

Submission to the thematic report of the Special Rapporteur on Freedom of Opinion and Expression to the UN Human Rights Council: “Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters”

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Introduction

It may be helpful if the forthcoming report conceptualizes its content beyond the formal Sustainable Development Agenda, and keeps in mind the wider debates on development and the role of communications therein. This can help avoid being limited by the assumptions of any single approach. Informed in this way, three thematics are proposed for the report, and suggestions are made for how the report can stimulate concrete ways forward. A brief case study is also proposed.

Conceptual context: How expression is implicated in different paradigms of development:

1. Modernization: expression is seen as informing passive “developees”, enlightening them, changing cultures, individual attitudes and behaviours that do not accord with the way “development” is conceptualised. This social marketing perspective is in turn aligned to an access to information paradigm (nowadays, also access to data as well).
2. Nationalistic: expression can help overcome national dependencies on foreign and inappropriate communications, meaning it is important to build national communications capacities. This perspective can be skewed towards to a view of “development communications” and “development journalism” – seen as equating information put out by national authorities.
3. Participatory: while the above approaches lean towards vertical communications, this third paradigm recognises the value of fostering expression that is bottom up and horizontal. This is aligned to moves to increase access not merely to information but also to means of communication (which access is limited by restrictions on community media, the digital divide, internet shutdowns, low levels of digital literacy, etc).
4. Political: in this perspective on expression, unless communications impact the public sphere (at local through to international levels) and thereby impact on policy and implementation, they will miss the importance of changing the enabling environment for development. Without this democratic component, the questions of what development, and for whom, at what cost, remain undefined – and captured by certain interests. Without politics that rest on free expression, developmental efforts rely on coercion and authoritarian backing – which reduces initiatives, accountability, legitimacy and sustainability.

No single paradigm captures the extent of the complexity between expression and sustainable development. A holistic approach is needed if communications are to help achieve the SDGs and beyond. Access to information is an issue; national and local capacities are an issue. Interactive and participative expressions align with development not only for the people, but also by and of the people. On a political level, there is a special role for journalistic expression, *which is key for the public understanding of what “development” means, who it’s for, how it happens, and who is responsible for helping to achieve it.*

Integrating all these insights can help prioritize the kind of analysis and recommendations within the report.

Possible thematics across the report:

A. Access and participation dimension:

Access to information, data, and (advanced) ICTs, with strong free expression and freedom of information protections, is essential. Supporting this *communicational* access, across educational, gender, economic and other inequalities, provides a bridgehead for redressing these very same divides through inclusive and interactive expression.

B. Media dimension:

Press freedom (covering also independence, pluralism and viability) is a necessary condition for the kind of journalistic communications that can resonate in the public sphere, and on politics and participation which in turn influence the very shape of development. Community media (online and offline) is a vital sector. However, support is needed for community, public and even private media in many countries, so that independent journalism and its role are not undermined by market failure in regard to the ongoing economic sustainability of media enterprises themselves.

C. Transparency, including digital challenges and opportunities:

Steps are needed to improve the ecosystem of digital communications to reduce harms to, and increase opportunities for, sustainable development. Key here is the need to maximize information, debate and inclusion, and to minimize falsehoods, hate speech and polarization.

Most communications today are shaped by commercial gatekeepers implicated in business models that produce growth and revenue as a type of development for their shareholders. But these entities also have negative externalities on public information flows and on the role of rational and civic discourse in regard to determining actual development. These gatekeepers need to be made accountable, particularly through transparency regimes, and there should also be practical support alternative platforms (eg. decentralized and locally owned services, in local languages).

Additionally, the topic of big data for development is an issue, and data asset holdings by both government and large private actors should be availed with appropriate safeguards especially on privacy, and with data partnerships being fostered.

Suggestions for how the report may point to the way ahead:

- A possible take-away point for readers of the report is appreciation of complexities and nevertheless a recognition that freedom of expression is not a side issue to sustainable development. The report should explain that a view that *you cannot have development without free expression* is over-simplistic. And it can highlight that even so, the argument that development *does not need* free expression is fundamentally flawed. First, because freedom of expression is a universal right; second, because this right is self-evidently a means to shape development through enabling many voices to formulate shared public interests; and third, as recognised in the SDGs, expression is also a target *outcome* of sustainable development. Thus, concern with advancing both sustainable development and democratic participation are inseparable, and freedom of expression is the key to their integration and mutual effectivity.

- Many legal and other curbs / limits on the right to freedom of expression constitute not only unjustifiable restrictions on the right itself, whereas press freedom can help protect SDG progress (see case study below).
- Beyond the overall intellectual understanding, there is a meaningful material take-away. In particular, official development assistance thinking should mainstream communications thinking, and resource it accordingly. The 0.03% that currently goes to media (OECD figures) is woefully insufficient investment, given that independent journalism can multiply much wider development outcomes (eg. in health, justice, job creation and human rights) through its agenda-setting, accountability and investigative roles.
- Member State interventions are needed as regards digital platforms, regulating the major companies and especially transparency on the one hand, and enabling different actors on the other.
- To expedite SDG progress, progress must be optimised in regard to Target 16.10 – “public access to information and fundamental freedoms”, since this will advance other SDG objectives – and help produce some of the data needed to assess and communicate progress.

Case study:

Extensive research shows that in the past decade, independent media used press freedom in South Africa to provide unassailable evidence of how the country’s development path was being distorted through state-capture that enabled the massive theft of public funds earmarked for developmental purposes. These exposés contributed to political changes and to an eminent judge’s enquiry that in 2022 recommended numerous prosecutions as well as institutional changes.

Without news coverage bringing to light the organized character and extent of the criminality over several years, the South African public at large would have remained in relative ignorance and impotence. Nevertheless, there is enduring damage to state institutional capacity (such as shown in the economic, social and environmental impact of the country’s electricity and railway crises).

There is also a culture of violence which has seen attempted and successful assassinations of many anti-corruption actors. One instance was the murder in 2021 of a provincial government chief accountant in health matters, Ms. Babita Deokaran. She had tried to stop massive corruption in a major Johannesburg hospital’s procurements. Today, South African news media continues to play an influential role in investigating this killing (amongst others), in amplifying the need for full justice to be done, and in proposing better protection for whistleblowers.

All this comes on top of decades of media coverage of the HIV-AIDs crisis, which has been effective in impacting public opinion such that (a) an earlier government changing its opposition to anti-retroviral medication; (b) there is high awareness of safe sex and women’s rights as part of the solution to the problem.