A good Broadcasting Regulatory Mechanism

the Indicators
UNESCO

Media Development Indicators

• CATEGORY 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media.
• CATEGORY 2: plurality and diversity of media, a level economic playing field and transparency of ownership:
• CATEGORY 3: media as a platform for democratic discourse
• CATEGORY 4: professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity
• CATEGORY 5: infrastructural capacity is sufficient to support independent and pluralistic media:
Broadcasting Regulatory Principles

• The regulatory system exists to serve the public interest
• Autonomy and independence from political and commercial interests
• The task is to ensure fair, pluralistic and efficient public minded broadcasting system
• Foster Diversity - ownership types – divers programmes, including public service
• Help educate audiences – media literacy programmes
Key Indicator: Independence of the regulatory system is guaranteed by law and respected in practice

- explicit legal guarantees of autonomy and independence from partisan or commercial interference
- powers and responsibilities of the regulator clearly set out in law
- members of the regulatory body chosen through a transparent and democratic process designed to minimise the risk of partisan or commercial interference (for instance, setting up rules on incompatibility and eligibility)
- adequate and consistent funding for the regulator is guaranteed by law to safeguard its independence and/or protect it from coercive budgetary pressures
Key Indicator: Regulatory system works to ensure media pluralism and freedom of expression and information

- regulatory body formally accountable to the public (e.g. through parliament/legislature)
- regulator has scope to ensure that the broadcasting sector runs in a fair, pluralistic and efficient manner and is empowered by law to promote fairness, freedom of expression, of views and diverse ownership, public service programming and accessibility of broadcasting services to the general public
**Key indicator: regulator takes positive measures to promote pluralist media**

- effective regulations to prevent undue ownership concentration and promote plurality
- specific legislation on cross-ownership within broadcasting and between broadcasting and other media sectors to prevent market dominance
- regulations recognise the distinction between small and large players in the media market
- transparency and disclosure provisions for media companies with regard to ownership, investment and revenue sources
Key indicator: Regulator takes positive measures to promote pluralist media

- licensing process for the allocation of specific frequencies to individual broadcasters promotes diversity of media ownership and programming content
- authorities responsible for implementing anti-monopoly laws have sufficient powers e.g. power to refuse license requests and to divest existing media operations where plurality is threatened or where unacceptable levels of ownership concentration are reached
- Regulator actively monitors and evaluates the consequences of media concentration
Key Indicator: Open and transparent frequency allocation

- regulatory system ensures equitable access to the frequency spectrum to a plurality of media, including community broadcasters
- decision-making processes about the allocation of frequencies between public, private and community broadcasters are open and participatory
- decision-making processes about the allocation of frequencies between public, private and community broadcasters are overseen by the regulator that is free from political or commercial interference or control by any vested interest
State ensures compliance with measures to promote pluralist media

- anti-monopoly laws use by regulators to refuse license requests or force divestment of existing media operations in order to avoid excessive concentrations of media ownership
- civil society groups and citizens at large actively participate in the promotion and enforcement of measures to foster media pluralism
- regulators allocate digital licenses to a diverse range of commercial and non-commercial operators
Key Indicator: State plan for spectrum allocation ensures optimal use for the public interest

- regulatory authority has a plan for spectrum allocation that meets ITU rules and UNESCO recommendations on provisions for public service broadcasting
- plan is drawn up in consultation with CSOs and the media sector
- plan is published and widely disseminated
Key Indicator: State plan for spectrum allocation promotes diversity of ownership and content

- plan ensures that broadcasting frequencies are shared equitably among public, private and community broadcasters and among national, regional and local broadcasters
- frequencies are not required to be auctioned off to the highest bidder if the public interest is better served by other bidders
- part of any digital dividend should be allocated back into broadcasting (i.e. that not all freed up frequencies are sold to the highest bidder)
- there should be some ‘must-carry’ obligations on satellite and cable carriers, at a minimum, to carry PSB channels among the choices they offer as well as the possibility of must-carry obligations to promote diversity (e.g. in favour of minority channels)
Key Indicator: Effective broadcasting code setting out requirements for fairness and impartiality

• broadcasting code sets out requirements of both public broadcasters and private broadcasters (e.g. as a condition of retaining private broadcasting license)

• regulation to ensure respect for the principles of fairness, balance and impartiality during elections e.g. allocation of air time to candidates, reporting of opinion polls, quotas for political advertising, party election broadcasts, prevention of undue coverage to public authorities as prescribed in the national electoral code

• code does not compromise the editorial independence of the media e.g. by imposing prior system of censorship