

COST ACTION A16

Policy and regulatory responses to the use of electronic communications technologies by transnational communities in Europe (PRECTE)

A. BACKGROUND

In the field of comparative media law, which combines the research traditions of comparative social research in general and comparative law in particular, there is a lack of cross-national studies. This Action will be an attempt to solve the lack of methodology in the field of comparative media law and research by creating a network that will examine "Policy and regulatory responses to the use of electronic communications technologies, specifically among transnational communities in Europe" (PRECTE).

Transnational communities and electronic communications technologies

New communications technologies are a key element of the increased capacity of diasporic communities to develop effective networks. Little work has been done on the comparative uses of such communications technologies as part of emerging transnationalism and virtually no work has been done on the patterns of law and regulation as enablers or disablers of these new networks or as reactions on the part of nation states to them. In this action, we seek to use an interdisciplinary and cross national approach – drawing primarily on law, anthropology and political science – to assess the role of communications flow and regulation as, on the one hand, a catalyst for contemporary globalisation processes, and, on the other, as a response to perceived threats to the existing order from the bottom-up challenges posed by global community networks.

This network, named PRECTE, is designed to assist in providing European perspectives and coordination to research initiatives in the participating countries that involve transnational interdisciplinary studies of regulatory aspects of the transformations in the electronic media and its impact on transnational communities.

The main purpose of PRECTE is to ensure that individually funded research initiatives develop the background for a common European perspective and that information and techniques developed in one setting are available to another.

The need for cross-national research

More cross-national studies than ever before are being carried out, and the need as well as demand for comparisons across countries is increasing. This call for more comparative research has its roots in very different kinds of forces.

The major external force is, of course, the growing internationalisation and the concomitant export and import of social, cultural and economic manifestations across national borders. This globalising trend has changed our cognitive map. While some cultural differences are diminishing, others are becoming more salient. Cross-national research may have to shift its emphasis from seeking uniformity among variety to studying the preservation of enclaves of uniqueness among growing homogeneity and uniformity.

The globalisation of problems is another key concept. A national crisis is not merely national any more. Within such a perspective the use of countries as units in comparative research may not appear to be the most fruitful approach. However, the world is divided according to these "administrative units", and since much of the infrastructure available for comparative research is tied to the territories enclosed by national boundaries, it becomes seductively convincing to use such units in comparative studies.

Many of those external forces initiating comparisons are based within a national context and may have vested interests in studies which compare their country to other countries. Politicians are calling for comparisons which increase their understanding and mastery of national events, while accepting that intuitive comparisons form a basis for the major part of the decision-making. Legislators make extensive use of national and international statistics for comparisons, and industry and business are constantly comparing the social context of national and foreign markets.

The need for more precise, reliable comparisons has become part of a political and economic reality which is a driving force behind the demand for more cross-national comparisons, most of which apply to specific problems and are fairly limited in scope. PRECTE takes those concerns into account and will focus on two interrelated areas with a growing need for more cross-national research: (a) the use of new communications

technologies and how it can or should be regulated and (b) transnational communications between expatriates and their home country.

The added value from the European perspective is to render more effective, in terms of the enhancement of European values and the development of a European information space, efforts that are now disjointed and disconnected. In addition, a result of this initiative will be a more coherent and interconnected group of researchers and research entities dealing with important legal and policy questions concerning the electronic media. Also significant is the fact that individual national researchers need to have greater exposure to European counterparts and to see their own work in a European perspective.

B. OBJECTIVES AND BENEFITS

The main objective of the Action is to enhance and strengthen programmes, through cooperative efforts, for research into the study, from a legal and social science perspective, of the transnational implications of developments in the electronic media.

- In order to achieve the primary goal, the Action seeks, as a secondary objective, to establish a European network of programmes, researchers, and graduate students through which media research and policy formulation can be identified and built upon, and a European media law community created.
- The main purpose is to ensure that individually funded research initiatives develop the background for a common European perspective and that information and techniques developed in one setting are available to another.
- The idea is also to facilitate the exchange of information, students, and researchers between media research centres in Western Europe which are fully developed, relatively independent, have access to sophisticated databases and are often closely tied to universities, and the recently established and fledgling centres in Eastern Europe.
- Another objective is to discuss an agenda of issues important for national, regional and comparative research, and to use that agenda as a way of sharing knowledge, information on databases and expertise in the subjects and to build relationships

among the participants. These subjects include the regulatory responses to the newer communications technologies, transnational media use, diasporic communications, etc.

The specific benefits of this collaboration include the following:

- access to sources of information that can assist researchers throughout the effort;
- possibility to provide knowledge base – with an integrated European perspective – on problems that will arise for the Community and the Council of Europe, including regulatory questions such as regulation in the interest of children, harmonisation of national regulation concerning media ownership, Internet control etc.

There will be a substantial benefit in terms of possible improved outputs of existing research actions and an institutional benefit in terms of an enhanced and integrated group of identified researchers and research institutions engaged in work involving interdisciplinary transnational research relating to legal and policy changes in the electronic media in a time of transition.

C. SCIENTIFIC PROGRAMME

The network will include "country" and case studies focusing on particular diasporic communities, their use of communications technologies and the regulatory environment that is emerging around them. Thus, one research task of this project is to develop a comparative understanding of the use of these technologies as well as the regulatory and policy responses of governments to control, promote and monitor the transborder communications flow between a home country and its expatriates or diaspora. One research task of this Action is therefore to identify the main rationales behind government policies and regulations regarding diasporic communication flows.

Moreover, we will also analyse the way in which new communication technologies are increasingly used by sympathetic global audiences to support certain networks of expatriates. Another implication of those boundaryless media is the need for global regulation and at the same time the increased difficulty of enforcing global and national rules. Self-regulation is in this context often suggested and another aim of the project is to

examine the future role of law within this context and the way in which the theories on autopoiesis or self-regulation can be applied.

The country studies will chart the way in which regulation or the search for regulatory solutions is a function of perceived threats to the existing order because of the bottom-up strengthening of what might be called global community networks. In relation to the Internet, this is played out in terms of efforts to define the architecture of the infrastructure to provide greater control for the state. In terms of the satellite, it is played out in terms of limiting access to satellite antennas or limiting the access points or orbital slots available for beaming inward-bound signals. At the same time that states seek to limit the capacity of threatening groups to use media technology to further their bottom-up globalising, the same states seek to use this technology to organise diasporic groups whose affinities they prize.

The specific tasks of PRECTE mentioned above include also focusing on several particular areas of research (carried out within working groups) which are under way in one or more of the participating countries. These include the following:

- Implications of efforts to regulate satellite and Internet transmission of programming considered objectionable in the receiving state. This involves studies of satellite transmission of so-called soft-pornography and related programming which the receiving state wishes to block but may be permissible in the state in which the sender is established.
- Implications of distribution of information that involves for instance the effort by the sending state to reach its own diaspora (such as attempts by the Hungarian government to reach ethnic Hungarians in Romania or Slovakia or the Irish Government by stimulating global broadcasting programmes or the efforts by diasporic groups to strengthen their own ethnic independence (as with the Kurdish community in Turkey).
- Using these specific activities, and other initiatives (to be defined during the first few months of the Action) dealing with transnational applications of electronic media in Europe, building institutional relationships among European and other institutions that are engaged in media law and policy research in which interdisciplinary techniques are used with globalisation themes.

D. ORGANISATION AND TIMETABLE

D.1. Organisation

The Action will be guided by the usual COST structure with a Management Committee (MC). In addition Working Groups (WG) will be established to assist the MC in the organisation of the Action and the execution of its scientific programme.

D.2. Timetable

The duration of the Action is four years.

Besides the regular MC and WG meetings it is intended to organise an annual conference every year, and a larger conference with participation of potential users at the end of the Action's running time.

Based on the annual conferences, special publications will be issued annually.

E. ECONOMIC DIMENSION

The following COST countries have actively participated in the preparation of the Action or otherwise indicated their interest: Austria, Germany, Hungary, the Netherlands, Spain and the UK.

On the basis of estimates provided by the representatives of these countries and taking into account the coordination costs to be covered by the COST budget of the European Commission, the overall cost of the activities carried out under the Action has been estimated, in 1998 prices, ECU at 2,7 million.

F. DISSEMINATION OF SCIENTIFIC RESULTS

All publications arising from research carried out under this COST Action will credit COST support, and the Management Committee will encourage and promote all co-authored

papers. Results of research carried out by the working groups under this COST Action will be submitted to international scientific journals and reviews.

Joint meetings among different working groups in this COST Action and with relevant working groups from other COST Actions will be organised in such a way as to best promote interdisciplinary communication.

The Management Committee of this COST Action will, in conjunction with the different working groups of the Action, meet every year with the main aim of presenting results to the Management Committee as a whole and, where possible, invite potential users and interested parties to this meeting.

The Management Committee will, during the first year of the Action, also set up a workplan for interdisciplinary events for the dissemination of results of the Action.