

Jamaica in a Digital World: Part 1

The world is being turned upside down by the digital revolution. Media, communications, finance and banking, trade, business and commerce, the relationship between government and citizens, the nature of work, education and training and most social interactions are all being transformed by the efficiency of digital encoding, the speed of digital transactions and by the radically new social, economic, business and behavioural models that they support.

This revolution has been liberating and enabling, but it has also brought many serious problems and threats. Jamaica cannot remain in the slow lane of these fast-moving events, however, as an efficient digital economy is now a primary determinant of the ability to compete internationally. So the challenge facing Jamaica today is to make a rapid transition to the new digital world, seizing the new opportunities but also finding ways to manage the risks and limit the harm they could cause to the nation.

The media and communications sector is a good example of the changes that are rapidly killing the old ways of doing business. In the last decade, technology companies like Facebook, Google and Amazon have captured the market for content, and now dwarf all the traditional media companies. Facebook has over two billion users, but also owns WhatsApp and Instagram with 2.5 billion users, which means that one social media company now manages the interactions of over half the population of the planet. YouTube, which has 1.9 billion users, is owned by Google, which controls over 75% of all internet searches in the world. Amazon is the world's largest retailer, but also controls about half of all cloud computing, more than the next three biggest cloud storage providers combined, and is now bidding on a US\$10 billion contract to manage the core information systems for the US military.

So a tiny group of firms now control almost all the public spaces on the Internet where people meet, talk, trade and connect. This is largely because the value of a public space goes up as more people use it, so these spaces have a natural tendency to become monopolistic. The risk of this concentration of influence, however, is the potential for abuse, and extremists, malign state actors, political manipulators, organized crime and terrorist networks are now very active in some of the spaces. Facebook in particular is now subject to sustained criticism for its unwillingness to properly police the public spaces that they control.

When oil and then the telephone companies became monopolies on that scale, governments had to intervene to break up the giant corporations and reintroduce competition to the market. The technology companies, however, have argued that their dominance could be quickly overturned by the next technological innovation, so they are still exposed to competition. Legislators largely accepted this argument until recently, but they are now less inclined to do so in the wake of revelations that social media is being used to spread hate speech, lies and propaganda, and influence the outcome of elections.

As the technology firms have rapidly captured the public spaces, media firms are no longer competing on a level playing field; most of them are now fighting a losing battle against giant corporations that are largely unregulated and untaxed in most countries, and are capturing most of the advertising revenue. As a result, most of the traditional media organizations are bleeding to death, they are losing their audience and income. Over the last decade, hundreds of traditional media companies around the world have shut down, forced out of business by technology firms that don't even have an office in the same country.

Jamaica's media companies are rapidly losing market share to the new content providers. The number of cable users halved between 2005 and 2016 while the audience for Free-to-Air TV fell by nearly a quarter. Partly as a result, revenue has collapsed for most of the players in the broadcasting sector, some of whom have seen their income fall by hundreds of millions of dollars. Local Free-to-Air Television is likely to suffer further loss of both audiences and revenues, because it is heavily dependent on advertising (although it might do better than cable which relies on subscription).

If our regulatory systems do not now adapt, they will make this situation much worse. They were written in the era before the technology firms captured the market and are almost entirely focused on the traditional media as a result. If they are not reformed, they will bring increasingly disproportionate pressure to bear on the dwindling band of traditional media providers, which will encourage even more consumers to abandon them and migrate to unregulated, informal and/or illegal sources.

The move to an all-digital environment (including the switchover to digital television and the roll-out of 5G networks in Jamaica) could give the media companies the opportunity to surge back into the market place and compete effectively again, which is why the Broadcasting Commission and the Spectrum Management Authority are now working hard together with the Minister of Information, operators and the National Digital Switch-Over (DSO) Steering Committee to accelerate the transition. In both Europe

and the USA, the traditional over-the-air broadcasters seized the opportunity provided by next-generation television standards to offer more channels at higher quality and lower cost. If the traditional providers in Jamaica also switch to internet-based distribution, they will at last be able to compete directly with online service competitors. It has become clear that the viability of traditional media providers now largely depends on their ability to monetize content across platforms and develop new sources of revenue (such as mixed models of free-to-view advertising-supported content, *a la carte* subscription options, and bundling of internet and conventional content), so this is likely to be the way forward for Jamaican media companies.

The profound changes in the media and communications landscape outlined above have left Jamaica badly exposed. It has become clear that Jamaica's current legislation, policies, institutions and regulations on media and communications are in need of urgent modernization and reform. Some of the key issues that now require urgent attention include:

Media literacy

The priority for Jamaica now is no longer *accessibility*, as almost everyone in the nation has a mobile device and can choose a data plan; it is *media literacy*. Having access to the internet is only the first step; people also have to know how to use the internet to change the way they live, learn and work. The evolving digital environment requires citizens who are internet-literate, are confident creators and consumers of content, and have the technical and social skills needed to participate positively in the digital world. The Broadcasting Commission has therefore redoubled its commitment to improve media literacy throughout the land.

The new approach to content regulation

Content now flows seamlessly across borders. Consumers are able to by-pass traditional networks and all associated safeguards. A vast new array of opportunities is opening up for people to participate in the digital economy, no longer as passive consumers, but now as *prosumers*, i.e. both consumers and creators of content, and this economic mobilization of the people has tremendous potential benefits for Jamaica.

Sadly, it is also true that evil never sleeps; new forms of crime, terrorism, political manipulation and malice have already emerged in the digital world, and are quick to move into any undefended spaces. The current generation of problems includes uncontrolled access to extreme pornography and ultra-violent content,

hate speech, unethical advertising, internet addiction disorder, cyberbullying, grooming and revenge porn, induced suicides; the use of manipulative disinformation and hate speech on social media to instigate riots and murders; cybercrime, including scamming, phishing and bank hacks, identity theft, fraud and resale of stolen credit card details; narcotics distribution via the dark web; terrorist recruitment on social media platforms, which has allowed organizations such as Islamic State to reach out to disaffected youth across the world, bypassing all border controls, and convince them to carry out lone wolf attacks in their own countries; the rapid spread of bogus conspiracy theories; the polarization of politics by fake news and unfiltered hate speech; and the undermining of the concept of truth, which happens because many people can no longer tell the difference between fake and real news.

The need for standards and controls

As the population shifts to online sources for content, the traditional media have rapidly become less profitable as advertising has migrated along with the eyeballs. Many newspapers have closed while other media houses have been pushed into mergers or are desperately trying to find new sources of revenue in order to survive. As their profitability erodes, all but a few are losing much of their primary news-gathering and fact-checking capacity, and some are now just pulling their news off the web in a process that has become self-referential. The loss of the fact-checking gatekeepers and the increasing reliance on trending topics on social media makes it increasingly difficult for people to distinguish between fake news, internet gossip and reliable sources of information.

The diminution of authoritative and independent sources of news also means that many people now obtain their information from closed loops of like-minded individuals in the same social media groups, which encourages political tribalism and more extreme views, increases vulnerability to fake news and manipulation via social media, and thereby starts to undermine the basis of tolerance that is the foundation of democracy and participation in society.

One of the vital roles of government is to create the conditions for economic prosperity and development. This means that government has to address the issues outlined above and develop a modern regulatory framework to deal with the new era of content proliferation and monopolistic concentration.

In part 2, we look at the next steps in Jamaica's transition to a digital world.

Jamaica in a Digital World: Part 2

Part 1 of this article looked at the economic, social, political and strategic consequences of the convergence of communication and media platforms, examined the dominance of technology companies like Google, Facebook and Amazon, and analysed what these changes mean for local media companies. The article also noted the need for media literacy, legislative reform and a new approach to content regulation. This article discusses the way forward for Jamaica.

The Need for Action

Social media has become the largest news source in the world, but has little editorial control, regulation or legal recourse against lies and slander. Governments have become deeply concerned about the ways that social media can now be used to undermine the truth, create division, spread hatred and manipulate democracy, and a number of governments are therefore now preparing to take steps to change the law and regulate social media. In the UK, for example, a recent Parliamentary report concluded an 18-month investigation into fake news, found that Facebook had deliberately and repeatedly broken data privacy and competition laws, and called for the company to be regulated. The report makes a number of important recommendations, including:

- That the existing standards for broadcasting should become the basis for standards for all content, including conventional and internet broadcasting and social media. The same standards for truth and decency should apply, regardless of the technology used to carry the information.
- That there must be clear guidelines on misinformation and disinformation (rather than the better-known phrase 'fake news') which will then form the basis for regulation and enforcement across all media platforms.
- That there is a need for regular audits of the security of social networks to ensure that the technology companies are operating responsibly and have safeguards in place to protect the data of users and prevent their legitimate privacy from being compromised.
- That the rules on political campaigns and finance must be updated to make them fit for the digital age.
- To consider introducing a new tax on technology companies, and to use this to fund digital literacy programs.

The UK's communications regulator, OfCom, also published a discussion paper on harmful online content which takes a more nuanced approach. It suggests that broadcasting rules cannot simply be applied online, mainly because of the sheer volume of content generated or shared by online platforms, the enormous diversity of online content (which includes user-generated content and conversations), the fact that many online platforms do not create content accessed by their users, difference in context and audience expectations between broadcast and online sources, and the multinational nature of online platform operators. OfCom therefore took a *principles-based approach*, i.e. they identified principles from broadcasting regulation which could form the basis for a framework for online protection. The main principles are:

- Protection and reassurance against harmful content and conduct, reflecting appropriate societal norms, and setting clear standards that the regulated parties are required to adopt in their practices and procedures. This is similar to the idea that the same standards for truth and decency would apply regardless of the technology used to carry the information.
- Enforcement, involving appropriate sanctions to deter bad behaviour. This means that regulators would be given new powers to sanction offenders.
- Upholding freedom of expression. In practice, this means that regulators will pay more attention to the technical processes that platforms employ to identify, assess and address harmful content, as well how they handle appeals, to ensure that legitimate comment gets through while malicious attacks can be prevented or retracted.
- That the regulatory approach must be flexible and adapt to changing consumer behaviour and expectations, and to allow for technological innovation in developing better ways to protect users.
- Transparency about the rules underpinning the regulatory regime, including availability of information to consumers about how platforms decide what content is shown or given prominence, and the source of specific content. One of the goals here is to make it easier to see the difference between real news and deliberate disinformation.
- Public consultations to inform all future changes to regulatory requirements. This is to ensure that the rules regarding e.g. decency will change in line with social values and standards.

The OfCom report identified the most pressing priorities in the development of online standards. These were:

- The protection of children across all sources and types of content. This is to ensure that child pornography and the arrangements for trafficking children are driven off the internet.

- Protection from illegal or harmful content in viewing or online interactions, including exposure to hate speech, the promotion of terrorism, encouragement of suicide, self-harm or violence, bullying, harassment or trolling, disinformation and fake news.
- Mandatory provision of information to users to allow them to make a more informed assessment of material they view online with regard to whether it is factual or fictitious. This could include greater transparency requirements for the algorithms used to rank search results.

Jamaicans want action!

The Broadcasting Commission commissioned a survey in October 2018 which revealed that the public was now 'extremely concerned' about the extent to which children in Jamaica are now exposed to a range of serious online dangers. About 87% of Jamaicans said that their greatest concern was that their children might see pornographic videos involving children. Other major concerns about online risks to children were exposure to violent and pornographic material, including 'revenge porn', and human trafficking. Jamaicans are also very concerned about fake news (70%) and exposure to graphic videos and images from accident and crime scenes filmed by bystanders on their cell-phones then circulated on social media. An overwhelming majority of Jamaicans (82%) said they wanted the Broadcasting Commission to educate the public on how to protect themselves and their families online. They agreed that protection against malicious and harmful online content was important and necessary, especially for young people who are increasingly able to access unrestricted content.

The BCJ's response

Jamaica's legislation and approach to media and communications regulation were largely developed in a bygone age when telephones, televisions, radios, film and newspapers were all different technologies that required separate rules and regulation. They will not serve in the new, integrated environment.

The Broadcasting Commission believes that regulation in the new era requires a much more sophisticated approach than the traditional directives and sanctions employed by regulators in the past. Content regulation has to be limited to what is both essential and feasible, and must always have regard for the right to freedom of expression and access to information. All interventions, in this new era, must be lean, transparent, efficient and effective, content-focused and technology-agnostic. The BCJ is therefore developing a new toolkit, which now includes a mix of sophisticated educational and advisory interventions, as well as the traditional sanctions, and we are developing more flexible models of light,

cost-effective influence. This includes digital literacy, as digitally-literate citizens are now the first line of defence against online crime, fraud and disinformation. So one of the BCJ's goals is to equip citizens with the skills and knowledge needed to recognize if there has been an infringement or misuse of their personal information; to detect media manipulation via disinformation and botnet operations; to detect penetration of social media by terrorist or criminal networks; and to guard themselves against malicious, harmful and inappropriate content.

The BCJ's current public education initiatives include a schools' outreach programme, and advertisements such as the award-winning video 'Pinchy Dead' which warns about fake news. Other BCJ interventions are designed to encourage ethical and responsible sharing of information, for example, warning about why it is important to avoid circulating pictures of dead bodies and horrific accident scenes on social media.

The way forward for Jamaica

The BCJ recently submitted two substantial papers to the government, outlining the way forward for Jamaica. Some of the main points are as follows:

- We need a fundamental rethink of the legislative framework for media and content regulation. Content should be regulated in a dedicated, specialised and technology-agnostic manner, across platforms and devices, encompassing broadcasting, cinemas, video games, social media, virtual reality, augmented reality and AI applications.
- We need to further expand the media literacy and digital awareness programmes, working through schools and educational organisations, to engage students and adults (especially parents) on the critical media and information issues of the day such as cyber-bullying, revenge porn, internet addiction, and other problematic internet use issues. We need to build the capacity of youth, parents/guardians and teachers to detect and report risks; and sensitize people to signs of radicalization or gang recruitment.
- In the longer term, convergence will move beyond telecommunications, broadcasting and spectrum to include infrastructure (such as the smart grid, smart roads and autonomous transport systems, industrial symbiosis and other components of the smart city), government operations, education and training and all other aspects of life, as platforms and networks will continue to converge. The institutional arrangements to deal with technological convergence must therefore be carefully considered; new institutional structures will be required as many existing regulatory boundaries will disappear.

- We must deepen our engagement with regional and international counterparts, as some jurisdictional issues (such as regulating technology companies) will require a regional or global approach.
- We must consider taxing e.g. foreign-based technology companies with a strong presence in the Jamaican market, and use part of the proceeds to fund digital literacy and build regulatory capacity.
- We must develop algorithms to monitor content online and assess the efficacy of the tools used by online operators to protect against various harms.
- We must support our media companies in developing their capacity for fact-checking and detecting disinformation and political manipulation.
- We need to update the provisions for political advertising and campaign finance to make them fit for the age of social media.

The BCJ's new mission

The BCJ believes that Jamaica's future depends on making a successful transition to a fully digital society and economy, so the BCJ emphasizes the new opportunities to create and share information for knowledge building, learning, development and economic activity, while at the same time giving the citizens the skills they need to defend themselves against the predators that operate online.

This is why the Broadcasting Commission of Jamaica has a new mission. Its mission now is "to ensure a successful national transition to a digital economy, using the empowering and liberating potential of technological innovation to encourage new forms of business, social, cultural and media development while protecting the people of Jamaica from potential abuses of communication and influence. We guard against malicious, harmful and inappropriate content; we operate public education programmes to build the capacity of youth, parents, guardians, teachers and the general public to detect and respond to harmful material; and we work with the media to encourage high standards and trustworthiness in journalism".

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