

Community Radio Regulation

EPRA Barcelona Meeting Workshop – May 12-14 2010.

Bernard Dubuisson

Head of Radio Unit – Belgian CSA

bernard.dubuisson@csa.be

Community Radio (CR) is one of the main representatives of what is now referred to as the “third sector” of the media, existing alongside public service and private commercial media. In the recent years, several transnational authorities, such as the European Parliament¹ and the Council of Europe², have declared their support to CR and the third media sector in general, encouraging their Member States to “*examine the question of how to adapt legal frameworks which would enable the recognition and the development of community media and the proper performance of their social functions*”³. Tools such as the Media Pluralism Monitor prepared for the European Commission recognise that “*media of all types – public service, commercial and community media – play important roles in creating pluralism*”⁴ and CoE and Parliament declarations assess the gain brought by CR in terms of social inclusion and intercultural dialogue.

A study of the situation of Community Media across Europe shows that “*levels of activity are closely related to public awareness and legal recognition of the sector as well as to the existence of underlying regulatory procedures*”⁵. In this perspective, this workgroup focuses on the ways Media Regulation can contribute to support and encourage Community Radio. Simply put, a good understanding of the distinctiveness of CR (first section of this note) is a necessary condition of their support by public authorities (second section of this note).

1. Distinctiveness

For a public authority, understanding the specificities of the CRs in its own media landscape is a necessity for their persistence and development. But what exactly are the criteria’s that can help recognise a Community Radio? It’s often difficult to describe a CR in essence, moreover on a transnational base, because the situations vary greatly among the European landscapes. Below is a set of elements that one can find in most European CRs in general.

1.1. Non-profit goal. This is usually the cornerstone of CR. The radio practice exists for the common good, and the benefits are seldom financial. This doesn’t mean that a CR refuses advertising, but that the advertising profits are reinvested in the radio - although some CRs choose to ban any form of advertisement when they can afford it and/or as a ground principle.

When they do gain from advertising revenue, it can often be very limited, due to the small coverage of the broadcast or the lack of commercial potential of both the programming and the targeted audiences. As opposed to the commercial broadcasters who build their programming in accordance to audience and advertising objectives, a community radio will usually design its programming without advertising in mind, and then welcome advertisers willing to fit into it. Most of the time, they will attract niche advertisers looking for special targets such as cultural minorities.

¹ European Parliament, Resolution of 25 September 2008 on Community Media in Europe (2008/2011(INI)).

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0456&language=EN&ring=A6-2008-0263>

² Council of Europe, *Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue* (Adopted by the Committee of Ministers on 11 February 2009 at the 1048th meeting of the Ministers’ Deputies).

<https://wcd.coe.int/ViewDoc.jsp?id=1409919>

³ Council of Europe, op.cit.

⁴ KULeuven-ICRI et al, *Independent Study on Indicators for Media Pluralism in the Member States - Towards a Risk-Based Approach* Prepared for the European Commission, Directorate-General Information Society and Media, Task Force for Co-ordination of Media Affairs - Media Pluralism. July 2009. http://ec.europa.eu/information_society/media_taskforce/pluralism/study/index_en.htm

⁵ European Parliament, *The State Of Community Media In The European Union*, study IP/B/CULT/FWC/2006-169/Lot03/C01 <http://www.europarl.europa.eu/activities/committees/studies/download.do?file=22408>

1.2. Democratic ownership. A Community Radio is often owned, controlled and managed by a large number of people reflecting internal pluralism. When applicable, they adopt the legal form of an association. The management is often shared among a group of people, where decisions are discussed and adopted in common.

This democratic approach is also noticeable in the decentralised programming. CR programming typically relies on specific shows run by autonomous teams of volunteers. After it has been accepted within a radio's schedule, a typical programme runs freely inside the boundaries accepted by both its production team and the station's staff. Such teams are largely autonomous in their music programming and editorial choices.

1.3. Accountability to the community. CR is often regarded as a type of media by the people, for the people. It is a bottom-up initiative. The "community" can be seen at large, as a group of people sharing a common interest. The community can be geographically based, but also based on a cultural identity such as a language, faith, musical taste, ethnic origin, or linked to a special group like a university's student body, a youth group, or another association. The whole radio itself can also be regarded as a community composed of the volunteer production teams as well as listeners.

The radio is accountable to its community in the sense that its programming reflects the community's goals and interests. Often, the community has a final word on ground decisions or options adopted by the radio's staff. Community members form the majority of the radio body as well as the managing board. The managing board associates volunteer content producers who commit to the project beyond their production activities.

1.4. Diversity of funding sources. Unlike commercial radio, CR isn't fit to rely solely upon advertising revenues. Usually, its funding is based on a great diversity of sources. Along with public subsidies from several public institutions, that can ensure sustainability, CRs live upon money provided through fundraising activities such as live events, parallel activities such as training, and/or membership fees paid by the volunteers in order to access the airwaves, as well as other sources. And in many situations, the biggest resources of a CR aren't financial: volunteer work and other arrangements allow many of them to limit the constraints of dealing with large amounts of money. In some cases, while local authorities don't contribute financially to their CR, they still provide facilities such as free or low-rent housing.

As a general rule, though, there's a great variety of financial situations across countries and even within a country, depending on public support and the consequent ability to hire a staff of professionals in order to develop rich content.

1.5. Reliance on volunteer work. A typical CR will rely on the work of volunteers. Those volunteers are fueled by a commitment to the project and its goals, but also, more broadly, by a passion for radio and the satisfaction they receive in putting their freedom of expression rights in practice and/or communicating their own interests to others (e.g. regarding musical tastes). It allows the radio to live upon a tight budget, and it goes along with the democratic ownership, the volunteers being associated to the board and "owning" the radio.

The volunteer approach means that the radio values content over form. While commercial radios are very careful to make their content clean and professional-sounding in every way, it is often not the CRs top priority. Depending on the skills of the volunteers, technical or editorial caveats can thus be encountered.

This doesn't mean that paid workers are excluded from CRs. While some CRs refuse to rely on paid work whatsoever, most radios with sufficient budget can hire a small staff in order to train and support the volunteers as well as complement the program offer with more elaborate or constraining programs (like news bulletins or morning shows).

1.6. Presence of specific content with regard to social gain/benefits for the community. One of the best ways to identify a CR distinctiveness is through what it provides to its audience. In fact, all of the above "structural" conditions aren't very effective unless they result in specific programming, which reflects the true added value of a CR in terms of pluralism, diversity and social gain. A CR can be referred to as "the voice of the voiceless", offering a tribune to people, ideas or music that don't have access to mainstream media. Those specific contents include the broadcasting of alternative or seldom-heard music, reports and debates on topics that aren't covered by mainstream media, radio-art and soundscaping, programmes run by minorities or in foreign languages, programmes putting intercultural dialogue in

practice, educational programmes, and many others. In a sense, the value of CR lays in the fact that its content reveals complementary to mainstream media in many ways.

1.7. Local scope. CRs are most of the time focused on a small area such as a town, a neighborhood or a village. They are, by definition, close to their audiences. This rather limited scope is often linked with the technical requirements of FM transmission and the scope of the community in itself. Still, *“in light of the withdrawal or non-existence of public and commercial media in some areas, including remote areas, and the tendency of commercial media to reduce local content, community media may provide the only source of local news and information and the sole voice of local communities.”*⁶ While such a criteria is very effective to define a specific regulatory approach, it is insufficient alone to target CR : being a small, local radio doesn't necessarily qualify for being a CR if many of the above conditions aren't met.

2. Support

Community Radio is a concept that is closely tied to media regulation. As small-scale media, they don't always get the attention of the public authorities. As spectrum users, they are placed at the same level as big-scale media such as public service radio and commercial networks. This cohabitation places CRs in a vulnerable position. While a strong CR support will often be the competence of a Government body, an independent media regulation authority is often well placed to balance the interests in presence and promote CRs interests, most of which converge with the typical regulator's mission of promoting pluralism and diversity.

2.1. Acknowledgement

How can support be achieved? As a first important step, regulation can acknowledge the distinctiveness of CR and, more generally, assess the presence of a third sector in the media landscape. Acknowledgement doesn't necessarily mean legal status or recognition. It can be achieved in a jurisprudential way, by the adoption of procedures and other regulatory attitudes that are proportionate and adapted to CR specificities.

Such an acknowledgement can be put in practice even as small steps in many aspects of regulation. For example, the licensing procedures often include a viability evaluation. Such an expertise can integrate CR specificities by taking into account volunteer work and other forms of non-financial commitments. Unfit administrative paperwork can also lead to discouraging Community Radio initiatives ; sometimes it can be adjusted to become proportionate to the impact of small-scale media. As a last example, public authorities can ensure that CR representatives are associated into consultative bodies regarding media, culture and diversity in general, when applicable.

As we have seen in the first part, a CR is a very particular form of media, relying on volunteer work and personal commitment. As opposed to strong business logics of other, more professional media, they rely on a fragile ecosystem. In this context, the acknowledgement of CRs specificities is especially crucial to their viability. People will be more confident and active in their project if they feel like “a part of the family” of the media landscape through a supportive attitude on behalf of the regulation authority.

2.2. Recognition and positive measures

As stated in the Parliamentary resolution on Community Radio, *“there are major differences between Member States regarding community media dissemination and impact, which are the most extensive in those Member States which clearly recognise their legal status and are aware of their added value”*⁷. Above the first step of simple acknowledgement, regulation can take positive measures towards CRs. As a condition for adopting such policies, they should be based on legal recognition in order to ensure transparency and accountability.

Recognition can be based on many of the distinctiveness criteria mentioned above. What criteria make it into the rules will depend on a lanscape's specificities. Beyond the regulatory process, a clear criteriology can also become a cultural

⁶ European Parliament resolution, op.cit.

⁷ European Parliament resolution, op.cit.

policy instrument : stating clearly the requirements to meet in order to be recognised as a CR and benefit from positive measures is often an encouragement for some existing non-CR initiatives to change their project in order to reach the CR status.

When it comes to radio, spectrum is a valuable asset. An effective support measure is to provide reserved spectrum for CR, or some kind of priority in the licensing process. This is particularly at stake in the field of digitisation of radio broadcasting.

Other positive measures include financial support by the public authorities. As non-profit, and sometimes non-commercial media, CRs often rely on public support in order to budget their activities. But as they are owned by private, community interests, they can't be considered as public service broadcasters. This is why public support to third sector media can reveal itself a very subtle balance between financial help and tradeoffs that preserve CRs editorial independence. In the States where financial support is large enough to fund significant employment, it can make a whole sector of activities sustainable and thus play a role in an economical policy as well.

Any positive measure should be submitted to appropriate requirements, which can very well meet CR specificities : non-profit goal, limited advertising, presence of specific types of programmes, etc.

For CRs, obtaining a specific legal status from the media authorities can lead to negotiate additional positive measures with other stakeholders such as local authorities and collective rights management organisms. *“Research shows that a recognised legal status enables CM organisations to engage with regulatory authorities, funding partners as well as advertisers, thus contributing to their sustainable development.”⁸*

Other forms of support include :

- setting specific training programs in order to develop vocations and initiatives within civil society and enhance the quality of programmes,
- setting must-carry rules at the benefit of CRs on cable or digital radio multiplexes,
- and many others.

3. Conclusion

The considerations of this introductory paper must not be considered as complete or exhaustive. Rather, it is a starting point for discussion, along with the survey report.

How can media regulation contribute to the call for better supporting CR initiatives throughout Europe? Here are a few questions to start the discussion :

- Are there objective situations that can explain the difference of the situations of CR in the different States?
- What are the best practices on the issue of distinctiveness of CR compared to other categories of media? Which criteria's work best, what are their risks and caveats? What impact do the applied criteriologicals have on the shape of the landscape?
- What are the best practices in terms of recognition? What are the best vehicles to set them?
- When it comes to support, is it better to set a gradual type of support or an “all or nothing” approach? Is structural funding preferable to a more indirect form of support (facilities, project-based financing, etc.)? What should this support be based on (legal rules vs. jurisprudential approach)?

⁸ European Parliament, The State Of Community Media In The European Union, op.cit.

- What can we learn from the experience of those who have already set a policy? What are the effects of the policies put in place? Are there evaluation procedures of the impact of those policies?
- Who's in charge of CR regulation, licensing and support? How satisfactory are the roles set in your jurisdiction? What are the pros and cons of granting the licensing and support roles to the Regulation Authorities?
- What role could European institutions play in the support of CR?

In addressing the question of the role that Media Regulation in general and Regulation Authorities in particular can play in order to contribute to supporting Community Radio, this workgroup aims at generating debate and reflection among participants on concrete actions that each of them can take towards this goal in their respective position.