

Transborder satellite issues

From Australia: notes from Gareth Grainger's speech:

Transborder satellite broadcasting is transforming television in the Asia-Pacific region and has become one of the dominant broadcast regulatory issues.

The reason for this is clear: satellite technology allows broadcasters to reach their large audiences across national boundaries. Markets are no longer defined by national geography, they are defined by consumers. It is more difficult for national governments to control the content of broadcasts received by consumers in their own territories. This is changing the way regulators think about industry structures and regulatory approaches.

However different countries have different approaches to the appropriate law governing such broadcasts. The UK has taken the view that it is the law of the country of uplink which should govern such broadcasts. Other countries, such as Singapore, have taken the view that the regulatory regime of the country of reception of the satellite signal should govern its receipt. The European Commission has advocated that the country in which the satellite licensee is incorporated should govern the conduct of the licensee. The Asia Pacific Broadcast Union in 1994 adopted a code for satellite broadcasters. The 1995 Asia-Pacific regional meeting on international satellite broadcasting (in Tokyo) took the view that it is the responsibility of broadcasters to be sensitive to the diversity of values and cultures of countries in the Asian region.

Through such forums and one on one

The International Broadcasting Convention in Amsterdam is one of the world's leading forums for broadcasting technology and ideas exchange. This year it was held in Amsterdam from 14 to 18 September and attracted more than fifteen thousand delegates. The ABA was invited to organise one of the conference panel sessions on the topic, 'Transborder Satellite Transmission - can broadcasters be trusted or is there a need for international agreement on content and conduct?'

The panel discussion was held on 17 September under the chairmanship of Mr Brian Johns, Managing Director of the ABC. Other panel participants were Dr Sebiletsó Mokone-Matabane, Co-chairperson of the Independent Broadcasting Authority of South Africa; Mr Jon Davey - Director of Cable and Satellite, Independent Television Commission of the UK; Mr Chris Schram - Director Space Segment Engineering, PanAmSat (USA); Mr Gareth Grainger - General Manager Policy & Programs, ABA. Excerpts from two of the papers follow.

Mr Colin Knowles, General Manager Planning & Corporate Services at the ABA, was invited to participate in a panel session at the conference on 'Satellite and Terrestrial - complimentary or competitive'. Mr Knowles presented a paper to the convention's technical papers program, on 'Consumer friendly delivery of multimedia digital services'.

negotiations, regional regulators and governments have sent a clear message to broadcasters that local culture and religious and moral values are extremely important and must be respected.

Transborder satellite broadcasters are also learning that viewers want to receive services that reflect local issues and cultural values. In response, they are demonstrating that they are prepared to cater to audience preferences — they are commissioning and producing local product for their satellite services.

Domestic broadcasters have been forced to provide better programming to maintain their audiences in the face of competition from transborder broadcasts. Governments in the region are rising to this challenge either by deregulating their domestic industries or expanding and diversifying their government owned media.

Governments have also recognised that if viewers are offered greater choice and more attractive local programming, they are less likely to switch on to transborder broadcasting. A benefit of domestic governments encouraging local programming is that local production industries have been strengthened.

It is becoming apparent that initial fears about the impact of transborder satellite broadcasting are dissipating as broadcasters demonstrate their willingness to respect individual countries' cultural and moral values. The impetus for this is as much commercial as political. As yet, there seems to have been no major breach of domestic laws by transborder broadcasters.



Gareth
Grainger

It is clear that countries who have most feared the political impact of transborder broadcasts have underestimated satellite broadcasters' preparedness to modify their programming and work within the regulatory framework of the country concerned.

Australia is one of the few countries which has not yet experienced transborder broadcasting to any great extent. The number of satellites covering the Asia-Pacific region is set to mushroom. Many of these satellites will be specifically designed to carry transborder television broadcast signals. The spot beams of many of these satellites will cover the whole of Australia. However, the Broadcasting Services Act permits only licensees to provide satellite subscription broadcast services in Australia before 1 July 1997. The ABA has met with a number of regional satellite operators and broadcasters to inform them of Australian laws regarding transborder broadcasts and has received a co-operative response.

While many of the fears arising from the potential of transborder satellites may have been allayed, there is a mounting view that the nations of the region will actually benefit culturally from

transborder broadcasting. Satellite broadcasting may in fact represent an opportunity for cultural awareness, not a move towards cultural uniformity. The technology provides for the spread of ideas and insight into the culture of other countries and territories, promoting tolerance and the potential for closer ties between neighbours.

The success of the development of the codes of conduct in the Asia-Pacific Broadcasting Union and the 1995 Tokyo regional meeting illustrate the effectiveness of regional co-operation in finding solutions to issues of common concern. The codes aim to ensure that transborder broadcasters are aware of, and sensitive to, the range of cultures and diversity of values in the Asian region. They require that broadcasters make a conscious effort to learn about the countries into which they broadcast and their cultural, social, political and traditional values.

The range of issues facing broadcasting and telecommunications regulators continues to broaden and become increasingly international in nature. Regulators in the region are now recognising that the regulatory challenge presented by the developing communications environment is a shared, regional challenge.

The ABA is developing a proposal for a meeting of broadcasting regulators in the Asia-Pacific region in 1996. Comparable developments are occurring in Europe and southern Africa. I believe it is unlikely that these initiatives will lead to demands for some sort of global super regulator. For all of the hype in recent years, transborder broadcasters have generally shown a responsible and responsive attitude to their activities. The interaction of effective schemes of national regulation is more likely to provide acceptable outcomes for broadcasters, carriers and consumers of transborder services.

Transborder broadcasting has been seen by some as a threat. In fact it is proving to be a welcome opportunity.

The role of the Policy section of the ABA in servicing the Transborder Panel discussion at IBC is acknowledged, particularly Delphine Matthew for logistical support and Suzanne East for work on speech notes and presentation material. ☐

From South Africa: notes from Dr Mokone-Matabane's speech

Satellite broadcasting poses challenges and opportunities to South Africa. The challenges are how to regulate satellite broadcasting, how to compete with international market dynamics and how to nurture and develop our culture within the context of global communications.

The opportunities are in universal access and using the technology to ensure development. South Africa recognises that information technologies are essential for entry and effective participation in the twenty first century. However having universal access alone to these technologies is not enough — the people of South Africa must be able to contribute to its content.

Participation is fundamental — the very essence of democratic principles is deeply anchored in participation in common decision making.

One suggestion is for a renewed emphasis to be placed on highlighting the role these new transborder technologies play in reinforcing cultural diversity, improving economic efficiency, improving social interactions between the developed and underdeveloped, and in fostering increased collective action for a sustainable future.

The bottom line would be the improvement of the informational and communicative capacities of underdeveloped countries, and the utilisation of these capacities to meet felt needs of particular communities and societies.

While developing countries need to commit greater resources towards the development of their information and communication infrastructures, developed countries also need to increase technical and other resources in support of this effort, especially in the areas of technology transfer, human resource development, local capacity building for indigenous and sustainable technology development.

Local content

After a year long inquiry held in all provinces of the country, the IBA proposes that sound broadcasting services which devote 15 per cent or more of their airtime to the broadcasting of music will be required to comply with the prescribed South African music

quota. The minimum requirement for music is 20 per cent. By the year 2000 private broadcasters and music stations within the national

public broadcasting service should achieve a South African music quota of 40 per cent. By the year 2000 the full spectrum national public radio stations and community radio stations should achieve a South African music quota of 55 per cent.

Television broadcasters must meet an overall local television content quota as well as quotas within prescribed specific program categories and viewing times. The national public broadcaster must ensure that, within three years of the coming into effect of the local content regulations, 50 per cent of its programming during the South African television performance period and at prime time consist of local television content. Private terrestrial free-to-air television stations must achieve a local television content of 30 per cent within the South African television performance period.

Subscription broadcasters will be more lightly regulated than terrestrial free-to-air stations. The IBA proposes that local television content requirements for subscription broadcasters to be set in the form of an air time or financial obligation.

The IBA's premise is that all broadcasters, irrespective of the mode of signal delivery, must contribute towards the identified national goals of nation-building, development and the fostering of democracy. We recognise that due to the nature of satellite broadcasting we cannot apply similar regulations on satellite broadcasters as those that govern terrestrial, free-to-air services. The IBA has therefore identified certain areas which it would like to regulate. These include advertising standards and financial contribution towards the promotion of the local production industry. ☐



Dr Mokone-Matabane