Convergence, regulation and ethnic minority communities in Britain

1. Introduction

This submission has been compiled by PressWise and the Community Media Association following consultations at and after the Ethnic Minorities and the Media Forum - Telling it like it is... held in Westminster on 29 November 1997.

PressWise is a member of the European Commission Information Society Forum which provides advice on societal aspects of EU information technology and audio-visual policy, including the EC Green Paper on The Convergence of the Telecommunications, Media and Information Technology Sectors, and the Implications for Regulation.

The Community Media Association, formerly the Community Radio Association, provides advice, information and training on all aspects of community media production and development. Its membership includes up and running community radio stations and a wide variety of community media projects seeking to provide access to the airwaves for groups linked by geography or culture.

The CMA is actively engaged in technical training projects for members of ethnic minority communities in Britain and the Europe, and many of its projects are funded from Europe. It is also part of the World Association of Community Radio Broadcasters (AMARC) for whom it provides the European administrative base.

The Ethnic Minorities and the Media Forum was organised by PressWise and the Community Media Association in partnership with Camden Press, the National Union of Journalists Black Members Council, the Commission for Racial Equality, the International Federation of Journalists, the International Media Working Group Against Racism and Xenophobia, The 1990 Trust, the Freedom Forum European Centre and the World Council of Community Radio Broadcasters (AMARC).

The Forum was supported by the following organisations and publications:

Al Muhajir
Avon Travellers Support Group
Broadcasting, Entertainment, Cinematograph & Theatre Union (BECTU)
Campaign for Press & Broadcasting Freedom
Chinese Information and Advice Centre
Commission for Racial Equality
Confederation of Indian Organisations (UK)
Cultural Diversity Advisory Group to the Media
Federation of Irish Societies
Freedom Forum
Friends & Families Traveller Support Group
The Gypsy Council
Glasgow Media Group
International Federation of Journalists
Irish in Britain Representation Group
Irish Post
Joint Council for the Welfare of Immigrants

Kokani Muslims
London Irish Press
Oxfam
Pascal Theatre Co.
Producers' Alliance for Cinema & Television
The Runnymede Trust
Shanti Communications
Telephone Legal Advice Service for Travellers
University of East London New Ethnicities Unit
The Voice
Working Group Against Racism in Children's Resources

2. Converging communications technologies

Digitisation - the electronic measurement and conversion of sound and images into digits which can be stored in a common form on a computer - in effect obliterates past distinctions between telecommunications and broadcasting. The compression or reduction of words, sounds and pictures to 'raw data' not only facilitates the collection and distribution of information but also rationalises the process of recording, storing, reproducing and transmitting data.

The digital processing has many technical advantages. Digitised data has greater integrity than conventional analogue signals which are more susceptible to external interference. Having been compressed into infinitesimal measurements, digital data literally takes up less space (bandwidth) on the frequency spectrum during transmission. This in turns opens the way for many more channels of communication - if they are needed - and, coupled with the interactivity of the new technologies, new possibilities for democratic and commercial participation. Digitisation should vastly increase the capacity of terrestrial, satellite and cable transmission systems and services.

The conventional differences between current systems of communication will be rendered artificial as telephony, radio and television shift to digitisation which has been the norm for years in computer and print technology and compact discs. Hence 'convergence'.

In the near future it will be possible for all those who can afford it, or have access to the technology, to conduct all communications via a unified interactive 'receiver' - capable of use as a telephone, computer, word-processor, radio, TV, and video, from which many interactive commercial, retail, leisure and learning services will be accessible, including pay-per-view TV, video on demand, Internet services and home shopping, banking and market research. Some regard this as 'the true dawn of the information society'.

The potential is immense - an almost unlimited flow of information, entertainment, commerce and communications with a chance for everyone to participate - providing they have access to the technology.

As US journalist Adam Clayton Powell III of the Freedom Forum, a US-based media foundation, told the recent Ethnic Minorities and the Media Forum: "We're going to see machines that cost about what a TV now costs, which will be TVs but will also be computers; they will actually edit videos, plug into a telephone line and send it world-wide. That is going to be extraordinary. I don't think anybody knows what that world is going to be like, and that world is almost here. That means that every church, every community group could (eventually) have live video links (world-wide) for under $1,000."

The big 'if' comes when considering who owns and controls the technology and the production process, including the gathering and distribution of information, and the making of programmes, and the pricing of access.

The danger, as ever, is that the technology and its potential will be harnessed by those who can afford to own, control and develop it, and that its exploitation will be solely or largely dedicated to the amassing of profits by the few rather than the empowerment of the many.
The main 'players' in the development of this technology are those who already have major holdings in the world's telecommunication industries.

The BBC's development of digital audio broadcasting (DAB) - which has been used since September 1995 for transmission of its 5 national radio services, its Parliament broadcast services and 5 Live Sports Plus - has drawn attention to the impact of digitisation on the transmission process. Six different radio services can now share a single radio transmitter. They can be distributed as a single (multiplex) transmission. The multiplex provider in effect becomes a gatekeeper, able to charge for access to the means of distribution.

A sophisticated system carrying programmes services from a variety of (commercial) production sources is unlikely to controlled by community-based enterprises because they lack the capital or resources to finance and manage it. The survival and development of perhaps the most significant segment of burgeoning radio services - community radio - may well therefore depend upon the extent to which a public policy model of regulation in applied.

The exciting possibilities of the 'digital revolution' should be weighed against another major impediment - it will eventually require the replacement of existing non-digital receiver equipment. Everyone wishing to participate via their home TV sets, for instance, will need 'set top boxes' to convert digital transmissions to their existing analogue receivers. In time they will need to purchase new radio and TV sets, especially if, and when, a decision is made about phasing out analogue transmission altogether.

This is one of the key areas in which regulation has a vital part to play in ensuring that the new technology genuinely enhances democratic values and participation. The abandoning of analogue transmission can only come when hardware producers are geared up to supply fresh demand for all-digital equipment. In other words this is a significant macro-economic decision which should not be determined solely by the private sector.

The conversion and replacement of existing communications equipment needs to be phased in under carefully devised terms in order to reduce the likelihood of creating an 'information underclass' where that those who literally cannot afford to participate are excluded from the new communications culture.

The European Commission Green Paper (The Convergence of Telecommunications, Media and Information Technology Sectors and the Implications for Regulation, 3 December 1997) anticipates that convergence could increase Europe-wide employment in the communications sector (from hard-ware and software production to the production and delivery of programming and information services) from the current level of 2.8 million to equal employment levels of 2.6m in the USA. Part of the rationale for this prediction is that increased demand for cultural products will encourage companies to seek new talent, new production methods and new markets.

Clearly this also has implications for training and retraining, and regulation may be required to ensure that the new opportunities are available to all-comers on an equal footing.

Because of the need for substantial capital investment, convergence could be a recipe for the emergence of powerful oligopolies who might eventually control not only the means by which people can access information, education, entertainment and commercial transactions, but also the supply and control of content and the way in which the new technology is applied.

3. Regulating the new communications environment

Recent technological change in the communications field has been and continues to be so rapid that the process of devising, adopting and applying formal regulation inevitably lags behind the actual phenomena it seeks to control.

However it is reasonable to assert that there is global acknowledgement of basic human and civil rights - to democratic participation, to freedom from oppression and discrimination, to privacy, to freedom of conscience and expression, and to access to information. They should be regarded as immutable, and should underpin the rationale of any regulatory system if everyone is to benefit from the potential of the new communications technologies.

The starting point for regulation must be 'universal service obligations', designed to ensure that the largest possible majority of citizens have easy (though not necessarily free) access to as wide a range of common and good quality information/communication services as possible - e.g. it should be possible for everyone to purchase receivers (telephones/ radios/TVs/computers) and services (voice telephony, national and local radio and television signals, internet) at costs which are not prohibitive.

The primary aim of regulation should be to ensure inclusion, especially of those social groupings which for reasons of cultural difference or demography might tend to risk exclusion if the provision of services were left to 'market forces'. Commercial advantage may be the current driving force behind the development and use of new technologies, but the consequences must be viewed in terms of universal social good.

For instance the development of thematic radio/TV channels appealing to 'niche markets' is expected to intensify in the new communications environment. On the surface this might appear to suggest that particular cultural interest groups would benefit immensely. However, the 'niche' would have to be substantial either in terms of numbers of disposable income, to make it commercially worthwhile to develop such a service.

With the arrival of commercial local radio in the UK, pirate and community radio stations speaking to or for local minority communities were able to attract advertisers because their rates were low and they were opening up new, younger markets.

However, 'commercial realities' soon began to dominate once a station obtained a licence, with all the quality and viability requirements that go with it, and brave new projects then fell foul of commercial predators. Minority audiences were then shunted aside in an effort to appeal to the mainstream, with a consequent loss of character to programming and loss of jobs for those whose appeal was to the minorities. FTP Radio in Bristol, which began as a pirate, went legitimate and was then taken over to become Galaxy Radio owned by a large commercial chain, illustrates this trend.

Media consultant Desmond Coke told participants in a workshop at the Ethnic Minorities and the Media Forum that community media projects offer people at a local level valuable services that the commercial sector is unwilling to provide or unlikely to consider financially worthwhile. Janet Baldwin, who has wide experience of community media in Australia, commented that she was surprised at how under-developed community-owned media were in the UK, and how tightly controlled access to the airwaves remained when so many new avenues were opening up.

The problem is that regulation, rightly, concerns itself with the activities of the most powerful players, but in doing so ignores of excludes those seeking to provide non-commercial socially useful services. And since convergence makes the biggest players even more powerful, the problem will be perpetuated unless space is made for community media as the 'third sector' in the new communications environment.

Unless there are statutory requirements to 'add-on' community services (local radio and TV channels) for instance, a local flavour is almost certain to be missing from the new communications

environment. The alternative would be public or public/private partnership investment in community media initiatives.

Conditional Access Mechanisms, or set-top boxes, which allow programme makers to broadcast pay-per-view programmes to their subscribers are currently controlled by media giants like Rupert Murdoch's News Corporation. As 'gatekeepers' and TV and film producers his companies may in theory deny access to competing programme services or offer them on unfavourable terms, exert pressure on their competitors to 'bundle' their programme services as part of a 'bouquet' offered to subscribers by, for instance BSkyB. Such practices would put small scale and specialist programme makers at a considerable disadvantage.

Andy Miller a policy adviser at OFTEL expects all third party broadcasters to have access to the conditional access system on fair, reasonable and non-discriminatory terms - which can only come with regulation: "We would be concerned that a single channel like the Chinese channel would have to pay the same amount for BSkyB's conditional access channels as BSkyB, which has a group of channels. We don't expect BSkyB to provide conditional access on the cheap, but at a fair price."

Freelance journalist and author Mike Holderness, who specialises in communications technology argues that a multi channel environment will present a particular problem in the ownership and control of the programme guide, an on-screen selection system transmitted alongside programme services.

"There should be an obligation to present public service and minority channels prominently. Otherwise those who control the guides - Rupert Murdoch and Bill Gates, are keen to do so - will use them to promote their own channels and will hide everything else in a footnote to a footnote.

"To fail to make the effort to draft the details of such rules would mean that digital broadcasting simply pumped more White male blandness into every home."

All this highlights issues of ownership and control, employment and content which require regulation if there is to be a 'level playing field' to ensure fair competition for ethnic minority communities whose numbers, or socio-economic status, might otherwise preclude them from participation.

Holderness cites the problems faced by ethnic minority channels in America: "Many major cities have a Hispanic station with some low budget advertising in Spanish, but they are scrambling with all the other channels for mainstream ads.

"To launch a channel covering Black-American, Korean-American or Native American interests you'd have to convince advertisers that your audience has shed loads of money and cannot be persuaded to spend it through generic American channels."

He suggests that one way to ensure the survival of ethnic minority channels is a new model of public service broadcasting: "A channel or two could be founded with a Channel 4 style mission to commission programmes representing the full range of diversity in British culture, from independents. The commissioners should be independent, but could be underwritten from general taxation through the Ministry of Culture, Media and Sport."

Urban sociologist Professor Thomas Blair doubts the economic viability of a Black channel in a free market, without the aid of government subsidies but is concerned that such government subsidies are no guarantee of success. However Steve Buckley of the Community Media Association want the government set up a specific fund for ethnic minority broadcasting.

"If someone wants to set up an ethnic minority channel they should be able to apply to the lottery for support and assistance."

He is supported by Patrick Berry, managing director of London-based commercial radio station Choice FM which caters for Black listeners: "Digital broadcasting is an expensive investment. Grants would encourage us to pursue digital radio sooner rather than later."

The European Court of Justice ruling [TV10, CJEC 23/9 of 9.10.94] acknowledging that cultural policy objectives constitute public interest objectives is to be incorporated into the EC Treaty as amended by the Treaty of Amsterdam by means of a Protocol highlighting that: 'the system of public broadcasting in the member states is directly related to the democratic, social and cultural needs of each society and the need to preserve media pluralism'.

The Select Committee will be aware that the European Commission is also planning to produce a Green Paper later this year which will focus on developing the cultural aspects of new audio-visual and information services.

In the meantime we would endorse the stress laid in the EC Green Paper on Convergence on 'the possibilities now offered by technology strengthen the need for clear and effective rules relating to... the promotion of cultural diversity' along with the Commission view that regulation is required 'to protect the fundamental rights and responsibilities of consumers' particularly with regard to 'Privacy issues, responsibility for content, free speech versus libel, appropriate jurisdiction and consumer representation.'

Diversity and equal opportunities cut across issues of ownership and control, employment and content, and may need to be monitored independently of any system established to regulate the new communications sector.

Given the size and scope of the 'single communications sector' created by technological convergence, it would be impracticable and inefficient to introduce a single regulatory system covering technical, employment and content issues.

Questions of licensing, ownership and control of communication systems, distribution, technical quality and employment conditions should be handled by a single body which would need to take into account, for instance cross border regulations governing EU Member States in an environment where the main players are likely to be transnational corporations.

Since cross-media ownership has now reached a point where it is difficult if not inappropriate to distinguish between where a company's involvement in one medium ends and its involvement in another begins, this regulatory body might reasonably be charged with supervising restrictions on single medium and cross-media ownership.

A separate unified independent regulatory system will be required to deal with content (accuracy, fairness, taste, decency and diversity) issues, and including clear and accessible complaints and redress systems. In the new communications environment it may be appropriate for this system to incorporate systems of adjudication and redress for complaints about newspapers, magazines and the Internet content and services.

Lee Jasper, Director of The 1990 Trust which has set up its own Internet Information network (Blink) for the Black organisations in the UK, would like to see diversity in production and programming encouraged through regulation: "Digital TV must get out of the hands of people like Rupert Murdoch, otherwise the dross we get already will be replicated.

"The regulatory framework should ensure that areas with large ethnic minority populations like London, which will soon have an ethnic minority population of 30%, have a minimum number of hours in any given week dedicated to the local community, even during peak hours."

Freelance journalist Beulah Ainley, who serves on the NUJ Black Members' Council and has conducted research into the employment of Black people in the media, agrees. "Programmes

should reflect the population. Black people make up 11 per cent of the total population in London and so 11 per cent of the programmes in London should cater for Black people."

Mike Holderness suggests that broadcast licences should specify that the broadcasters must reach 90% of the community they are supposed to serve within five years, and that including the minority groups within the reception 'footprint'. On the pricing of equipment and services he argues that if sections of the mainstream audience can't afford to purchase access to new technology, then minority groups will not be able to either. Patrick Berry, of Choice FM feels that the government may need to underwrite access to the new communications environment: "The government may want to consider subsidising the consumer, since digital TV is no good without them."

Financing of the regulatory system should follow the model currently used in the broadcasting sphere, with a mix of public funds (to protect the democratic agenda) and levies upon the communications companies.

Now may be an appropriate moment to consider the extent to which the internal regulatory system at the BBC should remain separate from the broader communications industry, since it has declared its intention to exploit the commercial potential of the new communications technologies.

Since it is generally felt that the new communications technologies should enhance the democratic process, a broadly representative citizen/consumer body might also be established to maintain a watching brief on the performance of both tiers of regulation. Such a body might monitor the effectiveness of service providers in achieving their contractual objectives by conducting research and testing public opinion. This could include monitoring performance in terms of diversity and equal opportunities.

However, as Jane Paul, Equality Officer for the broadcast technicians' union BECTU has suggested, the needs and concerns of ethnic minorities should also be catered for more explicitly in the new communications environment: "Ethnic minorities should be appointed to regulatory bodies and be on the executive boards of key broadcast organisations."

4. Ethnic minorities and the information society

According to David Lloyd, Head of Advertising at the Radio Authority, digital broadcasting will provide a rosy future for everyone including ethnic minorities. Although it is not up to the Radio Authority to ensure that any of the three planned national digital radio services is aimed at ethnic minorities, he says one might well end up catering for them.

"The new environment will give a lot more choice to a lot more people. Just as Asian stations have thrived, so more people will get on air. There will be more employment opportunities for ethnic minorities whether or not they work on ethnic minority stations. Training and equality have been guaranteed."

Those working on the ground are less convinced. They fear that ethnic minorities could miss out unless the government steps in with tough regulation, and funding. Steve Buckley, Director of the Community Media Association believes the government should specify what kind of programming it expects of broadcasters, including material for, by and about ethnic minorities:

"More channels will probably mean more mainstream commercial programming unless there is regulation to encourage greater diversity. It is easier to buy American soaps than to invest in new local work."

Patrick Berry, managing director of London-based radio station Choice FM, wants the government to legislate to ensure that TV channels become as diverse as the current local and community radio environment. He would like to see two national ethnic minority stations, one aimed at Black people and the other aimed at Britain's Asian community.

"These stations would compete with other similar stations and will ensure diversity. With market forces alone ethnic minorities will be squeezed out."

Information society commentator Mike Holderness predicts that digital broadcasting will mean more work but few proper jobs, because of the contract culture. This does not augur well for ethnic minorities. "There is the risk of freelance contracts being awarded through nepotism and on the basis of who went to what school. It's much harder to enforce equal opportunities policies for independent commissions than it is for (direct staff) employment. Public service broadcasts commissioned to meet a clear mandate offer a partial solution."

Sociologist Prof. Thom Blair says: "Some people say that there are more Black people in the media these days. This trend will decline because large proprietors will no longer be responsible for employment, but will off-load it to people in the private sector. The new service providers will not necessarily be hiring more Black people or any Black people for that matter."

Addressing the Ethnic Minorities and the Media Forum in November 1997, David Docherty, Deputy Director of BBC TV, admitted that there is already a problem for ethnic minorities seeking careers in the media: "We have done a good job getting ethnic minorities into the BBC, but we haven't focused on how you develop once you are in, and so people end up leaving."

Prof. Blair believes that effective equal opportunities legislation rather than positive discrimination is required to ensure that ethnic minorities are included at all levels of the communications industries. "There is no evidence that positive discrimination will achieve the desired results, since an end to discrimination is wanted and the introduction of full and fair equal opportunities policies."

Journalist Beulah Ainley suggests that the Race Relations Act 1976 should be strengthened to "force the big boys to do the decent thing and implement equal opportunities." But Jane Paul of BECTU prefers an extension of existing requirements under the Broadcasting Act 1996 or its future equivalent to ensure that equal opportunity requirements apply not only to broadcasters but also to independent productions, and to open up opportunities in other aspects of the digital environment.

She wants to see government backing for training networks like Skillset to ensure that industry professionals and newcomers can gain practical knowledge of and access to the new technologies. Existing regulations and the costs of investing in the new communications industries already marginalise community-based media/IT projects. Although some segments of the communications industries, notably the BBC and BT, have corporate policies to improve representation, ethnic minority communities are at a particular disadvantage because they are already under-represented in the relevant industries, they are under-resourced at community level to take advantage of the potential of the 'information society', and they are regarded as representing commercially insignificant units by the main players.

Brian Evans, a technical advisor to the Community Media Association suggests that: "Members of the Select Committee could be asked to find out on a weekly or monthly basis what success they had in finding an ethnic minority programme."

It is vital that ethnic minorities are not further marginalised by the advent of 'niche marketing', and that they are properly (equally) represented as producers and consumers of media and information-based products in the new era.

However, it is clear that the regulatory framework which is developed to ensure that convergence enhances democratic participation also ensures that there are opportunities for ethnic minority interests to be addressed specifically - by encouraging specialist services and developing targeted training and employment opportunities.

5. Summary and conclusions
The convergence of communications technologies opens up almost unlimited potential for democratic participation in the information society.

The danger is that the development of the information society will be technology led and driven by commercial considerations rather than social and democratic principles. This could result in new forms of exclusion, especially among sectors of the population whose cultural identity or socio-economic status marks them out as minorities.

Regulation is required to ensure that best practice is adopted across the spectrum - ownership and control, employment, access, quality of product, and content - to ensure that convergence does not lead to the creation of a two tier information society of 'haves' and 'have nots', and to prevent the spread of oligopolies benefiting from the economies of scale.

Regulation should be 'rights-based' to ensure that the democratic potential of the new technologies is tapped, and there should be a clear division between the rules and regulatory structures governing ownership, technical matters and employment policies and those governing content, complaints and redress.

Ethnic minorities must be represented within the regulatory bodies, and should have opportunities to monitor and advise on best practice through an independent consumer-led body committed to ensuring that convergence is used to the benefit of the many rather than the few.