

## Crafting a community radio 'friendly' broadcast policy in Nepal

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### Abstract

The community radio stations also popularly known as "FM Radio" in Nepal have been instrumental in giving community the 'voice' and laying down a platform for practising and preserving local language and culture. Radio broadcast was not new for people in Nepal but what is 'revolutionary' with community radio is talking 'people's languages in their own parlances (Janaboli Ma Janata Ko Awaz)'.

After operating for more than a decade without any policy, Nepali community radio stations are taking some strategic advances of 'pseudo policy exercise' to counter the government's silence in the form of latent control over community broadcasting.

This article looks into the repertoire of strategies and alliance taken up by civil society (an umbrella association of community radio stations in Nepal, ACORAB in this case) as a forum of citizens' participation and access to lobby, influence and to craft a 'community radio friendly' broadcast policy in Nepal.

**Keywords:** community radio; South Asia; Nepal; broadcast policy & law; freedom of press; civil society media.

### Introduction

Nepal is the first country in South Asia to enter into independent community radio broadcasting. In 1997, South Asia's first community radio station, Radio Sagarmatha went on air weaning out radio broadcast from the state monopoly. Sagarmatha is a local name for Mount Everest, the world's highest mountain in Nepal. Radio Sagarmatha underwent more than half a decade of embryonic struggles before getting the broadcast licence with 17 pre-conditions<sup>1</sup>, which it must adhere to for getting the broadcast licence. The very first 'independent' radio broadcast in South Asia was not quite free from the state control. Radio Sagarmatha was strictly restricted to have flow of 'critical' or 'alternative' view of the government. It is interesting to note that such a state control was not fabricated under any policy related framework, rather was an ad hoc decision by the licencing authority, in this case, the Nepali Ministry of Information and Communication (MOIC).

The story and context both have changed after 14 years of the first airing of independent radio in Nepal. But, what remains the same is the 'ad hoc' nature of regulation for community radio governance by the government. By the end of 2010, the numbers of community radio stations in the country stand at nearly

<sup>1</sup> Radio Sagarmatha website, <http://www.radiosagarmatha.org> (assessed 15th January 2010)

200 with a total of more than 300 independent radio stations granted licences to operate (MOIC, 2010a). Yet, there is no policy addressing specialities of the large and growing independent radio sector in Nepali media.

Due to the lack of policy, radio stations in Nepal are self-declaring as either 'community' or 'commercial' based on their publicized mission, vision, goal and radio programming ideology. Including the self-declared perspectives, there are three types of radio broadcasts in Nepal – state or public radio (Radio Nepal), community and commercial radio stations. Except for the state broadcaster, Radio Nepal all of the radio stations are regulated under National Broadcasting Act, 1993.

The radio broadcast licence granted by the government per se does not differentiate community radio stations from other independent forms of radio broadcasting in Nepal (Martin & Wilmore, 2010: 868). Among 323 independent radio stations issued licences so far a clear majority is that of the community radio broadcasters (MOIC, 2010b). But, looking it from the regulatory stance reveals that there is no existence of a single community broadcasting in the country (ACORAB, 2009: 9). It means, according to the current broadcasting law, all forms of independent radio stations stand the same and treated as equal, be it for control or a rare tokenish governmental assistances in the form of public service advertisements.

In spite of radio being a one-way medium, due to its adaptability and existence in the local information ecology community radio stations have high interactivity through involvement and participation of local communities (Dahal and Aram, 2010: 115). They form counter-hegemonic presence to state or commercial radio broadcast available to the broadcast community. The public broadcasting characteristics upheld by community radio stations are so distinct that it clearly demands a special acknowledgement among all other forms of broadcasting. Thus, to ameliorate community broadcasting, it is proposed to craft a community radio 'friendly' policy within broader broadcast policy if not a separate policy for community radio sector in Nepal.

Community Radio is a well-acknowledged tool that supports participation and representation for the underserved and other similar communities to have their 'voice' represented through the medium of radio. Most of the Community Radio approaches use a radio broadcast technology of FM transmission to attain its goals. Radio is often quoted as "poor man's medium" because of its cheap technology implementation both at the broadcast as well as receiving ends. Community Radio is a medium that well serves the communication needs of the communities and groups which are not represented by the mainstream media for various reasons.

Kevin Howley (2005: 40) defines community radio as "at once a response to the encroachment of the global upon the local as well as an assertion of local cultural identities and socio-political autonomy in light of these global forces". AMARC (World Association of Community Broadcasters) highlights a unique

contribution of community radio to media pluralism the world over and promotes it as an ideal means of fostering freedom of expression, development of culture and identity, and active participation in local life<sup>2</sup>. The second Asia Pacific regional conference of AMARC participated by 20 countries issued *Bangalore Declaration*<sup>3</sup> in 2010, calling for supporting initiatives that aid access to digital and other technological opportunities to enable community broadcasting in an ever-widening scale. The AMARC conference also brought out attention on the policy issues for creating spaces on the airwaves for diverse and marginalized voices.

Radio's communitarian benefits have been well documented from its history. Radio was used by "exploiting the medium's ability to collapse time and space in order to enhance social interaction within and between communities" (Howley, 2005: 239). This is radio's true democratic potential. On the other hand some earlier critics like of the Frankfurt School argued that radio organizes its listeners not as citizens but as consumers and divides it into further fragments to sell it to the advertisers. Although never undermining its potential to be a liberator provided its organization is to be wean out from the clutches of profit making corporates and hegemonic neo-capitalists.

Community Radio stations, especially in rural areas, provide an important social infrastructure. In Nepal, Community Radio has helped in conflict transformation and peace building by promoting human rights and culture of peace through messages, awareness programmes and social narration (Martin et al., 2008: 2). Despite their financial and organisational weaknesses as individual stations or projects, community media are being increasingly recognised as the third and distinct sector of broadcasting by recent policy and regulatory developments in Europe and across the globe (EU Parliament Report, 2008).

This article looks into the repertoire of strategies and alliance building taken up by civil society (an umbrella association of community radio stations in Nepal, ACORAB in this case) as a forum of citizens' participation and access to lobby, influence and craft a community radio 'friendly' broadcast policy in Nepal. In so doing, this research asks following two questions:

- i. In the context of recent revolutionary policy changes in the country, what would be the appropriate community radio policy in Nepal?
- ii. Can a policy formulation process be crafted to include the strategies taken up by civil society organization (in this particular case by ACORAB)?

This article maps the trajectory of community radio movement in Nepal and seeks to answer the research questions in suggesting measures to formulate a community radio 'friendly' policy in Nepal. The first section outlines the theoretical framework and methodology of the research. The second section narrates policy related experiences of the very first community radio in South Asia, Radio Sagarmatha. The third and

<sup>2</sup> For details on AMARC and its activities, visit <http://www.amarc.org>

<sup>3</sup> <http://asiapacific.amarc.org/index.php?p=2> Conference Asia Pacific 2010

fourth sections look into organization and growth of independent radio stations in Nepal. The fifth section observes the paradox of current law related to community radio licensing with the sixth section elaborating the policy lobby exercise by Nepali civil society, which I term as 'a pseudo policy exercise'. The seventh section discusses different public policy models and charts a suitable model for community radio policy; and finally, the eighth section concludes the article with proposing a way into crafting community radio 'friendly' policy in Nepal.

### **1. Methodology**

In the late 70s, Berlo Bretch in his seminal publication on radio wrote "Radio could be the most wonderful public communication system imaginable, a gigantic system of channels...capable not only of transmitting but of receiving, of making the listener not only hear but also speak, not of isolating him but of connecting him" (Bretch, 1979: 25). Bretch's vision is well caught in the activities involving community radio in that it has given community ample opportunities to be interactive.

One of the characteristics of the underdeveloped community is isolation, both physical and social. This isolation is one of the problems which mass communication systems hoped to tackle. Community communications have to address themselves to the problems of creating self-awareness, of boosting morale, and to the problem of giving access to information to those who need it towards societal conscientization (Servaes and Malikhao, 2005: 98).

To understand the importance of community radio as an alternative media we need to situate them in the political and democratic theories that have provided theoretical and intellectual support for their identities and practices. The participatory models of democracy and the related broadening of the definition of the political especially have influenced and cross-fertilized alternative media.

The New Left theorists of democracy (cf. Mouffe 1993) have suggested the introduction of direct democracy in more localized and organizational spheres such as the political party system, the workplace and the local community. As such community media, particularly community radio stations represent the ideality of organizational local community workplace hence is an ideal place for participation (cf. Bailey, Cammaerts & Carpentier, 2008).

Community Radio is more than just a simple technology of radio broadcast. The characteristically different ownerships and organization processes separates them from other forms of radio broadcast (either state or commercial radio stations) hence, it serves as a tool for community empowerment through participation.

Community radio as a participatory form of radio means a radio station that is self-managed by those participating in it. Self-management principle implies the right to participation in the planning and

production of media content. Jan Servaes and Patchanee Malikhao however, warn that "not everyone wants to or must be involved in its practical implementation" (Servaes and Malikhao, 2005: 95). The participation in such cases are guaranteed through participation at the policy level, which means that the policy in the decision-making regarding the subjects and its selection in the messages and also in the decisions regarding its appropriateness in broadcasting both in terms of time and duration.

Community radio supports the democratization of communication, in which the receiver is not a simple listener but a participant. A participant in a community radio is involved not only in the content making, but also on the decisions of what to broadcast and what not to. Community radio process makes media more accessible to non-professionals from different positions and backgrounds.

Raymond Williams wrote that "one of the major benefits of new technologies could be a significant improvement in the practicability of every kind of voluntary association: the fibres of civil society as distinct from the market and the state" (Williams, 1983: 150). Hence community radio station as a new technology for the community offers a participatory civil society organization in democratization process.

At the level of structural participation, community media's decision-making structures allow for its members to co-decide (in varying degrees) on the media organisations' policies and management, thus contributing to the democratization of the media system. Participatory characteristics make community media the third media sector "fluidly embedded in, and interconnecting with, civil society" (Carpentier and Scifo 2010: 116). "The right to communicate supports in other words the democratization of communication, in which the receiver is seen as point of departure and in which is pleaded for increasing participation and for making media more accessible to non-professionals" (ibid.)

This research is based on the theoretical framework of democratization of communication through participation in decision making by the civil society organization (in this case, ACORAB) to 'craft' a community radio 'friendly' policy in Nepal.

The research follows an approach to review policy documents and papers called Focussed Synthesis (Dukeshire & Thurlow, 2002: 4). It involves the selective review of written materials and existing research findings relevant to a particular research question or issue related to policy and suggests improvements in the policy domain. Since the methods connotes similarity with popular and ubiquitous literature review method, Fakson Banda and Pieter J. Fourie warn us that Focused Synthesis should not be "confused" with the former as it "uses information sources to the extent that they directly contribute to the overall synthesis" (Banda and Fourie, 2004: 52) of the situation particularizing policy changes as an outcome. It uses varieties of sources beyond published policy documents which include discussions with experts and stakeholders, anecdotal stories and importantly personal past experience of the researcher.

The methodology of Focussed Synthesis was first introduced by Ann Majchrzak (1984:59-60) in explaining technical analysis drawing on discussions with stakeholders, policy-makers and unpublished materials as well as a selective review of research reports. For this research, the analysis was carried out reviewing policies related to media, freedom of expression and broadcasting in Nepal along with in-depth interviews with stakeholders and policy activists. The researcher's experiences in working with Nepali media in general and community radio sector in particular from past 15 years added the insights into the understanding of media policy making in Nepal.

## **2. A case of the very first community radio in South Asia**

The Constitution of Nepal, 1990, for the first time in the country's history granted the Rights to Information as a civil right. Accordingly, the democratic government in 1992 announced the National Communication Policy. Apart from other supportive clauses for establishment of independent media, the policy clearly stated establishment of 'a separate Act' to manage the radio and television broadcast in the country. The policy also opened the avenues for establishing radio stations by private parties using FM technology to broadcast educational and entertainment contents in limited areas.

Subsequently, the National Broadcasting Act, 1993, was enacted but due to failure in formulating the adequate regulation, the Act remained idle for two years. Still elusive yet quite supportive policy scenario encouraged a group of communication enthusiasts at the NGO, Nepal Forum of Environmental Journalists (NEFEJ) to get involved in a discussion to establish an independent FM radio station. The initiative was supported by UNESCO. It was a new venture in the whole of South Asia as radio was still a state affair. Nepal too had no particular laws to allow independent broadcasting. NEFEJ decided to take a first lead to lobby for appropriate policy and legislative changes. The next move was to apply for a radio broadcasting licence. It first applied for a licence on 23<sup>rd</sup> October 1992; five days after the government announced the new communication policy declaring allowance of independent broadcasting in the country (Bhattarai & Ojha, 2010: 9).

The National Broadcasting Regulation was issued on 11<sup>th</sup> June 1995 and a clause in it gave government a right to impose "special conditions" while granting licences to independent broadcasters. As the Rule 8(j) states that 'The Ministry has the authority to add other conditions', the regulation was draconian (for the case of community media) as it even allowed to issue, undefined, 'extra' conditions that broadcasters were required to abide by.

NEFEJ and its partners took to themselves explaining the benefits of community radio to four different ministers and their secretaries at the Ministry of Information and Communication before finally being

granted permission to broadcast (Bhattarai and Ojha, 2010: 10). Radio Sagarmatha was eventually licenced on 18<sup>th</sup> May 1997 and it began a pioneer two-hour broadcast on 22<sup>nd</sup> May 1997. Hence the very first community radio in the South Asia was incarnated.

The broadcast licence had to abide by the "17 conditions" imposed by the licensing authority. The first independent radio licensee in South Asia was not 'free' from state control and manipulations. One of the stringent conditions included in the preconditions was that the radio was not allowed to broadcast news and current affair programmes and another one to refrain from taking advertisements or other sources of revenue defined as 'economic'. But, what was 'economic' was not explained. The most predatory among the preconditions was that the government officials would vet the programming issues by mandating a government nominee into the radio's Board of Directors.

Despite the impeding policy scenario Radio Sagarmatha in past nearly one and half decades has evolved as a truly independent and credible radio institution in South Asia. It now broadcasts daily 18 hours of news, current affairs and development related contents on the 102.4 MHz radio dial from Nepali capital, Kathmandu.

### **3. Organizing independent radio stations in Nepal**

Independent radio stations in Nepal are organized under their respective umbrella organizations. Profits making commercial radio stations are organized under the Broadcast Association of Nepal (BAN) and the Association of Community Radio Broadcasters Nepal (ACORAB) is a common platform of community radio stations. Such organizations have helped radio stations to lobby, advocate for and garner support for their fraternity. Despite a strong organizational unity the lack of regulatory distinction has been most adverse to community radio stations, especially at the time of uncertainties and difficulties as well as in getting government support, if any.

ACORAB is a common platform of nearly 200 community radio stations and continues lobby and advocacy activities for the sustainability of the community radio sector in Nepal. Recently, it carried out a broad and extensive policy study exercise to 'recommend laws and regulations that would help community radios' to the government of Nepal (ACORAB, 2009: 11).

The review exercise first of all took stock of national and international laws and policies related to broadcast sector as general and community radio in particular. Before the study ACORAB circulated a 'status paper' on the state of community radio based on existing national acts and laws among its member radio stations and also to broader stakeholders. After receiving feedback and suggestions on the status paper, an 'issue paper' proposing changes in Nepali broadcast laws to make them community radio 'friendly' was prepared. The

engagement in the issue paper was broader than in the status paper. It reviewed the community radio policies in the neighbouring countries like India and Bangladesh and also far and wide internationally, from Uruguay, Ireland, the USA, Australia and the UK. The issue paper was then presented to community radio specialists and representatives of organizations working for community radio including the executives of the World Association of Community Radio (AMARC) for suggestions. The same paper was also presented at the gathering of representatives from various community radio stations held in Kathmandu and suggestions were solicited.

The policy study (ACORAB, 2009: 8) recommends a 12-point agenda dealing with the objectives of community radio broadcasting policy in Nepal. It recommends establishment of an authoritative, representative and independent body for regulating community radio stations by the country's legislature but within the legal provision and revision. This will make such authority accountable to the legislature, hence to the people. The study recommends categorizing community radio stations according to their services to people, particularly defining its communitarian benefits (for the communitarian benefit of community radio in South Asia, see Dahal & Aram, 2010). A clearly 'spelt out' institutional qualifications for setting the membership criteria for community radio applicants are highlighted. Special recommendations include specific demarcation of community radio frequencies and provision of legal guidelines for the management and programme contents. Granting of a community radio licence is recommended to be initially for five years with free renewal every another five years limiting up to two times. Beyond the two times renewal ACORAB strongly recommends that 'the community radio licence should be auctioned through public hearing and competition' (ACORAB, 2009: 8).

A proposal for the drastic reduction in tax and import duty for community radio including removal of royalty and provision of subsidies on the public utilities used by community radios has also been put into the recommendations. Last but not the least, ACORAB optimistically recommends that 'the development of community radio should be included in the directive principles of the country's Constitution; and setting up of a community radio development trust to recognize and support the public service role of the community radios (ACORAB, 2009: 57).

Such extensive exercise has helped to analyse the strengths and weaknesses in retrospect of the law and policies since the establishment of the first community radio station. It has opened up the discussions to chart a secured future for community radio broadcasting in Nepal. It is especially important in the current situation, where lack of policy related to the sector has contributed in unwarranted explosion of community radio stations. The following section looks into the aspect of recent rapid growth of independent radio stations in Nepal.

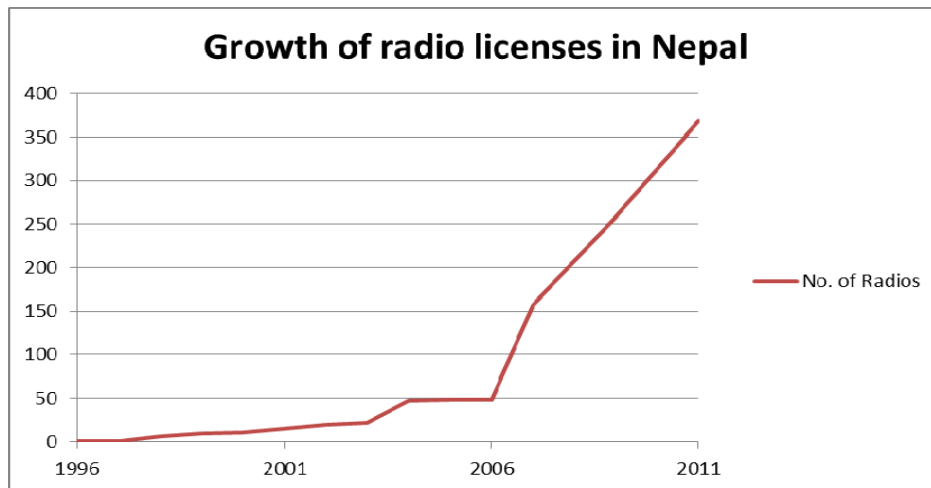


#### 4. Ephemeral growth of community radio

Community radio stations have been offshoot of socio-political movements to establish democracy in Nepal. The period after 1997 until 2006 was uneasy for both the country’s young democracy and the infant community radio sector. The heightened enthusiasm actuated by the establishment of Radio Sagarmatha and communities’ recognition and solid support in establishing “our own radio” contributed an ephemeral expansion of community radio stations in Nepal, provided that the prevailing media policy is not restricting such media to come into the existence. This was possible only when the country was under democracy and rule of law.

The graph of independent radio licences plotted against a time line results in an elongated exponential curve, showing a very slow expansion until the year 2005 and a boom period following the year 2006 (see Figure 1). We come across two significant years of 1998 and 2005, in the timeline when no private radio licences were issued. The first year was the period of heightened political chaos orchestrated by the country’s hung parliament and the second year is when the then King took power to himself by banning all the media in Nepal. The independent radio’s boom period owes to the country’s recently established *Loktantra* (People’s Democracy) following mass uprising in 2006.

Figure 1: Independent radio stations since the establishment of the first community radio.



Source: Author (Data: Ministry of Information and Communication/GoN)

The community radio stations popularly known as “FM Radio” in Nepal have been instrumental in giving community a ‘voice’ and laying down a platform in practicing and preserving local language and culture. The role of community radio in overcoming armed conflict and establishing peace in the country has also

been acknowledged in a global forum (cf. CFSC, 2006). Guided by a clear-cut organizational policy based on the set long-term objectives in serving the community of broadcast, community radios serve as common assembly of community participation and access to realize as democratic media.

Radio broadcast was not new media for people in Nepal but what was 'revolutionary' with community radio was talking in 'people's languages' in their own parlances (*Janaboli Ma Janata Ko Awaz*). Fifty years on, the state broadcaster, Radio Nepal was airing standardized 'elite voices' eluding the diverse socio-linguistic characteristics of Nepali population (Parajulee, 2007).

When a group of development enthusiasts got together to establish a first private community radio in Nepal, the State broadcaster, Radio Nepal jumped ahead and initiated a FM broadcast under new services to woo young listeners of country's capital. A new service was an extended part of its premium commercial venture called 'Advertisement Services'. 'Advertisement Services' was primarily varieties of musical shows to raise advertising for Radio Nepal based on the popularity among listeners. Although Radio Nepal was the sole broadcaster from Nepal, the Nepali audience nevertheless have different choices of radio broadcast available to them. The other popular radio stations for Nepali audiences were All India Radio (AIR), Nepali services of Peking Radio (China) and Radio Ceylon from Sri Lanka. AIR radio has a dedicate service for the Gorkha regiments of the Indian army. It is a special recruit of Nepalese into the Indian army following the British era when the then Rana rulers in Nepal limited the advancing British army by sending soldiers to serve British Empire (cf. Karan, Ishii & Ito, 1996: 11). AIR's Nepali language service was very popular in Nepal because it was the only free and quickest means to get information about the Gorkha soldiers to their families at home in the form of letter reading over the radio. AIR generally was popular for its Hindi songs among Nepali masses. Nepali audiences from different nooks and corners of the country used to participate in AIR by sending song dedication in postcards. Similarly, another popular Hindi songs show *Binaca Geet Mala* broadcast over Radio Ceylon was highly popular among young Nepali audience who were dedicated fans of Bollywood movies. Nepalese by and large, though thought that both Hindi songs over AIR and *Binaca Geet Mala* were Indian broadcasts.

Radio Nepal emulated the listeners' participation by starting a special program called *Farmaisee Geet* (Dedicated Songs) under its commercial service. Radio Nepal from its establishment in 1951 divided its broadcast into two services, viz., 1) National Service and 2) Commercial Service. Under the former programs on education, agriculture and development were broadcast whereas the later was fully dedicated to entertainment programs from the beginning with insertions of notices of public awareness programs (Adhikari, 1993: 4). The same study reports that entertainment contents were nearly 60% and the commercial service was for the 70% of the total broadcast time (ibid.). We should remember that even after Nepal's re-entry into democracy in 1990 and the constitutional guarantee for the freedom of the

media along with subsequent entry into the open economic policy, Radio Nepal was the sole provider of radio service until 1997. Radio Nepal's FM Kathmandu broadcast on 100 MHz in 1996 was a mere transformation of the *Farmaisee Geet* to suit the likes of new generation of Nepali audiences who were infused to myriad forms of Hindi and Western music such as Rap and Hip-hop, Reggae, Pop, Metal Rock, Soft Rock etc. It was a part of the country's entry into the Western media culture and possibly marginalization of local language and culture, which is potentially another subject of study into Nepali radio.

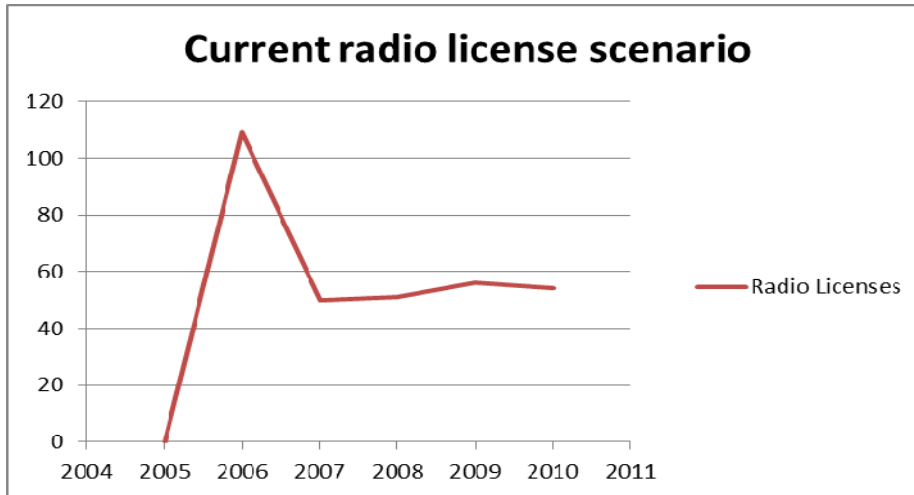
"Nepal's community radios are exemplary to the world" is the common verdict of International Media Missions and other international humanitarian organizations that have visited Nepal to observe the situation of press freedom (cf. IMM 2009). Community radio stations have been contributing consistently in favour of the right to information and freedom of expression and opinion of people. The independent radio stations, which have launched a "Mission Democracy" from the very launch of the *Peoples' Movement II*, even staking their identity on it, have proved to be the most effective and accessible media for all of the Nepali people (Dahal & Aram, 2010).

The Nepali community radio sector, by and large, is facing following structural challenges.

- Absence of explicit legal and policy framework
- Unorganized and unplanned growth
- Professional and ethical journalism practice

The detail analysis of these challenges would invite publication elsewhere. In this article, I will deal with the aspects of structural challenges related to the community radio policy making. Among these challenges lie advantages of community radio in supporting or complementing the two mammoth tasks facing the country in its recent socio-political history. One is in making of the new Constitution and another is translating Nepal's decade long conflict into a sustainable peace.

A graph of last five years of community radio growth in Nepal shows steep exponential curve attributing to an ephemeral rise in radio licencing in the year establishing democracy then a balance growth in these intervening years (*see* Figure 2).

**Figure 2:** Ephemeral rise of Nepali community radio in 2006.

Source: Author (Data: Ministry of Information and Communication/GoN)

The April, 2006 uprising popularly known as *People's Movement II (Jana Aandolan II)* in Nepal compelled King Gyanendra to abdicate. He relinquished the absolute rule to the country's parliament by reinstating it. King Gyanendra assumed absolute power through bloodless coup on 1<sup>st</sup> February 2005. The reinstated parliament then proclaimed Interim Constitution of Nepal, 2007, on 15<sup>th</sup> January 2007 ultimately disposing the King at the night of 28<sup>th</sup> May 2008. Nepal became the youngest republic in the world on that day. The country is witnessing a radical change in its socio-political and cultural identity following the 2006 mass uprising, which will have dramatic change effect in the country's political structuring including public policy making.

Community radio sector in Nepal is involved in a key to engage the people in political transformation process. In so doing, it is creating enabling environment towards access and participation in information and communication. This role of community radio will help rural people to better understand different issues and concerns affecting their lives. In their case studies of the programs and impacts of community radio practices in Nepal, Kristy Martin et al. find stories from the field that highlighted the role of community radio as "a social educator, a facilitator of important social discussions, a negotiator and informer of technological change in village communities and an outlet for local voices to be heard and community values reinforced or challenged" (Martin et al., 2008: 2).

Despite of exemplary performance of the Nepali community radio stations in the past 14 years, there is an urgent need to improve laws and regulations to recognize their unique standing. The current framework of

legislation, policy and regulation has many gaps and discriminatory provisions, which stand in the way of ensuring an independent identity for community radio stations.

### **5. Policy paradox: Negating achievements of community radio**

Terry Flew (2006: 285), citing Anthony Smith (1989), informs that the major attempts to guarantee the public interest in broadcasting was through the “monopolization of the airwaves by state-funded broadcasters, which occurred in the majority of European, Asian, African, and Latin American countries prior to the 1980s”. Such monopoly not only failed to secure public interest in the media but was also used as propaganda items for petty political interests. The deregulation following liberalization was an effect of such monopoly that the media control was either shared or transferred from the state to a new structure of corporate-state interests.

The National Broadcast Act, 1993, was enacted as a general law for all the electronic broadcast media in Nepal. It has similar rules for radio and television except in the case where distinction in operation and content is to be made. The Act has facilitated establishment of both commercial and community radio stations. Although the aim, scope, service, ownership and management of community and commercial radios are quite distinct from each other, the governing law treats both with equal status and strength. This is so, owing to the lack of separate policy for community broadcasting. The same is the case in attitude of the government towards them. On the equal grounds the laws fail to protect the specialty of the community broadcasting sector. The community broadcasting in Nepal is negatively served by the provision under the present laws governing it.

The National Broadcast Regulation, 1995 of the Act contradicts, impedes and negates the achievements of community radio broadcasting so far in Nepal. The broadcast law does not distinguish community and other form of broadcast media. The ‘so-called’ division of community and commercial sector of Nepali independent radio stations is a self-announced to protect their respective fraternity, which does not have any legal standing. As community radio is owned, operated and established by local communities their principle of broadcast is fundamentally different than that of any commercial radio enterprise within the same community. The community broadcaster needs more protection and facilitation due to its non-profit and community serving characteristics.

Under the present law community radio stations have to compete with commercial radio stations. They pay the same amount of tax and royalties to the government at the same time, bearing a brunt of being a public sector rural broadcaster. Public broadcasting characteristics upheld by community radio stations are so distinct that they form counter-hegemonic presence to state or commercial radio broadcast.

Section 5 of the Act has a provision that an application has to be filed at the Ministry of Information and Communication (MOIC) for the licence and Section 6 states that it would grant licence as per the conditions set forth necessary after carefully scrutinizing the application. It is clear that in some cases the ministry avoids giving licence justifying the failure on the part of the applicant to adhere to the "conditions" (cf. Onta, 2005: 118). Similarly, there is no appeal agency to seek the justice, let alone of the transparency during the licensing process.

The provision of "other conditions" (Rule 8-j) stipulated in the Regulation could easily be misused by the ministry to give licences only to the parties it favours. At the same length, it can always revoke the licence where the broadcaster is a critic of the government programme, policies and actions. This has been a lived experience of community radio stations, where the ministry has not hesitated to put new "conditions" while renewing the licences (for example in the case of Radio Sagarmatha). Similarly, the Act has prioritized the development contents to be broadcast from radio stations but it is silent on the provision of monitoring and evaluation, which will give the licensing authority a renewed power to put further 'conditions' or take unjust actions citing failure to adhere to the regulated contents.

Similarly Section 3 of the Act states that "Government shall have the right to formulate policies to oversee and operate programmes broadcast". But the Regulation of the Act does not restore any responsibility to the government towards supporting the community radio. Community radio station is established to give voices to the marginalized and make their presence within the mainstream to strengthen and protect the democratic values and principle building a just society.

Community radio stations serves as rural public broadcaster. Their radio programming ideology limits in utilizing all available resources from the market. For example, in Nepal many community radio stations refrain from taking advertisement of the products the communities think harmful, such as instant noodles and even multinational products like Coca-Cola<sup>4</sup>. The community radio sector clearly demands state support as a rural public service broadcaster. Interestingly though the independent radio stations whether commercial or community has been well integrated into Nepali communication ecology in these intervening years.

The successive governments, from time and again have been setting up high level committees to study the problems of communication sector in Nepal. Such committees are formed following major political changes in the country. The principal recommendation of such committees, formed from 2002 onwards, has particularly been urging the imminence of establishing a free and independent National Broadcasting Council. Establishment of the council will effectuate monitoring both the government owned and private broadcast media and to assert people's right to information. In spite of the fact that the detailed reports

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<sup>4</sup> Bhumiraj Chapagain, the Station Manager of Vijaya Community FM, Nawalparasi revealed it during an interview on 28th January 2010.

submitted by various committees are put in the ministry's website<sup>5</sup>, the government has not been quite enthusiastic to implement its suggestions. The committees are high level to the fact that they are mandated by the country's highest authority such as in some case, the Council of Ministers and some even by the country's parliament.

Des Freedman notes "the idea that contemporary media policy-making is a model of transparency and accountability is flawed" (Freedman, 2006: 918). This has been true in the case of media policy formation in Nepal. The limited public involvement and parliamentary scrutiny that does take place in some cases of policy formation are side-lined by a relationship nexus between industry and government. Such a nexus is always "marked by intimacy, lack of transparency and shared objectives" (ibid.).

After operating for nearly one and half decades without any policy guidelines, Nepali community radio stations have realized a necessity of the one. The radio stations have now taken some 'surprise' strategies to counter the government's silence (in the form of latent control) towards policy formation, which is the topic for the next section. The situation also calls for attention as the Nepali community radio sector is facing some structural contradictions such as ideality of licences, uncontrolled demand of more wattage power, unjust competitive malpractices etc.

#### **6. Self-policy formulation: "a pseudo policy exercise"**

ACORAB as an umbrella organization representing community radio stations in Nepal is taking along other representatives of the fraternity such as the Broadcast Association of Nepal (BAN) representing commercial radio stations and Kathmandu Valley FM Broadcast Forum (KVFBF) for advocacy collectivism for policy formulation. As a part of the Nepali civil society they collectively campaigned to reduced royalty and waiver of annual renewal charge for the community radio stations, which they ultimately managed to secure from the government. In an interview on 15<sup>th</sup> February 2010, P. Tandukar, Executive Director of ACORAB, says "ACORAB has always taken multipronged strategies to protect its member radios during the time of crisis. For example, in a case of the padlocking of Radio Ramaroshan by local liquor traders for exposing illicit liquor trading in remote Far-Western district of Achham, ACORAB approached the local government authorities, political party leaders and secured the smooth operation of the local radio".

Concerned with the increased threats to the local journalist and radio stations in Nepal's Terai districts following the appearance of armed splinter groups, ACORAB together with BAN, KVFBF, Editors' Alliance and the Nepal Media Society have formed the Alliance for Press Freedom on 23<sup>rd</sup> December 2008 in Kathmandu. The Alliance is a civil society media body including national daily newspapers, television

<sup>5</sup> Ministry of Information and Communication website [www.moic.gov.np/reports.php](http://www.moic.gov.np/reports.php) (accessed 15th January 2010)

stations, radio stations and online news portals to protect press freedom and freedom of speech (*The Kathmandu Post*, 2008: 6).

It is not difficult to see that the reports by various committees and taskforces formed in different times by the government were meant to inform the drafting of new legislation and a new policy for the Nepali broadcast sector. These committees have recommended and presented drafts policies stating that community radios should be categorised and dealt with separately. But the government has kept mum to its own decisions. It is quite evident that the government is declining from making separate laws for community radio stations.

A study of foreign policies and laws (ACORAB, 2009: 43-54) also shows that community radio stations have been placed in a separate category with clear definitions within a policy in many countries. There is a new common recognition among European regulators that community radio serves as a 'third sector media' differentiating from traditional state and commercial media establishments (Jiménez & Scifo, 2010: 135). But the lack of recognition of such broadcast sector in existing Nepali media policy documents shows a bigger policy gap which cannot be mended by simply amending the act but with drafting of a completely new community radio 'friendly' policy.

As an effective advocacy and lobbying strategy, viz. state and law; public opinion building and building advocacy capacity ACORAB has initiated 'a pseudo policy exercise'. A high-level conference of policymakers including the Speaker of Constituent Assembly was organized recently to issue a 12 point declaration, originating from recommendations of the policy study exercise, demanding community radio 'friendly' reforms in the broadcast policy. Accordingly, the policy formulation exercise is taken to a new level and renewed height by drafting a completely new community radio 'friendly' policy as a 'surprise' strategy against the government's quiescence over policy formation. In an interview on 15<sup>th</sup> February 2010, P. Tandukar informs that the self-drafted 'Community Radio Broadcasting Act, 2010' is circulated wide and public among country's policy makers, other media outlets, influential masses and member radio stations through consultative meetings before submitting it as a reference to the Government of Nepal for speedy drafting of the community radio 'friendly' policy. It is a matter of regret that even though the Nepali community radio stations have contributed to the social transformation in the nation to a degree recognized in many international forums (cf. CFSC, 2006) yet there are no legal provisions and effective policies to govern them.



### **7. Community radio policy making: some models**

Community radio stations, especially in rural areas, provide an important social infrastructure. In Nepal, community radio stations have helped in conflict transformation and peace building by promoting human rights and culture of peace through messages, awareness programmes and 'social narration'. In some cases it has even sustained injuries to help resolve conflict or at least reducing its intensity and by helping communities cope with conflict by showing working alternatives to the conflict victims (Dahal and Aram, 2010: 113).

An examination of community radio legislation around the world finds a sector dominated by a lack of cohesive policy. There is a sincere acknowledgement that community radio is not "just radio" but a platform for "social organizing and representation coalesced around 'communities of interest' and/or small-scale geographic locales" (Coyer, 2006:129).

Drawing from Nicholas Henry's (1999: 225) models of public policy-making, Fackson Banda and Pieter J. Fourie (2004) discuss four different models of policy making for community radio for the developing economy. The first is 'Elite/mass model', where the elite public administrators as policy-makers calling themselves as either 'servants of the people' or as 'the establishment', postulates the policy making. This is a top-down policy making exercise with the notion of a society divided in the line of power haves and power have-nots. Within this model of policy formation exercise the status quo is supported and curtails any chance of alternative changes within policy scenario.

The second one is 'Institutionalist model' (Banda and Fourie, 2004: 63), which focuses on policy making through the organizational structures within the state machinery. It advocates that only the state institutions such as the legislature, executive, judiciary, political parties have role in the policy formation. The policy originates according to the government's requirements and it is drafted within state institutional periphery as a control tool. In democracies the mass is represented in proxy of 'institutional web'. The main significance of 'institutionalist' model is giving legal authority to policies with a complete set of sanctions for those who disobey such policies. Public policy will be universalized and extended to take into all the citizens.

The third is 'Group model' (Banda and Fourie, 2004: 64), in which the model projects the notion that in a pluralistic society pressure groups and lobbies also have relevance in public policy formation. This model allows groups other than the government such as special interest groups or non-profit organizations (equivalent of civil society per se) bring their respective ideologies or agendas to bear on the process of policy-making. Interestingly this model takes public agendas into consideration and systemizes it in the public policy formation. The model looks more democratic than the first two. But the power issues remains intact within this model also, as chances are likely that the influence of more powerful interest group tilts

the policy-making into its favours. The power may be in the forms of "finances, information, capacity, et cetera" (ibid).

The fourth is 'Organized anarchy model'. The organized anarchy model imagines three key 'streams' of players in policy formation, they form "problem stream, political stream and policy stream" (Banda and Fourie, 2004: 65). The role of the first two streams is to focus the public's and policy-makers' attention on a particular social and political problems, defining the problem, and either applying a new public policy to the resolution of the problem or letting the problem fade from sight. The policy stream specifies the decision agenda or the "alternative specification". This agenda or specification is the list of alternatives from which a public policy may be selected by policy-makers to resolve a problem.

Nepal's broadcast policy formation as public policy exercise, by and large, falls in the category between 'elite/mass' and 'institutionalist' models. Although from the year 1990, some public policy formation initiates within different committees in the parliament, there are instances, where even the parliamentarians as 'people's representatives' are 'creatively' by passed to establish the status quo retaining the old form of elite control (Dahal, 2005: 9). But, a change in Nepal's political history after 2006 *People's movement II* has put forward a new socio-political agenda through new constitution making. Although the country's bureaucracy and polity are still marred by the old school of thoughts and actions preferring status quo, a new breed of social engineers are craving for radical changes. The change makers are taking the public policy formation between 'group' and 'organized anarchy' models of public policy formation. There is inherent threat that absolutism towards any set model might create a 'bandwagon effect' to status quo ante. The 'pseudo policy exercise' of ACORAB, in the forms of advocacy and lobby activities, is an exemplary in this regard.

The ground reality of non-governmental public policy formation in Nepal is such that it has to pass through the doors of nearly a dozen ministerial level government authorities. Their influences are pervasive as well as authoritative to the extent that the role and position of non-government governmentality in Nepal pertains to a weak phenomenon of public policy making (Dhakal 2008: 71). The breakage from elite/mass and intuitionist models nexus would invite a battle hard to win due to the existence of a complex bureaucracy-polity mix creating a stronger 'state web'. Wayne Parsons also warns us that "Policy-making in liberal democracies has, for the most part, been more about muddling through" (Parsons, 2002: 43).

## 8. Conclusion

The recent radical changes in Nepal such as remotion of 240 years old monarchical political identity and subsequent socio-cultural actions therein are contributory to overcome 'elite/mass' and 'institutionalist' models of media policy making. These changes also seem to underpin the existing public policy initiatives in Nepal. The policy related advocacy carried out by civil society organizations like ACORAB in tandem with others non-governmental entities suggests a model motivated, firstly, on the basis of the group model of policy-making. Secondly, it seems reasonable that the policy model being exercised by the actors other than bureaucracy and polity should also be informed by the assumptions of 'organized anarchy' model. Organized institutions of academicians and researchers represent the 'policy stream' within the model. Nevertheless, role of other 'actors' of the 'policy streams' such as high-level political appointees, members of the legislature, interest groups, political parties cannot be undermined in the scenario of public policy building in Nepal. Such 'a pseudo policy exercise' laid particular emphasis on the validity of the contributions of the various media interest groups towards the development of media policies in Nepal.

If the policy process is properly managed as informed by 'group' and 'organized anarchy' models of community radio policy formation, it should be so inclusive as to have inputs from cross-sections of Nepali society, who were never a part of policy making as such. Including advocates of a far more democratized community broadcasting system in policy making set it free from the interferences of the 'elite' and 'institutional web'. It is for this very reason that the 'group model' seems an ideal policy formulation process for ensuring specific interests of the community radio broadcasting sector. The characteristically different ownerships and organization processes separates community radio stations from other forms of radio broadcast (either public or private radio) and it makes community radio as a tool for community participation and empowerment (Dahal and Aram, 2010: 112). It's positioning and amalgamation within a community clearly demands a separate policy for community radio sector, if not a community radio 'friendly' policy within broader broadcast policy in Nepal. I call this as 'crafting' of a community radio 'friendly' policy. However, critics warns us that "despite the growing number of 'stakeholders', there has not been a significant challenge to the power of a central policy-making core" (Freedman 2006: 921).

Even in Nepali democratic experiences, the non-profit sector is always being deserted by the power and wealth hungry political and economic society through concrete policy manifestation (Dahal, 2001: 8). Consequently, Nepali civil society far from becoming an autonomous sphere, have become a part of the political society. To protect the community radio, as a civil society media from being absorbed into such politico-economic nexus, it becomes highly rational to 'craft' a community radio 'friendly' policy if not a separate law for community radio sector.

## References

ACORAB (2009). *Nepalma Samudayik Radio Kanooni Byabastha Ra Awasyakta*. Kathmandu: Association of Community Radio Broadcasters Nepal.

Adhikari, R. B. (1993). Socio cultural and economic impact of broadcast advertising in the region. In AMIC Seminar on Legal and Regulatory Aspects of Satellite Broadcasting, New Delhi, Oct 21-23, 1993. Singapore: Asian Media Information and Communication Centre. Available online at <http://hdl.handle.net/10220/3051> (retrieved 27th February 2010)

Bailey, O. G., Cammaerts, B. & Carpentier, N. (2008) *Understanding Alternative Media*. Maidenhead, Berks: Open University Press.

Banda, F., & Fourie, P. (2004). Towards a policy model for community radio broadcasting in Zambia. *Communicatio*, 30(2), 50-83. doi:10.1080/02500160408537996

Bhattari, B. and Ojha, G. (2010) *what's On Air?* Kathmandu: Community Radio Support Center (CRSC)/Nepal Forum of Environmental Journalists (NEFEJ).

Brecht, B. (1979). Radio as a Means of Communication: A Talk on the Function of Radio. *Screen*, 20(3-4), 24. John Logie Baird Centre.

Carpentier, N., & Scifo, S. (2010). Introduction: Community media's long march. *Telematics and Informatics*, 27(2), 115-118. Elsevier Ltd. doi:10.1016/j.tele.2009.06.006

CFSC (Communication for Social Change Consortium) (2006) Democracy in Nepal: The Role of Community Radio (November 2006). *MAZI 9* available at <http://www.communicationforsocialchange.org/mazi-articles.php?id=326> (retrieved 27<sup>th</sup> February 2010).

Coyer, K. (2006). Community radio licensing and policy: An overview. *Global Media and Communication*, 2(1), 129-134. doi:10.1177/1742766506061847

Dahal, D. R. (2005). Building State Capacity for Governance Effectiveness in Nepal. In Mukti Rijal (Ed.), *Readings on Governance and Development Vol. V*, (pp. 1-4). New Delhi: Vedam Books.

Dahal, Dev Raj (2001) *Civil Society in Nepal: Opening the Ground for Questions*. Kathmandu: Centre for Development and Governance.

Dahal, S., & Aram, I. A. (2010). Community Radio in South Asia: Technology for Community Benefits. *QUADERNS DEL CAC, XIII(1)*, 111-119.

Dhakal, T. N. (2007). Challenges of civil society governance in Nepal. *Governance An International Journal Of Policy And Administration, 2(1)*, 61-73.

Dukeshire, S. & Thurlow, J. (2002). *Understanding the Link Between Research and Policy*. Halifax: Rural Communities Impacting Policy Project, Dalhousie University.

European Parliament (2008). Report on Community Media in Europe (2008/2011(INI)).

Available at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2008-0263&language=EN>  
(retrieved 8 February 2009).

Freedman, D. (2006). Dynamics of power in contemporary media policy-making. *Media, Culture & Society, 28(6)*, 907-923. doi:10.1177/0163443706068923

Flew, T. (2006). The Social Contract and Beyond in Broadcast Media Policy. *Television & New Media, 7(3)*, 282-305. doi:10.1177/1527476404270606

Henry, N. (1999). *Public Administration and Public Affairs*. New Delhi: Prentice-Hall.

Howley, K. (2005). *Community Media People, Places, and Communication Technologies*. New York: Cambridge University Press.

International Media Mission (2009). *A Call to End Violence and Impunity*. Copenhagen: International Media Support. Available at:

<http://i-m-s.dk/files/publications/1453%20Nepal.web.pdf> (retrieved 27 February 2010).

Jiménez, N. R., & Scifo, S. (2010). Community media in the context of European media policies. *Telematics and Informatics*, 27(2), 131-140. Elsevier Ltd. doi:10.1016/j.tele.2009.06.004

Karan, P. P., Ishii, H. & Ito, Y. (1996). *Nepal : A Himalayan Kingdom in Transition*. Tokyo: United Nations University Press.

Majchrzak, A. (1984) *Methods of policy research*. Beverly Hills: Sage.

Martin, K., Koirala, D., Pandey, R., Adhikari, S., Acharya, G., & Kiran, M. (2007). Finding the local community in community media: Some stories from Nepal. *Asia Rights*, 8(8), 1-42.

Martin, K., & Wilmore, M. (2010). Local voices on community radio: a study of "Our Lumbini" in Nepal. *Development in Practice*, 20(7), 866-878. doi:10.1080/09614524.2010.508104

MOIC (Ministry of Information and Communication) (2010a). '*Ijjat Prapta F.M. Radioharuko Bibaran*'. Kathmandu: Ministry of Information and Communication. Available at: <http://www.moic.gov.np/pdf/fm-list.pdf> (retrieved 25<sup>th</sup> January 2011).

MOIC (Ministry of Information and Communication) (2010b). '*Ijjat Prapta Gari Niyamit Prasaranma Raheka F.M. Radioharuko Bibaran*'. Kathmandu: Ministry of Information and Communication. Available at: <http://www.moic.gov.np/pdf/fm-regular.pdf> (retrieved 25<sup>th</sup> January 2011).

Mouffe, C. (1993). Radical democracy: modern and postmodern. In C. Mouffe (Ed.), *The Return of the Political* (pp. 9-22). London: Verso, 9-22.

Onesto, L. (2005). *Dispatches from the People's War in Nepal*. London: Pluto Press.

Onta, P. (2005). 'Country study: Nepal', pp. 102-174 in *War of Words: Conflict and Freedom of Expression in South Asia*. London: ARTICLE19. Available at: <http://www.article19.org/pdfs/publications/asia-war-of-words.pdf> (retrieved 2<sup>nd</sup> December 2010).

Parajulee, Shekhar (2007) Seven Decades of Radio Listening in Nepal. *Westminster Papers in Communication and Culture* 4(2): 52-67.

Parsons, W. (2002). From Muddling Through to Muddling Up - Evidence Based Policy Making and the Modernisation of British Government. *Public Policy and Administration*, 17(3), 43-60. doi:10.1177/095207670201700304

Servaes, J. & Malikhao, P. (2005) 'Participatory communication: the new paradigm?'. In O. Hemer & T. Tufte (Ed.), *Media & Glocal Change Rethinking Communication for Development* (pp 91-104). Argentina: CLASCO and Sweden: NORDICOM.

The Kathmandu Post (2008). 'Broad alliance for press freedom', pp.6. 24th December. Kathmandu: Kantipur Publications.

Williams, R. (1983). *The year 2000*. New York: Pantheon Books.