

Give broadcasters legal protection

Public service broadcasters should be protected by an act of parliament guaranteeing their independence and ongoing government funding, the General Assembly in Ulaanbaatar heard.

Public service broadcasters should be protected by an act of parliament guaranteeing their independence and ongoing government funding, the General Assembly in Ulaanbaatar heard.

The call was among the recommendations drawn up by participants in the annual ABU-FES Seminar, organised jointly by the Friedrich Ebert Foundation (FES) and the ABU.

They said it was essential to protect the editorial independence of public service broadcasters from any external interference and ensure they received ongoing government funding.

The seminar, on 3 October, drew about 30 participants from at least 17 countries, most of them being senior broadcasters.

They also recommended that public service broadcasters establish a proper complaints

handling mechanism overseen by an independent ombudsman. This would help ensure they were transparent and publicly accountable.

In addition, they called on the Asia-Pacific Institute for Broadcasting Development (AIBD) to work towards the aim of adopting an 'Asia-Pacific Approach to PSB' at the Heads of States Conference on Information and Broadcasting in Indonesia in 2011.

Martin Hadlow of the University of Queensland opened the workshop.



Rajendra Sharma of Radio Nepal

He said public service broadcasters in the region were facing many new challenges and competitors; they had to look at how they operated and defined their audiences.

Paul Pasch of FES said the organisation had more than 40

years of experience in international development cooperation. It would continue to work with its partners in the region for media freedom, high quality journalism and participatory broadcasting.

Oyundary Tsagaan, Director of Public Television at MNB, Mongolia's national broadcaster described how MNB had been state-owned until 2005, when parliament had passed a law on public TV and radio, establishing the National Council of Mongolian Public Radio and TV to govern MNB.

MNB had three main sources of finance, she said: a service fee that it had to collect from each household itself, government funding and revenue from advertising and programme sponsorship.



Sally Begbie of SBS

national council that supervises MNB, said most of Mongolia's commercial stations had close ties to government figures and political groups and therefore enjoyed a more nourished legal environment.

Dr Pasch asked why the government allowed private stations to have political affiliations. Mr Chilaajav said that with MNB's transformation

“ It is essential to protect the editorial independence of public service broadcasters from any external interference ”

Ms Oyundary said one difficulty in moving from the old system to the new was that staff who had been government employees had to adopt a new, independent approach, and this was hard for many of them to do.

Dagmar Skopalik of ZDF-Germany noted that despite Mongolia's population of only 2.7 million, MNB had to compete with 14 other TV stations.

“Commercial competitors attract younger staff and pay them more. This is a constant problem for the new model of public service broadcaster.”

Chilaajav Khaidav, chairman of the

into a public broadcaster, politicians now used private stations to promote their views.

Kesang of BBS-Bhutan said his organisation was also moving from state to public broadcasting. Many issues had arisen in the process, he said, including how to appoint a director-general and board, and how to ensure they remained non-political.

Sally Begbie, Ombudsman for SBS-Australia, described how SBS handled complaints, with the ombudsman reporting directly to the Managing Director and the board, and remaining independent of all content making divisions within the organisation.



A participant posing a question

“ Mongolia's commercial stations have close ties to government figures and political groups and therefore enjoyed a more nourished legal environment ”



Oyundary Tsagaan of MNB

SBS was committed to making “all reasonable effort” to ensure that the factual content of its news and current affairs programmes was accurate, and to taking

reasonable steps to ensure timely correction of significant errors of fact, she said.

Ruxandra Obreja, Controller of Business Development for the BBC World Service, looked at the way the BBC was entering into partnerships, including some with its commercial competitors, as a way of meeting the challenges of the era of convergence and competition.

Lem van Eupen of Radio Netherlands Worldwide (RNW) described how RNW was collaborating with a commercial newspaper by sharing English news online. It intended to

share all its raw material with its competitors. It would not lose by doing so because RNW's skill lay in how it used this content.

Parni Hadi of Indonesia's national radio broadcaster RRI said the organisation was now sharing content with community radio stations. There were benefits for both sides; RRI received local content from these stations and did not have to build its own infrastructure in these areas.

Rajendra Sharma, Deputy Executive Director of Radio Nepal, said public service broadcasting should deliver

products and services to all people regardless of where they lived.

Public service broadcasting needed to provide programmes that served the public interest, helped end ethnic tensions and civil strife, and facilitated people's participation in the nation-building process.

Sheikh Reazuddin Baadsha of Bangladesh Television said a problem for some state-owned broadcasters was that they were seen as providers of propaganda because of the control the government exercised over them.

Mr Sharma agreed and said it was hard to shake off that image; there was a stigma attached to being government-controlled. The process of transformation was a gradual one.

Ms Oyundary said a challenge for broadcasters in Asia was that democracy was in its infancy and the public was not yet educated. ●

Broadcasters need rights renewed

Broadcasters require new rights to protect their investment – technical, creative and financial – in producing and distributing their signals, the World Broadcasting Unions (WBU) Broadcasters' Treaty Working Group has been told.

At a meeting in Geneva in August, the Working Group received a background briefing to the establishment of the group.

For many years broadcasters around the world have sought new intellectual property rights for their signals – similar to those enjoyed by other rights owners, including producers of content, record labels and performers in sound recordings, whose rights were upgraded by WIPO treaties in 1996.

The protection of broadcast signals accorded by the Rome Convention of 1961 is wholly inadequate in today's technological environment. Broadcasters require new rights to effectively protect the enormous technical, creative and financial investment they expend to produce and distribute their signals.

The economic model for broadcasting is not sustainable when broadcasters cannot protect their signals from unauthorised use by others.

Digital technologies have made signal piracy easier and cheaper than ever, and the Internet is now a major outlet for distribution of a wide variety of pirated television programming. Major sporting events (World Cup Football, the Olympics, cricket matches, the Super Bowl etc.) are examples of high value, expensive but perishable programming that is widely pirated across the world.

Broadcasters pay large sums for rights, and pay to produce, promote and distribute

the signal, only to have pirates redistribute the signal in competition with them.

Due to this unsustainable situation, the World Broadcasting Unions Secretaries General / Directors General at their meeting in Copenhagen on 23-24 June, 2009 agreed to establish, on the recommendation of the ABU Secretary-General David Astley, the WBU-Broadcasters' Treaty Working Group.

The mission of the Working Group reads as follows:

The WBU-Broadcasters' Treaty Working Group is expressly organised to address the issue of supporting activities at WIPO and elsewhere that will lead to the establishment of a Broadcasters Treaty, providing rights and protections to broadcasters that are currently lacking at the international level and are urgently needed. While the members of the working group named by their respective unions comprise the nucleus of the activity, it is expected that additional resources will be sought as appropriate to the success of the mission.

The WBU-Broadcasters' Treaty Working Group is currently headed by Maloli K Espinosa, the ABU Copyright Committee Chairperson as its first chairperson. The members of the WBU-Broadcasters' Treaty Working Group are the ABU's Axel Aguirre, the African Union of Broadcasting's Oirah Hezekiel, the Arab States Broadcasting Union's Lyes Belaribi, the Caribbean Broadcasting Union's Patrick Cozier, the European Broadcasting Union's Heijo Ruijsenaars, the International Association of Broadcasting's Alexandre Jobim, the North American Broadcasters Association's Erica Redler, and the Organización de Telecomunicaciones Iberoamericanas's Cesar Gerbasi.

ABU steps up fight to combat climate change



A group photo after the ABU General Assembly unanimously adopted the Ulaanbaatar Declaration

Broadcasters in the Asia-Pacific region pledged to step up their role in the fight against climate change at the ABU General Assembly in Ulaanbaatar, Mongolia.

The General Assembly unanimously adopted an 'Ulaanbaatar Declaration on Climate Change' through which members resolved to expand public knowledge and understanding about climate change and its solutions.

The declaration also called on broadcasters to develop and promote broadcasting industry standards in environmental management and set quantifiable targets for a reduction in their own carbon footprints, and ensure that their organisations understand climate change as a developmental, national and corporate priority.

"Climate change is a threat to humankind and an urgent impediment to the future prospects and wellbeing of all countries," said

the ABU Acting Secretary-General, David Astley.

"It is undermining our efforts to build social capital and strong economic systems.

"ABU members recognise that as broadcasters they have a responsibility to provide the audiences of the Asia-Pacific with knowledge and information that empower them to make informed decisions on options for climate change mitigation and adaptation."

Climate change will hit the Asia-Pacific the hardest, according to the Asian Development Bank (ADB), causing dramatic spikes in food prices by 2050. Greater investments in clean energy, climate-resilient infrastructure, energy efficiency initiatives, and other adaptation and mitigation measures are needed to protect countries from the increasingly severe impacts of climate change.

The ABU and its members have partnered with the ADB in an 18-month project on climate change solutions, and delegates at the assembly called for more training projects in the wake of the declaration.

"Broadcast journalists have an important role to play in helping policymakers and the public appreciate the extent of the climate change threat, and encouraging them to take cost-effective actions that

can preserve the environment, save communities and improve people's lives," said Ann Quon, Principal Director of the ADB External Relations Department.

"The impact of climate change will disproportionately fall on the shoulders of Asia and the Pacific's poorest families, so it is essential that we get the word out about cost-effective climate change solutions that can help prevent these families from being cast into crisis," she said. ●

Copenhagen cover

ABU members also committed to dedicate the resources and broadcasting space needed to comprehensively report on the UN Copenhagen Climate Change Conference (COP15) in December 2009 and on follow-up actions.

With this in mind, the ABU Development Projects Department is providing fellowships to producers to attend and report from the high level meetings and will provide satellite/broadband feeds from the meetings for use by ABU members.

Developing countries 'need time to embrace piracy issues'

Intellectual property rights is a developed nations' concept and most developing countries in the Asia-Pacific need time to understand and comprehend to practice it, the General Assembly was told.

Oyundari Tsagaan, Director of Television at MNB-Mongolia, said one solution to resolve issues of copyright was by imposing a different "value system" based on a country's Gross Domestic Product.

Ms Tsagaan was speaking in a Special Topic discussion on 'The Copyright Conundrum in Developing Countries'.

Chairman of Intellectual Property Association of the Philippines, Bienvenido Somera, said the new 'Must Carry' rule imposed by the Philippine Supreme Court in January that allowed direct-to-home satellite providers rights to air content of free-to-air TVs without the need to obtain consent of the broadcasters had greatly affected the free-to-air broadcast industry.

Not only did the decision limit the broadcasting rights over the broadcasters' signals, it also limited control of copyright over the programmes the free-to-air broadcasters produced and its content providers, he said.

Mr Somera said the Association of Broadcasters of the Philippines, Kapisanan ng mga Brodkaster ng Pilipinas (KBP), had issued a resolution calling the National Telecommunications Commissions to review the law and coverage of the Must Carry rule.

Geoffrey Molea, Operations Manager of One Television, Solomon Islands, said currently there was no law governing the broadcasters or copyright holders in his country.

"One Television is the only free-to-air broadcaster licensed to air television



Oyundari Tsagaan

programmes and it has only been operating for three years."

The situation allowed piracy or unauthorised use of broadcast programmes, movie materials and other intellectual property products to continue unabated, he said.

Another speaker, Murtaza Solangi, Director General of Pakistan Broadcasting Corporation (PBC), said Pakistani cable companies had been 'practically' acting like media houses or broadcasting companies by airing drama, games shows, sitcoms and music videos without licences.

Though the Pakistan Electronic Media Regulatory Authority (PEMRA) had imposed restrictions on the matter, it had not enforced them on those that violated the laws. Radio stations in Pakistan also disregard the law by airing 90 percent of foreign music when the law said there could only be 10 percent, he added.

Various Concerns

Palitha Yapa of SLRC-Sri Lanka said piracy put the station in a difficult situation when its competitors aired pirated materials while it paid for licensed foreign programmes.

Pema Choden of BBS-Bhutan said its problem was that the Bhutanese

government failed to protect its programmes from piracy.

John Barton, the ABU Director of Sport, said government enforcement on piracy was key to the problem. Abdul Salam Rahimy of SMO-Afghanistan said talented artists in his country had been migrating overseas due to poor content protection.

Bishwa Prakash Maskey of Nepal TV said the high cost of importing foreign programmes was a challenge to his organisation but the lack of protection posed a heavier burden on the station.

The ABU Technical Director, Sharad Sadhu, said producing content was costly and the lack of protection would in the long run make broadcasters 'forget' about producing programmes and settle for pirated materials.

consistent push from the private sector was equally important in making the governments do their part.

On the Malaysian scenario, Ibrahim Yahaya of RTM-Malaysia stressed that "a strong political will is necessary to combat piracy", but if the cost of a foreign (original) DVD was too expensive for an average income consumer, a low cost pirated copy would be attractive to most.

Hasan Khojasteh of IIRIB-Iran seconded Mr Ibrahim's stand. "Copyright holders are charging too much for their products," he said. He suggested that the ABU seek cooperation with content producers and copyright holders to find a middle road for a reasonable cost for broadcasters in developing countries.

Parni Hadi of RRI-Indonesia, on the other hand, said the lack of action

"The high cost of importing foreign programmes was a challenge to Nepal TV but the lack of protection posed a heavier burden on the station"

Mr Somera said though the problem in the Philippines was rampant, the Philippine Optical Media Bureau did regularly raid pirated outlets and manufacturing facilities. Jun Ogawa of TBS-Japan said support from government was important but a

on the part of broadcasters was also an issue. He urged ABU members to encourage their governments to sign the 'Declaration of Support for the Broadcasters' Treaty' drafted by the ABU Copyright Committee.

The committee's chairperson Maloli Espinosa explained that the signed declaration documents would be submitted to the World Intellectual Property Organisation (WIPO). She also pleaded for support of workshops and seminars the committee regularly organises to improve awareness on the benefits of the treaty and to clarify regulatory issues in the industry.

David Astley said the ABU would endeavour to find sufficient funding to increase the number of workshops. ■



Parni Hadi