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**Workshop I
Formulation of Guidelines For A Legal
Framework Governing Transnational Broadcasting
In The Region**

Seminar on Legal and Regulatory Aspects
of Satellite Broadcasting
New Delhi, India, October 21 - 23, 1993

WORKING GROUP 1

Formulation of guidelines for a legal framework governing transnational broadcasting in the region

The working group met on October 22, 1993, with Mr P Murari in chair. Brajesh Bhatia, Sabina Kelaart, M I Chowdhury, K V Reddy, Virgilio Labrador, G R D C Senarath, Chandi Raj Dhakal, Ahmed Manik, Sonam Tshong, M P Lele, Enayatullah Khan, K M Shrivastava participated in the discussions.

The group discussed a wide range of issues related to satellite broadcasting in detail and was of the opinion that from the practical point of view, it is not advisable to put any legal curbs on these broadcasts. In this regard, Jawaharlal Nehru was quoted as follows:

"A policy must be in keeping with the traditional background and temper of a country. It should be idealistic. If it becomes one of sheer opportunism, it is not idealistic, then it is likely to be adventurist and wholly ineffective.

Ideological urges obviously play some part - especially in a democracy - because no policy can go very far if it is quite divorced from the peoples' thinking".

The working group was of the opinion that Satellite Broadcasting transcends national boundaries providing a wide variety of programming with various social, economic and cultural effects. However, it is impossible to regulate because of the rapid pace of technological developments and therefore, any attempt to control on the part of SAARC governments will be ineffective and counter-productive. Regulating programming content, would only increase demand as "forbidden fruit". Therefore, it is desirable to provide the people with as much freedom of choice as possible in the media.

The content of transnational broadcasting can be made more acceptable by a convention incorporating universal values. SAARC and other regional associations should take initiative in this direction.

The group was of the opinion that "cultural invasion" caused by satellite broadcasting need not cause undue concern in the SAARC countries as we have a rich cultural heritage.

The SAARC secretariat should take initiative to encourage SAARC countries to cooperate against the negative effects on culture of satellite broadcasting. There is a need to develop an appropriate code of universal ethics that will promote responsibility and ethical standards in transnational broadcasting.

National programming in the respective countries should be improved in terms of quality. Competition should be encouraged. Privatisation should also be considered an option. Particularly national news programmes should improve their credibility by providing timely and more objective reporting of national and regional events.

SAARC Secretariat may consider initiating a dialogue to set up a satellite channel of their own to provide a healthy mix of television programming as an alternative to transnational programming which is not sensitive to the culture of this region.

In view of the fact that, to make any binding regulations and to create legal mechanisms for executing them in an international situation would be very difficult, this seminar recommends:

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.



Workshop II

Formulation of guidelines for an appropriate
code of ethics governing transnational
broadcasting in the region.

Chairperson : Harish Khanna

Participants : Vijay Menon
Bhajrab Bahadur Adhikari
Kim Hunter
Lal de Mel
Enayatullah Khan
Rama Sharma
Ashoka Aggrawal
Lynn de Souza
S.M. Owais
Ameen Sayani
Ravindra Pradhan
Jose Vallikappan
K. K. Menon

Report of Workshop II
AMIC Seminar on Transnational Broadcast

Workshop Coordinator: Mr Harish Khanna

SUGGESTED BASIC GUIDELINES FOR PROGRAMMING AND ADVERTISING CONTENT OF TRANSNATIONAL BROADCASTS.

The Group was aware of the limitations imposed by the fact that legislation even if feasible would not succeed in serving the objective of ensuring respect for national sensitivities.

Moreover, film, television and other audio visual entertainment reflect the temper of each society, and uniformity of perceptions is not possible.

Therefore, the main responsibility of ensuring observance of principles, should be on each country and its media organisations.

The suggestions appearing below have been formulated with a view to making transnational audio visual materials more acceptable and mutually beneficial. Most of these aspects are already contained in the broadcasting codes of almost all nations, but are sometimes rejected when transmitting broadcast material to other countries:

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 mis-information.
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. Since a large number of Radio and Television

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