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Ethical and Legal Issues in Broadcasting

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Introduction

My topic today touches on an extremely broad and difficult area for which there are many questions but no clear answers. Broadcasting as we know it in the last few decades have changed. With convergence, the walls dividing broadcasting, telecommunications and information technology have come down and broadcasting is no longer the exclusive domain of a select group of broadcasters.

In this new Create Once Play Everywhere (COPE) world, content is becoming platform neutral. Now we can get "live" broadcasts on the Internet, on our mobile phones and PDAs, and send emails, surf the Net from our TV sets. Business models have evolved to leverage on innovative content spread across many platforms. Mergers and consolidations, as with AOL and Time Warner in the US and Vivendi and Seagram in Europe, are the order of the day, as size and reach across media become the measure of survival if not success.

In Singapore, media players are expanding their horizons to encapsulate new media. MediaCorp Interactive is harnessing the powers of the Internet with its Eastciti.com. The site showcases local favourite drama serials and sitcoms. Its news site, Channel News Asia, delivers live webcasts of the latest updates. Mediacorp has also launched Radioeast.com which operates 20 Internet radio channels. Singapore Press Holdings, operates AsiaOne.com - a very successful portal attracting some 50 million pageviews per month. They have also been given the license to operate 2 TV channels and 2 radio channels. SCV has launched its WorldGate Internet on TV trial service in August with three thousand participants. Users can surf the Internet with a wireless keyboard and access their e-mail from their TV sets. Its MaxOnline service, which now has more than 19,500 subscribers, gives users access to multi-media, graphics-rich sites such as SingaporeONE.

As the industry races ahead, viewers will be offered unprecedented choices in the range of programs and the mediums with which to receive them. They are increasingly seeking out and personalizing what they want to see, read and hear. Holding the attention of this new generation of audiences, more fragmented and demanding than before, is a key challenge for broadcasters today.

Broadcasters are facing an exciting moment in history as they ride on the unimaginable possibilities that exist. But increasingly, there are many - not surprisingly quite a lot are regulators, who are beginning to worry that unseen forces have been unleashed that unless managed or regulated, can subvert human society and pollute young minds.

Just last week, it was reported that when using Lycos Asia and Catch search most popular words users search for a.com engines are sex and its related cousins. It is also well known that those who are in the sex and sleaze trade are the ones that are truly making money from the new technologies.
Technology and the Internet has enabled all kinds of undesirable and harmful content to be made available, particularly to children. All kinds of groups - paedophiles, terrorist, hate groups, religious fanatics are finding new lease of life on these new platforms to exchange ideas and promote them to a whole new audience. For example, through the Internet we can learn in detail how to pick locks, make bombs, hack into defense systems get the message.

Yahoo! Inc., an Internet giant based in California, has been ordered by a French court to block French users’ access to its auction sites where Nazi paraphernalia such as medallions and swastika-emblazoned battle flags can be bought and sold. The court had ruled that it constituted “an apology for Nazism and a contestation of Nazi crimes”. In France, it is illegal to sell or exhibit anything that incites racism, but the U.S. Constitution protects many web pages expressing racist or extremist ideas.

In the United States, collectibles from murder scenes or murderers themselves has been made available through the Internet. Such collectibles, coined as "murderabilia", can be obtained at eBay, where typing the phrase "serial killer" would bring up hundreds of such items ranging from autographs, videotapes, newspaper clippings to hair, nail clippings and dirt from a grave. eBay has responded to public outrage by restricting offensive materials and occasionally pulling out items such as photos of bodies.

It is also argued that the advent of new broadcast technologies like the Internet may lead people to lose their sense of identity, values and culture in a multi-channel and open environment where information and images are available anytime, anywhere and in real time -They are worried about the impact on family, religious and cultural traditions.

Much has been said about regulating the new mediums like the Internet. Some felt that it cannot and should not be regulated. Whatever you do, there will be ways around it. A further reinforcing argument is that free speech and freedom of choice is of paramount importance. Hence, no one should be allowed to set the rules.

Another perspective is that there is a need to control illegal, offensive and harmful content on the new broadcast mediums to protect and uphold community standards. The lack of predictable and enforceable rules governing such new mediums is detrimental to both the economy and society as a whole.

It should be clear to all at this stage where I stand on this debate.

Why must there be rules and regulations? Take the example of e-commerce or Tcommerce and let us take gambling on the Internet as an example and ignore the moral issue for the time-being.

Without regulations and law and order, the casino in a cowboy town out in the Wild Wild West cannot operate. For it to function, there must be certain rules. There is a need for a system of enforcement eg a sheriff and his deputies, a jail etc. For casinos in cyberspace, we need equivalent entities to protect those who play.
Contracts made must be legally binding and individuals who play must be identified and property protected. Otherwise theft will become commonplace. We already see this happening in some cases such as in the music industry. There must be enforcement and sanctions against those who break the rules. Without such legal jurisdiction, e-commerce cannot flourish as consumer confidence will be fragile. If there was no copyright protection, there would be no incentive to create original material.

There are increasing recognition in many countries that rules are necessary. A recent international survey funded by German-based Bertelsmann Foundation of more than 3500 Australians, Germans and Americans revealed that ‘censorship blocking’ of controversial content on the Internet including pornography and depictions of violence is favored by up to 60% of those surveyed.

In a Gallup poll done in Singapore this year, 67% of respondents felt the Internet as a medium required stricter regulation than over other media like TV, movies, newspapers and magazines. 62% agreed strongly that Internet access to materials promoting pornography, religion and ethnic issues will pose a threat to Singapore and a very high 82% felt strongly that it was necessary to police or censor the Internet.

Those who subscribe to this view tend to adopt various approaches:
A. Some suggest that the government should take the key initiative as it has both the resources and the enforcement procedures and to facilitate market development

B. Others argue that no single set of standards is appropriate to all citizens, so adults should not be constrained by one official standard. Rather, the new mediums should be self-regulated and the individual user and parent should be responsible for decisions made by themselves or their children.

The Singapore Framework

In Singapore, we have tried to address the question of how to regulate the new mediums in a practical manner and to incorporate both approaches. Essentially, we use a three prong approach based on a light touch regulatory framework, supported by encouraging industry self-regulation and public education efforts to empower parents with the skills to manage the medium.

Singapore's regulatory approach seeks to help broadcasters exploit the synergies that convergence creates. The IDA which oversees both the IT and telecommunication fields looks into security, privacy and copyright to instill consumer confidence and promote industry growth. SBA undertakes the role of content regulation and promotion in Singapore and our regulatory framework is designed to create an environment which enables media players, both new and old to flourish while at the same time laying down adequate guidelines eg. via Program Codes for broadcasters, to ensure that our core social values and national interests are protected.

Our regulations and Program Codes are constantly reviewed to ensure that they are clear, simple and transparent so that industry operators can proceed with their business with minimal intrusions and maximum flexibility.

SBA feels that the best way to deal with the ethical and moral dilemmas thrown up by the new digital age is to encourage greater industry self-regulation and public education. For the young in particular, we see
parental guidance as crucial. Parents, guardians must be educated on the potential dangers and the precautions to take.

Such efforts already exists around the world. In the U.S, there's CyberAngels - an online safety, education and self-help group run entirely by volunteers. Its Net Patrol and Teen-Angels programs help to protect children from stalkers and online predators.

In the U.K, the Internet Watch Foundation (IWF), started in 1996, helps to address the problem of illegal material on the Internet especially child pornography. They have hotlines for the public to report harmful sites and Base closely with the authorities to remove or track down cyber-criminals.

In Australia, NetAlert - an independent community advisory body was formed end last year, to provide advice and help Australians deal with objectionable Net content. NetAlert established in December 1999 by the Commonwealth Government.

In Singapore, we have PAGi, volunteer self-help group for Parents set up to help educate parents and equipped them with the skills to manage the Internet.

The industry too has a crucial role to play. While they are focused on the competition and their bottom-line, I would argue that it is also in their interests to take a proactive stance and take their own initiatives against content which are detrimental to their users. Those who take steps to protect minors from unsuitable content would gain the trust and support of parents educators and all those who care about the exposure of children to negative influences. Abuse of the new media and technologies will drive away both consumers and legitimate businesses. In Singapore, the 3 main Internet Access Service Providers offer optional Family Access Network services which help filter out undesirable content. The industry is also looking into content rating and web-site labeling which will allow parents a choice to decide what their children can see on the Net.

The new media does not just pose challenges to us in terms of managing undesirable content. In a multi-channel environment, it is important to have quality local programming. Local content must be able to continue to engage viewers and impart a common sense of identity and help foster social cohesion.

Broadcasters must also harness the opportunities offered by digital technologies and the Internet to generate value-added content that can provide viewers a richer experience. In Singapore, SBA actively supports the industry to conduct research and development and the early deployment of digital radio and TV services. Last year, we saw the launch of Asia's first commercial digital radio service and we look forward to launching commercial mobile TV services next year. In addition, we have launch a $5 million Digital Broadcasting Development Fund to assist local industry players to develop new digital broadcasting services and applications. We are also looking at strategies to further develop local production and skilled manpower. This week's launch of a script writing seminar is one example of our efforts to help the industry grow.
In conclusion, I would like to make the point that regulators cannot by themselves deal with the ethical, social and legal dilemmas thrown up by the new and dynamic broadcast environment. We believe that we must involve the industry and public into the process. Advancing self-regulation and public education, encouraging the early deployment of new technologies and the development of innovative applications and services, as well as promoting quality local content must all go hand in hand to ensure that even while the Broadcasting industry scale new peaks, societal and ethical concerns are not ignored.