

Introduction

In the foothills of the Himalayas, 100 kilometers north of the birthplace of the Buddha, is the Nepali village of Madanpokhara. It is a long walk from the nearest road. A dirt track winds up the hillside and into the village, passing homes and small outbuildings, temples and teahouses, workshops and stores. Beyond the village center a narrow path leads through the woods to the hilltop, where a white brick building sits close to a tall red mast. This is the home of Radio Madanpokhara. Inside is a simple radio studio, powered by solar batteries and a backup generator. A team of local producers, broadcasting in Nepali and other local languages, mobilize community participation in programming that is informative and educational as well as entertaining. Radio Madanpokhara broadcasts across a rural agricultural community in which few people have access to electricity or a telephone. Yet almost every household now has a radio receiver, and the radio, with its network of listener clubs and district correspondents, has become the principal means of local communication and discussion of local development. According to an independent listener survey,¹ Radio Madanpokhara, on the air since April 2000, contributes to improved agricultural techniques and a reduction in social discrimination, raises awareness of the rights of women, and improves access to news and information. It is also a voice for peace, dialogue, and democracy in the face of conflict and political turmoil.

Radio Madanpokhara is just one of thousands of broadcast services worldwide whose contribution to development is both measurable and significant and whose emergence has been a product of political reform

¹Guragain, *Prospects for Promoting Equality, Development and Social Justice through FM Radio* (Kathmandu: MS Nepal—Danish Association for International Co-operation, 2005).

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and of democratic social change. This guide, *Broadcasting, Voice, and Accountability: A Public Interest Approach to Policy, Law, and Regulation*, was written to illuminate the issues and their impact on civic society such as this. The growth of media, giving a voice to excluded people in most countries and in all regions of the world, and the media's emerging influence in the global struggle against poverty and social injustice, stimulated the production of this guide. A free, independent, and pluralistic media environment, offering the means and incentives for the widest participation, can have a profound influence on people's opportunities to access information and services, to understand and be able to exercise their rights, to participate in decisions that affect their lives, and to hold to account those in positions of power and responsibility. This is reflected in a growing recognition, in the context of international development, of the central importance of effective and inclusive communications systems.

The broadcast media, radio and television, have a unique and particular role to play both in enhancing governance and accountability and in giving voice to poor and marginalized communities. In addition to traditional means of expression, "voice" in this context means the capacity, opportunity, and resources of diverse segments of society to signal government as to their needs and their perception of the quality of governance, to have their views represented in mainstream media, and to develop their own media. Broadcast media, as we argue later, are especially relevant and accessible to remote communities, cultural and linguistic minorities, the very poor and illiterate people. Policies, laws, regulations, and other public actions that govern the broadcast media are central to their ability to play that role, and they form the main focus of this guide.

The guide maps out a public interest approach to fostering free, independent, and pluralistic broadcast media. Its objective is to provide guidance on how to design a policy, legal, and regulatory framework that can contribute to the achievement of public interest goals such as transparency of government and accountability to the people, enhanced quality of and participation in public debate, and increased opportunities for marginalized groups to develop and articulate their views. The guide draws from the experiences of a wide range of countries in all regions of the world and is illustrated extensively by country-level examples of policies, laws, and regulations.

The guide is intended as a tool for media reform particularly in developing and transitional democracies. At the same time, it should be

useful anywhere people aspire to a deeper democracy. Building democracy is a process, often long-term, and promoting free, pluralistic, and independent media should be a central part of it. It should not be left until after the legal system has been transformed or democratic attitudes are in place; rather, it should be part and parcel of efforts to reform the social and institutional system and to build democracy in all of its aspects. As such, while the guide may not be immediately applicable in dictatorships or war zones,² it can help inform strategies in countries—such as those in transition or recovering from conflict—where democratic foundations are being set in place.

The guide adopts a normative approach—it is about good practice—but two further observations should be made concerning its application. The first is that the media and communications environment is dynamic, almost everywhere undergoing rapid change. The second is that vast disparities exist not only in the state of media development but also in the pace of change, and these disparities exist both between countries and between different groups of people within countries. Thus the tools themselves do not and cannot offer a “one-size-fits-all” solution and must be regularly reviewed to respond to a changing environment.

Part I offers an overview of the rationale for a public interest approach and its role in enhancing governance, development, and “voice.” The focus on broadcasting is explained and justified on the basis of its reach and its enduring importance in people’s lives. The different broadcasting sectors are described, along with their main trends and characteristics. Part I then turns to a regional review of broadcasting characteristics and trends and concludes by summarizing the evidence for an emerging paradigm in broadcasting policy and regulation.

The good practice guidelines are set out in Parts II and III. These are not designed to be read end-to-end but to be consulted selectively for issues of interest. To facilitate this navigation, good practices are organized under clear headings that identify and describe features of the policy, legal, and regulatory environment that are critically important for media development in the public interest. While recognizing that reform necessarily involves social, political, and institutional processes of change that take time and require adaptation to

²For further discussion on this point see Putzel and van der Zwan, *Why Templates for Media Development Do Not Work in Crisis States* (London: Crisis States Research Centre, LSE, 2005).

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local circumstances and interests, these topics provide a framework that can help guide evaluations of the status quo and provide options for reforms.

Part II examines the general enabling environment for media and communications, including standards of freedom of expression and access to information, the use and misuse of defamation law, and general content rules that apply to all media, including print media and journalists.

Part III is dedicated specifically to broadcasting, including the role of regulatory bodies, broadcast content rules, the distinctive sectors commonly referred to as public service, community nonprofit, and commercial private sector broadcasting, as well as the regulation of broadcast spectrum and channels.

After short introductions to Part II and to Part III, each chapter is prefaced by a good practice checklist. The elements of good practice are elaborated and explained in the narrative and supported by country examples that illustrate their implementation. These chapters form the core of this guide and offer a tool kit for those involved in analysis, advocacy, and policy making for media and communications reform.

The final section of the guide presents a research agenda that is intended to address the lack of relevant and systematic data and information on broadcasting encountered during the process of researching and compiling this guide. It concludes by presenting some options and practical opportunities for development assistance to support a more coherent approach to reforming broadcasting in the public interest.

PART I

Governance, Broadcasting, and Development

Governance, Development, and Media

The primary purpose of this guide is to describe an enabling environment for a public interest approach to media, and specifically broadcasting. Special attention is devoted to how media can enhance accountability in governance and contribute to development and *voice*, particularly for those who are disadvantaged in society.

This chapter defines a public interest approach to media and describes its relationship to governance, accountability, and development. It explores how such an approach can contribute to good governance, to development, and to wider social and cultural goals. It presents some of the key media characteristics underpinning the public interest approach, as well as a reflection on the wider environmental factors that are conducive to this, and a final comment on the normative underpinnings of the guide.

In the Public Interest

The concept of *the public interest* in the media stretches back at least to the origins of radio broadcasting in the early twentieth century, with various usages coming into and falling out of favor. An official report produced in Canada, a country still intensely concerned with the public interest in broadcasting policy, quotes several sources to underline the difficulty of defining the public interest:

The idea of the public interest in media is not new. It changes over time and when viewed from different perspectives. Defining it is thus not straightforward.

In broadcasting, a wide array of definitions of the public interest have been used, ranging from this classic 1960 statement from CBS executive Frank Stanton: "A program in which a large

part of the audience is interested is by that very fact. . . in the public interest" (cited in Friendly, p. 291),¹ to this rather more elaborate example from Australian regulator Gareth Grainger: "The public interest is that interest which governments, parliaments and administrators in democratically governed nations at least must accept and reflect in laws, policies, decisions and actions in ensuring peace, order, stability, security of person, property, environment and human rights for the overall welfare of the society and nation who, through constitution and election, allow the individual citizen to renew and reflect their agreement and consent to be governed and administered" (1999 Spry Memorial Lecture, p. 9). Grainger then goes on: "After eighty years of broadcasting, the original public interest issues which were seen to be implicit in the use of the broadcasting spectrum remain largely unchanged though our way of expressing them may require some restatement." (p. 43)²

Thus, ensuring that media can sustain a primary focus on serving the public interest is by no means straightforward; governments and broadcasters have been grappling with it for decades. For, excepting only the most totalitarian states, the space of the media—the technological mediation of communication between people—is occupied by competing sets of interests, none of which unambiguously pursues the widest public interest but each of which at times lays claim to it.

In broad terms, governments and political parties, private commercial entities, and groups in civil society each relate to media in different ways, seeing opportunities and threats to their own objectives. Media institutions themselves, no matter how large or small, inevitably

In the context of competing interests of different stakeholders, a public interest approach aims to ensure that the welfare of the public as a whole is kept to the fore in the formulation and implementation of legal policy, and regulatory environment for the media.

¹Fred. W. Friendly, *Due to Circumstances Beyond Our Control* (New York: Random House, 1967), 291.

²*Our Cultural Sovereignty. The Second Century of Canadian Broadcasting* (Canada, House of Commons, Standing Committee on Canadian Heritage Report, 2003), 518, available at: http://friends.ca/News/Friends_News/archives/articles06110311.asp [source cited for Spry Memorial Lecture, available at: <http://www.fas.umontreal.ca>].

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generate internal and external dynamics and interests of their own. Each of society's stakeholders has different general objectives and is endowed with different types and levels of resources. Left to their own devices, the media landscape can meet many public objectives but not, perhaps, the ones most critical to a society at a particular time. In addition to the general ongoing need for an informed public, special circumstances can arise surrounding conflict, economic development, moments of democratic crisis, and growth. Each of these provides justifications for policy and regulation in the wider public interest.

The goal of regulation in the public interest and of a specifically public interest approach to media is to tread a path that mediates among these interests, encouraging and offering incentives and, where necessary, imposing obligations and constraints on each group, while evading capture by any specific interests. There is some irony in the fact that those necessarily charged with the primary role of pursuing a public interest approach to media—governments—are also among those with the strongest incentive to skew it toward their own ends. Even with the best of intentions, success in negotiating this balancing act is not at all certain. Given what is at stake for society, however, attempts to get it right merit very considerable effort.

Feintuck attempts to gain an overview of a public interest approach and its associated values,³ and to “define a theoretical and institutional framework both for a meaningful discourse regarding these values and for consideration of policies which are effective in asserting.” He identifies a recurring theme among all sectors:

The common thread underlying the public interest claims in relation to media regulation can best be described as feeding into the broader constitutional endeavour of effective citizen participation. *Effective participation can be equated with informed participation, and this in turn requires a diverse range of views to be in circulation and accessible to as wide a range of the population as possible in order to allow for comparison and triangulation.*⁴ (emphasis added)

³Mike Feintuck and Mike Varney, *Media Regulation, Public Interest and the Law*, 2nd ed. (Edinburgh University Press, 2006), 6.

⁴Mike Feintuck, “Regulating the Media Revolution: In Search of the Public Interest” *JILT* (1997): 3.

The guide builds on this notion of effective citizenship as central to a public interest approach to media. We deploy the concept explicitly to mark the capacity of media to enhance social, economic, and political development through improving governance and accountability to the public; building an informed and engaged citizenry; enhancing the inclusion of marginalized groups; and fostering a culture and identity of tolerance, diversity, and creativity.

The need to revisit and reevaluate the concept of the public interest in broadcasting to suit the present circumstances and needs is a theme of this guide. Drawing on our working definition presented earlier, we focus in on the potential of the media in two broad areas: First, we look at the contribution that media can make to good governance and accountability to the people, and its more indirect relationship to the development process. Second, beyond governance, we consider the tradition and practice of the deployment of media directly toward development objectives, as well as the growing influence that media have in broader cultural evolution and change.

The public interest cannot be treated as a static, unambiguous concept, even as the notion of *the public* evolves, as media themselves change sometimes with great speed, and the development needs and circumstances of society change. But these key facets of a public interest approach to media—its potential impact on governance, on development, and on culture—are enduring.



The public interest approach to media as deployed here focuses especially on its potential contribution to governance, to development, and to culture and identity.

Media and Governance

Enhancing the prospects for good governance in a development context has become a key goal for governments, nongovernment actors, and international organizations in recent years. Although the use of the term *governance* may vary, there is general agreement that it extends beyond the operations of governments to embrace a broad range of social institutions and necessarily includes consideration of citizens and citizenship. Before embarking on a quest to understand the relationship between media and these desiderata, it is worth pausing to consider the concept of “good governance” itself.

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The World Bank defines governance as:

. . . the traditions and institutions by which authority in a country is exercised for the common good. This includes (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively manage its resources and implement sound policies, and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them.⁵

The United Nations Development Program (UNDP) emphasizes the articulation of people's interests:

Governance is the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organizes itself to make and implement decisions—achieving mutual understanding, agreement and action. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences and exercise their legal rights and obligations . . .⁶

Good governance is about both outcomes and processes that are participatory, transparent, accountable, and efficient and encompass all major groups in society.

Good governance, according to UNDP, is about processes as well as outcomes; processes that are participatory, transparent, accountable, and efficient, and that involve the private sector and civil society as well as the state.⁷ Good governance is also

important for development, and considerable empirical evidence now points in that direction.

A study by Kaufmann⁸ demonstrates not only a high degree of correlation between six governance indicators⁹ and widely used

⁵World Bank, *Governance Matters 2007*, at <http://info.worldbank.org/governance/wgi2007/>.

⁶UNDP Strategy Note on Governance for Human Development, 2004.

⁷UNDP, *Management & Governance Network (MAGNET)* (UNDP, 1998).

⁸D. Kaufmann, *Governance Redux: The Empirical Challenge* (Washington, DC: World Bank Institute, 2003).

⁹These are: voice and external accountability, political stability and lack of violence, government effectiveness, lack of regulatory burden, rule of law, and control of corruption.

development indicators, such as per capita income,¹⁰ but also that there is a positive causal effect of good governance on development outcomes. The study argues that poor public governance “has become a central binding constraint to growth and development today in many settings” and concludes:

... a country that significantly improves key governance dimensions such as the rule of law, corruption, the regulatory regime, and voice and democratic accountability can expect in the long run a dramatic increase on its per capita incomes and in other social dimensions.¹¹

Data presented suggest that growth dividends may be as high as 400 percent for a single standard deviation improvement in governance, a highly significant result.¹²

The evidence is that good governance also contributes significantly to development.

It thus comes as no surprise that the potential role of the media in improving governance and accountability has become an area of interest to the international development community.

That media can in a general sense promote good governance is not a new idea. Amartya Sen, the Nobel Prize winning economist, has argued consistently and forcefully since the early 1980s that no substantial famine has ever occurred in any independent country with a democratic form of government and a relatively free press.¹³ In an article published to mark World Press Freedom Day 2004, Sen draws on his famine research in India:

The Bengal famine of 1943, which I witnessed as a child, was made viable not only by the lack of democracy in colonial India, but also by severe restrictions on the Indian press, which isolated even the Parliament in Britain from the misery in British India. The disaster received serious attention only after Ian Stephens, the courageous editor of the *Statesman* of

¹⁰Kaufmann, 12, table 2, available at: <http://www.worldbank.org/wbi/governance/pdf/govredux.pdf>.

¹¹Ibid., 25.

¹²Ibid., 26.

¹³See, for example, Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford: Clarendon Press, 1981) and Amartya Sen, *Development as Freedom* (New York: Anchor Books, 2000).

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Calcutta (then British owned) decided to break ranks by publishing graphic accounts and stinging editorials on October 14 and 16, 1943. This was immediately followed by stirs in the governing circles in British India and by heated Parliamentary discussions in Westminster. This, in turn, was followed by the beginning—at long last—of public relief arrangements. The famine ended then, but by this time it had already killed millions.¹⁴

Both UNDP and the World Bank include media among the institutions and mechanisms that can contribute to good governance, in the above definitions and elsewhere. Media can fulfill several critical tasks in the context of governance and reform, overlapping with and reinforcing other factors such as access to information and freedom of expression. Pippa Norris, when director of the UNDP's Democratic Governance Group, summed up three key roles for the media in contributing to democratization and good governance: as a *watchdog over the powerful*, promoting accountability, transparency and public scrutiny; as a *civic forum* for political debate, facilitating informed electoral choices and actions; and as an *agenda-setter* for policy makers, strengthening government responsiveness for instance to social problems and to exclusion.¹⁵

Media can achieve such an impact, in the right circumstance, through their direct and indirect influence on a number of key parameters of governance: curbing corruption and improving accountability and transparency, enhancing informed participation in the political processes, and facilitating and reinforcing more equitable and inclusive policies and actions.

Though there has been little systematic evaluation, a wealth of individual cases point to the role of the media in exposing corruption, recognized as a key constraint to development.

In Peru, investigations critical of then-president Alberto Fujimori were first brought to light by the print media. Investigations exposed

¹⁴Amartya Sen, "What's the Point of Press Freedom?" (Paris: World Association of Newspapers, 2004).

¹⁵Pippa Norris, *A Virtuous Circle* (Cambridge: Cambridge University Press, 2000). Cited in Pippa Norris, *The Role of the Free Press in Promoting Democratisation, Good Governance and Human Development* (paper delivered at UNESCO World Press Freedom Day conference in Colombo, Sri Lanka, May 1-2, 2006), 4.

a pattern of wrongdoing and corruption involving death squads, the military, and links between drug barons and political elites. These were followed, spectacularly, in 2000, by the broadcast over cable television of videos secretly taped by Peru's head of security, showing votes being bought with bribes. Fujimori resigned immediately after the broadcast.¹⁶ In Sierra Leone, the series *Mr. Owl*, reporting on local police corruption, was carried on private radio stations KISS-FM, in Bo, and SKY-FM, in Freetown.¹⁷ The coverage resulted in wage increases for the police and the establishment of a police community affairs department. The transparency of Ghana's 2000 election results was due in part to the efforts of the country's many private radio stations. Staff monitored the polls, and their reports of irregularities, alongside those of citizens, were broadcast, making it difficult to rig voting and enhancing the credibility of the results.¹⁸ In Bangladesh, since the restoration of democracy in 1991, the media have played a central role in exposing corruption in the financial and banking system, in building permissions granted by corrupt officials, in widespread arsenic contamination, and in numerous other areas.¹⁹

Examples abound of media exposing corruption and vote rigging . . .

The issue is also one of accountability. Media enhance the accountability of government and other powerful actors through uncovering and publicizing the chain of logic, decisions, and events that lead to specific outcomes, especially outcomes that run counter to the public interest. The identification of those responsible and the processes involved inherently increases accountability, and the anticipation of such identification can contribute to more responsible decision making and a positive outcome for the public interest.

. . . improving accountability by opening decision making to view and identifying those involved . . .

¹⁶UNDP, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 76.

¹⁷See *Sierra Leone: Using radio to fight corruption*, available at: <http://www.developingradiopartners.org/caseStudies/sierraLeone.html>.

¹⁸UNDP, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 76.

¹⁹Mahfuz Anam, "The Media and Development in Bangladesh," Ch. 15 in *The Right to Tell: The Role of Mass Media in Economic Development* (WBI Development Series, 2002).

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... allowing people to articulate dissatisfaction and thereby enhance public services.

Transparency, however, has pervasive consequences. As Nobel Laureate and former chief economist at the World Bank Joseph Stiglitz argues, “openness is an essential part of public governance.”²⁰ Using Hirschman’s argument on “exit” and “voice”²¹ he makes the point that governments benefit when citizens exercise voice. Especially where people cannot signal dissatisfaction through exit (unlike in competitive goods markets, the government holds a monopoly in public services), it is through informed discussion and interaction on the policies being pursued—voice—that dissatisfaction can be articulated and effective governance exercised. Full transparency is critical to this. Furthermore, information asymmetries in government and between it and the public lead to inefficiencies and poor management decisions.

Transparency, Stiglitz notes, depends on a number of factors, such as freedom of information legislation and public information institutions “designed to ferret out information for the benefit of the public . . . The press is among the most important of these informational institutions.”²²

Apart from their role in public accountability and transparency, the media can also play a critical part in the democratic processes at the heart of good governance. One of the outcomes of this is “agenda setting” in the form of strengthening government responsiveness, but it goes well beyond it. Media can provide the means by which people can speak out and participate in political debate, creating a crucial space in which public deliberation on matters of concern can take place. This provides opportunities for people to articulate their concerns and ideas to one another and to government, a role that is particularly important for poor and marginalized groups. Media thus has the potential to foster a “civic forum” or, as described by philosopher and sociologist Jürgen Habermas, a “public sphere”: “a network for communicating information and points of view”²³ in which issues affecting the society and community can be explored openly and rigorously and “filtered and synthesized in such a way that they coalesce into . . . public opinions.”²⁴

²⁰Joseph Stiglitz, “Transparency in Government,” Ch. 2 in *The Right to Tell: The Role of Mass Media in Economic Development* (WBI Development Series, 2002), 31.

²¹A. O. Hirschman, *Exit, Voice and Loyalty: Responses Top Decline in Firms Organisations, and States* (Cambridge, MA: Harvard University Press, 1970).

²²Stiglitz, 40.

²³Jürgen Habermas, *Between Facts and Norms* (Cambridge, MA: MIT Press, 1996), 360.

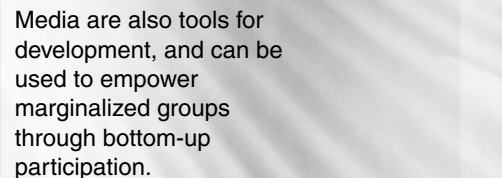
²⁴*Ibid.*

Thus media have the potential not simply to influence government agendas, but to reinforce the overall capacity of society to constitute political discussion and debate, and to enhance the participation of people, including marginalized groups, in the process of governance. This impact may occur in small ways—the radio stations in Sierra Leone mentioned earlier carried a voter education series called *Democracy Now* that resulted in higher voter turnout in their listening areas than in other parts of the country.²⁵ But over time and in the right circumstances, the media can also help to build the practices and culture of democracy and good governance within society as a whole.

Media beyond Governance

Beyond governance, media are implicated in several dynamics that can combine and intersect to reinforce development and overall social well-being in different ways. Particularly relevant is the role of media in the long tradition of communication for development, and the growing influence that media have in value formation, and cultural evolution and change.

Media have long been regarded by those in the field of communication for development as tools that can be deployed to promote developmental change, but they were for the most part considered independently of media policy and regulation processes. Thinking about how media can be used, and to what specific ends, has nevertheless shifted significantly over the years. In the early days, many in the field understood media mainly as a top-down tool for the dissemination of information. The challenge was to convey development “messages” on diverse subjects such as health awareness, disease prevention, agricultural practice, water management, or environmental responsibility. Recently, the emphasis has shifted to the empowering potential of media as a bottom-up means for promoting participation in society and political life, especially in marginalized communities.



Media are also tools for development, and can be used to empower marginalized groups through bottom-up participation.

²⁵See *Sierra Leone: Using radio to fight corruption*, available at: <http://www.developingradiopartners.org/caseStudies/sierraLeone.html>.

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From this perspective citizens require not only access to information but also the ability to consult, respond, and engage with leaders and opinion makers—to have *voice*. Citizens need access to the means of communication and voice in order, also, to be able to speak with one another, to discuss their conditions and aspirations, and to develop the capacity for engagement and for action to improve access to services and rights under the law. The approach values local knowledge, it respects local cultures, and it puts people in control of the means and content of communication processes.²⁶

The groundbreaking study *Voices of the Poor*²⁷ set out to listen to poor people's own voices on the experience of poverty. It took as its starting point a recognition that poor people's own views have rarely been part of the policy debate. The study noted that poor men and women are acutely aware of not having their voices heard, of their lack of information, and of their lack of contacts to access information. The study reports how poor people across the world discuss how this puts them at a disadvantage in dealings with public agencies, nongovernmental organizations (NGOs), employers, and traders. The results of the study have informed new thinking on empowerment and participatory approaches precisely by showing how inclusion, access to voice, and access to information can promote social cohesion and trust, enable informed citizen action, and improve the effectiveness of development.²⁸

Communication for social change is a process of public and private dialogue through which people determine who they are, what they need, and what they want in order to improve their lives. It has at its heart the assumption that affected people understand their realities better than any "experts" from outside their society and that they can become the drivers of their own change.²⁹

Evidence of the effectiveness of these approaches comes primarily from qualitative analysis, including ethnographic studies,

²⁶Alfonso Gumucio-Dagron, *Roots and Relevance: Introduction to the CFSC Anthology*, in Alfonso Gumucio-Dagron and T. Tufte, eds., *Communication for Social Change Anthology: Historical and Contemporary Readings* (New Jersey: Communication for Social Change Consortium, 2006).

²⁷Deepa Narayan, Robert Chambers, Meera Kaul Shah, and Patti Petesch, *Voices of the Poor: Crying Out for Change* (New York: World Bank/Oxford University Press, 2000).

²⁸Deepa Narayan, *Empowerment and Poverty Reduction: A Sourcebook* (Washington, DC: World Bank, 2000).

²⁹*Ibid.*

participatory evaluation, and other research methods that are conducive to more process-oriented than output-oriented approaches. A number of studies in the field have drawn particular attention to the role that local and community-based media can play in empowering and enabling the participation of people and communities facing exclusion and marginalization. The Rockefeller Foundation report *Making Waves: Stories of Participatory Communication for Social Change*³⁰ compiled 50 case studies and draws extensively on stories of community radio and television projects to provide a vivid account of people and communities appropriating media as means of empowerment, self-reliance, and mobilization for development and social change. It provides a wealth of evidence of the positive impact of community-based media on people's real lives. The report concludes that the communication for social change model has two critical implications for participation in development that are related to issues of power and of identity:

Case studies show that participatory approaches to media can empower communities by strengthening internal democratic processes and, especially for marginalized groups, can enhance self-esteem, protect cultural values, and facilitate the integration of new elements.

An issue of power. The democratization of communication cuts through the issue of power. Participatory approaches contribute to putting decision making into the hands of the people. It also consolidates the capability of communities to confront their own ideas about development with development planners and technical staff. Within the community itself, it favors the strengthening of an internal democratic process.

An issue of identity. Especially in communities that have been marginalized, repressed, or simply neglected for decades, participatory communication contributes to . . . cultural pride and self-esteem. It reinforces the social tissue through the strengthening of local and indigenous forms of organization. It protects tradition and cultural values, while facilitating the integration of new elements.

³⁰Alfonso Gumucio-Dagron, *Making Waves: Stories of Participatory Communication for Social Change* (New York: Rockefeller Foundation, 2001).

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A second area of particular relevance is the increasingly important role that media play in the development and evolution of cultural forms, identity, and diversity. Beyond the idea of disseminating information, entertainment, or even education, media's deeper cultural role has been the subject of considerable interest and study. A high-level European Commission report concluded:

The role of the media goes much further than simply providing information about events and issues in our societies or allowing citizens and groups to present their arguments and points of view: communication media also play a formative role in society. That is, they are largely responsible for forming (not just informing) the concepts, belief systems and even the languages—visual and symbolic as well as verbal—which citizens use to make sense of and interpret the world in which they live. Consequently, the role of communication media extends to influencing who we think we are and where we believe we fit in (or not) in our world: in other words, the media also play a major role in forming our cultural identity.³¹

The impact on the individual of extensive viewing of television may even exceed that of his or her immediate context. A leading international expert on the effects of television, George Gerbner, argued that heavy media consumers begin to articulate a view of the world directly derived from that of the media, even if the media world to which they are exposed is somewhat removed from the realities of their own daily lives.³²

Beyond the individual, media can influence shared beliefs and the group identity of society, and whether it will be, for instance, open, tolerant and creative.

The influence of the media does not remain only, or even primarily, at the level of the individual. Communications scholar James Carey points to the "ritual" effect of

³¹European Commission, *Report from the High Level Group on Audiovisual Policy*, chaired by Commissioner Marcelino Oreja (Brussels: European Commission, 1998) 4–5.

³²George Gerbner, "Living with Television: The Dynamics of the Culturation Process," in J. Bryant and D. Zillman, eds., *Perspectives on Media Effects* (Hillsdale, NJ: Lawrence Erlbaum, 1986), 17–40.

the media's ability to sustain beliefs and relationships among those it reaches. In his view:

. . . communication is linked to such terms as sharing, participation, association, fellowship and the possession of a common faith . . . A ritual view is not directed towards the extension of messages in space, but the maintenance of society in time; not the act of imparting information but the representation of shared beliefs.³³

Such shared beliefs are central to the nature of culture in a given society, whether it is open and tolerant, and whether it encourages creativity and diversity. In developing countries, a role for media has sometimes been articulated as that of "nation building," creating a common sense of identity, and contributing to a consensus on the type of nation that is being strived after. A cultural frame emphasizes also the contribution of diversity and a commitment to pluralism³⁴ and to ensuring that all cultures are respected equally and are represented in media. Such an approach is particularly relevant to media in countries with large communities of marginalized groups and indigenous peoples and where traditional structures and belief systems are undergoing rapid change and evolution.

Key Features of Communication and Media

A public interest approach to media policy focuses on strengthening media's contribution to good governance and accountability, to participatory communication for development, and to cultural pluralism and social agency. These policy objectives can reinforce each other. Enhanced accountability and governance can help engender an environment for more participatory media, and thus give voice to marginalized

Reaping the benefits of a public interest approach to media requires, at least, the presence of a number of key features of the media environment.

³³James W. Carey, "A Cultural Approach to Communication," in J. W. Carey, *Communication as Culture. Essays on Media and Society* (Boston: Unwin Hyman, 1989), 18.

³⁴The Report of the World Commission on Culture and Development, *Our Creative Diversity* (UNESCO 1995) puts forward the notion of "cultural freedom" as the "right of a group of people to follow or adopt a way of life of their choice. . . the condition for individual freedom to flourish," 25–26.

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communities. Greater voice in turn enables a more informed and active citizenry, thereby enriching the governance process. Cultural tolerance and pluralism are reinforced by a commitment to diversity of media content, and informed participation encourages more equitable and inclusive policies.

Yet a positive relationship between media, governance, and development is by no means inevitable. Beneficial impacts can be realized only with the presence, at least in significant part, of a distinct set of media characteristics set within a supportive enabling environment, including, but not limited to, policies, laws, and regulations. Among the most important of these are, at a general level: freedom of expression and ready access to information and, relating more specifically to media, independence from vested interests; a wide diversity of media ownership and content; a broad reach within society; and a sustainable resource base. This guide expands upon this essentially simple theme.

Respect for the right to freedom of expression in society is fundamental to the capacity of media to deliver on governance and development, and a free press is a touchstone of democracy and good governance. With good reason: constraints on investigating and reporting on matters of public interest can severely compromise almost every aspect of media performance and impede its ability to sustain and promote good governance.

Freedom does not, however, imply absolute license. Every country imposes some limitations on what may be published or broadcast. It is nowhere considered legitimate to spread malicious lies attacking someone's reputation, and most countries ban incitement to hatred, for example, on the basis of race or ethnic origin. An appropriate balance between the various competing rights and interests is vital to protecting media freedom, and unduly restrictive laws can seriously inhibit the ability of the media to service the public interest.

First key feature: Respect for the right to freedom of expression is a primary need.

Second, ready and timely access to information of public interest, from both public and private sources, is critical to the effective operation of media in relation to its various roles in governance.

Second key feature: Ready and timely access to information of public interest is essential.

Accountability of those in power relies heavily on being able to source and retrieve information concerning decision-making processes; but efficiency of public decision making is enhanced when the basis of such decisions is open to public scrutiny and debate. Information flows through media can also improve resource allocation and are invaluable to the efficient operation of markets.³⁵

Third, there is often a mix of media and media types in society (and this is increasingly the case), with various media performing various functions. As a whole, media must be independent, able to pursue their activities free from undue influence of special interest groups. Media function best when this variety is in full blossom: public service, commercial, community, and others. Where media are wholly controlled by government or by powerful commercial interests, their overall capacity to contribute to a democratic political space is compromised.

Third key feature: Media independence is vital.

The absence of media independence has a predictable impact on the media's ability to deliver accountability: at a minimum, the watchdog role fails in relation to the controlling owner. When the controlling owner is the government, the implications will by definition be serious. Too close a relationship to government will also pose serious problems in terms of the ability of the media to facilitate participation and to contribute to the empowerment of citizens. Participation depends on the ability to ventilate criticism of government publicly through the media, and this will without doubt be impeded by government control. When media are controlled by an oligarchy of private players the result may well be similar. Although some owners do not interfere editorially, ownership always implies a degree of actual or potential control and can be an important obstacle to pluralism and diversity. A common way to tackle this is to introduce measures to limit concentration of ownership.

Fourth key feature: Media must reflect and enhance the full diversity of views in society.

Fourth, media content must reflect, even enhance and stimulate, the diversity of views in society. Media diversity

³⁵World Bank, *World Development Report 2002: Building Institutions for Markets* (2002), 189.

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requires a wide range of content that serves the needs and interests of different audiences and purposes. Media content should address the interests not only of urban elites, but also of the urban and rural poor, minorities, and other marginalized groups. It should reflect the different cultures, belief systems, and aspirations of minorities as well as majorities and do so in a nonpartisan manner.

Similarly, promoting accountability is premised on the idea of a media sector that, as a whole, focuses on the full spectrum of issues of public concern, including coverage of a wide range of views and of actors, not just officials but also other powerful social actors.

Fifth, effective media must achieve broad reach into society, being available and accessible to all economic, social, and cultural groups and over the widest territorial area. Factors that differentially affect the reach of various media can include high rates of illiteracy, a multiplicity of languages and numerous indigenous peoples, remoteness from urban areas, difficulty of terrain, poor transport and telecommunication networks, the cost of media equipment, including receiver sets, and the absence of electricity. Ensuring diverse media are accessible to those on the margins, socially, culturally, economically, and geographically, can be a major challenge but is nevertheless essential if the entire population, or very close to it, is to be included and given voice.

Fifth key feature: All groups in society must be physically able to access and use the media.

Finally, a sustainable economic and institutional base is required.

Finally, a sustainable resource base is critical to effective media. An adequate and sustainable financial base is vital to fulfilling many of the media's functions, such as the more resource intensive activities of investigative reporting and current affairs.

Some sources of funding carry inherent risks: the possibility of withholding public funding gives leverage to governments to influence media; whereas advertisers may use their ability to switch to other outlets to gain more favorable coverage. Insufficient resources exacerbate dependence on funding sources, whether public or private, and increase the risk of partisan influence or of external or self-censorship. Media in developing countries, with limited access to investment and revenues, can find it especially difficult to balance the needs of economic viability, independence, and diversity.

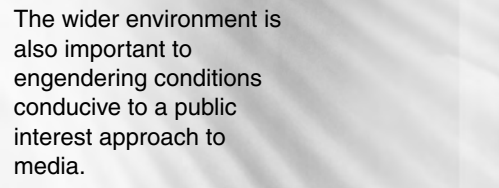
Sustainability, however, goes beyond economic considerations to include social and institutional dimensions.³⁶ Social sustainability refers to relations between a broadcaster and the community or audience it serves, including its credibility in the eyes of that community. The consequences of a loss of audience support on a commercial broadcaster can be directly measurable in terms of revenue. Public service and community broadcasters have specific obligations to the communities or audiences they serve, and their loss of social support, measured in audience share or public attitudes, can seriously impact on their sustainability, including their ability to justify access to public funding and other resources.

Institutional sustainability refers to the structural relations that drive the operation of a broadcaster. Transparent and effective governance of a public broadcaster, for example, is central to its credibility and its ongoing ability to operate. For community broadcasters, participation by and accountability to their community are important conditions of success. Similarly, commercial broadcasters also need efficient and effective management structures to achieve their business objectives.

The Wider Environment

These key features are enmeshed in broader processes of political and institutional development. Laws and related policies can be the equivalent of wallpaper—decorative but hardly a reliable indicator of what is actually happening beneath the surface. In too many states media policies are affirmed in an expansive moment but implementation does not live up to the stated aspirations.

A key factor is a culture of respect for, and general adherence to, the rule of law. This requires an effective judiciary. Without an enforcing arm to maintain the protections of the law, attempts to implement a positive legal and regulatory environment could even prove to be futile.



The wider environment is also important to engendering conditions conducive to a public interest approach to media.

³⁶Alfonso Gumicio-Dagron, *The Lucky Cloverleaf: Four Facets of Communication for Development and Sustainable Social Change* (commissioned for this study), 15–17.

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The rule of law embraces a number of principles, including the existence of a developed hierarchical framework of laws with the constitution at the pinnacle, broad respect for these laws and their application in a nondiscriminatory manner, a separation of executive functions and judicial functions, and respect for and action on judicial decisions.

The absence of the rule of law can render media legislation and policy irrelevant.

Many examples illustrate how the absence of the rule of law can thwart the achievement of public interest goals in the media environment. A study in 2000 by the International Bar Association, for example, highlighted serious problems with judicial independence in Malaysia in political cases, in contrast to good respect for the rule of law in business cases.³⁷ As a result, laws on defamation and sedition, along with regulatory controls over the media, were abused to silence criticism of government and to prevent the exposure of corruption and other wrongdoing.

In Zimbabwe, the supreme court has struck down laws restricting freedom of expression as unconstitutional on a number of occasions, breaking a government monopoly on providing telecommunications services,³⁸ striking down a prohibition on publishing false news,³⁹ and ruling out the government broadcasting monopoly.⁴⁰ In some cases, for instance the ending of its broadcasting monopoly, the government has simply refused to implement those decisions.

The absence of the rule of law thus greatly increases the risk of regulatory failure, irrespective of the quality of the regulatory regime, by potentially undermining its independence and thwarting

³⁷See *Justice in Jeopardy: Malaysia in 2000* (London: Human Rights Institute, International Bar Association, 2000), available at: [http://archive.ibanet.org/general/Find Documents.asp](http://archive.ibanet.org/general/FindDocuments.asp).

³⁸*Retrofit (Pvt) Ltd v. Posts and Telecommunications Corporation and Anor*, 4 LRC (1996): 513.

³⁹*Chavunduka and Choto v. Minister of Home Affairs and Attorney-General*, Judgment No. S.C. 36/2000 (May 22, 2000).

⁴⁰*Capital Radio (Pvt) Ltd v. Minister of Information, Posts and Telecommunications*, 22 Judgment No. S.C. 99/2000 (September 2000).

its actions. Furthermore, a legal system that allows corruption, once exposed by the media, to continue with impunity greatly limits the extent to which such media can effect change.

A number of other factors are also important to a healthy media, including associated institutional support. Robust and effective professional associations can significantly reinforce media efforts to remain independent and enable the emergence of effective self-regulatory institutions to complement government regulation with media codes and standards. Trade unions can strengthen the hand of journalists and other media workers in producing unbiased, high quality content and defend the practice of impartial journalism against sectional interests. Training organizations can build the capacity and professionalism of media workers. A formal press is hollow in the absence of creative talent, disposed toward exercising its skills, and the means to educate and train them to a high standard.

The absence of material needs for a free press, including such basics as newsprint or the availability of broadcast channels of distribution, can have a serious effect on society as a whole. In the case of newspapers and magazines, creating a fair and open system of newsstands and other means of delivery is essential. Media monitoring and market research organizations can facilitate the growth of advertising. And government can create appropriate incentives through tax policies, incentives, and other means.

The capacity to satisfy material needs, such as newsprint, the availability of distribution channels and outlets, and effective advertising markets, is important.

Finally, the impact of good quality media policy and law depends ultimately on how well such laws and policies are implemented in practice, and this guide principally focuses on legal and policy frameworks rather than on the role of government, judiciary, civil society, and other actors in ensuring effective implementation. Such a focus on implementation, however, is critical and should be a major concern for users of this guide.

All of these factors matter, and governments can take measures to establish or reinforce them. In Parts II and III reference is made to these at appropriate places.

All of these factors matter, and governments can take measures to establish or reinforce them. In Parts II and III reference is made to these at appropriate places.

Normative Underpinnings and an Emerging International Consensus

The values that underlie the approach of this guide include:

This guide focuses on the relationship between broadcasting and the public interest. It is specifically concerned with how policy frameworks can most effectively enable media to hold authorities to account in the public interest, provide fora for informed and inclusive public debate, and help underpin effective governance. In short, it is focused on the relationship between broadcasting and society.

This guide takes an analytical approach to these issues, seeking to enable policy makers and other users to adapt the analyses and examples highlighted here to their own specific contexts. However, as its title suggests, the authors adopt normative perspectives, and it

... the critical role of the media in democratic practices ...

might be useful to explicitly articulate the underlying values. Much of the guidance provided is rooted in international law and acknowledged—and sometimes codified—good practice, but some of it emerges

from the authors' own experience and assessment, and that experience itself is rooted in a set of specific values.

First, the guide argues for and is located within a framework of democratic governance, where the role of the media is a critical part of the checks and balances that enable democratic systems to function in the interests of their people. This approach argues that democracy can be neither effective nor sustainable without a vibrant media capable of acting in the public interest.

... a human rights framework ...

Second, it is located within a framework of human rights, where the rights of the individual are fundamental not simply because they are useful to society (e.g., in providing a check on government), but because they are inherently valuable and worth upholding.

... in lieu of policy prescriptions, an array of norms, standards, and experiences that can be adapted to different situations.

Third, it argues that the systems of government that regulate the role of the media within a society will and should be adapted to the contexts of such a society,

and that this guide is not designed to provide a universal set of policy prescriptions. Instead, it provides a set of examples, norms, and standards that make up a public interest approach to media policy and regulation and that can be applied and adapted in various contexts.

Fourth, the authors acknowledge that much of the debate on the role of the media in governance is not principally technical, but political, in nature. It is focused on who in society can have their voices heard in public and political debate, and who can exert communicative power in society. People living in poverty face huge challenges in having their voices heard and the authors believe that building effective public interest media is a critical component in enabling democratic and peaceful development that advances the interests of people living in poverty.

The idea that communication is a right that does not stop at freedom of expression also emerged during the 1970s and early 1980s and resonates today.

Many concerns regarding media raised in this guide are long standing, and the history of debate on them has not always been a happy one. Although this guide focuses on national level policy and regulatory frameworks, debate at a national level is influenced, both historically and currently, by debate at an international level. Issues of excessive government influence; of media acting for narrow commercial—rather than the public—interest; of concentration of media ownership; of lack of diversity and plurality of media; of lack of reach or content of media related to people living in poverty: all these and others highlighted in this guide have a long history of debate and argument, much of it highly polarized.

Even relatively recent history has seen very different approaches to understanding the effects of media on development processes. As broadcast media went through a wave of internationalization during the 1960s and 1970s, various disputes and differences emerged, sometimes from significantly different value perspectives. The issue of direct satellite broadcasting of signals across borders became a major issue in the late 1960s and early 1970s, and provoked cultural, commercial, and political concerns among many developing countries, though the consequence was the virtually open skies of today. The most heated debate occurred in the late 1970s and early 1980s and concerned what was called the New World Information and Communication Order (NWICO);

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it resulted in a special commission being established by UNESCO to consider global problems relating to communication.⁴¹

Many in the developing world, and elsewhere, believed that building a post-colonial world required a reconsideration of global dynamics and structures—even global governance of communication—to ensure, among other matters, “more justice, more equity, more reciprocity in information exchange . . .”.⁴² Proponents of market solutions, including major commercial media interests and the U.S. government, virulently opposed many of the regulatory implications of NWICO, arguing that they violated basic free speech interests. Distorted by the politics of the cold war, genuine debate was reduced to rancorous argument, and the bitter aftertaste continues even today. So intense was the feeling, that the United States and the United Kingdom withdrew from UNESCO over the issues (and only recently have returned).

One strand in this debate, in some respects an attempt to bridge the gap between the sides, focused on the idea of communication as a right. Initially raised in the early 1970s, the argument is that in the context of the massive growth in modes and technologies of communication, a right to communicate should be established to deepen freedom of expression and lead to more intensive, respectful, and interactive dialogue between people and groups in society. More recently, the idea of a right to communicate—or, less formally, of communication rights—had some influence on media debates at the World Summit on the Information Society.⁴³

Several factors suggest that international debates over the role of media in development can become more constructive than they have in the past. The cold war is over and international power dynamics are more complex and multifaceted as a result. Democracy is more firmly rooted in many countries than it was in the 1980s, and the

⁴¹International Commission for the Study of Communication Problems delivered its report *Many Voices, One World*, to, and was endorsed by, the 1980 UNESCO General Assembly.

⁴²Preface to the *Many Voices, One World*, President of the Commission, Sean MacBride (UNESCO, Paris, 1980), xviii.

⁴³Rainer Kuhlen, “Why Are Communication Rights So Controversial?” In Heinrich Böll Foundation, ed., *Visions in process. World Summit on the Information Society Geneva 2003–Tunis 2005* (2004). Also in *World Association for Christian Communication (WACC) publications 2004/3*, available at: http://wacc.dev.visionwt.com/wacc/our_work/thinking/communication_rights/why_are_communication_rights_so_controversial.

importance of media in development is more universally acknowledged than it has been in the past. Perhaps above all, nearly all actors (at least outside of government) argue that freedom of expression is a fundamental and nonnegotiable foundation stone for all debate in this area, and that much of the debate on public interest approaches to media must focus on enabling people living in poverty to realize and exercise their rights to freedom of expression, rights that are impossible to exercise without the creation of platforms through which they can communicate.⁴⁴

⁴⁴A meeting held at the Rockefeller Foundation's Bellagio Centre in 2003 brought together a group of media actors with highly diverse views and backgrounds to assess the degree of consensus on issues regarding media freedom and poverty. The resultant statement suggests agreement on many key issues. See Bellagio Statement on Media, Freedom and Poverty, available at: <http://www.panos.org.uk/global/Rprojectdetails.asp?ProjectID=1033&ID=1002&RProjectID=1058>.