance of civil society being involved in the development of Freedom of Information legislation was underlined. Otherwise it is not widely owned and is much less effective.

Nalaka Gunawardena said in Sri Lanka's case, in addition to the deaths of journalists, there were also many who went into exile during the civil war period.

In terms of building an inclusive media, attention was drawn to the character of newsrooms, which were sometimes hostile to women or to minority groups like Dalits. This lack of inclusiveness in recruitment could have a direct impact on the character of the coverage.

15.30 -17.00: Session Four – Lessons for Academia and Development Chaired by Professor James Manor

Professor Daya Thussu – Westminster University - 'A transnational perspective on teaching journalism: challenges and opportunities'

Professor Daya Thussu provided a brief history of the internationalization of media studies, highlighting some key academic milestones on this road. These included Daniel Lerner's *'The passing of traditional society: Modernising the Middle East'* (1958), John Downing's *'Internationalising media theory: transition, power and culture'* (1996), and Manuel Castells' *'The rise of the network society'* (1996)

Professor Thussu also referred to two other influential works: James Curran's *'Dewesternising media studies'* published in 2000, which reflected the growing impact of globalization and reactions to it, and Hallin

and Mancini's *Comparing Media Systems: three models of media and politics* (2004) which had established a new approach to comparative media studies, particularly in Europe and had influenced much subsequent work.

Professor Thussu illustrated the pace of globalization by providing statistics on the spread of the internet in Asia, the Middle East and Africa, which showed that in sheer numbers of connections these regions were overtaking North America and Europe. Globalisation was also reflected in the changing profile of faculty and students in London University and other leading institutions.

He concluded his talk with a brief account of his own recent work on BRICS Media: the substantial growth of media in BRICS countries (Brazil, Russia, India, China and South Africa) and the way the emergence of these countries on the world stage, economically and in terms of their media, is changing the balance of global media power.

James Deane, Director of Policy and Research, BBC Media Action - 'Media and Governance: it's time for a rethink'.

James Deane began his talk by asking 'How do we connect up the kind of conversation we have had today with the policies of donors, so that the role of media is given weight in the decisions they make?'

It is a subject he has addressed in an essay for a new OECD publication 'The Governance practitioner's notebook' (2015). One of the key problems, he said, is that there are less than ten experts at international level in the UN or bilateral donor systems who have a thorough knowledge of media development issues.

James said it is important to acknowledge the media does some things well and understand why. It has come in for a lot of criticism in some situations, for example where it has been used for virulent propaganda. But the problems in these situations are not inherently the fault of the media but of how it is used.

James said there are a number of worrying trends in the media globally. He talked about the dangers of 'wholesale pluralized cooption of the media by 'ethnic, state and corporate forces', which were 'transforming the media from one that serves the public to one serving fragmented and polarized agendas'.

Are present media strategies working? One of the problems in the present climate is that critics of media are heard because of fear of the power of media in the wrong hands. James was concerned that we might be seeing 'a move away from support for an independent media towards the use of media to counter Islamic radicalization'.

James pointed out that media does not explicitly feature in the newly created Sustainable Development Goals, which are replacing the MDGs. Goal 16 includes 16.7: 'Ensure responsive, inclusive, participatory and representative decision-making at all levels' and 16.10. 'Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements'. But the media as such can often be 'lost in the development architecture'.

James said so much disagreement over the media's role makes joined up policy making very difficult. Unfortunately, there is no clear or agreed strategic approach and that is what is required. He said he believed that one critical way forward is to map market failure, to show that reliance on the market is not working. In his view, public subsidy is a key element in the creation of public service media.



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20 March 2016

Appendix 1 – Biographies of speakers and chairs of sessions:

William Crawley is Senior Fellow at the Institute of Commonwealth Studies and Co- Director of the Media South Asia Project. After completing a doctorate at Oxford University, he was a journalist, editor and manager in the BBC World Service for 23 years until 1994. Since leaving the BBC he has written articles and edited publications on the BBC and India, and on the media in south Asia. He and David Page collaborated with partners in India, Pakistan, Sri Lanka, Bangladesh and Nepal in researching and writing *'Satellites over South Asia: Broadcasting Culture and the Public Interest'* (Sage India, 2001). William Crawley was Secretary of the Charles Wallace Pakistan, Bangladesh, and Burma Trusts from 2002-2007. He is on the Editorial Board of *'Asian Affairs'*, the journal of the Royal Society for Asian Affairs

Kishali Pinto-Jayawardena is a senior human rights advocate and editorial (legal) consultant/columnist for *The Sunday Times*, Colombo. She has contributed a regular column on rights and the law since 1998, appeared in several appellate court challenges upholding media freedom and drafted laws on Right to Information and Contempt of Court. She has also challenged the Sri Lankan State before the Geneva based United Nations Human Rights Committee on rights of free speech. Recipient of the 2007 International Woman of Courage award by the United States Department of State, she is a 2013 Distinguished Visitor of the Australian National University (ANU), Canberra and was profiled by Amnesty International, Australia as one of eight brave women around the world. She was conferred the 2014 Editors Guild of Sri Lanka Award for Earning the Appreciation of Peers and the Public by nomination of all English, Sinhala and Tamil national editors. She has been a visiting lecturer in media law at the Sri Lanka College of Journalism, the Sri Lanka Foundation Institute and the Faculty of Arts, University of Colombo. Previous books authored by her include *The Rule of Law in Decline in Sri Lanka* (Copenhagen, 2009) and *Still Seeking Justice in Sri Lanka* (Geneva, 2010).

Lawrence Liang is a lawyer and co-founder of the Alternative Law Forum, a collective of public interest lawyers based in Bangalore. He has been involved with a number of free speech campaigns, and has written on the constitutional dimensions of free speech in India. Liang also teaches media laws in a number of institutions across India

David Page is a senior fellow of the Institute for Commonwealth Studies and researches and writes on media issues in South Asia. He is co-editor of *Embattled Media: democracy, governance and reform in Sri Lanka* (Sage 2015) and co-author (with William Crawley) of *Satellites over South Asia: broadcasting, culture and the public interest* (Sage 2001). He took his doctorate in pre-Partition studies at Oxford University and joined the BBC World Service in 1972, where he worked for over twenty years as a producer, editor and manager, with a focus on South Asia, particularly Afghanistan, Pakistan, India and Sri Lanka. He was a trustee of the Panos Institute from 2001 to 2009 and has been a trustee of Afghanaid since 1996. In 2012, he co-authored a publication for BBC Media Action on *The Media of Afghanistan: the challenges of transition*.

Victoria Holdsworth has over 25 years' experience in journalism and communications and is currently Head of Media at the Commonwealth Secretariat. Her experience spans the public, private, NGO and inter-governmental sectors in many countries. Prior to joining the Commonwealth Secretariat, she ran her own company specialising in cross-cultural communications, working for a diverse range of clients, including Amnesty International, the Finnish Government and the European Union. She was previously Programme Director at the Foreign Press Association and a London-based correspondent for a group of South African newspapers. Victoria was educated at the University of Cape Town, where she majored in Psychology. In South Africa, she worked for Reader's Digest and the Cape Times. She has substantial experience working

with journalists from around the world and has a particular interest in the role of media in democratic societies.

Mark Stephens is a partner at Howard Kennedy who has created a niche in international comparative media law and regulation. His expertise also covers specialisms in Creative Arts & Cultural Industries, Human Rights, Data Protection and Freedom of Information, Intellectual Property law, Judicial Review and appeals to the Privy Council for parts of the Commonwealth. Mark has been appointed by the Foreign Secretary to the FCO Free Expression advisory board and by the Lord Chancellor to be a Champion for the Community Legal Service. Mark has been described by the 'Law Society Gazette' as, 'the patron solicitor of *previously* lost causes'. It is this reputation for creativity with law that leads clients to his door. Mark chairs a number of bodies including the Contemporary Art Society, the University of East London, the Management Committee of the Oxford Programme in Comparative Media Law and Policy and is a Trustee of Index of Censorship, the Bianca Jagger Human Rights Foundation and the International Bar Association's Human Rights Institute. Mark regularly appears in print and on radio and television.

Dr Lawrence McNamara is Senior Research Fellow and Deputy Director at the Bingham Centre for the Rule of Law. The Bingham Centre is a part of the British Institute of International and Comparative Law, an independent research institute in London. Lawrence has published and presented widely on matters relating to media law, security, transparency and accountability, and the roles of the judiciary and the executive in these areas. He worked extensively on issues related to the UK Justice and Security Act 2013. From 2009-2013 he held a Research Councils UK Global Uncertainties Fellowship in Ideas and Beliefs. This fellowship funded a research programme called "Law, Terrorism and the Right to Know". Prior to joining the Bingham Centre in 2012 Lawrence was a Reader in Law at the University of Reading in the UK (2007-2012). Before moving to the UK he held academic posts in Australia for ten years.

Rita Payne is President of the Commonwealth Journalists Association, a freelance journalist and media adviser. She writes for a range of publications covering politics, the media, culture, travel and tourism. She is on the editorial board of Round Table, the Executive Board of the Commonwealth Human Rights Initiative and is Vice-President, Uniting for Peace. She has chaired sessions at the One World Media Festival and moderated key dialogues at the UN World Urban Forum in Rio de Janeiro and Nanjing. She was a member of the Commonwealth Election Observer Missions to the Solomon Islands and Sierra Leone. She worked for nearly thirty years at the BBC until her retirement in 2008. Her last position at the

BBC was Asia Editor, BBC World News (TV) with responsibility for three news programmes a day. She was nominated for the BBC Global Reith Awards 2009 and Asian Woman of Achievement Awards 2006. She was born in Assam, India.

Oliver Spencer is Head of Asia at Article XIX.

Nupur Basu is an independent journalist, award - winning documentary film maker and media educator from India. For the last three decades Nupur has worked in both print and television journalism and reported and filmed from India and many other countries, including the UK, Pakistan, Sri Lanka, Nepal, Bangladesh and Afghanistan. She reported extensively on politics, development, gender, child rights, hunger, health and environment in print, television and documentary films. She was a journalist on the Indian Express (1982 to 1991) and Senior Editor with New Delhi Television (NDTV) from 1994 to 2006. Her documentary films include *Michael Jackson Comes to Manikganj*, *Mothers of Mallapuram* and *Dry Days in Dobbagunta*, which won the award for Excellence in Television at IAWRT Festival at Harare. In 2010 Nupur taught a course on 'International Reporting: India' at the Graduate School of Journalism at UC Berkeley teaching a course She is an Associate Fellow at the National Institute of Advanced Studies (NIAS) at Bangalore and



on the boards of several media and rights organisations, including the International Association of Women in Radio and Television (IAWRT) and Amnesty, India.

Dr Judith Townend is a lecturer in information law and policy and director of the Information Law and Policy Centre at the Institute of Advanced Legal Studies, University of London. Previously she worked as a research associate at University of Westminster, on an AHRC funded project concerning 'media power and plurality', and as a lecturer in journalism at City University London. Her PhD research was also based at City University and looked at the relationship between journalistic practice and defamation and privacy law in England and Wales. She has a continuing interest in dispute resolution and access to legal resources in the area of media and information law. She can be found @jtownend on Twitter, or by email: judith.townend@sas.ac.uk. See also **Information Law and Policy Centre** and its **blog**.

William Horsley is former BBC correspondent in East Asia and Europe, now a writer on international affairs and international director of the Centre for Freedom of the Media (CFOM) at the University of Sheffield, a partner of UNESCO in implementing the UN Action Plan on the Safety of Journalists. He is also Vice-President and Media Freedom Representative of the Association of European Journalists. He has written regular reports on *The State of Media Freedom in Europe* for the Parliamentary Assembly of the Council of Europe and is the author of the *Safety of Journalists Guidebook* published by the Organization for Security and Cooperation in Europe (OSCE). In November 2014 CFOM collaborated with UNESCO and the Council of Europe to launch a Seminar and Inter-Regional Dialogue to strengthen the legal and political protections for journalists worldwide.

James Manor is Professor Emeritus of Commonwealth Studies at the University of London and a former Director of the Institute of Commonwealth Studies. He was Professorial Fellow at the Institute for Development Studies from 1987 to 2007. He earlier held a number of other senior appointments in the USA, Britain and India. He was V.K.R.V. Rao Professor, Institute for Social and Economic Change, Bangalore, India 2006-8 ; Fellow, Woodrow Wilson International Center for Scholars, Washington, DC 2001-2002; and Professor of Government, Harvard University; 1985-87. He is an authority on the politics, economics and development of India, Africa and other third world countries. He has written and edited a number of influential studies on structures of government, democratic decentralisation, civil society and development, and on poverty alleviation. He is the author of a biography of the Sri Lankan political leader, S.W.R.D. Bandaranaike, and continues to follow events in Sri Lanka closely.

Daya Thussu is Professor of International Communication and founder and Co-Director of India Media Centre at the University of Westminster in London. Author or editor of 17 books, among his key publications are: *Communicating India's Soft Power: Buddha to Bollywood* (Palgrave, 2013); *Media and Terrorism: Global Perspectives* (co-edited with Des Freedman, Sage, 2012); *Internationalizing Media Studies* (Routledge, 2009); *News as Entertainment: The Rise of Global Infotainment* (Sage, 2007); *Media on the Move: Global Flow and Contra-Flow* (Routledge, 2007); and *International Communication - Continuity and Change*, third edition (Bloomsbury, forthcoming). Professor Thussu is the founder and Managing Editor of the Sage journal *Global Media and Communication*. His latest co-edited volume (with Kaarle Nordenstreng) is *Mapping BRICS Media*, a collection of essays on the media in the BRICS countries, published by Routledge in 2015. In 2014, he was honoured with a 'Distinguished Scholar Award' by the International Studies Association, a first for a non-American/Western scholar in the field of international communication.

James Deane is Director of Policy and Learning at BBC Media Action, the international development charity set up by the BBC. It operates in 28 countries and is funded by DFID and other international donors. BBC Media Action produces radio and TV programmes, social media and mobile phone services to build knowledge and bring about change in governance and human rights, health and in humanitarian



emergencies. It works with partners worldwide and supports media plurality. James was previously Executive Director of the Panos Institute, an NGO which specialises in the use of media for development, where he led new information approaches to HIV/AIDS and helped to create a family of autonomous Panos institutions in Asia and Africa, building local capacity to analyse and respond to development issues. Panos itself emerged from Earthscan, an NGO with a global environmental brief, where James began his career. He is the author of numerous publications on the role of media in development, including *Fragile States: the role of media and communication*, a BBC Media Action policy briefing. He holds a Masters in international development from City University.