Securitisation and legitimacy in Global Media Governance: Spaces, Jurisdictions and Tensions

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The concept of 'governance' in the study of media policy does not enjoy a straightforward definition. Instead, it is a concept that does a better 'job' at signifying, describing and representing, rather than specifying. The meta-theoretical term of 'governance' signifies the complexity and multilevel involvement of actors, institutions and principles that shape a particular area, for our purposes, media and communications. In political sciences and particularly the study of European integration, 'governance' studies emphasise the exercise of authority in the EU system and in particular a drift of authority away from government (Rosamond 2000: 109). Governance refers to a political *process*, through which decisions are made about the media and which is 'located' in procedures, formal and informal structures, spatiotemporal dispersions and beyond the clearly defined spaces of 'government'. It is understood as the process and sum of institutional functions and the creation of policy regimes through regulation (Sandholtz & Stone Sweet 1998). Media governance describes a political direction as a matter of process, in which representations of interests – diffused or concentrated – located not only in the various mechanisms and institutions of the state and state-like formations, such as the EU, are central in the making of a regulatory regime. Armstrong and Bulmer (1998) see institutions as 'normative vessels' in which ideas occupy a very important position in policy-making or as Rosamond (2000: 119) proposes, as actors that 'perform a guidance function' and construct social reality.

Media and communication scholars 'came' to the study of governance relatively recently and in particular, with the impetus from international communication policy moments, such as the World Summit on the Information Society (Geneva 2002; Tunis 2004). Accompanied by global media transformations in the past 20 years, these international events have cemented scholarly interest, as well as political discourse, to a shift from a debate around media regulation to one of 'governance'. As a field, it is marked by studies on the interaction

between systems, actors, ideas and discourses. Donges (2007) in his edited volume dedicated to the discussion of governance in communication locates the emergence of 'governance' studies in the mid 2000s in politics and social sciences, but the term has appeared in studies of world politics much earlier than that. In 1999, the seminal work by Hewson and Sinclair *Approaches to Global Governance Theory* spoke systematically of the theoretical dimensions of global governance as inextricably linked to global change, at macro- and microlevels. Their work placed emphasis on various facets of governance as a system of globally oriented policies and actors. In particular they analysed the emergent high-level symbolic analysts of the information society and epistemic communities. Raboy (2004) and Sarikakis (2002, 2004) were among the early communication scholars to systematically introduce the term through their work in the field global and international communication policy, and specifically through studies of the World Summit on Information Society and research on supranational decision-making. In these writings, governance was studied as a field of inter-action on a multileveled constellation of power and actors involved in international policymaking. Not only governments and specified sub-authorities, but also the role of supranational institutions, such as the European Parliament (Sarikakis 2002, 2004) or global actors such as civil society (Raboy 2004) as well as ideological dispositions were explored in this work. Today, the field of media governance is a rich and productive interdisciplinary field with a variety of approaches to what constitutes governance, while taking into account its normative implications, especially in debates around 'good governance' (Donges 2007; O Siochru & Girard 2002; Price 2002; Puppis 2008; Burch 2004).

Arguably, regulation is placed at the centre of governance as goal and process. Changes at a global scale in the structural orientations of the media, and the ways in which institutional arrangements have tried to respond to global market integration, have also led to changes in the objects and areas of policymaking. The field of media policy has expanded from the

'usual suspects' of television and radio and the role of national governments to a range of issues, objects and actors shifting policymaking paradigms and policy studies in more and complex stratifications. Larger than national overarching policy, issues affecting media across the world, lead our studies to the examination of policy processes in *de-nationalised* spaces that shape the function of communication and media corporations globally. Several developments at different points in time in the course of international relations have given rise to policies that affect media structures and media governance. With the technological integration of communications, previous boundaries have become more integrated, in terms of technology, usage and reach of media, jurisdiction over media, and role of actors. The technological aspect of the media is considered a core dimension of the makeup of changes in media policy, according to Braman (2004), who leads a thoughtful discussion as to the ways in which media policy can increasingly be seen as information policy. In this vein, Braman asked the question 'where is media policy' and argued that the field of media policy as a study one has expanded, as technology has resulted in intended and unintended consequences. Historically, the attention paid to media is due to their role in the exercise of democratic practice and freedoms. Historically also, media technologies have developed to serve trading and financial purposes, as well as military and cultural dimensions. Yet, despite their role and also because of their multifarious roles, the ways in which media relate to everyday lives effectively determine the degree of democratic cultures. Hence, the ways in which they are controlled matters: seen from this perspective predominantly as opposed to one that selectively prioritises their economic function, the media's expansion into public spheres across borders, indeed their facilitation and dominance over public sphere activities, demonstrate the need for a broader view of what is often considered as national affairs.

Increasingly, it is challenging to make definitional distinctions as to what counts for media policy, as the 'traditional', easily identifiable media objects are no longer occupying single or

central positions in the political terrain and in society. Apart from the fact that technologies are converging, evolving, being used in innovative or unexpected ways, the 'place' of policy is less 'fixed' and more complex to follow. Moreover, the 'place' of media in policy is also harder to locate. For example, mobile phones integrate radio, camera, and internet devices – any regulatory interference or action that impacts upon the conditions of availability and usage of telephones, even if not intended or designed or presented as media policy, is most likely to affect users' access to and imparting of information. This automatically 'qualifies' such policies and practices that affect the media. Everyday 'settings' of media technologies and policy dilemmas bring seemingly disparate issues to the intersection of citizenship and media governance. Examples are whether iPhones allow access to many forms of content and wide range of websites on the internet or whether public service broadcasting content is available on mobile media, but also more 'exciting' dimensions, such as social media applications that 'betray' users' geolocation alongside with the availability of their personal data to social media publics. However, debates around media governance and technology have been 'framed' technocratically, so that often the connections to citizenship can only be 'revealed' if the analyst, 'enters' the citizen into the equation of policy (Sarikakis 2011). For example, seemingly technologically framed questions about technical standards or technological knowledge gain a different colour once they are scrutinised for their impact on information and democratic praxis such as anonymity, privacy, freedom of expression and association to name a few.

Securitisation of Governance and Public Speech

These complex and often invisible interconnections, between seemingly 'neutral' policy objects and the praxis of citizenship, articulate in a cumulative way a form of governance of *public speech*. The regulation of conditions under which speech can be exercised constitute,

in the era of new media and technologies, a realm of public speech for two reasons: first, all electronic communication leaves traces that are practically accessible by wider publics even when intended for 'private' exchanges (consider the case of circulation of private images and videos through mobile phones); and second, because the boundaries of the private realm are less clear than ever before (consider the case of Facebook). Moreover, the connections between established and new media and forms of cultural expression can also be seen as forms of public speech. Indeed, they produce speech forms through art, content and word that are available in a public way. Public speech may be produced to be consumed by a public and in a public situation or in private contexts. Viewing media and cultural products predominantly as products of public speech[1] – whether informative, cultural or other – allows us to better grasp their role in society as political, vital for citizens' involvement in democratic processes. As a form of public speech social media and products deriving from remix or DIY cultures, convey values, perceptions and ideas about the world, representations and constructions of understanding the world. As such, public speech is governed by laws on the grounds of freedom of expression, deliberation and association as the cornerstones of democracy. The governance of public speech is centred not only on the right to freedom of expression as an individual right to express opinions and impart information, but also in relation of the individual to the *means* of expression and communication. Public speech, therefore, mostly lies with the freedom to express ideas under the assumption that conflicting, contested or unwanted ideas will be scrutinised and critiqued, *through the process* of the free expression of others. For this purpose, the space within which deliberations take place is directly linked to the possibility of articulation and voice in the process of interlocution. Its function is not only deliberative, but also to serve as space for the *emergence* of speech, inasmuch realities and experiences have remained 'untold', unrecognised and unarticulated. This is the case for example of public spheres of communities, social movements,

oppositional forces, and they are an inseparable part of democratic praxis. Mediatised spaces allow for the processing of ideas and constitute a 'training' ground for the expression of ideas in other, often mainstream, public fora. In media content terms, this means governance for the capacity for the broadest possible functioning of media points of production and consumption that allow a dynamic and complex relation of communicative spheres of action to flourish. Not only a variety of media outlets is therefore governed, but by effect, also the representation of the voices of social groups in a minoritised locus. These are populations that historically have been marginalised from the production and presentation of public speech, through exclusion or processes of silencing through, for example, ridicule, or trivialisation.

The governance of public speech through that of public space is, again, often an invisible connection. Not only physical but also mediatised spaces are linked to the possibility or inability of interlocution. However, where do ownership patterns intersect with citizens' expression? There are two significant directions of public policy that are influential in the experience of media in everyday life, in the 21st century: these are the securitisation of communication, and privatisation of public spaces. The process of securitisation of public spaces through policy and practice result in increased control of communicative spaces and the mediation of experience. Under the magnifying glass of monitoring and profiling (Lessig 2006), neither anonymity nor privacy is safe. At times of crisis, where the 'break' from normal politics is legitimised as a temporary but *necessary* situation, governance of media concentrates on the limitation of the range of expression and practice of communicative democracy. Governance structures may remain 'pluralistic' in that they would still include various actors, but the goal of governance is shaped by the process and discursive frame of 'security', a dominant trend in media governance in the post 9-11 era. Some significant policy change has come about, because the ideas dominant in the governance of freedom of expression are based on specific assumptions about 'security', including the concept itself.

"The war on terror" triggered a number of new Counter Terrorism and National security laws which threaten a range of communication related , such as freedom of expression, free access to public relevant information, the protection of sources and material, and establish certain legitimacy of the surveillance and wiretapping of journalists around the world. According to the OSCE, almost the half of the 56 member states imposed legal liability for journalists who obtain classified information (OSCE 2007, http://www.osce.org/fom/24893). Banisar (2008: 15) observed also "a significant trend in the use of state secret laws to penalise whistle-blowers and journalists who publish information of public interest". A more recent report by the OSCE expresses concerns about the restrictions imposed on online journalists due to increasing control over online content, such as through cybercrime and online hate speech. In the USA, the (in)famous *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (or USA PATRIOT) Act of 2001* introduced the weakening of privacy protections, increased powers of surveillance to several governmental agencies and permits the intercepting, sharing, and using private telecommunications, especially electronic communications. According to Privacy International (2004) the 'importance of the US policies is that they tend to influence policies and citizens of other countries'. By September 2002, the Office of Management and Budget counted 58 new regulations responding to terrorism; by March 2003 the General Accounting Office counted nine new National Strategies; there have been innumerable laws passed at the federal and state levels; countless changes in administrative measures, including the Attorney General Investigative Guidelines; and some attention has been given to policies and projects from various departments, not limited to the *Terrorism Information Awareness Program (TIA)* and *Computer Assisted Passenger Prescreening* (commonly referred to as CAPPS II) (Privacy International 2004). In March 2011, a US Court urged Twitter to hand over user data to the government. This concerns data from possible collaborators of whistleblowers.[2]

Among other changes, the UK government in its *Intelligence and Security Committee Annual Report 2005-2006* proposed the extending of the *Official Secrets Act* to make it easier to prosecute whistleblowers. Even though there are no legal restrictions on photography in public spaces in the UK, the police have been challenging photographers' rights in public places and events, claiming terrorism restrictions (e.g. train and plane spotting, photographing of public demonstration, restrictions in shopping malls).

As a telling example, the EU adopted the *2006 Directive on Data Retention*, which requires telecommunications providers to automatically collect and retain all information on all users´ activities. Member states are required to implement the directive until 2007 and for Internet data until 2009. The directive goes against constitutional provisions of some member states, such as Germany and Sweden who have not implemented it as such. In Germany, the 2007 new T*elecommunications Data Retention Law* requires telecommunications enterprises to store consumers´ data (e.g. e-mails, text messages) up to six months and make them available upon request (includes also doctors, lawyers and journalists). However, the Constitutional Court declared the law illegal in 2010, as the user data was not sufficiently protected from unauthorised access. Currently, the German government is working on a new law. In 2007, 17 Journalists of *Der Spiegel, Die Welt, SZ,* who reported on allegations of misconduct by German military invasion of Iraq, using excerpts from secret government documents, were accused of breaking article 353 B of the Criminal Code.

These profound shifts in the regulation of the communications spaces and processes in the post 9-11 era presents us with discursive and normative frameworks, as well as structural environments that clash directly with existing legislatures, internationally adopted legal principles, such as human rights, and create a new terrain of state and corporate activity in citizens' lives. Characteristically, both for its attention to the issues and weakness to speak with a strong voice, already in 2001, the United Nations Human Rights Commission issued a

statement in which they express their concern on the negative effects security and anti-terrorism laws might have on the media and other laws.

Regulatory directions such as these above are not necessarily based on any 'hard' media law. In fact, most legislation of the role of the media in society, in the political or cultural sense, remains largely unchanged. What has changed is the overall broader jurisprudential context within which state and market practices affect the media. This is the case of a heightened 'security' environment, one of crisis, and the expectation, in other words the *normalisation,* of restriction of communicative action beyond hitherto existing norms. The aforementioned examples show that a 'global' affair results into national responses, which however vary in form and content. In crisis, whether political, economic or social, accepted democratic decision-making procedures are challenged.

Space, Jurisdiction and Illusive Media Governance

Media are not always and only regulated through media laws; careful attention reveals that there are effects on media and communication through policies in seemingly 'irrelevant' areas. One of the core areas in this case has been the regularisation of new set of codes and principles in relation to ecommerce. A global drive to promote conditions favourable to ecommerce, whereby electronic communications occupy a central role, have put forth a set of 'conditions' for the configuration and control of various aspects impeding in the process. Users are of central importance and their habits of commercial value. The protection of business has proven a powerful motivator behind policies included in ecommerce legal packages in various parts of the world. Together with the frame of a political crisis (terrorism as a primary projected reason and cause) supranational and global policies allowed questionable processes of monitoring of citizens' relation with the media through retention of

usage data, and the tracking of communication devices from mobile phones and computers to the 'internet of things'.

At the same time, the privatization of public spaces is the other major issue for media governance, whether the object is the established media or telecommunications and infrastructure of the information society, or if it is about the privatisation of public physical spaces, such as through advertising on objects, airports and streets. Increasingly, the role of private entities occupies a larger part in the process of public governance too, as international relations are shaped in close proximity to transnational businesses and their alliance representations. Such examples influential in the governance of media are the European Roundtable of Industrialists (ERT), the Business Roundtable (BRT), Motion Picture Association of America (MPAA) or the Global Business Dialogue on electronic commerce (GBDe), to name but a few. Their agendas can be found in public policy agendas and outputs on national and international levels, through a systematic involvement in the design of policy frameworks, especially those ring-fencing electronic commerce activities (Chakravartty & Sarikakis 2006). Most importantly, private interests are represented in public policy as they constitute integral elements of today's schemata of 'governance', especially when it comes to supranational and international constellations of power. The format of the so-called 'multi-stakeholder' approach, that is the participation of a wide range of actors in the shaping of policy, gave the private sector an official seat at the negotiating table, granting *private* interests legitimacy in *public* policymaking next to elected governments in the process. The participation of multiple actors is a core characteristic of modern day governance: nevertheless, it would be wrong to assume from this that actors are equally involved in governance or that they are equal. Supranational and global governance structures may manifest a wider range of representations in the policy process than national contexts, especially where dimensions such as public consultation are not institutionalised and

encouraged. However, this does not equal to greater input in the policy output, the outcome of which is a much more complicated process that depends on various factors including whether there is a power vacuum in the specific policy 'moment' – this is especially eminent when the goal is social change (Sarikakis & Nguyen 2008).

Compound to the question of legitimacy of global media governance is that of jurisdiction. National sovereignty is all about clear-cut lines of jurisdiction in a specific geographical territory, and not others. This is the formality of international relations, which of course does not answer the question of pressure and influence through other means of interference in national affairs. Nevertheless, as far as the *procedural* dimension of governance is concerned, the national context provides the clearly defined jurisdictional lines. However, increasingly in the – especially expanded – field of media and communication, we find jurisdictions that are challenged by the course of developments 'abroad'. Intergovernmental organisations, organisations of questionable legitimacy and unchecked transnational corporations that elude national checks and laws create an environment where public policy agendas are designed and directions are set.

In this mode of policy, the State is still powerful, yet democratic institutions and processes are challenged, as jurisdictional clarity is eroded in two ways: first through *policy transfer* and second through a *process of 'laundering'*. These two phenomena are often discussed interchangeably in the literature, however the literature exploring both dimensions is very limited. In the case of communication studies, it is almost nonexistent. What we have at our disposal are a few studies in aspects of the so-called information society that are largely pursued by political scientists. Policy 'laundering' is an emerging concept that refers to the phenomenon of policy adoption without the necessary political and legal established procedures. Through this tactic, governments promote policy measures as part of larger

agreements ‘packages’ in the international scene or as responsibilities towards intergovernmental and other organisations. The process is hard to identify and research as, on the one hand, it follows to a great extent informal channels and, on the other, there is no official information and sources who are willing to speak about such cases (Privacy International 2004). The tactic of policy laundering is a severely under-researched area in media studies but increasingly of great importance, given the ways in which media policy ‘expands’ definitionally and in terms of objects, as well as in terms of the spaces within which it is shaped. These are the European Union spaces and procedures for example. The EU is an international actor whose policies affect other ‘third’ countries as well as member states, or regional organisations such as NAFTA and MERCOSUR and organisations such as WTO and World Bank and other organisations.

These policies, it is argued, lack legitimacy because they bypass the normal political praxis as defined by law and result in the delegation of power from representative institutions as are parliaments to non-voting and non representative bodies. Moreover, as a problem presents itself the situation whereby different aspects of policy are discussed in different fora, for example, the case of data retention policies is exemplary of the various different institutions and piecemeal approach evident in the policy. In this case, under the normative framework of ‘security’ the data retention regulative framework was designed by the Council of Europe with the involvement of the G8 and was ratified even by countries that we are not members of CoE (Hosein 2004). In policies connecting cybercrime and traffic data retention, we see that G8 countries led discussions on legislations of high-tech crime since 1995, and the Council of Europe discussed regulations of cybercrime since 1997. Result of these discussions has been that the CoE produced the Convention on Cybercrime (ETS 185), for reasons of cybercrime including hacking, child pornography, copyright circumvention, mutual legal assistance and a set of surveillance capacities. The G8 countries conducted

several meetings on the topic, until in May 2002 including "a call for governments to decide which information is useful for public safety purposes" (Hosein 2004: 3.1). The document included a checklist for data preservation requests, procedures, legal frameworks and addressed also international treaties, such as the one by the CoE. The US was accused of pushing for the adoption of the CoE convention (Hosein 2004). In July 2001 Australia had referred to the CoE as base for their bill on computer crime which requires users to provide encryption keys.

More often studied than in the case of policy laundering is the influence of supranational policies on national legislation, especially in the EU. The way supranational governance works is to develop Directives that set broad principles for the change of law and with the aim of 'harmonisation'. For example, at a global scale, U.S global audio-visual strategy promoted the liberalisation of EU audio-visual policies. After the implementation of the TWFD were efforts transferred on the WTO level (Williams 2004). Spread through international agreements, aims at implementation on national, regional and international level based on an understanding of regulation policies as laissez-faire oriented and on the understanding of FTAS as expansion, rather than diversification. After the closure of GATS, Doha Rounds served as policy fora.

Another example of policy transfer is the Audiovisual Media Services Directive (AVMS) that regulates digital technologies and on demand media services. Viviane Reding, at the time European Commissioner for Information Society and Media stated, in Lisbon in July 2007, "I encourage Member States, when they will transpose the Directive in the next few months, to keep the light touch approach reflected by the text of the Directive, and – as far as possible – not to add many additional national rules." (ACT http://www.acte.be/EPUB/easnet.dll/execreq/page?eas:dat_im=025B3F&eas:template_im=025AE9) By June 2011, 24 of 27 Member States had implemented the Directive.

The EU legislative framework (Framework Directive on a common regulatory framework for electronic communications networks and services) leaves space for national diversity. However, the promotion of a *preferred* model of implementation within the EU and strong (de)regulatory pressures between member states ensure for a less diverse or autonomous reading of the directive. However, traditional policy styles especially in Germany, France, UK were not easily assimilated

At the same time, the US Anti-Counterfeiting Trade Agreement (ACTA), another major piece of regulation with worldwide implications, sets new Intellectual Property standards and raises new issues than those existing in national countries, who then adopt them as a network of countries involved in the agreement, such as retention of usage data, and the active involvement of ISPs in taking down copyrighted, unauthorised content from the internet and servers.[3]

On a truly global scale, in the EU, the legal evolution of digital policy initiatives started in 1995 and since a number of directives have cemented the 'highway' with laws such as the Data Protection Directive, the Distance selling Directive, E-signatures, E-money, E-commerce, Copyright, E-invoicing D., E-privacy D., Enforcement D. (DLA Piper 2007). They were discussed by the *eEurope programmes* which were launched firstly in 1999 and most recently brought up to the Digital Agenda programme. This approach is clearly reflected in the 2008 launched Digital Mercosur Programme (E-commerce, E-literacy), which is in its majority financed by the Europe Aid programme (Digital Mercosur http://www.mercosurdigital.org/proyecto/).

In Spain, the so-called Ley Sinde (LES 2011) is a set of measures that aims to "improve competitiveness or stability of the public finances" (art. II). The law is a package that extends from new norms of contracting public workers and advertising public posts to policies related to the internationalisation of firms and companies; and from the environmental measures

(planning of the uses of ecologic energy) to the regulation of the gas emissions. But Ley Sinde was named after the Minister of Culture, Angeles González-Sinde because in the 42nd/ 43rd disposition (page 25222) there are provisions to the changes affecting the law of intellectual property, where there is the incorporation of a new item "e) to save and protect the rights of intellectual property", and with the modification was the creation of the "Commission for the Intellectual Property" (page 25223). The commission is authorised to *interrupt* the service of the information society that violates the rights of intellectual property or to take down the contents that violate such rights, in the case the responsible acts with lucrative intentions directly or indirectly or have caused or might have caused a certain property harm. The responsible (ISP) will be required to voluntarily 'unpublish' content in not more than 48 hours. On December 3, 2010, El País published an article stating that 35 cablegrams was sent from the US Embassy to the Spanish Government as pressure to pass the law. The source were the so called Cablegate by Wikileaks (Elola 2010).

In another case, French Law HADOPI 2 (Haute Autorité pour la Diffusion des Oeuvres et la Protection des droits sur Internet 2009) set up the HADOPI Agency to polices internet users with the mandate To ensure that internet subscribers "screen their internet connections in order to prevent the exchange of copyrighted material without prior agreement from the copyright holders" (Art. L. 336-3 of the bill). Again, Wikileaks unveiled that there was lobbying for the creation of the HADOPI law in France (in December 2010) by the American MPAA, RIAA and BSA (Associations of Recording, Business Software, and Motion Pictures) through the US Embassy in Paris.[4]

In the UK right after the general election, the clause 17 (sections 17 and 18) was introduced to the Digital Economy Act (2010) which grants power for injunctions preventing access to locations on the internet (Martin 2009). The Secretary of State may by law make provisions about the granting by a court of a blocking injunction in respect of a location on the internet

which the court is satisfied, has been, is being or is likely to be used for or in connection with an activity that infringes copyright. 'Blocking injunction' means an injunction that requires a service provider to prevent its service being used to gain access to the location.

The adoption of these policies in very different national contexts reveals the two important issues in global media governance today: first, that the process of governance is complex and opaque; and second, that governance is not inherently good, democratic or open. They also demonstrate the ways in which global media policy is dangerously close to the private sector of media, culture and electronics industries in ways that the private sector is rather the stronger partner in the public-private partnership schema. The opportunity cost of the adoption of policies that are 'exported' to other countries is unchartered: an enquiry into the impact of these policies for citizens' place in democracy, in governance, in media use and ultimately in their country's governance scores negatively in political economic and social terms. Although political deliberation and state mediation do not always transform political demands for a better life for justice and democracy into public policy, public policy is transformed by private interests presented as generalisable interests, as is the specific cases of copyright or digital policies.

Towards a Media Governance Research Agenda

The highly remote processes of governance, despite their openings and declarations to the opposite, often exclude a meaningful mediation for affecting policy on behalf of citizens. They also present themselves as democratic processes, indeed aiming at replacing instead, the mediation between private and public interests by – originally the state and now – the dispersed actors of governance structures diffuses and even obscures the process that lacks legitimacy. Communication scholars must engage more intensively with the question 'How is media governance used as mediator in this space between capital and private interests and the

public interest'? Policy as a set of values and regulatory practices is circulated, distributed, recycled and is a path dependent process which means long term consequences for the citizenry and the structural constitution of their media.

Longitudinal research is needed into cases, conditions and actors as they are involved in policy transfer globally. The study of policy transfer should shed light to the institutional roles in governance and the cultural and social dimensions of the process as policy transfer takes place not only in spaces designed specifically for that, such as the EU, but also through other, less explored, avenues whereby a. the cultural impetus is very strong, as in the case of the UK and its relation to the commonwealth countries, b. the object of policy occupies a paradigmatic position in the field, as is the case of the BBC for PSBs in Europe or US copyright provisions and where c. the national context occupies largest resource and sources related to the object (Internet and US).

Furthermore, it is important to start connecting more systematically and with multidisciplinary tools, the functions and areas of influence of public diplomacy as media governance through policy transfer and support for 'development' or the 'exportation' of models and principles of governance in a densely networked world. At the same time, we need to know more about the detailed ways in which models of governance overall are translated into modes of governance in the specific section of media and communication, as is the cases of the German and French states and markets governance, whose global activity but also state institutional organisation affect the conditions under which political decisions about media structures can be shaped. This is part of a greater enquiry into the ways in which institutions are transformed, in organisational terms and in terms of their function, as is their relation to democratic and legal procedures in the process of decision-making.

Finally, more attention should be paid into the ways in which institutional and other influences have an impact for everyday lives of citizens across the world. The histories of

regulatory regimes must be examined on two levels to reveal the structural and discursive constructions of 'normalcy': one is the national level, whereby distinct areas are developed within national regulatory contexts. Here the role of the nation state is an important object of study for the policy scholar because of the structural changes in the bodies involved in policy making. States differ in that they apply different degrees of involvement in the media, have different levels of resources and are unequal in the global arena. At the same time, sociocultural environments play an important role in defining the principles and levels of tolerance for regulatory reform in given societies. On a second level, governance scholars must pay close attention to conditions of emerging regimes in relation to the regional and international systems. As not all states are 'equal' in the kinds of decisions they can or are willing to make, detailed connections must be made to the broader context of political economy and the impact of global change in the institutional and democratic processes for decision making. On a macrolevel we therefore need to watch closely processes of *regularisation* (Chakravarrty & Sarikakis 2006) and develop methodologies that enable holistic, macrolevel approaches for the study of non-transparent, structural, discursive and historical developments. How is power, and in particular constellations of decision-making powers, organised in jurisdictional space and how are media economies organised in geopolitical space? 'Space' is a primary factor in the organisation of the functions of the global economic system and its crisis. Communication studies must become more involved in three areas that will occupy the world of politics, law and civil society significantly this decade. It is time for communication and especially governance scholars to return to new forms of connected, socially relevant, 'grand' theories.

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Notes

1 Although there is considerable debate as to whether certain forms of content can be considered 'speech' in the US legislative debates examples are the pornographic content and hate speech.

2 See *Reporters without Borders*, www.rsf.org.

3 See http://www.wired.com/threatlevel/2009/11/policy-laundering/.

4 See http://www.zeropaid.com/news/91621/wikileaks-mpaa-riaa-and-bsa-lobbied-for-hadopi/.

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