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COMMUNICATION AS A HUMAN RIGHT: POLICY CHALLENGES, PUBLIC INTEREST NARRATIVES
AND VISIONS FOR THE FUTURE

*Investigating evolving discourses on Human Rights in the Digital Age:
emerging norms and policy challenges¹*

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ABSTRACT

In a digital context that is profoundly transforming social interactions in different domains and at different levels, the label “communication rights” (CRs) has emerged in recent years suggesting the need to better articulate the principles and rights pertaining to communication processes in society: principles and rights which should be recognized as guidelines to set normative standards of behavior in such a transformed communicative environment.

A plurality of reflections and initiatives have evolved around this concept, many of which stressed the need for a democratization of media systems, discourses and practices in a *glocal environment* that is more and more characterized by the diffusion and use of information and communication technologies that can be both democracy enabling - thanks to their potential in fostering transparency, publicity, and participation - but also democracy constraining, if we consider the several challenges posed by the possibility to interfere with and control individual data and personal communications, individual and collective access to information and people’s freedom to express their views and ideas.

Yet, the CRs concept remains controversial and further efforts are needed to contribute to a conceptual clarification that is required if such concept and related principles are to inform policy-making processes. We therefore propose a contribution that focuses on evolving discourses concerning fundamental rights and freedoms in communication societies, bringing our different disciplinary perspectives into a dialogue; we look at different settings where the discourse on human rights and communication is being elaborated, and we build on a shared constructivist approach to assess if we are in fact witnessing the emergence of communication rights-related norms in the transnational context.

¹ The authors fully share responsibility for the content of this paper, yet each of them has contributed to this collective effort by contributing specific pieces of research: par 2 has been elaborated by Francesca Musiani, par 3 by Claudia Padovani and par 4 by Elena Pavan.

1. INTRODUCTION

In a digital context that is profoundly transforming social interactions in different domains and at different levels, the label «communication rights» (CRs) has emerged in recent years suggesting the need to better articulate the principles and rights pertaining to communication processes in society: principles and rights which should be recognized as guidelines to set normative standards of behavior in such a transformed communicative environment.

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Yet, the CRs concept remains controversial and further efforts are needed to contribute to a conceptual clarification that is required if such concept and related principles are to inform policy-making processes towards agreed-upon normative bases and effective policy provisions for the development of democratic and participatory societies. We therefore propose a contribution that focuses on fundamental rights and freedoms in communication societies, bringing our different disciplinary perspectives into a dialogue that is grounded in the adoption of "human rights in the digital age" (HR in DA) as a master frame (Snow et al. 1986) unifying different strands of thoughts and actions that have developed over time in political interstices between communication and human rights.

Furthermore we adopt a constructivist and communicative approach to the study of world politics (Khagram et al 2002; Sikkink 2002; Dryzek 1999, 2005; Risse 2000) that allows us to present different empirical analyses on the content, structure and relevance of evolving *discourses* concerning HR in DA in order to critically discuss the possibility to talk about the emergence of communication-and-human-rights-related norms in the transnational context. We conceive discourse as "metaphorically extended from its original roots in interpersonal conversation to the social dialogue which takes place through and across societal institutions, among individuals as well as groups and (...) political institutions themselves" (Donati 1992:138), and yet empirically observable through the analyses of communicative interactions taking place in different specific contexts.

These theoretical assumptions are elaborated in the following paragraphs of this introduction alongside introductory remarks on the structure of the paper.

1.1 Human rights in the digital age: research questions

We address the nexus between fundamental rights and communication in knowledge societies in the attempt to clarify the ways in which societal debates about communication transformations intersect with human rights norms and the broader human rights machinery, considered as the very starting point from which to assess the status of rights that pertain to communication in contemporary societies. We hypothesize the discourse on HR in DA to be an evolution of the broader human rights discourse or, better, an "expansion" of such discourse, both in terms of better specifying how existing rights relate to communication processes in a highly mediated digital

environment, and in terms of new rights that may be affirmed (following what has been formalized in the past through the proposal of a “right to communicate”²).

A focus on how issues that pertain to communicative exchanges in contemporary society are conceptualized and articulated in relation to fundamental rights and freedoms is therefore crucial; thus a first question emerges: what is the current discourse on these issues made of?

In investigating HR in DA a second research question is then related to continuity and change in the human rights discourse, as far as communication-related aspects are concerned. On the one hand, we could expect some continuity in language and a consistent framing of issues when communication processes are addressed through the lenses of the human rights discourse. On the other hand, it may also be the case that actors interested in how fundamental rights should be protected in the digital context, express interests, concerns and expectations that are more directly linked to, if not driven by, the evolution of technology and its peculiar features, and therefore stress innovative elements of the digital environment more than a legacy with the human rights discourse. Indeed, it is possible to hypothesize two strands of reflection contributing to the structuring of the discourse and the analytical effort presented in this paper is aimed at examining if and how much each of the two strands contributes to shaping the discourse.

Moreover, when addressing challenges posed by communication technologies, we can think of the empowering role of discursive practices and interactions or, in other words, of processes in which different actors are engaged. Understanding what actors participate in the discourse, how they frame communication-related issues and challenges and how they see and perceive each other, also (re)defining their own identities and interests through interactions, may also offer some interesting insights to better understand the potential of discourses to become the bases for recognized norms and to ultimately inform policy processes and orientate actors’ behavior, also through the formation of networks of actors, both institutional and nongovernmental, who may be grounding their activities in existing norms.

Finally, we look in different directions – investigating discourses evolving in different settings – in order to assess if the normative aspirations concerning human rights in the digital age are consolidating towards a somehow consistent “normative vision” to be promoted on the global scene or, on the contrary, fragmentation and diversity in the use of language, in framing issues and in identifying challenges to the affirmation of such norms do prevail.

These four general questions are differently articulated in each of the paragraphs where empirical investigations are presented and discussed, due to the fact that each piece of research focuses on a different *discursive context*. Nevertheless, all analyses share a same concern with the role and relevance of discursive practices in shaping transnational norms, as suggested by the constructivist approach to the study of world politics.

1.2 A constructivist approach

Referring to a constructivist approach that understands social interactions as constitutive of the very meaning actors attach to their own identity and interests in the context and conduct of world politics (Wendt 1992, 1999; Onuf 1989), we suggest it is relevant to trace the evolution of discourses deploying in that context as concrete expressions of such interactions: discourses are , as suggested above, realities that can be investigated - through different methodologies and techniques - in order to assess the cognitive dimension of interactions taking place

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in the transnational context and contributing to the framing of issues and their public recognition, also from the side of policy-oriented actors.

Discourses are here understood as “shared set of concepts, categories, ideas that provide its adherents with a framework for *making sense* of situations, *embodying judgments* and *fostering capabilities*” (Dryzek 2005, 8, our *italics*). Such inter-subjectively elaborated concepts, categories and ideas, may then turn into more structured provisions, once they are translated into norms, conceptualized as “shared expectations of standards of behavior for actors with a given identity” (Finnemore & Sikkink 1998). Transnational norms become relevant in so far as they are accepted by states and intergovernmental institutions; but they can be elaborated, promoted by and applied to not only governmental actors but also other subjects acting on the international scene, including civil society organizations, advocacy networks, epistemic communities, transnational firms, professional groups. We can therefore think of different actors, individual and collective, operating in different settings at different levels, engaged in the production of social knowledge that pertain to the issues under investigation; hence we focus on some of these settings in order to derive an articulated picture of how communication and human rights related discourses are evolving in the transnational space. In doing this, we refer to Khagram, Riker and Sikkink (2002), who suggest that, in order for discourses to translate into normative frameworks, it is necessary that issues that have been framed through communicative exchanges, are adequately *conceptualized* also in relation to other issues and normative provisions, that they are properly articulated and *shaped* into statements and that they are *put on the agenda* in more or less formal occasions for interaction.

Thus the nexus between discourses and norms appears as a crucial one and constitutes the leading idea underlying this paper: being concerned with fundamental rights and freedom in this new digital environment, by focusing on discursive interactions we aim at clarifying if and to what extent interested actors, not exclusively of governmental nature, have engaged in recent years in a trans-national arguing dynamic around the very issues concerning HR in DA. Furthermore, we aim at assessing if such discourses are leading to the emergence of communication rights specifically related norms. By further discussing the dimensions and the heuristic potential of a discursive approach to the elaboration of norms in the transnational context, below we introduce the sections of this paper, each of which focuses on a specific discursive context and addresses a specific dimensions.

Making sense of situations, or more precisely “the search for meaning”, is the role Khagram, Riker and Sikkink identify for nongovernmental or “third sector actors” engaged in transnational political interactions, in their attempt to “shape the world according to their principles and beliefs” (Khagram et al 2002: 11). The search for meaning – also conducted through issue framing activities - is therefore intrinsically related to principles; most of all it relates to that social knowledge (Brown Thompson 2002) that is brought into the conversation by different actors holding different views, opinions, ideas and expectations. Different actors interacting on the supra-national scene, alongside traditional international actors such as government and intergovernmental organizations, can be nongovernmental organizations, transnational advocacy networks, coalitions, social movements; but they are also epistemic communities whose knowledge “... could provide a common discourse” (Khagram et al 2002: 10) that is central to the sustained efforts of other actors.

In the context of this work, looking into efforts of conceptualization is therefore crucial towards a better understanding of how communication-related rights are conceived, perceived and played out in the transnational context, and justifies a focus on how epistemic communities have been contributing to shaping the discourse on HA in DA through their scholarly work. Thus, we have conducted a literature review to assess how issues that pertain to the social construction of communicative exchange and related fundamental rights as an inter-

subjective reality are being dealt with in scholarly practice, also as a step towards the elaboration of an analytical framework to help systematize rich but fragmented scholarly reflections on these matters (par. 2).

Embody judgments, as a second dimension of a discourse on HR in DA, implies reference to the possibility to set standards according to which social behavior can be judged and eventually sanctioned. Especially where there are not clearly defined norms in a subject area, and where non-state actors play an ever-growing role in fostering public understanding of issues and problems (that is certainly the case with communication-related human rights issues), global conversations may in fact contribute to the definition, promotion and adoption of norms (Sikkink 2002).

It is therefore relevant to investigate if and how existing discourses pertaining to the respect and enjoyment of human rights in a digitally transformed context, especially those that aim at producing formalized documents and adopt specific linguistic formulas, may ultimately lead to the emergence and consolidation of normative references. We have done this by analyzing ten documents that have been elaborated between 1996 and 2006 by different stakeholders and promoted as constitution-like documents for the digital age through an explicit self-proposing as Charters of civic rights or Bills of Rights for the Internet. We adopted lexicon-content analysis to address the research questions of this paper (par. 3).

Fostering capabilities is another relevant element of discourse evolution, one that recalls how issues, once conceptualized, need to be made widely known, brought into the broader public space, and finally put on the agenda of politically relevant events in order to face the challenge of realizing their potential of informing relevant policy-finding and policy-making processes. This idea of fostering capabilities, directs our attention towards the existing nexus between norms and networks of actors operating on the transnational scene. Indeed, on the one side existing norms can facilitate the emergence and growth of networks by offering them “a set of values and beliefs around which to rally” (Hawkins 2002: 50) while, on the other side, networks can utilize such norms to produce change. The possibility to identify and map transnational networks operating on HA in the DA goes beyond the scope of this work. Nevertheless we propose an analysis of how such networks can form and perform in a specific setting, by focusing on human rights debates that have lately emerged in the context of Internet governance. From a predominantly technical one, the recent and on-going debate on the governance of the Internet has changed so as to include issues concerning the social consequences of technical developments. Human and communication rights have been recognized as relevant in this context right beside technical and more traditional issues but the way in which such a “humanized conception of IG” (Pavan et al. 2009) has been articulated still remains a matter of empirical investigation. We therefore focus on the centrality of actors’ interaction through which issues concerning such rights in a digital environment are constructed, by looking at semantic networks in the specific context of the Internet Governance Forum (par. 4).

In concluding these introductory notes, as a matter of clarity, we also indicate what the present work does *not* aim at addressing, not because of lesser relevance but as a matter of time, space and focus.

By referring to discursive interactions, Dryzek (2005, 2006) elaborates a theoretical proposal that looks at the democratizing potential of the discursive and arguing logic, if such logic is to prevail on the traditional bargaining logic of international relations. Similarly, authors who discuss the relevance of norms in transnational politics (Khagram, Riker and Sikkink 2002; Finnemore & Sikkink 1998, Hawkins 2002), make the theoretical argument that such norms have a potential for restructuring world politics by “altering the norm structure of global governance “ (Sikkink 2002: 302), by “creating stronger rules by which states must abide, and by holding them accountable to those rules” (Hawkins 2002: 70) and by creating a social contexts that sanctions behaviors

that are contrary to such provisions. Sikkink also reminds that “when we see ... norms and discourses as co-determinants in international structure (...) it becomes theoretically and empirically important to consider how these international norm structures of social purpose are constructed, maintained and transformed” (2002: 302). That is: it is relevant to understand how discourses and norm definition contribute to constitute the structures and institutions within which transnational actors relate to each other, no longer in a state-dominated anarchic context, but in a supranational environment that is more and more diversified and complex; one in which coordination among actors, interests and activities, appear not as just possible but necessary. Thus, norms come to play a constraining as well as an enabling role as far as offering actors alternative views and means to interact.

In spite of the centrality of these issues, in our analysis we stop one step behind asking the question about discourses and norm potential as far as restructuring world politics: what we aim at is to investigate and map out the very preconditions for such norms to eventually become recognized and meaningful on the global scene. We therefore aim at clarifying in which stage of the norm “life cycle” (Finnemore & Sikkink 1998) human rights related to communication processes can be traced. Are they just emerging? And thanks to which transnational “entrepreneurs” (*ibidem*) and with the support of which organizational structures? Are they consolidating, possibly thanks to their connection to the broader human rights discourse? And in this case, which institutional actors seem to be committed to supporting and fostering such consolidation?

We believe addressing these open issues by looking into specific empirical realities (different discursive contexts) may contribute in moving the communication rights discourse out of a mainly theoretical debate into a knowledge resource able to actually inform global communication policies in the future.

2. Towards an analytic framework on Communication and Human Rights

This section is built on the acknowledgement that, in a communicative environment currently undergoing major transformations due to digital developments, communication rights are developing into an articulate, multi-faceted concept. This is, however, often constrained into labels that may appear as not enough comprehensive, or not adequately focused on aspects that are of interest to specific actors and therefore become controversial¹. We suggest it is necessary not only to clarify the concepts we use, but also to develop a conceptual frame of reference better able to take into account the complex scenario that the intersection of communication and human rights produces today.

In order to move towards a more comprehensive understanding of this scenario, we have conducted a literature review on the “communication rights” concept, with a view to assess the ways in which scholars from various disciplines analyze the issues that pertain to the social construction of communicative exchanges, and related fundamental rights. Our final goal was to build on a comprehensive literature review to elaborate an analytical framework that would accommodate the different perspectives and the plurality of disciplinary approaches – and therefore theoretical and analytical focuses of attention – that compose current debates on the nexus between communication and fundamental rights.

We envisage such a framework as a useful step in what we have called the “search for meaning”, or collective framing exercise to which epistemic communities contribute through the knowledge they produce and diffuse. We tried to develop a clearer understanding of the many issues and dimensions that relate to the concept itself, to

then move onwards towards placing that concept in a broader perspective. And we have done so by looking at the CRs concept's relevance and implications vis-à-vis:

- Where it comes from: the reconstruction of its historical development;
- Where it now stands: its current status with respect to other, related concepts such as democracy and communication or rights on the Web;
- Where it heads for: including asking what kind of resource can CRs be considered for future directions in research and policy making.

Our analysis has been carried out in three steps: firstly, an extensive literature review including volumes, articles, websites and presentations, so as to flesh out the main themes present within them; secondly, the progressive identification of criteria for categorization in an analytical grid, able to move towards a reframing of the CRs discourse within the possibly broader frame of HR in DA; thirdly, an assessment of the usefulness of the resulting framework for a better understanding of how communication-related rights are conceived, perceived and played out in the transnational context, by drawing some conclusions on the nature of the reflections on the relation between media, communication and democracy that is taking place today. These three steps are discussed in some detail below.

2.1. Literature review and identification of main themes in the CRs discourse

The initial phase of this investigation was the collection of the literature. Databases of literature in social and human sciences, political science, and law (including, but not limited to, JSTOR, GoogleScholar and Biblio SHS) were browsed in search for the key term “communication rights”. Additional searches were performed on non-academic search engines so as to identify those reports, websites and conference presentations that might not be included in scholarly databases, but whose inclusion in the body of materials examined would contribute to the comprehension of the various facets of the CRs concept. All abstracts, most articles and some of the books resulting from this search were read and analyzed.

This phase allowed the initial identification of themes and scholarly orientations as they emerge from the literature on “communication rights”, with the aim to identify relevant perspectives through which to organize this richness in a more systematic way. Such perspectives were singled out by taking into account, within the variety of facets and problematic issues dealt with in the considered literature, those elements or viewpoints that qualified every contribution as being meaningful and possibly innovative for some specific reason, in some specific sectors. The outlined perspectives were the following:

- a. A historical perspective on the birth of the CRs concept, including the debates that took place within and between UNESCO, the New World Information and Communication Order, the Non-Aligned Movement, the MacBride Commission, and finally the “passing of the baton” to organized civil society in CR matters (Mueller 2002, Calabrese 2004).
- b. A “bottom-up power” perspective, including the place of CRs within social movements theory (Hackett & Carroll 2006), and the works on alternative media (Howley 2003), on network and coalition media governance (Dichter 2005), the democratization of communication policies (Hackett & Adam 1999), and the creation-in-progress of a transnational civil society (Price 2003, Van Audenhove et al. 2002).
- c. A global governance perspective, examining CRs as facilitators of the rise of new actors in the international arena (O’Siochru 2004), the role of the public vs. the role of institutions in global media governance processes (Brown 2004, Holman 2005), the relation between state sovereignty, international law and CRs (McIver et al. 2004), and the hypotheses for a “universal project” for CRs (Caras 2004).

- d. A perspective focused on the evolution of human rights , pondering the opportunities for a reaffirmation of existing rights vs. the creation of a separate and inclusive category for CRs (Kuhlen 2004), the adequacy of the current definition of freedom of expression in a complex and multi-leveled society (Balkin 2004), and most importantly, the possible “update” of the human rights system in the global information society (Hamelink 2003).
- e. A new technologies-oriented perspective, linking the CRs concept to “electronic activism” (Howley 2000), the proposal for an Internet Bill of Rights debates (Rodotà 2005) and Internet practices and values at large (Gurstein 2000, Larsen & Lee 2002, Buckley 2004, Nardi 2005).
- f. Finally, a perspective devoted to the marginalization of specific groups and empowerment , exploring CRs in relation to specific topics such as women (Riano 2004, Sreberny 2008), peace and conflict (Thomas 2008), developing countries (Burnheim 1999).

This identification of such diversified perspectives led us to some preliminary considerations on CRs as a “passpartout label”: it certainly entails a theoretical and conceptual level of discourse, but it also designates a tool for policy; it is grounded in history, but heavily influenced by the recent identification of new directions in research and policy; it is linked to new technologies, but applicable to traditional media; it is part of wider discourses (HR in DA, Internet governance...) but is also analyzed as set of concept and categories with its own specificities. Moreover, a variety of definitions is correlated with the variety of usages of the concept, ranging from claims by social movements, to a tool for media literacy, or a way to highlight and act upon specific needs of minorities.

Taking stock of the ways in which human rights that pertain to communication have become thematic components of reflections within different scholarly communities, we derive the hypothesis that we are faced with a space of discourse characterized by the simultaneous presence of different languages, entry points and disciplinary experiences that seldom acknowledge one another; therefore the specificities, as well as inter-linkages among different strands, could and should be better understood by fleshing out a comprehensive framework for the organization of existing literature. Indeed, HR in DA could be adopted as the conceptual container where, due to an ongoing evolution of concepts and practices, several strands converge though remaining discernible in their vocabularies, theoretical references and frames.

2.2. From CRs to HR in DA: construction of the analytical grid

The purpose of the following stage was to move from the clarification of the concept(s) behind and around the CRs label to the construction of an analytical grid that could take into account not only the past of “democratization of communication” discourses (e.g. O’Siochru 1999), but their present and near future as well (Neshat 2004), thus delving deeper into one of our theoretical concerns: that related to continuity and change of languages and framing of communication and human rights. This point was addressed by fully recognizing the respective relevance of theoretical contributions, institutional efforts, normative frameworks as well as community practices; and finally, broader dynamics of collective action, as explored in previous systematization attempts by Hackett & Carroll (2006) and Napoli (2007).

Our operational hypothesis was therefore that a division in two main strands under the HR in DA umbrella could be done, in a historical perspective: one strand would include the more traditional ways to think about human rights in relation to communication processes and media outlets (e.g. freedom of expression, media pluralism); a second strand would stem from (and refer to) new technologies and HR, and would be linked to the challenges

posed to the HR machinery by ICTs in recent years. This separation is clearly an analytical one, since convergence in technology, but also in themes and issues that are addressed in policy as well as in advocacy contexts, imply growing overlapping in practices and discourses. Nevertheless, the literature shows some specific orientations and allows to consider these two strands as distinct one from the other.

Furthermore, we have identified the intersection of these two strands of research with a number of other dimensions, related to uses of media and communication practices: the definition of theoretical issues (when CRs, HR and HR in DA are dealt with in theoretical proposals), the evolution of decision-making processes (what are the institutional settings and procedures where these issues are discussed and how?), mobilization and collective action processes (both on and through communication, related to these themes); media education and literacy processes (activities and initiatives for education to the media centered on HR); ta number of ransversal questions with a specific focus (e.g. gender, peace and conflict).

The resulting analytical grid is shown below.

Tab. 1. Human Rights in the Digital Age analytical framework

	Master frame HUMAN RIGHTS in the Digital Age	
	Traditional media and HR (democratization of communication, right to communicate, CRs)	New technologies and HR (access, interaction, connectivity as innovative elements)
Focus on theoretical issues (definition, framing)		
Focus on institutional processes (decision-making, governance)		
Focus on mobilization and collective action (on and through communication)		
Focus on media education & media literacy		
Transversal questions with a specific focus (gender, peace and conflict)		

2.3. Taking stock: Further conceptualizing CRs

This section proposed an attempt to systematize the many ways in which communication-related rights are understood and elaborated upon, placing a special focus on the work of epistemic communities as producers of knowledge crucial to orientate the efforts of other interested actors. To do so, it started from a literature review on CRs and introduced a tentative analytical framework. Some conclusions will now be drawn in this regard, in light of the general research questions.

Firstly, the process through which our organizing criteria were established and intersected in the grid helped to single out the main directions and concepts the CRs discourse is made of, so as to make the nexus between the communication rights discourse and the HR in DA discourse more explicit in its articulation. The analyzed body of literature offers a picture where the human rights machinery is tcentral, interfacing with different strands of

reflection. Recognizing this plurality, a broad conceptual reference such as HR in DA may become a master-frame for multiple, varied subjects; one able to include discourses that transcend the specific label “communication rights” to entail contributions coming from jurisprudence (for instance human rights in the Information Society, “universal design” of CRs), social movements theory (communicative democracy movements, electronic technologies and the public interest, birth of a “networked transnational civil society”), the STS approach (i.e. scientific/intellectual movements in CRs), issues that pertain to specific publics but have much broader societal implications, such as women's studies (gendered communication as a political space). It may also be noticed that a trend towards convergence of different approaches seems to emerge on specific occasions, particularly when international debates raise the attention for the topic; thus suggesting that the ways in which such a conceptual convergence actually takes place is closely linked to the political opportunities that are created and acted upon, also by epistemic communities.

Secondly, it is in any case possible and useful to identify the specificities and peculiar elements of every strand of reflection: these elements can actually be retraced by looking at the ways in which communication rights in the digital age are framed by the involved actors. Our literature review has contributed to flesh out actors and interests in relation to the topic, approach-wise (bottom-up, institutional, networked), subject-wise (old media, new technologies, user empowerment) and time-wise (history, evolution, future directions).

The framework construction provided a possibly more systematic synthesis of the ways in which social knowledge on communication rights is constructed by the different actors (governments, intergovernmental organizations, NGOs, transnational advocacy networks, social movements and activist groups) involved in the international arena, by identifying different roles and responsibilities attributed, or self-attributed, to different actors and groups of actors in the safeguard and promotion of HR in DA. Thus, the horizontal dimensions of the analytical framework (the “rows” in our grid) detail how the “common discourse” on HR in DA is being constructed, both in its specificities and interconnections: framing and definition of concepts (by epistemic communities but also activists,) mobilization and collective action on rights and practices informed by those rights (by activists and social movements), institutional policy making (by governments and intergovernmental organizations, governance networks), etc.

Finally, the framework also takes into account the elements of continuity and change in the human rights discourse vis-à-vis communication-related aspects. The body of literature, as exposed above, indicates the co-presence of two scholarly (and advocacy) orientations: one that deploys the traditional language of human rights, thus establishing a continuity in language and issue framing (democratization of communication, right to communicate, CRs related to “old media”, the “second wave” of NWICO); and another one that, by playing with innovative concepts (such as access, interaction, connectivity) frames issues within the more specific realm of technology evolution, its promises, and challenges (communication rights and the Internet, right to communicate and the Internet, community informatics, gender and information technology). This dialectic between continuity and change in concepts, is likely to have a relevant impact in terms of how the common discourse of HR in DA is, and will be, built – notably, to assess the presence or absence of an overall consistent vision at the global level, that future norms and policies could take as a reference.

3. Shaping a human rights discourse for the digital age: language, frames and challenges

In this section we look at how normative statements concerning human rights in the digital context are shaped, through the translation of communication and human rights-related conceptual frames into a specific use of

language and the formalization into documents. We do this by offering insights on the evolution of the idea of a Bill of Rights for the Internet, through a lexicon-content analysis of ten charters and declarations, elaborated between 1996 and 2006 by different stakeholders.

We conceive this set of documents as a discursive context, for two main reasons. On the one side the very elaboration of such texts is very often a collective exercise, involving different authors who bring experience, skills and the kind of social knowledge that derives from practice in the digital environment into a plural dialogue: they share their frames and negotiate their use of terms, in the attempt to reach consensus on substance and on specific wordings.

On the other side, the very nature of such texts – presented to the public as quasi-constitutional documents - indicate that for a number of interested actors the new digital environment calls for a specific focus on fundamental rights and freedoms, while indicating normative frameworks according to which such rights and freedoms should be promoted and protected.

Former attempts to investigate emerging visions (and discourses) concerning principles to be at the core of evolving communication and knowledge societies have been conducted by the authors in the context of the World Summit on the Information Society (2003-2005) . Yet no explicit reference was made, in those analyses, to the potential for norm definition in relation to human rights in the digital context, the main focus being on the possibility to identify elements that would constitute the “core” of a shared understanding of communication as a fundamental right. Nevertheless, some of the findings from those analysis (Padovani & Pavan 2009) can be of relevance to our work.

Documents elaborated in the WSIS context showed that different speakers adopt different languages and have different priorities in addressing the same, or similar issues, concerning fundamental principles on which to ground information and knowledge societies: some of them are more “conservative” in their framing of issues (keeping the focus on existing rights and guaranteed freedoms – such as freedom of expression or cultural diversity – and promoting what we have labeled a legalistic approach that makes explicit reference to the existing human rights machinery); others present a more “innovative” understanding of communication as a human rights (making explicit reference to the features and challenges posed by the new technological environment such as interactivity, interoperability, connectivity and the likes).

In those analyses we also identified five general principles - freedom, diversity, inclusion, participation and the idea of knowledge as a common good - which were articulated in the texts in different ways, but emerged as a set of shared core concepts on which a common vision could be built (each document included at least one linguistic element falling into the semantic spaces offered by the five general principles). Moreover, some specific linguistic formula - such as freedom of expression, respect for private life/correspondence, promotion of a democratic environment – appeared as components of a consolidated vocabulary through which communication is articulated in relation to fundamental rights.

The current analysis builds on those research efforts and findings, shifting the focus more specifically towards the digital environment, and looking into texts where concerns for human rights are coupled with an explicit reference to the challenges posed by the use and diffusion of Internet and new technologies.

The analysis was initially conceived as a contribution to the elaboration of a “Bill of Rights for the Internet”: a proposal that stemmed from the WSIS experience and moved on into the space of the Internet Governance Forum, an UN initiated and on-going open process where different stakeholders meet, in face to face meetings as well as online, to discuss the regulatory and normative challenges of governing the Internet (the IGF process is briefly described in par 4). In that context, the idea of a constitution-like machinery to clarify the normative foundations of the digital environment, as far as fundamental rights and freedoms of individuals and collectivities are concerned, was structured around one of the so-called “dynamic coalitions” that composed the discursive space of IGF. In the intention of the proponents, the overall goal was to elaborate one or more documents on which to ground future policy-making activities concerning the digital environment. In developing that concept, it was also agreed that it would be important to accompany a drafting process for such (set of) documents with a review of former attempts to elaborate statements having similar goals.

The identification of documents to be analyzed was done partly in cooperation with the IBR dynamic coalition, and partly in a joint effort with students from the University of Padova in the course of 2007/2008 . We identified 10 documents, elaborated in a 10 years time span, all of them meaningful as far as exploring the potential (and shortcoming) of language and frames in promoting and protecting human rights in the digital context.

These 10 documents were collected and organized into a corpus, subsequently analyzed by means of a software called Taltac which, performing lexicon-content analysis, allows to compare vocabularies of different written documents, interrogate texts in relation to their use of language, reconstruct semantic frames, trace existing similarities and differences among speakers, as well as gaps in a discourse.

The variables identified for the analysis, where the following:

- the year of drafting;
- the author’s name (this was feasible since only a small number of documents were inserted in the corpus);
- the author’s nature (governmental or nongovernmental) .

Tables 2 and 3 below presents the list of the 10 selected documents and the composition of the corpus:

Tab. 2 - Ten selected documents included in the analysis

▪ John Perry Barlow, "A Declaration of the Independence of Cyberspace", 1996
▪ Robert B. Gelman, "Draft proposal: Declaration of Human Rights in Cyberspace", 1997
▪ Stephen Page, "Human Rights Declaration of Individual Rights in Cyberspace", version 1.0, 1998.
▪ Charter of civil rights in a sustainable knowledge society 2003
▪ Statement on communication rights 2003
▪ Civil Society Declaration to the World Summit on the Information Society 2003
▪ Council of Europe Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society 2005
▪ Charter of Rights of Citizens in Knowledge Societies 2006
▪ "APC Internet Rights Charter", November 2006.
▪ David Casacuberta and Max Senges, "Basic Considerations on the Governance of Cyberspace". Committee for a Democratic UN, October 2006.

Table 3 – Overview of the analyzed corpus

length	type of speaker	author	year
851	nogov	Barlow	1996
1332	nogov	Gelman	1997
1104	nogov	IANA	1998
1278	nogov	Boell	1998
1377	nogov	WFCR	2003
9951	nogov	CS@WSIS	2003
3528	gov	CoE	2005
550	gov	Eurocities	2006
935	nogov	APC	2006
742	nogov	Senges	2006

All analyses have been conducted on a corpus vocabulary that includes both graphic forms (GF = single words) and complex textual units (CTUs = units of text that have a specific meaning thanks to the respective position of words): this in order to reduce as much as possible the ambiguity of language by attributing specific meanings to linguistic complex forms, while valuing the stylistic richness and the nexus existing between linguistic structures used by the speakers and the framing activity conducted through the use of language.

By interrogating these documents we have investigated the formalization and shaping of a HR in DA discourse, and address the research questions that have been outlined in the introduction:

- I. What is the contemporary discourse on communication, technologies and human rights made of?
- II. What can we learn about the actors engaged in this conversation, both in terms of their respective approaches to communication challenges and in terms of their understanding of different actors' role in promoting communication-related rights globally?
- III. What can we say as far as continuity and change in relation to the more consolidated human rights discourse, when it comes to understanding and protecting fundamental rights in the digital context?

3.1 The overall discourse

It is interesting to highlight, by looking at the use of language and the framing of issues, what are the core concepts that compose the contemporary public discourse on human rights in knowledge societies: is it mostly human-oriented, people-centred and aware of more general societal challenges concerning development, democracy or sustainability, or is it mainly structured around developments in the media, technological infrastructures, with a strong accent on the specific features of the digital environment?

We assumed that higher frequency in the use of certain terms (here we looked only at graphic forms) may indicate in very general terms the overall orientation of such discourse.

From a first glance at occurrences and frequency of words we can say that overall, and through the years, the discourse on HR in DA has evolved with a very strong focus on the social dimension: the language reflects a plurality of issues that compose a very broad discourse, characterized by a comprehensive understanding of societal transformations, and their implications for people and the public, as well as for the role of knowledge and information.

Tab. 4 – Terms with high frequency in corpus (only GFs).

High frequency GF “ 40 “	High frequency GF “ 39
<ul style="list-style-type: none"> ▪ information 211 ▪ should 154 ▪ access 136 ▪ knowledge 110 ▪ society 104/societies 79 ▪ media 93 ▪ public 92 ▪ development 77 ▪ freedom 65/freedoms 15 ▪ people 63/peoples 19 ▪ right 50 /rights 35 ▪ diversity 42 ▪ global 42 ▪ participation 38 / participate 22 ▪ protection 28/protect 18 	<ul style="list-style-type: none"> ▪ expression 36 ▪ property 31 ▪ education 31 ▪ sustainable 31 ▪ principles 27 ▪ standards 26 ▪ governance 24 ▪ women 24/gender 14 ▪ democratic 22 ▪ needs 19 ▪ opportunities 19 ▪ citizens 18 ▪ privacy 18 ▪ inclusive 16

Interestingly, all the general principles that we have identified in former analyses (freedom, diversity, inclusion, participation and open standards) can be found amongst the most utilized words in this corpus as well, thus confirming the core of a shared vision of human rights in communication and knowledge societies. On the other side, reference to specific features of a “digital age” do not seem to be of any significant relevance, at least in quantitative terms. Also to be outlined here, the very strong sense of oughtness that emerge from the documents, as suggested by the relevance of the verb “should”, something which is to be considered when evaluating the potential of such discourses, and actors’ intentions, towards setting a normative base.

3.2 Actors in discourse

In former analyses we have also found a quite different terminology and linguistic style adopted by governmental and nongovernmental actors. Again we assume this is not just the result of more or less formal type of documents, whereby governmental official texts tend to reflect a diplomatic style, with its own linguistic rules and structure: this situation may in fact also indicate differences in priority of issues and in the overall framing of the discourse. This can be a challenge in relation to the possibility of developing a common conceptual and linguistic ground on which to build future policy-informing normative contributions, especially if the expectation of multi-stakeholder common positions are to be met, as it seems to be the case, at least formally, in the context of communication governance, and certainly Internet governance.

In the present work we have analyzed the language through which governmental and nongovernmental actors have structured their documents, looking for both similarities and differences in issues and language, but also outlining the different ways of referring to actors, their position and relevance in the trans-national context.

If we look at GFs that are specific of governmental and nongovernmental actors (relatively more relevant for a specific speaker or category of speakers in relation to others), we realize that the first tend to focus on indicators, measures and ICTs applications, on the “digital” as a different context, on issues concerning control (legal/illegal, restrictions) and on institutional actors; while the latter focus on subjects and their

diversity/plurality, highlighting responsibilities while adopting a global perspective with concerns for the sustainability of (political) choices.

Tab. 5 – GFs specific of governmental and nongovernmental language.

Speaker GOV	Speaker NOGOV
<ul style="list-style-type: none"> ▪ ECHR ▪ States ▪ Member ▪ Private ▪ ICTs ▪ Council ▪ Measures ▪ Citizens ▪ Correspondence ▪ E-voting ▪ Digital/nondigital ▪ Legal/illegal ▪ restrictions 	<ul style="list-style-type: none"> ▪ we ▪ must ▪ societies ▪ people ▪ community ▪ cyberspace ▪ global/world ▪ sustainable ▪ women ▪ diversity ▪ knowledge ▪ political

Tab. 6 – CTUs specific of governmental and nongovernmental language (* = CTUs that are not only specific in the language of a speaker, but also “original”, i.e used in an exclusive manner).

Speaker GOV	Speaker NOGOV ³
<ul style="list-style-type: none"> ▪ Human rights ▪ Civil society ▪ Digital environment * ▪ The knowledge society ▪ Legal frameworks ▪ Intellectual property rights 	<ul style="list-style-type: none"> ▪ Information and communication societies * ▪ Communication rights *

If we then look at CTUs such as human_rights, civil_society or knowledge_society, which could be considered as the basic components of a public discourse on HR in DA, we see that such textual units emerge from the corpus as a specific (and sometimes exclusive) vocabulary used by governmental actors. This may be interpreted as a more crystallized language used by these actors, in documents that reflect a more formal style. Differently, nongovernmental actors tend to be less formal and certainly more innovative, introducing new linguistic forms with the aim of overcoming the shortcomings of language in relation to the complexities of reality. Given the plurality of documents elaborated by different nongovernmental actors, this innovative approach also shows that very few formulas are shared by such actors as part of a consolidated common discourse, therefore fragmentation prevails and no shared nongovernmental-characteristic formula can be found among speakers a part from reference to plural information and communication societies and an explicit reference to communication_rights.

If we focus on how actors talk about actors, here again we find differences. Governmental actors tend to have a very traditional view of actors interacting on the global scene: they are mainly states, or inter-governmental organizations, paralleled by other actors, conceived as “sectors” (private sector, civil society) as if these were homogenous and monolithic realities. Differently, nongovernmental actors tend, in their documents, to refer to a more diversified world of transnational actors and subjects entitled to fundamental rights: these are peoples,

³ Relative number of specificities in NOGOV documents can be explained by the fact that these documents (8/10 in the corpus) have a vary diversified language = less common specificity as a typology of actors.

communities, but also women, thus stressing specific elements of nondiscrimination; they are also generally referred to in the plural form (again confirming former findings) as if the complexity of the communication societies and digital age requires avoiding generalizing simplifications.

3.3 Continuity and change in discourse

Considering that languages are living realities, we can look at the use of GFs and CTUs over times to assess how issues emerge, evolve and/or disappear. This allows investigating persistence or change of specific issues or linguistic formulas throughout the analyzed discourse (the 10 documents in 10 years); but also to investigate vocabularies' relation to a more traditional human rights discourse, by identifying linguistic units that reflect and/or reproduce the human rights-specific language or identifying new uses of language that make rights and freedoms interact with digitally specific features or challenges.

In order to diachronically differentiate the discourse under investigation, we adopted a three periods perspective - pre WSIS (pre 2003), WSIS (2003) and post WSIS ("2003) - and compared documents accordingly (focusing on CTUs with frequency "6), assuming the WSIS has been a turning point in the identification and emergence of a number of issues pertaining to HR in DA.

In the table below we list CTUs that characterize each period, in order of relevance according to their frequency: in italic and bold are highlighted CTUs that are present throughout the discourse (linguistic forms that seem to be already part of consolidated and shared language); in bold are highlighted CTUs that seem to have become widely recognized in the course of time (linguistic forms that have entered the discourse around 2003 and have since become a common reference for different authors).

Tab. 7 – Discourse evolution over time

<2003 (Barlow, Gelman, Page)	2003 (HBF, WFCR, CS@WSIS)	>2003 (CoE, Eurocities, APC, Committee for democratic UN)
	* = CTUs exclusively used in these documents	'05 or '06 = CTUs only in documents elaborated in that year
<i>Access to information</i> (1) UDHR (3) <i>Intellectual property</i> (4) The knowledge society (2) <i>The right to privacy</i> (3) <i>The digital divide</i> (3) Human beings (5) Human development (1) <i>Cultural diversity</i> (1)	Information and communication societies (34)* Human rights (13) Civil society/CSOs (14) Communication rights (19)* Freedom of expression (6) Access to information (5) UDHR (9) Cultural and linguistic diversity (8)* Intellectual property (rights) (5) Community media (9)* The public domain (5) The right to privacy (3) The digital divide (3) Indigenous people (7)* Sustainable development (5) Women and men (5) Legal framework (2) Public services (2) Human development (4) Conflict situations (6)* Developing countries (6)	Human rights (14) '05 Civil society (12) '05 Freedom of expression (8) Access to information (6) Digital environment (10) '05 Intellectual property (rights) (6) '05 Linguistic diversity (4) '05 Public domain (3) Right to privacy (2) Digital divide (1) '06 Sustainable development (1) '06 Women and men (1) '06 Legal frameworks (4) '05 Public services (3) Right to access (5) '06

What we find in the pre-2003 period, are mostly CTUs that remain as stable components of the discourse in subsequent years: `access_to_information`, `intellectual_property`, `the_right_to_privacy`, `the_digital_divide`, `cultural_diversity` appear as ongoing issues, crystallized in consolidated forms. What is more specific of that early stage is a reference to the “human” dimension: `human_beings` and `human_development` both indicate a focus on the subject and yet a quite individually-oriented perspective on principles and rights.

The language becomes richer in 2003 , with more diversified issues and exclusive uses of language: `information_and_communication_socities`, `cultural_and_linguistic_diversity`, `indigenous_people` are CTUs only used in the WSIS context, indicating how certain issues have been addressed and formalized from a linguistic point of view, through interaction and exchange within a specific process.

It should also be noticed that an explicit reference to `human_rights`, and more specifically to `communication_rights`, is made in this phase: while human rights remains as a reference in later documents (though mostly of governmental nature), the `communication_rights` formula seems to be confined to the WSIS space of discourse. Differently, expressions such as `freedom_of_expression`, `public_domain` and `public_services` emerge as CTUs that have consolidated over time and have been widely referred to by different authors in later documents; thus indicating that on the one side fundamental civic rights, such as freedom of expression, are now a common concern as far as regulating the digital environment, on the other side enhancing the framing of HR in DA through a stronger appreciation for the “public” as a relevant dimension in comparison to the original focus on the individual, as is also demonstrated by the frequent use of plural nouns.

Finally, we outline that reference to general issues such as `sustainable_development` or `women_and_men` have become part of the vocabulary, but remain relevant mostly for nongovernmental actors, while more specific units referring to the `digital_environment` and `legal_frameworks` emerge as issues of concern in governmental texts.

So far for the evolution in the use of language and the formal shaping of issues in the very discourse we have taken into consideration. But as we were also interested in understanding the pre-conditions for the development of a normative framework on HR in DA, we also interrogated the corpus searching for actors’ perceptions and understanding of principles, rights and freedoms to be affirmed, promoted and protected; thus linking our linguistic analysis more directly to the historical language of human rights norms.

The assumption here was that language orientation towards a common reference to fundamental rights and freedoms would indicate a possibly more consolidated understanding of the basics to be guaranteed and a stronger interest in connecting the expanded discourse of HR in DA to the more traditional human rights juridical machinery (and possibly an easier orientation towards norm structuring). Differently, a diffused reference to principles would indicate a less direct conceptual link (or strategic interest to link) with the human rights machinery and a greater awareness of the complexities and specific features that characterize the digital age: a situation that requires guidelines to be adapted and steering tools, more than formal universal provisions. Also in this case a normative framework can be envisaged, though of a less formal status, but possibly meaningful as far as inter-subjectively-elaborated meanings.

Starting by focusing on semantic roots, we analyzed how the two main components of the discourse - rights and freedoms - are framed; we then looked for specific rights and freedoms explicitly mentioned in the documents, as well as for presence/absence of related GF and CTUs, occurrences and specificities in relation to authors, conservation and innovation in language. We then proceeded by focusing on linguistic forms referring to the

above mentioned general principles: diversity and pluralism, access and inclusion, participation, knowledge as a common good.

Our main findings concern an unequal use of the term “right(s)”: this is specific to authors of governmental nature, while “principle/s” are equally relevant to all speakers, indicating a possible stronger relevance of existing recognized norms for institutions actors.

Privacy and private life are prominent as the `right_to_privacy` is mentioned by all speakers (while the `right_to_respect_of_private_life` in a neologism only used in CoE). As indicated in looking at longer terms trends, `rights_to_freedom_of_expression`, `freedom_of_thought` and `of_opinion` are relevant throughout the corpus; while `Intellectual_Property_Rights` is a formula mainly used by CoE (thus expressing a governments’ concern).

Furthermore, `right_to_access` is exclusively mentioned in APC, thus indicating that principles concerning access to information, infrastructures and knowledge still prevails over the proposal of a fundamental right; while the `right_to_participate` seems to have consolidated since the WSIS experience, and it is used in post-WSIS documents by both governmental and nongovernmental actors. A finding that suggests that in spite of the much criticized rhetoric about participation and “multi-stakeholderism”, at least in formal uses of language the idea of participatory processes has not only become a shared concern, but it has also gained a right-like kind of status.

`Right_to_education` is mentioned by CoE, in Civil Society @WSIS and in Eurocities: the only speakers who refer to “literacy” at all as central issue in the digital environment; while `rights_of_the_child` (plural) is only mentioned in the WSIS nongovernmental context (CS@WSIS and WFCR);

Dealing with specific categories of rights holders, `workers’_rights` has emerged in the building up to WSIS (HBF) and remained in the nongovernmental space of discourse since (CS@WSIS and APC); while `women’s_rights` is only mentioned in CS@WSIS: a generic gender-oriented language is found in the corpus, but remains confined to nongovernmental actors.

Finally, if we look at issues of general concern, such as development and sustainability, we see that in relation to HR in DA, development has been part of the discourse since the beginning, shared by different speakers (not with equal relevance) but in any case not conceived as a fundamental right; while sustainability is a post 2003 issue that has been raised in the building up to WSIS (HBF) and remained in the nongovernmental space of discourse.

Overall, as far as the HR legacy issue, what we derive from the corpus is a difficult balance to be stroked between tradition and structured language, on one side, and digital complexity, on the other. It seems that 60 years of HR machinery, generations of rights, provisions to protect individual subjects and specific social sectors is a richness that is not fully acknowledged in the analyzed documents, meaning it may be either not known enough or not relevant to actors interested in fostering HR in DA. Among the problematic missing components: rights of women, minorities, children but also issues concerning peace and security, environment, development and sustainability are clearly out of the discourse we have analyzed.

In spite of such a limited approach to HR in DA, our corpus renders the idea of an emerging discourse which, though differently articulated and still searching for formalization, indicates some core concerns (about people,

communities, sustainability of action and intervention), some common basic elements (about plurality, freedom, diversity, inclusion and participation) and the potential to develop into a more elaborated normative proposal, possibly not in the form of a declaration of fundamental rights, but more likely in terms of a machinery of differentiated tools, addressing different issues in different policy areas, but grounded in a set of commonly accepted principles. How much this kind of soft-law type of resources may contribute to restructuring world politics, opens a possibly even newer and more problematic question.

4. Semantic networks offline. Shaping collectively internet governance policy discourse

The Internet governance space is currently characterized by profound transformations in first place because of the sudden popularity the area has known over the last years and, secondly, because of the ongoing Internet Governance Forum process that has fostered, fastened, catalyzed changes in the area. These two factors have largely impacted dynamics in the IG field both from a content and from a process point of view. Yet, the analysis of these ongoing dynamics is a rather complex task. Existing literature on the renewal of Internet governance processes (see for example Klienwachter 2004 and 2007, Hoffman 2006) has stressed how the enlargement of the IG agenda is one of the main features of contemporary ongoing discussion and that relationships between actors are influenced by this renewed understanding of Internet governance. Still, systematic efforts to direct research in this directions have not been pursued yet.

In this sense, we understand latest processes in the IG field and, more specifically, the Internet Governance Forum five-year path, as a discursive context for different reasons. In first place, the official mandate of the Forum is to create a new space for multi-stakeholder dialogue on issues pertaining Internet Governance and it adds no more details on specific results to be achieved (such as formal outputs). The creation of a shared understanding of a complex and uncertain issue is at the centre of the IGF process. Secondly, this dialogue (understood as in Donati [1992] as the essence of political relations between actors of different nature, see Introduction) is based on the very necessity to recognize all kinds of interlocutors and claimants that have entered the Forum thanks to its open and participatory features. Therefore, not only it becomes interesting to look at how discussion and confrontation becomes the very core of a political process but, also, to look at how actors who are not “used” to talk to each other start recognizing and strategically orienting collaboration/discourse practices towards certain partners.

Yet, it is necessary to make one specification. Differently from the previous paragraphs, this section of the paper focuses on a specific thematic area of contemporary discussion on HR in DA (that of Internet Governance) and a specific institutional process (that of the Internet Governance Forum⁴). The broader research questions that are orienting the joint analytical effort we are conducting in this paper, are here applied to a specific context. Therefore, we will look in this case to the composition of a particular discourse, we will evaluate innovation and tradition maintenance in relation to a discursive path that has been established over time with its own story,

⁴ The Internet Governance Forum process was officially set up at the end of the UN World Summit in the Information Society through a set of articles contained in the Tunis Agenda final document. This Forum is meant to be a space for promoting a multi-stakeholder dialogue on the issues related to Internet Governance but has no official commitment to the production of final binding outputs but, rather, it is aimed at fostering multi-actor interaction to inform governance processes for the Internet in a participatory and open way. The IGF process is intended to last 5 years (from 2006 and 2010) and to be itinerant: every year the Forum location shifts from a continent to another. So far, three meetings have been realized in Athens (2006), Rio de Janeiro (2007), Hyderabad (2008). Next meetings will be held in Sharm El Sheikh (2009) and Lithuania (2010).

detached from the human right normative evolution; finally, we will derive some considerations on how actors perform their discursive functions looking at the specific IGF process. Although this sections may seem to narrow down the breath of the paper, we argue that IG debates (and the IGF, in particular) offer interesting cases to be analyzed, since this is possibly the most recent and innovative communication-related domain that is also been confronted with HR; therefore this case offers the opportunity to investigate how HR in DA issues are put on the agenda in institutionally formalized contexts. Yet, for the very peculiarity of the domain under examination, it will be necessary to generalize with lots of attention the results obtained.

In order to respond to the goal of mapping out how discursive patterns (substantiated in social and semantic relations) are being established in the IG domain, a relational approach that looks at relationships established between actors and between actors' ideas was adopted and network analysis techniques were employed. In particular, in order to analyze how the IG agenda is enlarging thanks to the involvement of a plurality of claimants in the construction of a common discourse on IG, semantic networks that "map similarities among individuals' interpretations" (Monge & Contractor 2003:173)⁵ were reconstructed within the IGF context . During the first two IGF meetings, 49 individuals belonging to governments, private sector and civil society were interviewed with the aim of retracing collaboration networks they develop in the IG field as well as to map their perception of Internet governance as a complex and uncertain concept. These individuals perceptions on Internet governance were labelled "perspectives from the ground" and were mapped in order to understand the cognitive frame guiding individual action in the IG field. Perspectives from the ground on IG were put together within semantic networks that were then analyzed in order to grasp the structure of agenda enlargement processes in this domain or, in other words, how different issues are brought into the political agenda and directions that are being followed in the collective construction of Internet governance.

4.1 What are they networking about?

Themes identified on the overall by our 49 respondents through choices expressed were 36 as shown in table 8. This table makes evident that there has certainly been an enlargement of the agenda beyond technical issues in the IG discussion but that, nevertheless, more traditional issues connected to Internet critical resources are still very popular. However, their predominance is accompanied by a set of whole new different and controversial issues such as access, security, human rights and human freedoms. It is important to notice that security and access have overcome ICRs in the agenda if relevance is measured through the number of mentions an issue receives. In this sense, though, DNSs matters are still distinguished from broader and more generic ICRs issues and still are more relevant than privacy and freedom of expression and human rights broadly conceived.

⁵ As Monge and Contractor precise in their work (2003:186-188), the idea of semantic network as a specific type of communication networks serves the purpose of clarifying "the relationship between communication and shared understanding" (Monge & Contractor 2003:187) thus problematizing the idea that communication between actors leads to shared interpretations and understanding. Also, authors specify that this understanding of semantic networks stems from but detaches from the idea of concept network proposed from Carley as networks of concepts or "ideational kernel" and "pairwise relations between them" (1997:81). For the purpose of this work, I adopt the idea of semantic networks as networks mapping commonalities and gaps in understandings on Internet governance between actors thus leaning on the broader meaning proposed by Monge and Contractor in their work.

Tab.8. Issues belonging to the IG framework

Theme	Freq	Theme	Freq
Security	20	Content Regulation	1
Access	19	Deliberation	1
Internet Critical Resources	17	Global Governance	1
Domain Name System	9	ICANN role	1
Privacy	8	Interconnection	1
Freedom of Expression	7	Internet Freedom	1
Human Rights	5	Internet governing bodies	1
Multi-Stakeholderism	5	Internet use	1
Openness	4	Juridical conflicts	1
Open Standards	4	Malware	1
Diversity	3	Multiculturalism	1
Intellectual Property Rights	3	Net neutrality	1
Infrastructure	2	Technical standards	1
Internet Governance Forum	2	Routing management	1
IP addresses	2	Spam	1
Multilingualism	2	Youth	1
Public Policy	2	Control Mechanisms	1
Developing Countries	2	IETF	1

Yet, results shown in table 8 only partly solve the problem of evaluating how the discourse on IG is collectively being shaped. What table 8 tells is only that other issues beside ICRs are being pushed into the agenda (and this is hardly surprising given the already mentioned open and participatory features of IGF) but they do not say how this is happening. This is easier to be seen if we move towards semantic network visualization of responses. Figure 1 shows the overall network formed by issues displayed in table 8. The presence of a tie indicates that at least one individual has mentioned two issues together: therefore, a tie between two nodes in the network below indicates the existence of a positive association between two themes in the IG discussion while ties absence indicates a disconnection between topics.

In general, what the above graph shows is that not only the agenda has enlarged but that also individuals are engaging in a conversation that transcend boundaries of thematic areas in a cross-fertilization of themes. Nevertheless, the above figure can also be erroneously interpreted as it might suggest the complete absence of a conversational pattern between all themes. In other words, as every theme is connected to every other it might seem that there is no order in the way themes are paired one another and, therefore, no order in the agenda enlargement process. At first sight, what figure 1 is showing is a situation in which individuals carry their competences from a theme to another and are fostering, through common conversations, the articulation of a core discourse on Internet governance around some key points provided by all 36 themes in the graph.

Nevertheless, if we raise the number of individuals that two themes have in common, a more clear pattern of discussion seems to emerge. If we look at how themes are joined together by at least two respondents, we notice that the majority of themes disconnect from the main component. Figure 2 below shows a dramatic decrease in the number of ties in the semantic network from 158 to 36 when individuals in commons are at least 2. It is interesting to notice that human rights broadly conceived enter the discussion through more focused arguments on freedom of expression and that the pair security-privacy that has often been mentioned in the answers provided places internet critical resources (t13ICR) as a mediating step to be made. The right side of the graph

Fig. 1. Co-membership network among themes in the offline discursive space. Ties strength >0

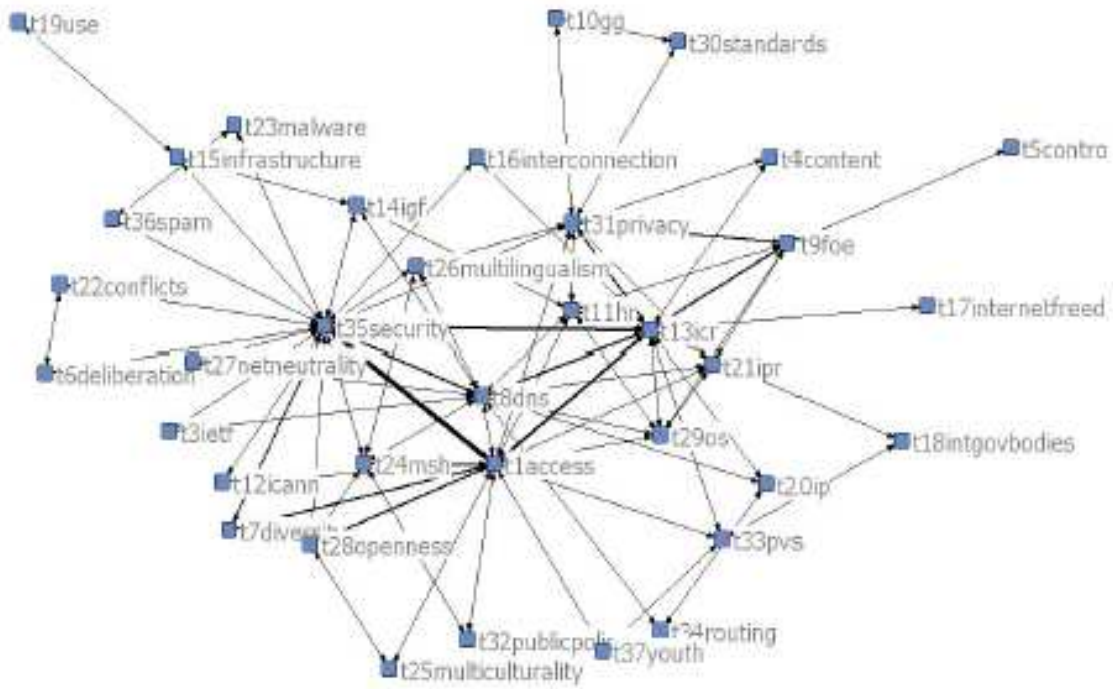
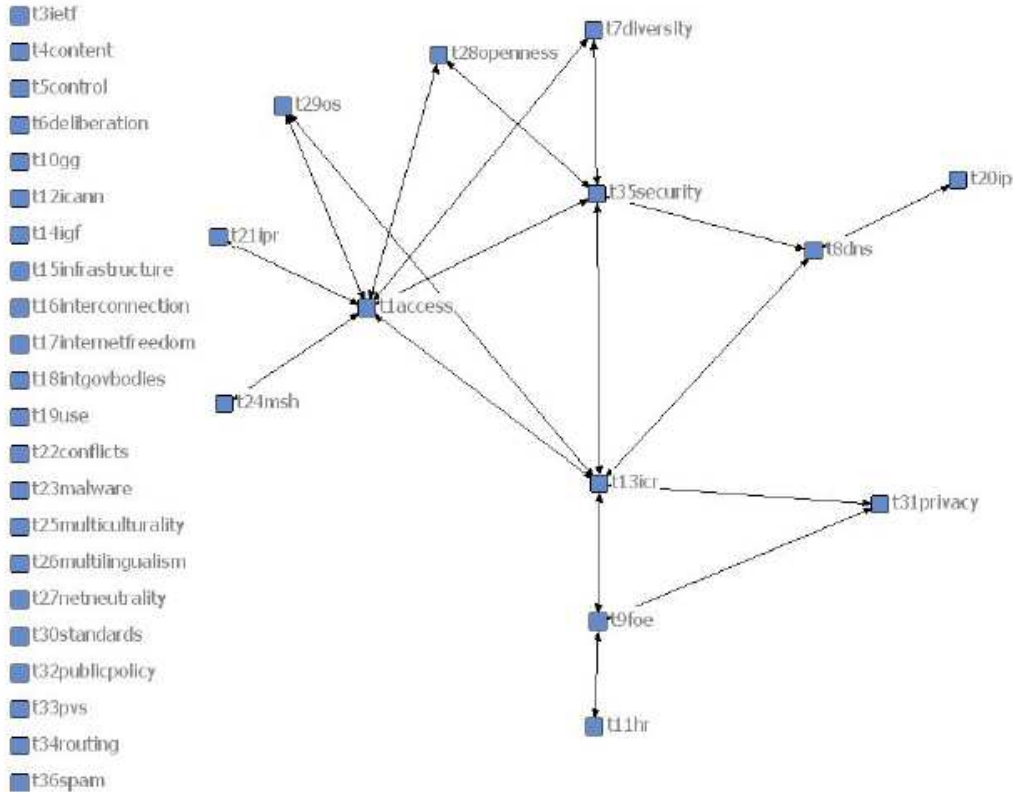


Fig. 2. Co-membership network among themes in the offline discursive space. Ties strength >1

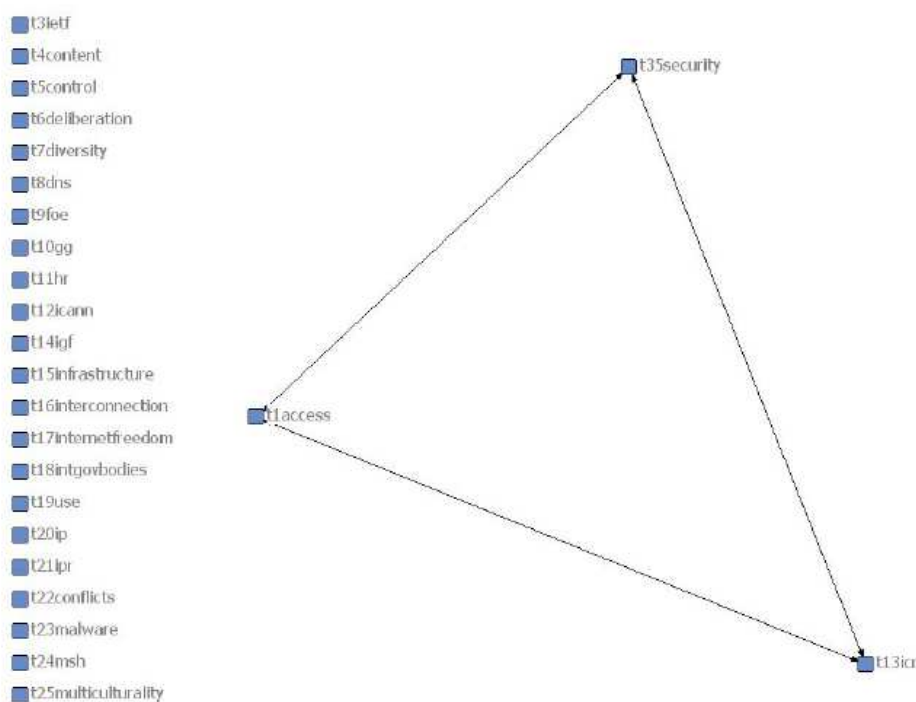


contains the articulation of the area of internet critical resources and, therefore, this side seems to be dedicated more traditional IG issues: a specific focus is put on the transition from IPv4 to IPv6 and to the traditional issue of domain name system management.

The left side, on the contrary, seems to be dedicated to the whole set of new issues that must be addressed in a context where the Internet is a mass phenomena but new imbalances, built upon offline inequalities, increase rapidly: access, openness of the network, diversity broadly conceived, open standards definition and intellectual property rights together with the recent and innovative issue of multi-stakeholderism as a relevant topic per se. Interestingly, the more traditional area of Internet critical resources stands at the centre of the figure surrounded by new but increasingly consolidated issues in the field. The mixture between more traditional and more recent themes (freedom of expression, privacy and security) joining the two sides of the network (as the figure 4.2 below shows pretty well) is a further proof of the enlargement and of the cross-fertilization of themes in the contemporary phase of debate over IG but also reveals that the position of traditional technical matters remains central for the rest of the discussion.

Disconnection increases even more, yet less dramatically, moving from at least 2 to at least 3 individuals in common between each pair of themes (down to 22), from 3 to 4 (down to 12) to grow dramatically passing the threshold of at least five individuals in common. Figure 3 below shows that the only conversational pattern that involves 5 or more individuals at once is the triangle access-security-internet critical resources. This triplet seems to be the real core of the discussion starting from thematic interests of our respondents: not only these are the most popular issues but they also happen to be more often discussed in connection one another. Moreover, even inside this triangle there is a double conversation going on: the tie between access and internet critical resources disappears earlier than the other two, revealing that security is the real corner around which attention is gravitating in the field and on which all other discussion seem to be incardinated.

Fig. 3. Co-membership network among themes in the offline discursive space. Ties strength >4



In order to better represent dynamics of IG agenda enlargement, the complexity of answers provided by respondents had to be reduced lowering the number of categories representing overall contents. Therefore, themes were aggregated into subfields “which categorize topics of interest to particular participants” (Knoke et al. 1996:14) on the bases of the general label attached to every single answer (table 8) as well as of the original, non cleaned up content of the answers provided by interviewees. Moreover, where necessary and possible in order to clarify very general answers, the multiple-answers set provided by each respondent was taken as an overall reference framework. The final solution includes six kindred subfields summarizing IG single-issues:

A) SECURITY. This subfield gathers issues connected to security and privacy of Internet users. It groups categories previously labelled as Security, Privacy, Spam, Malware and Control Mechanisms;

B) INTERNET CRITICAL RESOURCES. This subfield gathers more traditional and infrastructural issues concerning with the management, the development and communication protocols inside the Internet system. It groups categories previously labelled as Domain Name System, Internet Critical Resources, Infrastructure, Internet Protocol addresses, Multilingualism, Routing;

C) ACCESS & USE. This subfield gathers issues pertaining the access to the Internet system, its expansion where the system is still lacking or poor, the inclusion of specific categories of users. It groups categories previously labelled as Access, Internet Use, Developing Countries and Youth;

D) OPENNESS. This subfield gathers all issues concerning broad communication inside the Internet system overcoming existing and possible hindrances. It is a sister subfield of Access & Use but can nevertheless be distinguished for its specific focus on elements pertaining communication processes. It groups categories previously labelled as Content Regulation, Diversity, Multiculturalism, Interconnection, Net Neutrality, Openness and Open Standards;

E) HUMAN RIGHTS & FREEDOMS. This field gathers issues pertaining specifically human rights online and more specific categories within them such as freedom of expression and speech or Intellectual property rights. This is a sister subfield of the Openness one but can nevertheless be distinguished for the specific attention to human rights as an autonomous component of the IG discussion. It groups previous categories labelled as Freedom of Expression (FoE), Human Rights (HR), Internet Freedom and Intellectual Property Rights (IPRs);

F) GOVERNANCE. This subfield is probably the most heterogeneous and gathers all issues pertaining to global governance, cooperation among actors of different nature both inside and beyond IG debate (in this sense, the IG discussion is seen as an experiment, as mentioned before), implications of technology development on more traditional politics and the reform process undergoing present arrangements for Internet governance. It is, on the overall, the subfield that more focuses on political and legal arrangements and processes. It groups previous categories labelled as Beyond Internet Engineering Task Force (IETF); Deliberation; Global Governance; ICANN role; Internet Governing Bodies; Juridical Conflicts; Multi-stakeholderism (MSH); Political implications of technical standards; Public policy.

Different solutions aggregating sister areas were tried out before identifying these six kindred subfields. However, resulting categories were too heterogeneous and the trade off between the size of subfields and the lack of information was too high to be accepted. Labels attached to every subfield are by no means exhaustively

summarizing contents but rather serve illustrative purposes: every theme in table 8 has been assigned to one and just one subfield which has been labelled perfunctorily in order to summarize contents included within it. Moreover, subfields differ for the number of categories they include. Each subfield corresponds to a dichotomous variable and its size is given by a simple count of positive answers to the area it is identifying. Compared to the disaggregate level of analysis examined above, it is possible to notice that subfield revolving around security catalyzes more attention than any other, followed by traditional discussion on Internet resources and by the whole range of issues connected to access (table 9).

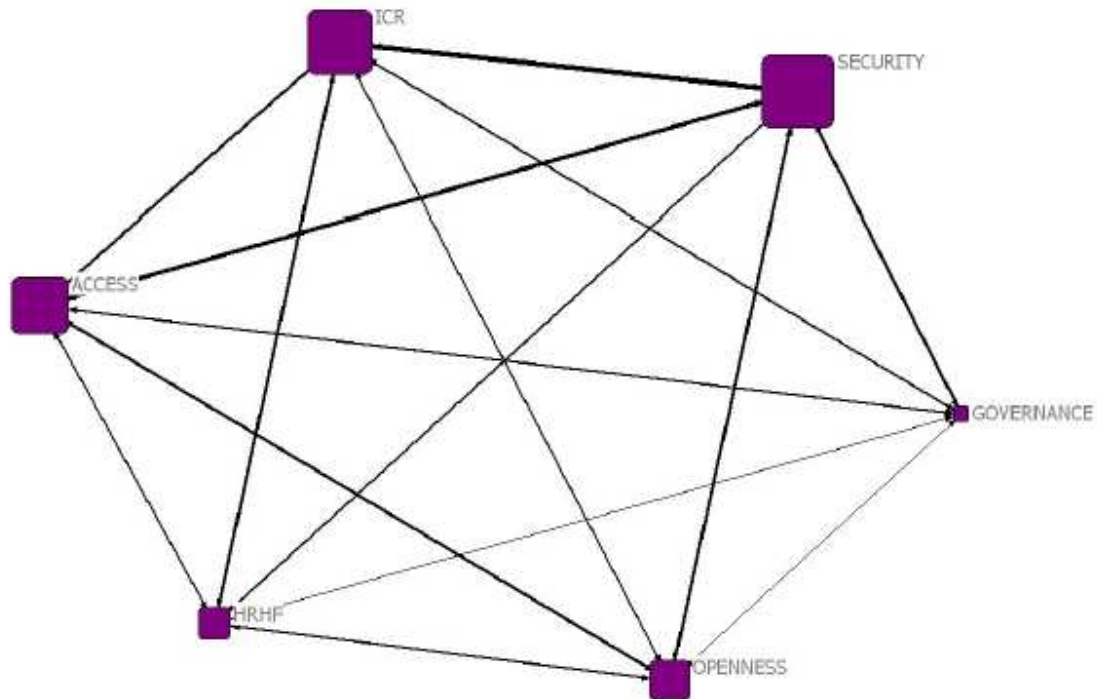
Tab.9. Subfields of Internet governance discussion

SUBFIELD	SIZE
SECURITY	28
INTERNET CRITICAL RESOURCES	26
ACCESS & USE	21
OPENNESS	14
HUMAN RIGHTS AND FREEDOMS	13
GOVERNANCE	12

Moving to analyze how subfields are related one another, a known pattern emerges once again. As figure 4 shows, subfields are all related one another in a network where all nodes are connected between them representing an ongoing conversation cutting across all subfield. Nevertheless, also in this case, the general interconnectedness in the conversation hides some patterns deploying among subfields. Indeed, looking at the numbers of common contributors to each couple of subfields (represented by ties strength in figure 4), it appears pretty evidently that some ties are stronger than others or, in other words, that some conversations linking subfields are stronger than others. Access and Security are both strongly linked to Internet Critical Resources: the iron-triangle of the discussion reproduces also at aggregate level. Consistently with what shown above, inside this iron triangle there are two privileged conversations going on: the first one is between security and ICR contributors which seems to suggest a prevailing focus on the (possible) implementation of the existing system over its expansion. The second privileged conversation is between Access and Security: expansion of the system needs to be carefully balanced with threats that are posed by the system growth. In this sense, access is more related to threats posed by new and potentially dangerous uses of the network by any kind of user, from consumers to institutions.

It is worthy to notice that the connection between Access and Human Rights and Freedoms is dramatically lower (3). This should not be interpreted as if Access is not framed as a human right but just from the perspective that there are discourses prevailing over others: concerns over security issues are more often associated to access matters than to human rights. In this sense, what our network seems to suggest is that connecting access and freedom of expression is perceived as less important than avoiding the collapse of the system or its misuse. Given their sister nature, Access is very much tied also to the Openness subfield, as I have mentioned in sketching out subfields. Consequently, Openness and Security are tightly linked one another through the mediation of access matters. The more political subfield Governance is not very much tied to any other. Its very low correlation with Human Rights and Openness seems to suggest an overall tendency not to associate political processes (more or less traditional, more or less stakeholder) to issues that deal more with principles. On the other side, the low relationship between Human Rights and Openness tend to legitimize the specific accent on rights as an autonomous subfield that is mainly aimed at counterbalancing traditional issues enclosed in the critical resources subfield and that are managed mainly from a technical perspective.

Fig.4. Network of subfields in the Internet governance offline discursive space



NOTE: ACCESS= Access & Uses; ICR= Internet Critical Resources; Security= Security; Governance = Governance; HRHF= Human Rights and Freedoms. Nodes size is proportional to the subfield size as shown in table 9

5. Concluding remarks

In this paper we have focused on fundamental rights and freedoms in communication societies, bringing our different disciplinary perspectives into a dialogue grounded in the adoption of “human rights in the digital age” (HR in DA) as a master frame, which we consider appropriate to allow for convergence of strands of thoughts and debates that have developed over time. We have done so by looking at evolving discourses concerning HR in DA, sets of concepts, categories and ideas which may be translated into norms, if inter-subjective meanings are widely shared among actors who accept to orientate their behavior accordingly. This work was conceived as a contribution to the assessment of the emergence of communication-and-human-rights-related norms in the transnational context.

As we learn from a constructivist approach to the study of world politics, in order to talk about norm formation, emergence and consolidation, it is necessary that appropriate conceptualization of issues are made, through framing activities; it is also important that issues are properly shaped into statements that are widely accepted and ultimately recognized as characterized by authority; finally it is crucial for issues and frames to be put on the agenda on formal occasions for interaction. As Finnemore and Sikkink indicate, one main question to be answered is then: “how do we know a norm when we see one?”. They suggest “we can only have indirect evidence of norms ... However, because norms by definition embody a quality of <oughtness> and shared moral assessment, norms prompt justifications for action and leave an extensive trail of communication among actors that we can study” (1998: 892).

We have therefore selected 3 cases for empirical investigation, which offered the possibility to shed light into different discursive interactions (trails of communication) where conceptualizing, shaping and agenda-setting activities could be observed. Our leading research questions concerned the very substance of this discourse on HR in DA, elements of continuity and change in relation to the more consolidated human right normative frame and machinery and the role and relevance of different actors in elaborating and fostering such discourse. By combining observations from the investigated discursive settings, we can now try to answer those questions.

As far as the content of this HR in DA discourse, what we learn from looking into scholarly contributions to a conceptualization effort, is that this body of literature may in fact be tightened together using a human rights discourse as a master frame for different strands of discourses, disciplines, and historical perspectives. This suggests a potential convergence towards a comprehensive discourse; yet the extent to which this convergence is to take place, develop beyond the theoretical debate and become a policy and advocacy resource, is likely to depend on the kind of (political) opportunities that allow (or force) these different perspectives to interact in search for a common ground.

If we look into the formal shaping of the discourse, as investigated through the analysis of documents, we realize that the discourse has not only evolved from different perspectives, but also with a very strong focus on the social dimension: the language reflects a plurality of issues that compose a very broad discourse, characterized by a comprehensive understanding of societal transformations, and their implications for people and the public, as well as for the role of knowledge and information. In other words, in spite of revolutionary transformations in technology and its application, reference to specific features of a “digital age” do not emerge as particularly central to speakers and actors, the main challenges being identified in relation to social interaction and individual rights and freedoms. Few general principles underlie the discourse - freedom, diversity, inclusion, participation and openness – reflecting a consolidated core concerning that hold together the otherwise diversified discourse.

As for the structuring of discourses within formal processes and putting issues on the agenda, in the case of Internet governance our broader research questions were reframed in relation to the very specific area under examination. Our first research question was then: “What is the current Internet governance rights discourse made of?” thus paying specific attention, within the IGF context, to the place occupied by human rights matters. Here, we have seen that in the IG discourse technical and socio-oriented issues parallel one another. Yet, while there is a wide range of issues brought onto the discussion, not all topics seem to be fully integrated into conversational patterns: here again “non traditional” IG issues are linked to a core discourse, represented by an “iron triangle” structured around access, security concerns, and Internet Critical Resources. In this context, a human rights discourse seems to be consolidating; yet it is mainly through the specific concern on freedom of expression that a “humanized conception on IG” is making its way into the official agenda. It should not be forgotten that human rights issues tend to be very controversial: introducing a potentially more “dangerous” topic in the IG discourse contributes to the enlargement of claimants constituency but it also carries the risk of compromising the multi-actors collaborative experiment that is being played out.

As far as legacy and transformation, the analyzed body of literature indicates the presence and a dialectic between continuity vs. change in concepts and arguments. Two main orientations have been envisaged: one uses the traditional language of human rights; the other one builds on innovative elements (access, interaction, connectivity...), framing issues related to communication and rights specifically in relation to the potential and challenges of technology. It remains to be seen if the evolving discourse will lead to convergence among these two strands or if one will ultimately become prominent in policy discourses and decisions: alternative outcomes which are likely to have some influence on the priorities and the very choices that will be made at the policy level, if this kind of expert scholarly contribution is properly taken into consideration as a knowledge resource.

On the very matter of legacy with the past, the picture that emerges from the analysis of documents and vocabularies shows something else, and different. Only a few linguistic forms appear as truly consolidated issues (*access_to_information*, *intellectual_property*, *the_right_to_privacy*, *the_digital_divide*, *cultural_diversity*); while *freedom_of_expression* and reference to the public dimension (*public_domain* and *public_services*) seem to be more recent formula through which the discourse is currently being shaped and yet they do not express any particular innovative elements. Reference to human rights is definitely relevant, though it remain to be evaluated if as a formal linguistic linkage to a more consolidated discourse or with its own substantial weight. In any case, documents also indicate that 60 years of HR machinery, generations of rights and provisions, to protect individual subjects and specific social sectors, is a richness that is not fully acknowledged; at the same time, no strong reference to the "new" digital environment has found its way into the language of formalized texts.

When looking at institutionalized processes the issue of continuity and change must be articulated in relation to the very topics that are been addressed in such processes. Reframing the second research question guiding this paper into the IG context has therefore lead us to wonder about continuity and change in the specific IG discourse. The analysis of semantic networks on IG allowed highlighting that the agenda enlargement process in the IG domain has been, properly, an enlargement and not a revolution. In this sense, it is very important to recognize that technical elements of the Internet governance discourse are still a fundamental part of the picture. If taking the IG technical halo for the totality of the discussion is a mistake, the same is true for its contrary, i.e. trying to deny or overlook its existence. Social and technical issues are equally part of ongoing conversations and guide actors mobilizing in the field; what is interesting to notice is that, after a few years spent confronting different opinions and understandings of IG, actors are no longer discussing if it is legitimate to add other issues to the technical IG agenda but, rather, how the two sides of the coin can be balanced effectively and efficiently.

Finally, in looking at actors, those who are involved in promoting the discourse and those who are to be involved in the protection of rights and principles, our analyses render, once again, the picture of a diversified reality.

The different scholarly perspectives allow to draw some indications on the fact that the "common discourse" on HR in DA is being constructed through different actors' contributions: a diversified social knowledge that reflects actors' specific interests, identities and orientations. Specific attention is, in turn, paid to theoretical definitions, governance, mobilization, education or empowerment, showing the variety of ways in which the concepts are socialized, shaped and put into the agenda alternatively by epistemic communities, institutional actors, activist movements, practitioners, minority groups.

This plurality is also reflected in the use of language in more formalized documents; such documents also show that institutional actors keep using a more crystallized language, while nongovernmental actors tend to introduce new linguistic forms to describe and address the complexities of the digital reality. Moreover, governmental actors tend to have a very traditional view of actors on the global scene (they are mainly states, or inter-governmental organizations, paralleled by "sectors" such as the private sector or civil society): differently, nongovernmental actors tend to refer to a more diversified world of transnational actors and subjects entitled to fundamental rights.

The question about actors' participation into discussion and their identity and (re)framing processes in the IG context could be properly answered only integrating the study of semantic networks with social networks aimed at mapping actual collaboration patterns that actors are establishing thanks to the IGF process. Although this second kind of networks have not been presented here, they have been analyzed in other written works (Pavan 2009). Thematic similarities or what has been called a "cognitive proximity" in the IG field (*ibidem*) seems to be one of the more relevant elements contributing to actors' collaborations. Yet, this proximity does not translate into a single type of alliance building pattern in that specific setting: in some cases (as in relation to issues such as Internet Critical Resources, privacy and freedom of expression), cognitive proximity feeds long term established

collaborations between governmental and nongovernmental actors. In other cases (as in relation to and less consolidated themes), the IGF has represented an occasion to build new collaborations between previously disjoined actors on the bases of thematic commonalities.

So, are we to recognize norms emerging from these “trails of communication”? Can we possibly talk about “agreement among a critical mass of actors on some emergent norm (that) can create a tipping point after which agreement becomes widespread in many empirical cases” (Finnemore & Sikkink 1998: 893)? Overall we derive the picture of a HR in DA discourse which is certainly lively and taking shape, but also diversified and complex; it does include actors of different nature who, nevertheless, connect HR issues differently to other communication-relevant matters. We suggest that precisely the fact that the conversation is on-going in different places, at different levels, contributes to a rich discourse but does not yet favor the kind of convergence, or inter-subjective elaboration and agreement, that is needed to talk explicitly about norm formation. Some common concerns and core basic principles are widely recognized and have the potential to develop into a more structured normative framework. Yet, due to the plurality of perspectives and the unlikely emergence of specific transnational political opportunities (such as major events and world summits or worldwide recognized conflictual situations, which seem to greatly favor actors’ and issues’ convergence) it seems difficult that such a framework may turn into a formalized constitutional document/machinery: it is more likely that different soft-law tools and agreements will emerge in the coming years. And this will pose new questions to be addressed.

It remains to be seen how much this kind of soft-law type of guidelines may end up offering a universally agreed upon normative reference, thus also contributing to restructuring world politics by setting common cognitive and normative frameworks according to which actors are to behave.

Furthermore, looking at discourses and statements alone is not enough, since each normative statement must then be confronted with the capability of legitimate actors to intervene and guarantee the enjoyment of rights and freedoms, beyond formal statements. It may be kept in mind that norm application in practice should be monitored and fostered through public pressure, including through the support of media and technologies. Empirical investigation of concrete cases is needed in order to assess if and how far the principles that seem to be shared among actors are also informing actors behaviors and policy provisions, from the local to the global level.

This local-global connection opens another challenge to the relevance of communication and human rights transnational norms: alongside a better understanding of how norms related to communication and rights emerge in the transnational contexts, it is crucial to keep in mind that it is still mainly in national contexts that communication-related policies are being developed.

Finally, it may be relevant to develop research plans focusing on how these emerging norms are being recognized and used to promote change by concrete actors who are more and more organized in network-type configurations, where governmental and nongovernmental entities perform roles which are different but may nevertheless be grounded in shared fundamental principles. The very existence and relevance of transnational governance and advocacy networks, as well as coalitions and social mobilizations, grounded in a shared understanding of communication as a human right, which would benefit from common normative frameworks and at the same time use those framework to promote a human- right centred development of communication societies, remains a matter for empirical investigation.

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Appendix 1

Literature Review for Section 2

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