

July 13, 2017

No Internet Overreach Desired

On July 11, 2017 the Gleaner published an editorial which raised a number of important and valid points. The Broadcasting Commission welcomes this contribution to the discourse about the opportunities and challenges of the digital age. However, we would like to clarify a few points with regard to the role of regulators in this emerging digital society.

We are strongly opposed to empire-building, mission-creep or over-reach by regulatory agencies. We believe that any regulation or other form of market intervention should be clearly necessary and justified, and that all regulation should be as light-touch and cost-effective as possible.

However, it is also very important to understand that no Government could, should or will play the part of a passive spectator as the digital society evolves. No socio-economic system can function without clear rules, and it is the job of Government to ensure that the rules are working properly.

It is true – as we have pointed out on a number of occasions – that the digital economy will require a new approach to setting and enforcing market rules, and the Broadcasting Commission is currently consulting with all the stakeholders to develop a modern framework for media regulation in Jamaica.

We believe that this framework must be founded on core principles. We believe that it is very important to develop a model of regulation that encourages innovation, fosters entrepreneurship, supports economic development and growth, allows redress against a monopoly or other market abuse, corrects a market failure, or prevents a social harm.

The digital economy has enormously expanded the range of opportunities for innovation in education, arts, manufacturing and commerce. Sadly, it has also greatly expanded the range of opportunities for causing harm. Paedophiles use social media to groom vulnerable children. Terrorist organizations use social

media to recruit disaffected youth. A number of countries have suffered fake news attacks. Jamaica's gangs use social media to broadcast their rapes and murders. Frauds, cyberbullying, and revenge porn, internet addiction, isolation and depression, uncontrolled opportunities for children to access hard-core pornography and worse – there are even cases where social media has been used to manipulate and bully children into committing suicide - are all profoundly serious problems.

Many governments and even the giant social media companies have been caught off guard by the sheer scale of the problem and are scrambling to respond to these new challenges. Last month, the Governments of Britain and France agreed to a joint programme to ensure that the Internet is not used as a safe space for terrorists and criminals. Germany has just passed legislation for addressing illegal, racist or slanderous comments that are posted online, requiring removal within 24 hours. These examples have made it clear that many existing laws and regulations are no longer adequate to the scale of the task.

So it would be a serious misunderstanding to think that Government could or should confine itself to merely “managing spectrum and bandwidth”. It would also be a serious mistake to think that industry will be able and willing to solve the problems listed above, as they have clearly failed to do so to date. Some of the largest social media companies are now frantically trying to develop the algorithms and fact-checking capacity to deal with the torrent of media output, but they are being overwhelmed by both the volume and the complexity of the challenge. In most cases, the reality is that industry has been slow and reluctant to deal with these problems, and are only now taking action because a number of Governments have said that the current position is unacceptable.

The Gleaner is correct, of course, in saying that communications technologies such as the printing press, the telegraph, the telephone, radio and television were all disruptive in their day, but were then absorbed by society. It is also true, however, that the current situation is unprecedented. We have never before had to cope with the scale and complexity of the challenges facing us now.

The Broadcasting Commission wants to see Jamaica realize the wonderful potential of the digital economy. However, if we do not address the harms and risks listed above, and take appropriate action, our transition to the digital economy will be seriously hampered and our society could be profoundly

harmful. Regulation – provided it is done properly – should provide the stable conditions needed to support development and growth.

We would be failing in our duty if we did not bring these critical emerging problems to the attention of the Government and the people of Jamaica, and develop proposals for the new approach needed. Ultimately, the best outcome will be an informed citizenry, helped by our programmes on media and digital literacy, working in concert with industry and government policies that deliver necessary and appropriate levels and forms of intervention.

The Broadcasting Commission will continue to consult with the Government, the media industry and the people to develop a next-generation model of regulation that is both widely supported and fit for purpose.

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