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Summary Of Proceedings

by

Virgilio Labrador
SEMINAR ON "THE LEGAL AND REGULATORY ASPECTS OF SATELLITE BROADCASTING"

21-23 October 1993
Claridges Hotel
New Delhi, India

SUMMARY OF PROCEEDINGS

Introduction

This report summarizes the proceedings of the Seminar on "The Legal and Regulatory Aspects of Satellite Broadcasting" held in New Delhi, India from 21-23 October 1993. The seminar was organized by the Asian Mass Communication Research and Information Centre (AMIC), in cooperation with the Broadcast Engineering Society (India) with the support of The Commonwealth Secretariat.

The objectives of the seminar was to review the national communication policies and legal frameworks that bear on national as well as transnational broadcasting transmissions; to review the censorship guidelines and advertising codes for radio and television; to examine the social, cultural, political and economic frameworks of broadcast advertising in the region; to assess the actual and potential impact of transnational broadcasting on the social and cultural milieu in the region; to discuss the critical issues concerning broadcast programming and advertising content; and to formulate guidelines and suggestions for an appropriate legal framework and code of ethics governing transnational broadcasting at the regional and international level.

Thirty administrators, scholars and communication professionals representing government, non-government and private organizations participated in the two-day seminar. The seminar programme included panel discussions and case studies of experiences from India, Pakistan, Sri Lanka, Nepal, Bhutan and the Maldives.

(see Appendix A for the conference programme and Appendix B for the list of participants).

Thursday, 21 October 1993

OPENING CEREMONIES

Mr. Bhatigar, President of the Broadcast Engineering Society (India), welcomed all participants to the conference. He said that there is need a seminar of this type in order to discuss the rapidly changing developments in the field of satellite broadcasting.

Mr. Vijay Menon, AMIC Secretary-General, in his welcome remarks, said that the introduction of satellites has changed the Asian broadcasting landscape. There is an urgent need to consider how the region can be able to cope with the impact of satellite broadcasting including the influx of foreign programming, according to Mr. Menon.

Mrs. Rama Devi, secretary-general of the Rajya Sabha, in her keynote address,
emphasized the need to evolve proper regulatory and legislative measures to deal with various problems resulting from the introduction of satellite broadcasting. In the Indian context, according to Mrs. Devi, there exists very limited regulatory mechanisms governing broadcasting. Article 19 of the Indian Constitution guarantees the right to freedom of speech and expression, which includes broadcasting.

After enumerating the various provisions of law and bills pending in congress affecting satellite broadcasting such as the cable act, Mrs. Rama Devi, reiterated the need for more regulation as the current laws tend to be liberal. She also said that instead of criticising foreign programming destroying local culture, local programming should promote the positive values of South Asian society.

SESSION I

Mrs. Rama Devi chaired the first session on the "Review of National Communication Policies and Legal Frameworks affecting Broadcasting." Six speakers representing six SAARC countries presented their country reports on the state of broadcast regulation in their respective countries.

Mr. M.I. Chowdhury, joint-secretary of the Ministry of Information of Bangladesh, presented the various laws and regulatory mechanisms governing broadcasting in Bangladesh. Mr. Chowdhury noted that Bangladesh is integrated with the global satellite broadcasting system. Satellite dishes are legal in Bangladesh. According to Mr. Chowdhury, the cardinal principle governing Bangladesh's policy for the media is that it should promote values that serve to unite the people rather than divided them and cause unnecessary social problems. Broadcast policy in Bangladesh are embodied in the law of the land as well as in customs and traditions of society, he said. Although the broadcast media in Bangladesh is state-owned, direct state control on them is minimal. The media is allowed to operate independently and the government tries to promote an environment where journalists could act freely with responsibility, he said.

Mr. Sonam Tshong, Director of the Bhutan Broadcasting Service, explained that there are no set policies for satellite broadcasting in Bhutan, in view of the relative newness of the technology. However, satellite broadcasts are beginning to reach Bhutan with some social effects, thus, he sees the need for policies and regulations to be developed in Bhutan. Officially, the government's policy towards the media is that it should act as a catalyst for development. According to Bhutan's seventh five-year-plan, given the low literacy rate, mountainous terrain and widely dispersed population, all forms of communication should be developed.

Sabina Kelaart, a legal consultant from Sri Lanka, cited the provision of the Universal Declaration of Human Rights, which guarantees "everyone the right to freedom of opinion and expression, which includes the freedom to seek, receive and impart information and ideas through any media, regardless of frontiers." Ms. Kelaart pointed out that while Sri Lanka is a signatory to the universal declaration, it does not explicitly guarantee freedom of expression in its legal system. As far as broadcasting is concerned, the power to issue licenses lies with the government. The Sri Lanka Broadcasting Act has very specific programming guidelines which govern broadcasting. Ms. Kelaart believes that too much state control of the media in Sri Lanka has stifled public discussion of issues. She said there is a
need for a freedom of information act in Sri Lanka.

Mr. Ahmad Manik, deputy director-general of the Voice of Maldives, provided a brief overview of the media system in the Maldives. A small country, all media in the Maldives falls under the responsibility of the Department of Information and Broadcasting. However, no coherent national policy has been drafted for satellite broadcasting.

Mr. S.M. Owais, an advertising executive from Pakistan, presented an overview of the government’s policy towards the media. He said that since partition, Pakistan has no consistent media policy. Government policy towards the media depended on the party in power.

Mr. Chandi Raj Dhakal, UnderSecretary (Legal) of the Ministry of Information and Communications of Nepal, explained that the political changes in his country has had a dramatic impact on communication policy. The Government announced a New National Communication Policy which aims to make the media "credible, effective and efficient," and to harness the most advanced technology and processes available. The policy guarantees the right to freedom of information and promotes people’s participation, international cooperation and development. With respect to satellite broadcasting, Nepal is planning to enact laws and legislation aimed at regulating foreign broadcasts.

Finally, Mr. Brajesh Bhatia, managing director of Fourth Dimension, provided a general overview of the issues affecting satellite broadcasting in the region as a whole. He mentioned the technological advancements has enable programming to be aired across national boundaries, flouting censorship codes and imposing alien cultural mores and values.

SESSION II

In the session on "National Censorship Guidelines and Advertising Codes for Radio and Television and Transnational Broadcasting Organizations" chaired by Mr. S.M. Owais, three speakers from India, Sri Lanka and Bangladesh presented each country’s perspective on the subject.

Enayatullah Khan, editor of the United News of Bangladesh, presented the Bangladesh country paper in behalf of Mr. A.K.M. Salamatullah, who could not make it to the seminar due to last minute commitments. In it, he mentioned that Bangladesh has developed comprehensive guidelines for broadcasting in order to ensure their compatibility with the social, cultural, religious, geographical and political tradition of the country. However, he also stated that policies and guidelines on broadcasting, particularly satellite broadcasting, are continuously evolving in keeping with the developments in the technology.

Dayani Senarath, deputy director of the Sri Lankan Broadcasting Corporation, stated that the enactment of the Ceylon Broadcasting Law of 1966 provide very clear programming guidelines for the broadcast media. Generally these restrictions on what is considered offensive to good taste or decency, or those that are likely to incite to crime or lead to disorder. In addition, news programmes should be presented with due accuracy and impartiality.
Mr. Ameen Sayani, an advertising executive from Bombay, India, explained that there are a number of codes governing advertising in India. However, the multiplicity of codes governing advertising, essentially fall into five main categories, according to Mr. Sayani. These are honesty, decency, safety, fairness and legality. In the implementation of these various codes of ethics in advertising several complications arise due to certain factors such as political exigencies; dichotomy; and health hazards. Mr. Sayani emphasized the importance of self-regulation which promotes "responsible freedom of action."

SESSION III

Mr. M.I. Chowdhury chaired the session on the "Socio-cultural and Economic Impact of Broadcast Advertising in the Region. Three speakers from India, Nepal and Pakistan presented country papers.

Mr. R.K. Singh, deputy director-general of Doordarshan, presented a brief history and the current situation of broadcasting in India. He stated that the role of Doordarshan was to promote national development and integration as reflected in its programming. Doordarshan is a leader in the region in educational programming. He said that television is a very potent medium, reaching out to about 86 percent of the Indian population. Advertising and television programming has had a major effect on the lifestyle and values of the people. New products being introduced through television advertising, for example, are changing people's buying and eating habits. He said that the main problem of satellite broadcasting is the foreign cultural influences which may be in conflict with local culture. According to Mr. Singh, the answer to foreign programming may lie in producing more quality local programmes.

Mr. Owais presented examples of advertising campaigns in Pakistan which have made an impact in people's perceptions and attitudes. He cited examples where advertising has promoted the use of pesticides in cotton planting and the increased consumption of branded tea as an illustration of the economic effects of advertising. On the social effects of advertising, Mr. Owais presented cases of campaigns aimed at promoting immunization of young children and on the control of diarrhoea. He also enumerated the various codes in advertising aimed at lessening the foreign cultural impact on Pakistani society. He cited a Pakistani Television circular which emphasized that commercials should be "simple and congruous with Islamic traditions and culture."

Mr. B.B. Adhikari, advertisement officer, Radio Nepal, enumerated the government’s policy towards communication in Nepal. He said that the programmes of Radio and Television Nepal has been aimed to develop and promote the socio-cultural and economic aspects of the community. He said that it has been the policy of the government to discourage programmes and advertising that may have a negative impact on Nepali society. The Nepali government also encourages the private sector to participate in programming in order contribute to the raising of the economic, cultural and social standards of the country.

22 October 1993

SESSION IV

Ms. Dayani Senarath, chaired the session on the "Impact of Transnational
Broadcasting on Regional Society and Culture," in which paper presentations were made by representatives from Bangladesh, India and Nepal.

Mr. Enayatullah Khan, chief editor of the United News of Bangladesh, gave his impressions on the impact of transnational broadcasts on society and culture in South Asia. He said that the lack of credibility of local news broadcasts coupled with the relative low quality of programming has driven the audiences in South Asia to transnational broadcasts like CNN and MTV. Mr. Khan stressed the need for local news programming to be more objective in its reporting and the need for more quality local programmes that reflect the unique culture of the region. He said, however, that the problems arising out of transnational broadcasts cannot be solved through regulation or censorship. He propose instead that individual countries support programmed that strengthen local culture.

Mr. Bhaskar Ghose, OSD of the Indian Ministry of Information and Broadcasting, said that a strong social structure can prevail over the inevitable social and cultural changes that will occur as a result of transnational broadcasts. He said that transnational broadcasts affect mainly urban areas and have not made a great impact in rural areas where social structures and relationships remain strong.

Mr. Ravindra Pradhan, speaking on the situation in Nepal, explained that while Nepal Television reaches only about 22 percent of the population, satellite broadcasts can be received in remote parts of Nepal that are not even reached by local broadcasts. Mr. Pradhan said that transnational broadcasts are already making profound changes in the lifestyles of the Nepalese people. He said that ways should be explored how satellite technology can be utilized without harming local society or culture.

SESSION V

Mr. Chandi Raj Dhakal chaired the session on "Broadcast Programming and Advertising Content: Critical Issues," featuring two speakers from the advertising sector from Sri Lanka and India.

Ms. Lynn de Souza, an advertising executive from Bombay, India, gave a comprehensive presentation on advertising in India. She said that the introduction of satellite broadcast programming has broadened the media choices of advertisers. She said, however, said that as a business, advertising’s priority is to obtain the greatest number of viewers at the lowest cost. Broadcasters should be able to provide quality programmes that attract both advertising and viewers.

Mr. Lal de Mel, director of the International Advertising Association, spoke of the negative impact in Sri Lanka of western-oriented advertising that he feels are alien to the to the local culture. Some advertisements even promote anti-social behaviour, according to him. Mr.de Mel, suggested that broadcasters and advertisers work together in order to improve programming and advertising content.

WORKING GROUPS

After the paper presentations, the participants were divided into two working groups that formulated guidelines for a legal framework governing transnational broadcasting in the
Members of Working Group I were of the opinion that satellite broadcasts transcend national boundaries and thus, it is impossible to regulate because of the rapid pace of technological developments and any attempt to control it will be ineffective and counterproductive. The working group recommended the following:

1. A public awareness campaign be developed in the third world countries, as an indicator of viewers preferences, or for that matter, as a deterrent against abuse of emerging broadcasting technologies.

Regional Organisations like AMIC, who have taken a lead in focusing attention on the critical issues raised by transnational broadcasting, may organise purposeful dialogue between the transnational and national broadcasting institutions, in order to formulate a set of guidelines, which can then be adopted by regional conventions and be further endorsed by an international convention.

2. While some of the quantitative research studies have already been undertaken by Broadcasting Organisations/Research Institutes, and the ones sponsored by advertisers, it would be worthwhile to undertake a comprehensive regional holistic study in order to assess the impact of transnational broadcasting on the traditional societies in the third world, some of whom have as an initial reaction complained about the cultural shock, that such transnational TV services seem to have subjected them to.

For such studies, organisations like AMIC may take an appropriate lead in developing and promoting a comprehensive research project to be executed with the cooperation of established professional institutions and help from social endowments and Governments in the SAARC Countries.

Among the main points raised during the sessions of working group I, included the following suggested guidelines:

1. Expansion of intellectual horizons in social, economic, scientific cultural and industrial fields with a view to enhancing global understanding and mutual prosperity.

2. Encouraging concepts of democracy, peace and cooperation as well as human values.

3. Avoiding the glorification of crime, violence and obscenity.

4. Recognising and projecting the family as the basic unit of society and inculcating a sense of love and dignity to embrace all ages and both sexes.

5. Promoting, with special care, the healthy development of children and youth as responsible and effective citizens of the future.

6. Creating an atmosphere of understanding, respect and tolerance towards all religions, cultures, languages, nationalities and ethnic groups and eschewing condescending attitudes based on ignorance, prejudice or misinformation.
7. Preserving general health and environment by discouraging hazardous products and habits.

A consensual approach to these guidelines could be promoted through regional and national broadcasting and advertising organisations, according to the draft report of working group II. Since a large number of Radio and Television professionals are members of these organisations, their support could help change the media environment. To achieve the objective, the following operational strategy was recommended:

a. Involve apex bodies like Asian Broadcasting Union, Asia Pacific Broadcasting Union, SAARC, International Association of Advertisers, etc.

b. Promote wider appreciation of the issues with the help of all the social and cultural organisations active in the region.

c. Disseminate available research findings on social and economic impact of media and if adequate resources can be mobilised, undertake fresh research on the impact of transnational media on Asian Societies, especially on women and children.

d. Communicate these guidelines to radio and television organisations, advertising associations, consumer movements, mass communication institutes, media critics, etc.

4. Initiate suitable action through AMIC for a continuing dialogue with relevant organisations to secure their advice, commitment and assistance.

Evaluation

Overall, the participants considered the seminar as a success. On a scale of 1-5, where 5 is the highest, 61.9 percent rated the overall quality of the seminar as a 4, while 33.3 percent rated it a 5. No one gave the seminar a rating of 1 or 2, with only one participant giving it a 3. As far as the overall value of the workshop, 61.9 percent gave it a five and 33.3 percent gave it a 4 and one gave it a 3.

A majority of the participants expressed the importance of the issues discussed and the need for follow-up action. A number cited the good mix between presentations and working sessions as well the opportunity to develop contacts among the participants. Some suggested follow-up workshops which will include participants from the transnational broadcasting organizations.

Conclusion

On the whole, the seminar achieved the objectives it set. In-depth discussions on a very important issues of concern to the region and actionable recommendations were generated from the working group sessions. Follow-up activities were identified for action with the proper agencies.
Mr Lele, deputy Director General of All India Radio, chairing the session discussing the recommendations of the two working groups.

Participants during one of the sessions on advertising.
Sashi Kant Kapoor, Director General of All India Radio addressing the seminar's closing sessions.

Mr Murari of the Indian Institute of Mass Communication chairing the Working Group 1.