

Principles for a democratic legislation on community broadcasting

AMARC-ALC, 2008

1 Media diversity, content and perspectives

Diversity and pluralism are the main objectives of any regulatory framework for democratic broadcasting. These require effective measures to prevent the concentration of media ownership, to guarantee the dissemination of diverse contents and perspectives in the media and to recognize a diversity of forms of media ownership, goals and logic, which provides for three differentiated sectors: public/state, private/commercial and social/non-profit. Community media are part of this third group.

2 Recognition and promotion

The recognition and differentiation of community media in national legislative framework aims to guarantee the right to information and freedom of expression, to ensure diversity and pluralism and to promote the sector. Its inclusion in law must be accompanied by procedures, conditions and public policies of respect, promotion and protection, in order to ensure their existence and development.

3 Definition and characteristics

Community radio and television are private entities with public objectives. They are managed by various types of non-profit social organizations. Their fundamental characteristic is the participation of the community, in ownership as well as programming, management, operation, financing and evaluation. They are independent and non-governmental media that do not depend on or are part of political parties or private firms.

4 Objectives and ends

Community media exist to satisfy the communication needs of their communities' members and to enable them to exercise their rights of access to information and freedom of expression. Their aims are directly related to the communities they serve and represent including: the promotion of social development, human rights, cultural diversity, pluralism of information and opinion, peaceful coexistence, and the strengthening of social and cultural identities, among others. They are pluralist media and for that reason must ensure the access, dialogue and participation of a range of social movements, races, ethnic groups, genders, sexual orientations, religions, ages and others.

5 Technological access

All organized communities and non-profit groups have the right to use all available broadcasting and telecommunications technologies, including cable or other wired means, satellite or other radio and TV frequency bands, as well as other uses of the electromagnetic spectrum, in both analogue and digital systems. The technical characteristics of a station will depend only on the needs of the community it serves and represents, its communicational proposal and the availability of frequencies within national spectrum management plans.

6 Universal access

All organized communities and non-profit institutions, whether they are geographic communities or communities of interest, have the right to install community media in either rural or urban areas. Community broadcasting does not necessarily imply a restricted geographical service area; therefore there must not be any pre-established or arbitrary limits on coverage, power or number of stations in a particular location, region or country, except reasonable restrictions to limit the concentration of media ownership.

7 Spectrum reserves

National spectrum management plans must include, in all broadcasting bands, a significant and equitable amount of spectrum reserved for community and other non-commercial media. This principle extends to allocations in digital broadcasting frequencies.

8 Competent authorities

The use of frequencies must be assigned, supervised, revoked or extended by an independent public agency, which involves civil society members in the decision making process. Due process and the provision of an adequate level of resources to appeal its decisions are essential to guarantee the rule of law.

9 **Frequency allocation procedures**

An open, transparent and public contest is the ruling principle for the assigning permission to use radio frequencies. Competitive processes, which may be differentiated according to the different sectors with clauses and specific criteria, must take into account the nature and particularities of community media in order to guarantee effective and non-discriminatory participation. License conditions, criteria and mechanisms for the evaluation of proposals for the allocation of frequencies and the time frame must be clear and be amply disseminated before the initiation of a procedure. The process may be initiated by the state, or in response to requests of interested non-profit groups. Public hearings constitute a good practice, both for the process of adjudication as well as for evaluation and eventual renovation of licenses.

10 **Non-discriminatory conditions**

The administrative, economic and technical conditions demanded of organized communities and non-profit groups interested in creating community media will be limited to those strictly necessary to guarantee their functioning and the full exercise of their rights.

11 **Evaluation criteria**

The evaluation criteria will differ for the diverse modes of broadcasting. In the case of community media the following attributes will be highly valued: the pertinence of the communicational, social and cultural project, the participation of the community in the station, the organization's experience within the community and the contribution the station will make to media diversity in the coverage area. The economic capacity of the proponent should not be a deterrent nor a selection criterion, although there must be reasonable requirement for the station to demonstrate that it is sustainable.

12 **Financing**

Organized communities and non-profit groups that provide community broadcasting services have the right to assure their economic sustainability, independence and development, through resources such as donations, sponsorships, commercial and public advertising and other legitimate means. All of these will be entirely reinvested for the functioning of the station and the achievement of its goals. Any limitations imposed on the amount of time or quantity of advertising must be reasonable and non-discriminatory. Community media should present accounts to the community, making their financial management transparent and public.

13 **Public funds**

The existence of public funds with sufficient resources is a key element for establishing and developing community media. Exonerating community media from the payment of spectrum fees and taxes or reducing the charges is a desirable way of adapting them to the non-profit nature of community media.

14 **Digital inclusion**

The commitment of States to overcome the digital divide and to involve all sectors in the Information and Knowledge Society, implies the creation of mechanisms to ensure the access and migration of community and other non-commercial media to the new technologies and that enable them to confront the challenges that are envisaged in the processes of media convergence and digitalization.