Minorities, Media and Intercultural Dialogue: Opportunities and Challenges

Expert Workshop

Flensburg, Germany; 24-25 January 2013

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The workshop aimed at developing a conceptual framework for the analysis of the role of the media in promoting intercultural dialogue (ID) and social cohesion. It gathered scholars from various professional and disciplinary backgrounds active in the area of media and minorities (a list of participants is provided in Annex 1). The workshop provided a forum for the exchange of ideas with a view to identifying new areas for innovative research.

Following an introduction, the discussion was broadly divided into four parts, reflecting the event's four sessions: 1) the significance and purposes of intercultural dialogue; 2) new technology and intercultural dialogue; 3) state responsibility; and 4) media and dialogue in divided societies.

I. THE SIGNIFICANCE AND PURPOSE OF INTERCULTURAL DIALOGUE

The workshop started with the acknowledgement that ID is a nebulous, multi-faceted concept. The event constituted an initial attempt to unpack the notion and analyze its significance in minority rights law and media studies. It was noted that it is not immediately apparent what 'culture' in the expression 'intercultural dialogue' refers to. There are also various possible interpretations of 'dialogue' and 'minorities'. Media professionals might not be aware of the implications of their work on 'culture' and inter-ethnic relations.

The expression 'intercultural dialogue' is derived from Article 6(1) of the Framework Convention for the Protection of National Minorities (FCNM), which states:

The Parties shall encourage a spirit of tolerance and *intercultural*

dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the *media* [emphasis added].

Yet ID is used very seldom in state reports to the Advisory Committee on the FCNM (ACFC) in relation to Article 6, revealing that there might be a lack of clarity as to what practical measures ID entails. Article 6(1) also includes the expressions 'tolerance', 'respect' and 'understanding'. Alongside these, a cluster of kindred terms, such as 'multiculturalism', are used in the scholarship. In the recent critiques of multiculturalism by Angela Merkel and David Cameron, the 'culture' of 'multiculturalism' was equated to 'ethnicity' (presumably Turks in Germany and Muslim Asians in the UK) – again highlighting the ambiguity of the expression.

Additional comments and questions raised by the experts were:

- How does the notion of ID relate to mono-lingual channels? If a programme is in a particular (minority) language, should it always have subtitles (so as to enable other groups to access it)?

- Do programmes about (one) culture constitute 'dialogue'? Or is ID about mixed channels?

- What kind of communication acts amount to ID? Does ID imply a reply and an active exchange?

- What is the specific context in which

ID takes place? Related questions are: whose dialogue is it exactly? In what language is this dialogue? Who is doing the communicating and who are the actors involved? Are there power relations behind the dialogue? What are the expectations?

- Where does ID take place? (is the interplay of cultures only in the media, or in other areas of the public space?)

- How can one access ID?

- What intensity should ID have? How regular should it be?

- What channels of communication should be used?

- Should ID encompass only 'old' or also 'new' minorities?

Aspects and Components of Intercultural Dialogue

The participants referred to the following components of ID:

ID as a dynamic process. The participants noted that the active aspect of interculturality should be emphasised, treating ID as a *dynamic process.* ID amounts to an exchange between one or more groups; at the same time identities are continuously in a state of flux, being constructed - and co-constructed (though the interaction with other groups). Interculturality involves both the majority and the minority, as well as in-group interaction.

ID and participation. A way to foster ID may be the share-holding of power, by

which minorities are involved in shaping media content. One of the aims of ID can then be the involvement of minorities in processes of production of media outputs, as well as relevant decision-making. There is, then, a dove-tailing of participatory rights and freedom of expression for minorities.

ID and media representation. In some cases, discourses around 'culture' are in reality discourses about 'people belonging to' a particular 'culture'. In relation to the media, this notion relates to the way minorities are represented in the media.

ID and identity/attitude formation. ID, and the representation of minorities in the media (or their absence), can be linked to the shaping of one's self-perception, and of attitudes towards the 'other'.

The notion of ID was subsequently examined alongside other concepts, in particular tolerance and integration. It was argued that 'tolerance' is a more passive notion that 'intolerance', as the former is a non-action while the latter implies at least some engagement with difference. Some authors have noted that tolerance is condescending and patronising.[1] Tarlach McGonagle introduced the concept of 'pluralistic tolerance', a two-layered notion that encompasses both pluralism and tolerance. The notion presupposes that tolerance is not merely interpreted as indifference, but can be linked to 'acceptability' and 'respect'; additionally, a positive spin can be placed on it by likening it to 'integration'.

It was suggested that questions on tolerance and integration can be reversed: rather than asking what tolerance is, one may ask what *in*tolerance amounts to; and what *dis*-integration, as opposed to integration, entails. One may suggest that,

rather than integrating immigrants, society should integrate (moderate) extremist groups (and protect, by isolating, immigrant groups from extreme right-wing circles).

Purpose of Inter-cultural Dialogue

The overall aim of Article 6(1) FCNM (referring to tolerance and understanding but also explicitly to 'dialogue') can be seen as: a) the preservation of cultural identity, and b) the prevention of societal tensions. The guarantee of pluralism and diversity is a principle of international law. Moreover, as was noted during the workshop, a lack of information leads to a lack of understanding, and biased or faulty information leads to the perpetuation of stereotypes and intolerance - or creates a potential for it. Thus, knowledge and information can facilitate the overcoming of prejudice. Related to this is the notion of 'counter-speech' - or the view that hate speech is best dealt with through more speech, including of a pre-emptive kind. Access to the media and dialogue provide a forum where one may be heard, with obvious links to participation: it can facilitate integration as well as decision-making on matters that affect the group, including the preservation of one's culture. Finally, dialogue can enable societies to identify ties binding different communities in the same country, as a form of enhancement of social cohesion.

Underlying these notions is the concept of 'public space'. It was noted that there might be an argument to step back from the general theme of minorities and media to shift our attention to the 'public space', which includes, but also transcends, the media. The public space may be used for inter- and intra-cultural dialogue.

Risks and complexity of Intercultural Dialogue

It was argued that ID presents not only advantages but also possible drawbacks. One should be aware of the possible perverse effects of some measures relating to ID. The risks and complexities mentioned by the participants were:

- There is a danger of a presumption of homogeneity within groups, which can lead to:

  - the reification of culture, and its representation in the media as fixed and encompassing all its members in the same way;

  - the oversimplification of ID, reducing it to a tokenistic form of representation;

  - incomplete or 'false' representation of the actors involved in ID - when those who claim to represent a minority do not reflect the complexity of the group, representing only a particular section of it, or not representing it at all.

- There are difficulties in ensuring visibility in the media of minority groups in their complexity. The norm is elite representation - meaning that the 'average member' of the majority is also unrepresented.

- The support of a shared public space is not necessarily neutral. Power relations affect these dynamics, and some groups continue to be disempowered − as more powerful groups call for the reduction of diversity in the media.

- Recent studies have shown that some persons belonging to minorities view ID with scepticism, as they fear the ultimate goal is in fact a form of integration leading to assimilation.

- Efforts to bring different societal groups together through the media can be artificial and not deliver positive effects. The example provided was that of Northern Ireland, where large-scale 'intercultural' programmes have raised scepticism. The promotion of ID in Northern Ireland has virtually become an industry'.

- ID and integration through the media are unlikely to be effective until particular sources of friction are de-politicized. The example given was that of the Basque Country, where the support of integration, or lack of it, depends on the journalists' personal attitudes in a politicized environment.

- The excessive 'intensity' of intercultural exchange can be destabilizing. It raises questions as to the intensity and the regularity of dialogue. Dialogical forms, reflecting societal divisions, can in fact consolidate such divisions.

- ID is often bound up with emotions. In the case of people who have been traumatized (again, as in Northern Ireland for example), ID can be risky.

Approaches to Inter-cultural Dialogue

The following suggestions were made by the participants:

- The starting point is that freedom of expression must be guaranteed, and legally recognized at the domestic and international levels.

- One could consider using a broad interpretation of ID – one that encompasses the *encouragement* of a 'spirit of tolerance and intercultural dialogue' (as per Article 6(1) FCNM), rather than confining the understanding of ID to a direct interaction between groups.

- ID can encompass not only traditional minorities but also immigrant communities. The differentiation between 'old' and 'new' minorities is immaterial insofar as the main challenge is to identify ties binding different communities in the same country, to promote open-mindedness and generally overcome prejudice. Moreover, with migration new narratives have developed in the media.

- ID is a dynamic process, and not necessarily linked to positive results; the process of engagement with members of other groups is an end in itself.

- Differences are not only inter-ethnic and inter-cultural; other sources of difference, such as levels of education, lead to different interests and different patterns of media consumption. One should therefore not conceive a rigid minority/majority divide. The reality is multiplicity and heterogeneity not only between groups but also within the same group.

Some additional observations were made in relation to international standards. First, it was noted that international standards have a normative approach insofar as they incorporate the assumption of ID and media pluralism as 'positive' (and ultimately leading to stability). Second, international standards for minority protection (particularly the FCNM) are flexible and programmatic; this reflects the variety of circumstances of minorities and their needs, but it also causes a lack of legal clarity. These issues raise the question of: whether international standards are indeed effective in furthering ID, integration and stability; and whether their potential impact can be measured, particularly given the paucity of information on concrete measures to protect minorities and their languages. This is discussed below with regard to indicators and impact assessment.[2]

Finally, the discussion during the workshop benefitted from the notion of *institutional functional completeness*. The expression means that different media types fulfil different functions, and that a 'completeness' of media opportunities is needed by minorities, including in the area of preservation of cultures. This 'completeness' enables multi-faceted minority representation at all levels.

II. NEW TECHNOLOGY, MINORITIES AND INTERCULTURAL DIALOGUE

Patterns of media effects are changing: the traditional media is decreasing in importance due to the rise of new media, including social media. In this session Christian Moeller linked technological developments to the ways minorities experience media. The participants generally agreed that issues relating to technological developments in the media were fundamentally relevant to minorities, their survival as culturally distinct groups, and ID.

New Media and its Implications

Digitalization

The digital switch will change the media environment dramatically. With the advent of digital terrestrial broadcasting for both radio and television, the frequency usage is altered. Single national frequencies instead of local networks might be used to serve a whole territory. It raises the question as to what effect does this have on regional media - which now not only has to compete with its local majority provider and national channels.

Multiplex providers repackage television programmes, and effectively act as the new intermediary between content and the consumer. The question was raised as to whether multiplex providers should be required to host content from minority media providers, with must-carry obligations imposed upon them, and how media regulation should apply to those new intermediaries and gate-keepers.

The Internet, domain names and filtering

The Domain Name System (DNS) is another issue of relevance to minorities. Every web address has a 12 digit number associated with it, which is translated by the DNS into a domain name. Domains are grouped underneath different top level domains (TLDs). Whereas generic TLDs are connected to the type of content (gTLDs, e.g. .com, .gov, .edu. org etc.), country TLDs are linked to a specific geographic region (ccTLD, e.g. .de, .fr, .berlin etc.). ccTLDs are of course also of interest to minorities; for example, it was noted that in a dispute over the ccTLD .cym, the Cayman Islands won ownership over the Welsh. The DNS was set up to regulate the internet, but it has come to also have policy effects. What kind of protection should there be for the development of a media space for minorities that represent their affiliation through a dedicated TLD?

Entities handing out domain names are mostly not governmental but *private entities*. As access to the internet grows, private institutions hold growing control over audiences. A site such as Facebook can have profound consequences over how millions of individuals think about themselves and their group. Additionally, Google search algorithms group responses based on locality and what others with a similar search history try to find. While the web is generally thought of as a globally equal place - where all have the same responses and equal access - coding is explicitly designed to individualize the Internet experience. Google's page rank algorithms influence the search results we see; additionally, filtering might also take place according to government regulations or legal restrictions. Minority issues and fringe viewpoints will get an exponentially

smaller public place as minority content can be effectively filtered out.

Advantages, Disadvantages and Regulation of New Media

The new media environment offers a number of benefits. First, frequencies are no longer a scarce resource. Second, new media offers new expressive opportunities: traditional media operated in one direction, while with new media there are multiple possible information flows - the audience being able to react to media outputs. Through web 2.0 and social media everybody can use the media, given the very low entry barriers. It creates a remarkable potential to enable communication on a very large scale.

At the same time, the participants noted that the vastly enhanced expressive opportunities require very serious considerations in terms of regulation and minority protection. There are technical complexities in the digital switchover, which pose new regulatory challenges. Much is taking place without any government involvement, with individual actors outside the scope of regulation and only some relevant national legislation. There are only initial attempts to build a regulatory system. There are, then, difficulties in terms of governance and regulation in guaranteeing minorities a platform.

Meanwhile, media companies' technical decisions are becoming increasingly important. Companies (Google, Facebook, Twitter etc) display varying levels of corporate responsibility. Responsibility over Internet regulation, Christian Moeller argued, cannot simply be left to private coders, given their importance. Coders make those choices that

are technically easiest, and they may simply not be aware of possible repercussions. These new actors in the media environment are simultaneously enablers and shapers of communication.

Moreover, there are clearly challenges to the visibility of minorities in the context of new market forces. While the internet provides new channels of expression for small groups, there is also a tendency towards globalisation (homogenization). It was noted that 57% of internet users can be reached in three languages: English, Mandarin Chinese and Spanish – a scenario created by the free market. Shifts in the media environment do not seem to support ID and minorities, as it is the small and/or regional media outlets that tend to experience difficulties. It was argued that minorities need protection from the market to avoid assimilation – although there are variegated needs of different minorities (it is the smaller rather than the larger minorities that are mostly at risk). Minority languages, as important identity markers, were identified as particularly in need of protection in light of homogenizing market forces. In the absence of protection schemes integration tends to morph into assimilation. Thus, it is of paramount importance that resources be made available to preserve minority cultures and languages.

While the media offers enhanced communicative opportunities, this does not mean that communicative contact outside one's community indeed takes place. It is still unclear how one may promote ID on an online forum, given the individualized forms of communication on the internet. The reality is not only *one* large public sphere, but also smaller spheres that feed (or not) into the broader debate. The emphasis on new media can create a situation of

ghettoization, by which the individual user singles out the data/information desired. This can give the impression that what the user wants is prominent in the digital media, when in reality this is not the case. Moreover, active dialogical engagement often takes place between like-minded people and does not necessarily contribute to forging inter-community links.

It was also suggested that a greater focus may be placed on *policy* rather than the law. Indeed, the present media environment, in its intersection with minority issues, encompasses policy areas that are not easily regulated by minority rights laws. Much is beyond regulation, and the media environment alters faster than the law. There is an argument, for example, to make greater use of Article 7 of the European Charter for Regional or Minority Languages (ECRML).[3] This step would imply focusing not only on the implementation of (international) legal standards but also on policy, including those aspects of policy that may indirectly affect minorities.

Proposed Concrete Measures

The consideration of technical issues, in the context of minority issues, could be broken down into possible concrete measures. These were proposed by Tom Moring, who also suggested a broader (EU, rather than national) perspective in approaching them.

As noted, institutional functional completeness allows a community to be served in a complete way, and to access the entire package of media and expressive opportunities. Different media have different functions, which can be summarized as:

- local newspapers: serving the local communities;

- radio: also serving the community, through broadcasts in the community's language;

- television: crossing borders into other communities (as an intercultural, inter-community, and transnational medium);

- internet: encompassing all of the above, as well as social media.

Tom Moring warned against policies that neglect the old media, as new media has not replaced the traditional media in all its functions. A media policy which may benefit minorities has to encompass *both* the traditional and new media, avoiding the withdrawal of resources from the old media: despite the new opportunities offered by the new media, they are no panacea. Moreover, even in the realm of the internet, there is an argument for the promotion of online diversity at the state level; while there are no hard obligations in this area, monitoring, and identification of best practices, would be auspicious. The main message of Tom Moring's intervention was that communities still cannot sustain themselves and interact in a market with severe restrictions. Promotional schemes and financial resources are needed for their survival as distinct cultural and linguistic groups. It was argued that increasing the level of support and protection should be on the political agenda at the European level.

Overcoming Technical Hindrances to Free Information Exchange

Tom Moring referred to 'television without borders' as an ideal that can grow out of the scenario presented by Christian Moeller. New technological developments, and copyright, create stiff borders that were once permeable. Technology allows copyright

rules to be rigidly drawn along borders, and made to coincide with them – rather than promoting a transnational media. Consequently, minorities outside their kin-states are sometimes unable to access content due to differences in copyright laws between countries. An example cited was that of the inability of Gaelic-speaking Canadians to access much Gaelic-medium television produced in Scotland, due in part to contractual restrictions. Small minorities tend to be particularly disadvantaged in this media environment.

Moring argued that the EU needs to tackle not only the issue of free economic movement, but also the free movement of information. It is, however, a very challenging issue as large media companies gain financially from erecting barriers, and they have legitimate claims to preserve them.

Dealing with Intolerance

The third area for possible action is that of dealing with intolerance. Related activities would aim at addressing racist forms of expression on the internet, which abound as user-generated content changes the nature of, and sometimes removes, editorial control. These forms of expression are effectively criminal acts that would be prosecuted if one could identify the source. This area is also extremely challenging, but there might be opportunities in the area of self- and co-regulation.

Finally, it was noted that, in any action relating to media regulation, freedom of speech is paramount and is to be protected as a fundamental human right, as per Article 10 of the European Convention on Human Rights (ECHR) and its jurisprudence. At the same time, the participants were reminded that Article 17 ECHR, preventing the abuse

of the ECHR provisions, is also of crucial importance. The European Court of Human Rights should be the reference point in media regulation.

III. STATE RESPONSIBILITY, MINORITIES AND THE MEDIA

Rob Dunbar introduced the subject of state responsibility in relation to minorities and media, at both the national and international levels. State responsibility involves the state having a triple function: as an enabler, regulator, and provider. The discussion revolved around the special responsibilities of the state in relation to public service media (PSM) and the private media, and whether international standards can adequately deal with new, emerging challenges.

Public Service Media

The participants noted the ongoing debate over whether the state ought to be involved in media and broadcasting at all, through schemes to support culture at the national level - or whether this should be left to market forces. An argument in favour of public service broadcasting (PSB) is that it seems to be one of the fora where minority language services are most present. In countries that are very diverse (the example of Brazil was mentioned), this diversity is not reflected in the mainstream media. Media representation glosses over local particularities in order to serve a large market. At the same time, there has been an explosion of specialist interest channels in areas such as cooking; these might cut across, and be of interest to, different societal sectors, but do not satisfy the

expressive needs of smaller groups. These developments are linked to the commercialisation of the media: it can lead to the discontinuation of programmes that are not financially viable, or their being shifted to less attractive time slots.

Minorities also have an interest in the mainstream media and the way they are represented in them. For example, immigrants tend to be concerned about their possible representation as illegal immigrants. While the private media might follow a particular political agenda, PSB can serve to balance out biased reporting with an accurate depiction of persons belonging to minorities.

At the same time, PSB involves specific complexities. Those mentioned by the participants are:

Private/public dynamics

In some cases, such as in the UK, private providers can also have a public role, leading to a blurring of the distinction between public and private; thus, the private media partially shapes interaction in the public sphere. At the same time, it was noted that a public broadcaster like the BBC in some cases also effectively acts as a private, commercial broadcaster – with programmes that are not dissimilar from those of the private media, and seeking large audience shares. Thus, the traditional way of conceiving public/private dynamics has become more complex and nuanced.

Over-simplification of the discourse around minorities

It was noted that some programmes are multiculturalist in approach but can ultimately be detrimental to smaller groups. There is a risk that efforts to mainstream

diversity may flatten society's different groups to one common notion of 'minority'. The participants raised the commonly-cited argument that reality television represents a version of minorities that is *real* because unmediated, and representing real people. The risk here is that the debate over representation can be replaced by cheap reality television. Moreover, although real people are represented without mediation, editorial choices are made as to what type of member of a minority to represent (e.g. the programme 'My big fat gypsy wedding' in the UK chose to represent a type of Traveller that is affluent and extravagant).[4] The oversimplification of the minority discourse can affect both PSB and the mainstream media generally.

Complexities in the organisation of PSB

There are many ways of organising PSB, of which the BBC is only one. It was pointed out that in the Netherlands different modalities are followed, with a structured model of representation in which every group is allocated a 'slice'. However, this led to deep, far-reaching divisions within the Muslim community, exposing and consolidating existing chasms.

Commercialisation of media and the funding of PSB

PSB in Europe and the USA are clearly defined in different terms. In Europe PSB grew out of a paucity of frequencies, and maintains a balance against commercial television through a broad range of programmes. The alternative is the American model, in which commercial (private) broadcasting by media corporations is the prevalent form of broadcasting, with limited public broadcasting. A helpful differentiation is that of PSB as 'public good' and as 'collective good'. In the USA, PSB can be designated as 'public good', in

the sense that everyone should have access to it. The expression 'public good' is close to the 'private good' perspective: the focus is not on the rights, and on meeting the needs, of viewers. This can be opposed to the BBC as a 'collective good' – this notion comes closer to the right of people to access the full menu of communicative opportunities. It was noted that these concepts are still underdeveloped, and there might be research opportunities stemming from them.

At the same time, a European public broadcaster is not immune from financial considerations and processes of commercialisation. The participants noted that the BBC needs to reach a certain market in order to justify its public place. For example, the conditions of the Gaelic BBC TV licence included a requirement to reach a certain number of viewers, and the number was several times in excess of the numbers of people in Scotland who speak or understand the language, according to census data. Moreover, if the PSB does not have a broad range of programmes, audiences can simply shift to the private media, meaning that the public broadcaster can no longer justify its financial schemes.[5]

Finally, programmes are expensive to produce, requiring significant investment. The costs of new programmes are much higher than self-generated outputs. Recently, the argumentation for the existence of PSB has gone from scarcity of stations/frequencies to it being a cultural producer, and promoting culture(s) by maintaining cultural specificity. The present situation is that there is no more scarcity of space, but a scarcity of production, given the paucity of resources. There is, again, a resulting need to secure resources for minority programmes.

The Private Media

In relation to the private media, the promotion of media diversity raises issues on the allocation of licences in a manner that promotes minority representation. Where licences are not provided by the state, minorities are often not in a position to afford them. In these cases, internet radio is often a cheap alternative.

It was noted that in the UK licences can be granted to small communities. The example of a British town of 12,000 people was mentioned: the town has its own licence for programmes that viewers can access through the internet. It is a public/private partnership and effectively a response to the lack of local newspapers. It underlines the importance of new technologies to promote the expressive needs of small communities.

Lastly, it was noted that the financial support of minority media often involves subsidies to the private media. This frequently applies to minority newspapers; in addition, the public media that broadcasts in minority languages often outsources to private companies. If subsidies exceed a pre-determined amount it can result in a breach of a country's competition law. Thus, conflicts may arise between international obligations and national legislation.

The Challenges of International Standards and State Responsibility

In examining the issue of state responsibility one needs to differentiate between different types of media. In the case of television and radio, regulation and legislation clearly exist; yet in other areas, state responsibility is difficult to pin down. Although there are various guidelines and regulations pertinent

to minorities, such as the OSCE 1998 'Oslo Recommendations regarding the Linguistic Rights of National Minorities', these were referred to as 'wish-lists' by a participant. The FCNM provides very few unqualified obligations - using expressions such as 'to facilitate' and 'encourage' - particularly in respect of media. International standards do not refer to outcomes at all, and tend to be programmatic and vague. In the case of the ECRML, states have to allocate resources to satisfy the more specific undertakings of Part III of the treaty only if they have specifically opted for them.

As noted, one should also consider the 'age' of some international standards. In the 1980s and 1990s, when regulatory standards on minorities were developed, the media environment was profoundly different. The regulatory framework may no longer be fit for its purpose, and the new media activity mostly takes place outside any regulatory framework, state responsibilities remaining unclear. However, general principles do exist, such as those provided by the ECHR. Additionally, in Article 7(3) ECRML explicit references are made to the media, which encompass the promotion of intergroup dialogue. In relation to regulatory gaps, Rob Dunbar noted that this issue should be addressed *interstitially*: rather than re-writing legislation, one may reinterpret standards. For example, on the one hard the Committee of Experts ECRML is still to fully embrace the opportunities offered by internet and new media on the protection of minority and regional languages.[6] On the other, they may be reminded of: the changing media environment and its impact on minorities, and how this may affect the ECRML implementation; and as the scope available under Article 7 ECRML to respond to the changing media environment. It was argued that minorities should be involved in debates on state regulation, including in decision-making on governance structures and programming.

In addition to the necessity to review and re-interpret standards, there is an argument to find alternative channels to promote ID and minority rights in the media. In certain areas training programmes, particularly with regard to ID, are preferable to regulation. Using examples of good practice can also be helpful, particularly in the analysis of complex areas of freedom of speech and cultural representations. Indeed, while cases of clear-cut hate speech can be regulated, there are other more complex areas, such cultural definitions of historical reality, and cultural stereotyping. These issues are cannot always be included in the realms of governance, and legal methods might not offer adequate solutions.

Indicators to Measure Compliance with State Responsibilities

From the above naturally followed a discussion on indicators to measure the level of impact of international standards, and to what extent states comply with their responsibilities under the FCNM and ECRML. Indeed, the state reports submitted to the Council of Europe - as part of the monitoring procedures under the FCNM and ECRML - contain information that is often superficial and at times anecdotal. While actions undertaken by states are listed, there is a general absence of evaluation of their impact.

As a result, Tove Malloy noted that ECMI has initiated a project to develop impact indicators for the FCNM and ECRML. ECMI already devised inter-cultural indicators in the past, and has

undertaken a survey of six countries.[7] It was noted that the use of indicators would respond to one of the problems afflicting the ECRML – that of the formalism of its legal approach. Indeed, although the ECRML's central concern is sociolinguistic vitality, the Committee of Experts is not equipped with basic data that would allow the assessment of the treaty's implementation and its ultimate impact on the vitality of the languages in question. Given that census data are limited, the Committee of Experts needs to solicit specific information from the states parties to the instrument. The attention should be placed not only on what legislation has been passed, but on identifying, and examining, attitudes of the public,[8] including with relevance to broadcasting. Indicators would further be of relevance in assessing levels of ID in relation to the FCNM: in the state reports submitted to the ACFC intercultural aspects tend to be very general, if at all mentioned. The issue of cultural representation is also seldom covered, and only occasionally in the context of the print media and cultural stereotyping (the example of Northern Ireland was mentioned). Indicators could highlight issues of minority representation in the media, and existing discourses around minorities. Indicators could further relate the impact of policy on institutions and possible attitudinal change.

The ECMI project on indicators envisages the involvement of different experts in all relevant fields (education, media, etc.). Indicators, as tools to measure impact, can then be made available to minorities themselves. Indeed, it was argued that pressure on governments, in the promotion of diversity and ID, need to come not only from the treaty bodies and international institutions, but also from minority groups themselves in order to lead

to impact. A participant noted that that when a particular issue is not reported by a state in a report, the monitoring body tends to skip the relevant articles, when these have already been considered in earlier reports/opinions. The indicators can further inform the ACFC/Committee of Experts and minority groups on the specific data that is needed for an adequate assessment, where these data might be found and through what methods. It was recommended that minorities also be involved in the process of developing indicators.[9]

IV. DIVIDED SOCIETIES

Gabrielle Hogan-Brun introduced this session with a focus on linguistically-divided Estonia. Overall, Estonia is characterized by bilingual (Estonian/Russian) and ideologically heterogeneous public language spaces, reflective of the separate worlds inhabited by the two main language groups. Divisions are also geographic, with 98% Russian-speakers in the Northeast of the country. The full switch to the Estonian language has not taken place since independence, although much of the Russian-speaking youth have learned Estonian, as the state language is compulsory in school. Among the points brought up in the discussion is the fact that Russian-speakers consume both locally-produced programmes (in Russian language), as well as the Russian-language media emanating from the Russian state itself. The state can be seen as losing its normative power, as, on the one hand, it wishes to implement a national project; on the other, it needs to provide information that can be easily consumed and understood by the population. At times of societal tensions (such as the incident with the

'Tallinn soldier'[10]), members of the public have tended to distrust some sources of information and seek alternative ones. In this context there is a growth in social media, multi-voiceness and multiple discourses.

The linguistic divide is deeper in Moldova - where the spread of the state language, as opposed to Russian, is lagging behind. It is even more extreme in Kosovo, where the ethnic Albanians and Serbs do not learn each other's language through the education system. This situation creates a divided media environment.

The case of the Basque Country was also explored. Although the knowledge of the Basque language has increased in recent years, there remains a cultural gap between the two communities and their two media systems, which continues to foster differences. Basque and Spanish journalists are physically located in separate newsrooms with few opportunities for interaction. Journalists tend to be partisan, having to join in existing narratives from above in a largely politicized environment. The quality of journalism consequently suffers and media consumption is characterized by a lack of credibility. Irati Agirreazkuenaga Onaindia further related a case of public resources used for programmes on the Basque culture, but in the Spanish language. The case was largely seen as blurring the line between politics and culture: it generated complains from the Basque community on lack of accuracy of the historical account. One of the problems in this case was that the Basque community had not been consulted in the preparation of the programme.

In relation to Estonia, Gabrielle Hogan-Brun noted that, in a divided media environment, the state could:

- embrace multi-voiceness and create a situation in which dialogue is respected, and in which power relations are negotiated;

- provide hybrid media forms rather than single television and radio channels, as well as multi-language programmes;

- ensure the participation of different groups in decision-making.

However, it was also pointed out that the situation in countries such as Estonia and Latvia, as in many post-Soviet cases, is path dependent. Moreover, the context in Estonia is specific given the uniquely extensive access to the internet, with wifi available in virtually all public spaces, and the spread of e-governance. Lessons learned in some post-Soviet countries might not be transferrable to other regions, or other countries in the same region.

Localism and Transnationalism

The Russian Estonians tend to trust the media from Russia more than the Estonian media, although they also value locally-produced programmes. The disconnections and separate media spaces can in principle exist alongside a common media environment (with locally-produced programmes) – that can contribute to the creation of an overarching identity. Indeed, a Russian in Tallinn might feel both Russian and Estonian – but also experience a local identity. This is linked to the notions of 'conglomerate identities' or 'sandwiched identities'. Similarly, a participant noted that minority media tends to be more successful

at the local level, as minorities have not only an ethnic, but also a local, identity.

Another theme discussed during this session was the transnational media. Tom Moring referred to a study on the transnational media, on the significance of being an immigrant in Europe (being a citizen and resident, but not identifying as a 'national'). In this case, if there is a local identification, it tends to be with the city of residence ('*city*zenship'). It can lead to a particular (self-constructed) lifestyle, experienced in different ways by different migrants. In practice, this means that the minority media cannot easily claim to represent (all) members of a particular minority living abroad.

In relation to the transnational media, it was noted that there are numerous initiatives by enthusiasts, particularly on the web, to link immigrants to their country of origin, or maintain their cultural uniqueness as immigrants in a foreign country. However, many abandon these initiatives due to their other responsibilities and commitments. The same initiatives then have to be restarted, until the group is eventually assimilated, unless it benefits from financial schemes for cultural preservation.

Local and transnational dynamics affect the way members of different groups construct dialogue – which, in addition to intra-group, can be local or trans-local. It shows that the framing of ID as simply the interplay between a majority and a minority group is not sufficiently nuanced to reflect the reality of its complex interactions.

Western Divisions

The point was made that the discussion could be leading the participants to double

standards in examining divided societies in the 'East' and 'West'. Indeed, some of the examples of best practices in Western countries relate to regions that are monolingual - operating in the local language on the basis of territoriality (Canada, Catalonia, South Tyrol). These regions have primarily monolingual media and education systems. It may be that such monolingualism can produce stability, but also strengthen divisions.

Thus, one may ask what 'successful' dialogue is. If the goal is societal stability, one may consider the example of Canada, in which the two main language communities (English- and French-speakers) have limited 'dialogue', but Canadian society still enjoys a significant measure of social stability. Thus, can the interplay between the two main groups be considered successful, and as having led to integration?

Typology of Dialogue

It was suggested that one may devise different typologies of dialogue. At one end of the spectrum is a divided society, and at the other end is ID – with various degrees in between. Research could be undertaken into what kind of media promotes ID. It was, however, noted that many cases would be difficult to place into specific categories. In the case of Northern Ireland, where the media serves two separate communities, it is no easy task to assess whether the media indeed furthers inter-community discourse. At times there are attempts to showcase the coming together of the two communities, with journalists trying to identify good stories to promote intercultural presence in the media. These attempts often do not ring true with viewers. Indeed, the media can often chase soft stories, to avoid engaging at a higher critical level. At the same time, it

was noted that ID does not always have to be 'positive', but may also lead to disagreement, as this also involves engagement with the other side.

Impact Assessment, International Standards and the Media

Rob Dunbar pointed out that European standards on minority protection tended to be generated in response to divided societies, particularly those of the former Eastern Bloc. The starting point of international instruments is the claim that they bring peace and stability. Questions should be raised as to whether this is the case, including:

- To what extent have the implemented standards created an observable change towards greater stability?

- Where access is provided to broadcasting in minority languages, has it fostered greater stability in society?

- Where intercultural media exist, to what extent has it led to greater levels of social stability?

- Is mobilization through new media destabilizing to society or can it further stability?

- What combination of policies tends to create stability?

This discussion prompted comments as to the difficulty in isolating the impact of a particular media type, when one is subject to many different kinds of media exchanges. The same is true in devising methodologies for the assessment of the impact of international standards. One could examine

the actual changes in policy within a particular country, in response to the FCNM and the ECRML – and how states have translated into action the provisions of the two treaties; yet it would be difficult to demonstrate that the FCNM and ECRML themselves have produced a specific impact. Change is likely to be induced by a combination of factors, which might include, or not, the implementation of international standards. It could lead to a spurious correlation between the said treaties and a particular effect. Similarly, one could assess minority language maintenance following specific state interventions - but isolating the effects of each intervention would be methodologically challenging, raising the issue of causality.

Opportunities for impact assessment are provided by methodologies including the use of case studies, benchmarking, and policy-tracing. The examination of the local context is particularly important in the assessment of the effectiveness of a policy. It was argued that comparisons can lead to skewed, deceptive data. Many situations are not comparable, as they present varying characteristics. For example, the support for minority languages and cultures often depends on the initiative of minority groups themselves, rather than policy: the comparison of policies would not be helpful in this case. It was suggested that one should talk about examples of good practice, benchmarking and lessons learned through a non-comparative approach.

Finally, some participants challenged the view that the media can really shape minority attitudes, perceptions and self-perceptions. It was noted that assumptions are often made as to the effect of the media. In Canada, for example, old-fashioned

language ideologies and even factual misunderstandings about language and langauge policy persist, despite decades of promotion of bilingualism and diffusion through the media of information relevant to bilingualism and broader language issues. The same situation can be observed in Scotland around the discourse on the Gaelic language, despite efforts towards the promotion of the language, and despite dissemination of evidence which contradicts popular perceptions. A further link to

education was noted in shaping attitudes of individuals towards particular groups.

Footnotes

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[1] For example, Žižek argues:

> The very term "tolerance" is […] indicative: one "tolerates" something one does not approve of, but cannot abolish, either because one is not strong enough to do so or because one is benevolent enough to allow the Other to retain its illusions - in this way, a secular liberal "tolerates" religion, a permissive parent "tolerates" his children's excesses, and so on.

Žižek, S. *Living in the End Times.* London: Verso, 2011, p.46.

[2] See Sections 3 and 4.

[3] Article 7(3) relates to tolerance and understanding, including through the media:

> The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of *respect, understanding and tolerance* in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass *media* to pursue the same objective [emphasis added].

[4] At the same time, it was pointed out that just a few years ago any programme on Travellers would have been unconceivable in the UK – so even a programme that raises scepticism could be a step in the direction of enhanced media diversity.

[5] It was also noted that, with the advent of the internet, PSB also moved into this sector with public funds.

[6] For example, McMonagle has argued that 'the Committee has tended to simply report, rather than evaluate or recommend the potential of the internet, and there is a need for greater crystallization of standards in this regard.' McMonagle, S. 'The European Charter for Regional or Minority Languages: Still Relevant in the Information Age?' *JEMIE* 11(2) 2012: 1-24. http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2012/Vol_2_Dezember_2012/1._JEMIE_McMonagle.pdf.

[7] Malloy. T.H. and Gazzola, M, *The Aspect of Culture in the Social Inclusion of Ethnic Minorities*, ECMI Report No. 60. Flensburg: ECMI, 2006. See also Malloy, T. H., Medda-Windischer, R., Lantschner, E., & Marko, J. 'Indicators for Assessing the Impact of the FCNM in its State Parties. Study commissioned by the Council of Europe Secretariat of the FCNM and presented at the Conference Enhancing the Impact of the Framework Convention, Council of Europe, October 2008'. http://www.coe.int/t/dghl/monitoring/minorities/6_resources/PDF_IAConf_Report_Bolzano_en_12nov08.pdf

[8] It was noted, for example, that the conditions around the preservation of minority cultures and languages can change alongside shifts in public perceptions. The example of Gaelic-language programmes was given. Cultural festivals were once seen as old-fashioned. Perceptions and attitudes are currently changing, including through young Gaelic-speakers and presenters.

[9] See also below (Section 4), on Impact Assessment.

[10] The Bonze Soldier, a Soviet World War II memorial in Tallinn, which in April 2007 was relocated from the centre of the city to the Tallinn Military Cemetery. The Soldier is valued by the Russian-speaking community of the city as a symbol of the Soviet victory over Germany in the war, but for many Estonians is it rather the symbol of Soviet occupation. Its relocation led to tensions between the two communities, with riots in Tallinn and a siege of the Estonian Embassy in Moscow.

Annex 1

List of Participants

1. Irati Agirreazkuenaga Onaindia, University of the Basque Country

2. Mike Cormack, University of the Highlands and Islands

3. Rob Dunbar, University of the Highlands and Islands

4. David Galbreath, University of Bath

5. Gabrielle Hogan-Brun, University of Bristol

6. Tove Malloy, ECMI

7. Tarlach McGonagle, University of Amsterdam

8. Sarah McMonagle, University of Hamburg

9. Christian Moeller, University of Kiel/Office of the OSCE Representative on Freedom of the Media

10. Tom Moring, University of Helsinki

11. Federica Prina, ECMI

12. Guenther Rautz, EURAC/MIDAS (Bolzano/Bozen)

13. Gavan Titley, Centre for Media Studies, Nui Maynooth

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