

Community Media in Europe

The legal and economic framework of the third audiovisual sector in UK, Netherlands, Switzerland, Niedersachsen (Germany) and Ireland

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Austria, 2008

Commissioned and published by the (RTR) – Austrian regulator for telecommunications and broadcasting

Full print version in German:

<http://www.rtr.at/de/pr/PI13102008RF>

1. Introduction

Democratisation can be defined as the process whereby: the individual becomes an active partner and not a mere object of communication; the variety of messages exchanged increases; and the extent and quality of social representation or participation in communication are augmented. (UNESCO, Mac Bride Commission (1980))

Approximately 28 years ago UNESCO published the report of the MacBride Commission, in which a team of experts from every continent formulated the principles for a more equitable global information and communication policy. Many of the findings are still highly topical today under the impact of globalisation, particularly with regard to appropriate and necessary conditions for making lively, local communication facilities.

The multiple roles and services of community media have gained new attention in recent years throughout many countries, particularly in the context of maintaining and promoting independent, local communication.

The present work is intended to provide a basis for discussion for further debates on the legal foundation of and support for community media. It is an exploratory comparative study and draws a series of recommendations for further media-political discussions with the third broadcasting sector from experience in five European countries. In addition, it is also intended to stimulate more intensive academic investigation of the sector.

2. Research topic

The subject of this study is community media and in the wider sense the “third sector media” in the Netherlands, Ireland, Lower Saxony, Switzerland and Britain in the light of current discussions at a European level. The study is an exploratory study, and gives an overview of the historical development, the current legal, structural, economic and technical framework for community media, as well as their roles and functions within the respective media landscape. In addition to the aspects of the formal legal anchoring of the sector, indications of social recognition and representation of the sector in immediate media and political practice have also been analysed.

The focus of the study is upon terrestrial analogue radio. Analogue FM radio spectrum still remains the main form of dissemination of community media in all the countries of comparison. Only licensed providers have been taken into consideration. Another focus was the analysis of roles and functions that the national community media organisations contribute to the development of the framework of the third media sector and especially in interaction with politics and authorities. One association was examined in each of the five countries studied. For those countries where there are several organisations representing the interests and sometimes in competition with each other, the organisation has been selected that plays the most significant role for the development of the sector in the view of the authors.

The authors understand the study as an exemplary quality snapshot of the community media landscape in Europe. The study offers a current segment and overview of the third media sector in Europe that does not otherwise exist in this form. It shows “good practice” approaches, general tendencies and trends, and focuses on key challenges and difficulties that the sector currently faces.

A particular challenge for the investigation of community media lies in the portrayal of the heterogeneity of the sector itself. Community media and their framework conditions differ not only from country to country. Even just the different terms used for community media illustrate this heterogeneity. But even within the country of comparison, we are confronted with a highly diversified range of projects with different structures, approaches and emphases. Add to this the extraordinary dynamics of the sector and the media landscapes as a whole. Particularly technical development, advancing digitalisation of broadcasting and its effects but also often short-term change in the political framework must be considered. The study attempts here to provide an overview of the situation in the individual countries that is as a differentiated as possible. Many of the issues addressed here require a deeper investigation that would go beyond the scope of this work. In this sense, the study is also intended to serve as a productive impulse for further academic exploration of community media and the growing significance of a participative accompanying research.

3. Evaluation and Results

a. Community Radio – Terminology

Community Radio represents the most widespread form of community media, not only in the countries investigated here, but also in the broader European context. The term community radio has become established in recent years in use within the European organisations as well as the discussion in the EU and the European Council. It covers a wider range of open access media other than the terms "Free Radio" or "alternative media". The diversity of existing models – both in the countries studied here and in a wider international context – is to be considered as one of the strengths of the sector and indicates a high degree of innovation competence. For addressing the sector at the European level, this diversity has long been a major hurdle. Within the national contexts people naturally continue to use different terms, not only because of the different languages, but also as a result of the different historical origins, developments and manifestations in the sector.

The first licenses were awarded in the countries studied in 1983 in the Netherlands and Switzerland and in Ireland beginning in 1990, in Lower Saxony from 1997 and in Great Britain from 2005. "Community radio" is of course the term officially used in Ireland and Great Britain. In Lower Saxony, the term "public access radio or citizens radio" was introduced. In Switzerland the legal establishment under the Broadcasting Act of 2007 used the somewhat unwieldy term "complementary non-profit radio programme", for this reason the term "non-commercial local radio" is also often used. In the Netherlands the term "Local Omroepen" is established, but this means the licenses that permit the holders community radio, also the organisation of TV programmes and other media services. We will now focus on summarising the most important correspondences and relevant special features of the sector in the individual countries. Several aspects will be compared in a table overview at the end for more clarity.

b. Definition of Community Radios

The understanding of community radios in all five countries is consistently defined by their local relevance, their non-commercial orientation, and open access to programming for the members of the communities served. In all the countries a form of public responsibility is defined, which they must fulfil. In Lower Saxony and the Netherlands this is defined primarily in terms of local and regional reporting, in Great Britain and Ireland through their contribution to community development and the strengthening of "social gain". In Switzerland the focus is on complementarity to conventional programmes and training services. In Lower Saxony promoting media literacy is also an important aspect. The sum of these aspects can also be found in the relevant charters or declarations of the European Community media associations and is increasingly being incorporated into reports, resolutions and recommendations of the European institutions.

c. Legal Frameworks and Regulations.

In all the countries studied, with the exception of Ireland, community radios are meanwhile become legally established – in Great Britain explicitly as the “third tier of radio”, similar to the situation in Ireland, where the former establishment at the regulatory level has now been extended to inclusion in the Broadcasting Act – this is part of a current government proposal. This form of recognition as a separate sector has its importance not only within regulatory policy but also for social recognition in general – this was also the conclusion that the authors of the study “The State of Community Media in the EU” came to.

While in Lower Saxony and Switzerland extremely rigid licensing conditions have meanwhile emerged, which leave little space for new community radio projects, the licensing on the part of the authorities in Ireland and Great Britain is very dynamic and provides for the admission of new channels. In the Netherlands there is the densest network of broadcasters – more than 90 % of the country is provided for – so for this reason hardly any new licenses can be awarded. In the general, the possibility of applying for licenses apart from rigid tenders best meets the needs of community radios. The practice of the Irish regulation authority BCI can be regarded as an exemplary model here. The BCI endeavors to find appropriate frequencies on request from new community radio initiatives, which are then also explicitly allocated for the licensing of a non-commercial community radio. Such procedures for licensing have already been described by Kleinstüber in his broad comparative study in 1991 as a regulatory policy that best corresponds to the logic of community radios (Kleinstüber (1991) pg. 280 – 283).

Important indications of the impact of different regulatory practice are evident in the ratio of community radio licenses awarded in proportion to the population and the number of non-commercial broadcasters in relation to public and commercial broadcasters. Most licenses are awarded in the Netherlands – on average one for every 60,000 inhabitants. In Ireland for the ratio is one license to approximately 200, 000 persons, to 340,000 in Britain, in Lower Saxony 600,000, and Switzerland 830,000. These ratios are only relatively comparable, however, because the size of the service area is sometimes quite different. Another form of special status is granted to the community radios (public access) in Lower Saxony, as there only non commercial licenses are awarded at the local level – not least because revenue from the local classified ads is supposed to be reserved for funding local press.

d. Financing and Public Funding.

While the definition of a public service contract for community radios is found in all the countries in one form or another, there are significant differences in the financing and public funding structure. In Switzerland, Ireland and Lower Saxony public funding through fee splitting is legally established. In Great Britain and the Netherlands (call for 5 Euro / household), there are currently intense efforts in the sector to increase or establish a central community

media fund. There is little difference between the existing or proposed revenues of the stations surveyed despite the diversity of the sector, usually between 2000 and 4000 Euro.

The public service contract is most consistently fulfilled in Lower Saxony. The Lower Saxony Media Institute NLM uses more than 50% of their funds (in 2007 that amounted to € 5.11 million) for the funding of public access radio – which is about 2/3 of the total operating costs in the sector. In Switzerland public funding radios with a performance-related mandate and fee percentage – regardless of whether commercial or non-commercial – is limited to 50% of the turnover. This means that twelve commercial radios receive 80%, nine non-commercial local radios, however, only 20% of the public funding. A total Sfr 18.8 million is budgeted for the public funding of twenty-one radios. The equal treatment of commercial and non-commercial radio in this case leads to a clear disadvantage for the stations free of advertising, which lack additional budgetable third-party funds due to their non-commercial orientation, although third-party funds would be the prerequisite for higher public funding from fees. Similar forms of discrimination through equal treatment between commercial and non-commercial media have already been addressed in other comparative studies (Cf. Kleinstuber (1991) pg. 282).

In Britain and Ireland a recognition of services in terms of community development and its social integrative function which is clearly noticeable – a substantial portion of the financing for the broadcasters comes from the social, education and culture ministries of national, regional and local authorities.

In Lower Saxony, along with public funding from fee splitting, public funding as compensation for training and labour market policy services from the broadcasting organisations have a palpable effect.

In general one can say that a diversity of funding sources best insures the independence and stability of community radios and also fosters their entrepreneurial creativity. To be able to make use of a variety of funding sources, however, the funding of a basic structure needs to be assured. For this reason, a pool of public funding centrally organised at the national level usually assumes an existential role. The degree of social acceptance of community radios and the relevance of their services in the public interest are consequently an important precondition for the further financing of the broadcasters. It should also be noted that broadcasters with a sufficient basic structure often acquire substantial additional EU funds for projects, which thus also contribute to the local economic context.

e. The Role of the Representative Organisations

The organisations surveyed respectively assume important coordinating functions within the sector, thus ensuring representation to the regulation authorities, government agencies and other relevant organisations. The social recognition of the sector mostly depends essentially on the activities of the representative organisations. In general we can say that umbrella associations with a more broadly defined self-image and more extensive activities are also

more effective in their surroundings on behalf of the interests of community radios.

The Irish community radio organisation CRAOL, for instance, defines itself not only as a classic umbrella association, but it also organises training work. It provides for the recognition of individual training modules within the Irish education system and contributes significantly to the emergence of new community radios. CRAOL promotes productive engagement between the sometimes very different community radios and sets impulses to stimulate creativity and innovation. From its formation history, it has a very close connection to the regulator BCI, but this proximity does not impede their independent work. For a long time, the vast majority of the work at CRAOL has been done on a volunteer basis, but they have now entered a phase of professionalisation. The activities taking place at CRAOL are financed up to 90% by the regulation authorities.

In contrast UNIKOM operates in Switzerland as an umbrella organisation in a division of labour with the training organisation *Klipp & Klang*. UNIKOM carries out its lobbying function very efficiently, and *Klipp* and *Klang* have developed a very professional profile within their area. However, this does not prevent important synergies from being lost due to this segmentation, which elsewhere emerge through the combination of lobbying, coordination, training, consultation, project development and other central services and activities.

The umbrella association *OLON* in the Netherlands has a statutory position and financing. Along the statutory position of the local sector as a public service enhances the legitimacy and public recognition of *OLON*. *OLON* is involved in all essential consultations and questions regarding the sector and offers members several services and advisory services – sometimes for a fee. With an annual budget of 1.66 Million Euros the organisation is the best equipped of all the umbrella organisations studied.

Due to the late admission of legal community radios, the Community Media Association CMA in Britain has grown into a very broad organisation that meantime represents 700 members – among them, however, a large number of individuals and organisations affiliated with the sector, which do not operate media community themselves. It should be stressed that the CMA plays an important role as a campaign organisation – their activities were and are crucial for shaping the legislation for the sector. The CMA finances its activities largely through project financing and membership fees. The establishment of basic funding through the Department for Culture, Media and Sport (DCMS) is currently in negotiation – it aims to strengthen sustainability of the work.

In Lower Saxony, the state federation of public access media is hardly able to develop extensive activities despite or because of the institutionalised role of public access radio. On the one hand it lacks funding, on the other a number of functions of a representative organisation are already covered in Lower Saxony directly by the state media institution or citizen media officers. . This situation may, in some ways, even be interpreted as a form of excessive supervision of the sector, which leaves little motivation for the major confrontations and activities that elsewhere develop "from below". An additional difficulty for each representative organisation in Germany is that

legislation differs from one federal state to another. In addition, there is a largely counter-productive clash between different community radio and TV models – specifically between independent radios and open channels. The roots for these partially paralysing clashes between representatives of different models of alternative media are both the actors within the affected media themselves and German media policy, which has allowed little self-regulation to the third broadcasting sector since its emergence.

f. Challenges for the Sector

In all countries studied the digitalisation of broadcasting is a major challenge, which also provides an opportunity to reflect on and partly redefine the specific achievements, use contexts and special features of the community radio sector. In the context of a globalised media world, which is noticeable in the increase of transnational media concentrations, the community media are in many cases the sole media with a local presence. In the discussion concerning appropriate forms for digitalising the existing FM band, the main concern from the perspective of the community radios is that any new technology must meet the demands for a low-cost supply for the local service area through a platform with the highest possible user acceptance. These kinds of qualities are not evident in the current plans for DAB and DAB + so far.

In terms of the degree of social recognition, the emphasis is particularly focussed on making the multifacetedness of the social, cultural and educational functions of community media more visible and understandable. Community radios gain new meanings in multicultural society, especially for migrants and other disadvantaged groups. One traditional role is to give the voiceless group a voice. On the other hand, they are also important for learning multiple skills, which are suitable for expanding the critical and self-determined capacity of disadvantaged groups and individuals (Cf. Kellner (2005) and Peissl (2008))

Community radios thus take up current social challenges and fulfil forms of public services from below. With their multilingual programming, many community radios are important social hubs and promote inter-cultural dialogue. Active citizens need access to open media in the sense of social participation and the constitution of discursive public.

Diverse forms of participatory accompanying research and self-evaluation could make important contributions to these issues. For this reason alone, the expansion of what is generally very sparse research on community media sector is an important demand. There are already good examples of appropriate research approaches that correspond substantially better to the character of community media than classical media research. Here it would also be important to combine different innovative approaches throughout Europe, in order to be able to make use of knowledge and experience from other national contexts more easily.

4. Recommendations.

The following recommendations are directed at the media policy and regulatory environment of the third broadcasting sector in the broader sense, but also to the cultural, social, educational and political environment as well as those operating in the sector themselves.

In all the countries of comparison, despite their remarkable diversity the community media have been able to develop an independent profile and are also perceived as a separate area in the media landscape. The authors therefore recommend that the term "third sector" used in this study should be introduced into the media policy discussion, regardless of whether and how community media are formally and legally defined as a separate field or as part of the private or the public law sector.

In the relevant legislation the widest possible definition of the third sector through its social roles and functions in the broadcasting landscape as well as in the overall context of society should be encouraged – also in a clear distinction from other media areas. The central criteria would include the non-commercial orientation, its accountability to the communities served and a commitment to an organisational structure in keeping with an optimal integration of local, cultural and social groups and the creative potential.

The legal recognition of the sector is a formal prerequisite for the success of the sector and its dissemination. In addition to this legal recognition of the achievements of community media in media and political practice, the public perception as a separate sector and the appropriate consideration of funding needs. A crucial factor for the recognition of the sector is the quality, scope and particularly the participatory character of its local programming.

The European level is also increasingly important for community media. The authors of "The State of Community Media in the European Union" speak in their study of a whole range of policy areas, in which the social, political democracy and social benefits of community media can thematically be seen. This suggests that also at national level the discussion of community media should be based on an equally broad understanding, taking discussions at the European level more into consideration in general.

In the area of licensing the authors recommend a low-threshold approach, which would take into consideration the limited resources of the applicants, for example through assistance in coordinating frequencies. Generally, the regulatory effort for all sides is to be kept to a minimum. The importance of low-threshold broadcasting options is also evident in the remarkable sustainability of pilot projects or temporary licenses, which are often at the start of a lasting development of community media. In Austria a number of independent radios have ultimately developed out of event or training licenses.

Programmatic requirements and restrictions, such as in the fundamental orientation to participatory programming or noncommercial operation are particularly useful where they focus the demarcation line and the independent profile of the sector. In clarifying a programming mandate advocated by the authors, however, attention should be given to formulating this in keeping with

structural and organisational capabilities of the sector, and that compensation is given with appropriate subsidies.

The authors recommend as a measure to promote and ensure the diversity of local media that the regulatory framework should be oriented to seeking comprehensive provision and guaranteeing this through the allocation of frequencies. In addition, in more densely populated areas it seems reasonable to grant multiple, overlapping licenses to community radios with different profiles. Besides the optimisation of the existing spectrum the extent of the appropriate additional digitalisation transmission capacity media, which can be made available, should be examined.

Community media do not have the means and resources to be able to react appropriately to technological developments. The digitalisation of broadcasting is a special challenge for most local community media. In addition to the costs, secure and affordable access to new dissemination opportunities plays a central role. Appropriate measures for the consideration of community media are must-carry regulations such as those legally established in the Netherlands. In the selection and implementation of the digitalisation of broadcasting it is particularly important to ensure that provision to local areas is economically possible. Currently it also seems that maintaining broadcasting on FM is reasonable for much longer than is generally assumed. Especially the possibility of a digitalisation of radio with DAB technology remains under critical discussion in terms of serving local areas.

With regard to the cost of digitalisation, adequate funding and access conditions are required that are adapted to the needs and possibilities of community media.

This study shows that clear responsibilities and the level and quality of cooperation between authorities and community media are crucial for the success and sustainability of the sector. Based on the positive experiences in Ireland and the Netherlands, the authors find it particularly necessary that sufficient resources and skills available within the authority bodies to enable a qualified engagement with the sector, its themes, issues and challenges, as well as an ongoing exchange of experiences. For the further development of legal and regulatory framework conditions, the British model of public and transparent consultations may be regarded as a model.

The example of the Netherlands shows that a formal statutory establishment of the umbrella organisation of the sector strengthens its legitimacy and claim of representation, both within and outside the sector, and thereby contributes significantly to the effectiveness of its work. The authors recommend the establishment of a platform for an ongoing exchange of opinions and experience between the responsible authorities and the respective national organisations, as well as the involvement of representative organisations in all relevant decision-making bodies to ensure the consideration of the expertise of the sector in the development of future regulatory and media policy framework conditions.

In addition to legitimation, an advocacy group representing the interests of the sector must also have adequate resources and the financial means to promote

successful policies for the sector and provide adequate services and benefits to its members. The ding of an advocacy group is part of fostering the diversity of the media landscape – not least of all because communication, networking and development work within the sector are also the best preconditions for strengthening existing projects and initiating new local media projects. In this sense, the authors recommend following the successful example of the Netherlands and providing basic funding for advocacy from public funding.

Besides services for members and the necessary lobbying work, there should also be a special emphasis on the importance of training in the field, especially in the field "train the trainer" should, which contributes to the ongoing further development of the sector and quality assurance. These activities also provide opportunities for a positioning outside the narrower media area – for instance in the field of adult education – and thus for strengthening the recognition of community media as a whole. For the further development of the training area, the authors recommend the statutory establishment of appropriate funding and the development of comprehensive concepts for quality assurance, all the way to consistently promoting the certification of course offers.

In addition to a formal and legal recognition of community media, the issue of their funding must necessarily be structurally resolved. A variety of funding sources principally best ensures the independence and stability of the sector and should therefore be sought. However, the study clearly reveals the problem of dependency on project financing – both for the operation of community media and of their umbrella organisations. For this reason, it is urgent that at least a portion of the funding is covered through secured basic funding. An adequate funding system must be capable of ensuring the basic operations even for the radios that receive insufficient funding or none at all from the local side for structural or political reasons.

The present study provides an overview of the situation, perspectives, specific focuses and challenges of community media in the countries compared. Given the heterogeneity of the sector, of course it was not possible to take all aspects sufficiently into account. In depth research projects and the evaluation of good-practice examples should be pursued, especially beyond the realm of conventional accompanying research.

As a point of reference, accompanying research and evaluation demonstrably play an enduring role for the development of media policy and regulatory frameworks. The authors suggest providing increased public funding for the external evaluation of the sector and for the development of measures and methods of internal evaluation. For the results to be comparable, the international coordination of accompanying research and the development of shared methods and research designs, especially participatory accompanying research, is necessary. A positive example for the establishment of the sector in research and teaching is Great Britain, where a separate department for community media research has meanwhile been instituted in the Institute of Sociology at the University of Westminster in London.

The internationalisation of knowledge exchange in the third sector should also be pursued, because the benefits and relevance of the independent radios in

Austria have so far been insufficiently or not at all registered in many policy areas. This applies in particular to discussions on the role of the third sector in terms of "community development" or "social gain", such as those that have ultimately played a central role in Ireland and Great Britain in defining the public service mandate and consequently in the financing of community media. However, the exchange of experience, presupposes the accessibility and comparability of sufficient sources and data. In this respect, the present study is intended to provide a contribution that has largely been missing specifically in German-speaking countries in recent years. To facilitate further discussion, future studies should include not only general facts and figures on the sector, but also the selective presentation of outstanding projects in which key factors and benefits of community radios are made visible – such as successful multilingual radios. The authors also generally recommend making increased funding available for accompanying research and evaluation of the sector.

5. Quotations

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