

# **Media development in Nepal since 1990: challenges and central role of regulation and reform**



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## **Keywords**

Nepal, media, democracy, diversity, pluralism, media policy, regulation, conflict, transition

## Abstract

This thesis is the result of an exploration of the development of media in Nepal from 1990. 1990 is the year that Nepal began a prolonged transition to democracy. This transition included multiple civil movements aimed at freedom and democracy; an armed civil conflict; sweeping socio-political transformations; and a protracted and yet incomplete peace process. Nepal emerged from decades of autocracy in 1990 and liberal constitutional and legal provisions facilitated increased citizens' participation in media and politics, the strengthening of civil society, and an emphasis on identities. However, growing political polarization, bad governance, a decade (1996-2006) of armed conflict, a royal coup and an unresolved peace process have made the transition to democracy complex and protracted.

The central argument in this thesis is that media reform is a complicated task when a State is not stable and unable to effectively provide the basic functions related to order, security and rule of law – functions that only the State can provide. In the absence of an effectively functioning State and adequate public policy, there is a high likelihood that media becomes subject to political and commercial manipulation, especially when the existing media regulatory environment fails to keep pace with the rapidly changing media landscape, and when there are gaps in regulation. However, expansion of the media in terms of growth in media outlets can continue to occur even when investment in the media is understood as not commercially viable. In Nepal, such expansion results from political and commercial influence. The ease of access, the benefits of proximity to power, the opportunity for image cleansing and immunity from prosecution, provide a safe space for investment. As a result, such expansion does not necessarily translate to pluralism, especially when the regulatory environment is weak or inadequate. This thesis argues that the State has a central role to play, especially during phases of transition, in ensuring that citizens continue to have access to public cultural goods, communication media being at the forefront. Hence, the focus of this thesis is on how the rapid expansion of the media, the media regulatory environment and the various challenges associated with the transition in Nepal have affected media development and their role.

This thesis draws on qualitative data collected through 44 in-depth semi-structured interviews and one group interview conducted in Nepal in 2011 and 2012. It also draws on a review of 30 articles on the media published by leading media providers in Nepal between 2010 and 2013. Finally, it draws on 2 regional media managers' workshops in 2011. An inductive

approach to analysis is taken within a grounded theory methodology. The thesis examines, and critiques theories related to the critical political economy of the media and those related to diversity, pluralism, democracy and public good.

This thesis explores how, since 1990, various factors have contributed to a rapid expansion of the media in Nepal and the particular characteristics of media diversity and pluralism that have emerged. It exhibits a rather complex relationship between media diversity and pluralism demonstrated by the range of views that either herald the expansion of the media as being in the interest of media plurality or criticize it for engendering chaos and cacophony. Arguments on each side either perceive the expansion as promoting more social, cultural and political views and opinions, or contributing to their growing polarization. The situation of the media policy framework and reform has been assessed to understand regulatory provisions for investment and ownership, and how these affect media development.

This thesis also discusses how the media policy framework in Nepal has failed to keep track of not only the social and political transformations embracing the country, but also the rapid changes to media technology. Despite frequent formation of commissions, committees and task forces to study and recommend media policy reforms, institutionalization and implementation of such recommendations have seldom been carried out. The importance and lack of media capacity – institutional and journalistic – has been highlighted as a major factor influencing the media's capability to function as a public good.

This thesis points to the need for public policy that promotes the practice of local, indigenous and endogenous media production for strengthening small and unorganized media markets. Such practice might ensure that local media enterprises remain independent from centralized media networks in terms of their governance and management mechanism as well as their editorial and content policy. Public policy might also ensure the decentralization of resources for the media, the absence of which can very easily lead to local media joining or being co-opted by centralized media networks. Such a phenomenon can lead to media concentration even at the local level, thereby limiting media plurality. Finally, this thesis assesses how public service broadcasting is considered a plausible public good despite generally perceived as being detrimental for media plurality.

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## Statement of original authorship

The work contained in this thesis has not been previously submitted to meet requirements for an award at this or any other higher education institution. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made.

Signature: \_\_\_\_\_

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## 1. Introduction

In 1990, Nepal emerged from decades of autocratic rule. However, in the more than two decades since, it has not been able to consolidate democracy and has been in a situation of perpetual transition. This thesis is an exploration of the development of the media<sup>1</sup> in Nepal during this period of transition. The primary focus of this thesis lies on how the following factors have affected media pluralism and the functioning of the media as a public good in this transitory phase in Nepal's history:

- the rapid expansion of the media;
- the media regulatory environment; and
- the challenges facing media development.

The media might be considered to be developed when journalists exhibit professionalism in their work and when a vibrant media culture ensures independence and access. UNESCO (2008) provides a very elementary but effective understanding of media development in linking it to the goal of the establishment of an environment where:

1. the media remains independent (from political, commercial and government influence, control and restriction); and
2. even the most marginalized populations have unrestricted access to news and public information.

This thesis examines how the rapid expansion of the Nepali media<sup>2</sup>, the media regulatory environment and the multiple challenges associated with a nation in transition have influenced the media's role in addressing diversity, plurality and democracy. This is in a context where the media themselves are rapidly changing, reflecting the broader social, political and technological transformations that the country, its media sector and its citizens have been witness to. In doing so, it examines an interesting phenomenon related to the media and democracy in Nepal. There was an autocratic single party regime in Nepal prior to 1990. The political transformation following a popular people's movement in 1990, ushered in a multi-party democratic system. The then king took over absolute state power in 2003

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<sup>1</sup> Media, as used in this thesis, is to be understood as print, television and radio in Nepal, unless specific mention of another form of media is made

<sup>2</sup> The term *Nepali media* used extensively throughout this thesis, is not to be understood as media in the Nepali language; rather it is to be understood as the media in Nepal

only to abdicate in 2006 after what is called the second popular people's movement. Both movements aimed at the establishment or reestablishment of democracy caused the otherwise politically scattered and bitterly competing media organizations to unite. So while their role in supporting democratic movements and the establishment of democratic rule has generally been acclaimed, the same cannot be said about their role in the institutionalization of democracy. In examining the challenges facing the media, this thesis also examines why the media have not been able to play a consistent role in the upholding of democracy in the country.

## **Background**

Despite multiple attempts, Nepal has yet to consolidate stable democracy. Contemporary Nepali history has witnessed major regime changes in 1950, 1990 and 2006 aimed at establishing democracy. The socio-political change of 2006 must be considered most significant in that it transformed Nepal into a secular, federal and democratic republic. This transformation saw the demise of 240 years of monarchy. Nepal transformed from being a Hindu to a secular nation, and from practicing a unitary to a federal form of governance. This change was ushered in by a truce that followed ten years (1996-2006) of armed internal conflict that claimed about fifteen thousand lives, led to large-scale disappearance of citizens and damage to property and infrastructure. Even after the signing of a Comprehensive Peace Accord in 2006 and elections to two successive Constituent Assemblies in 2008 and 2013, Nepal is still struggling to institutionalize good governance, stability and development.

The media have had a major role in supporting the political changes in 1990 and 2006. A change of regime in 1990 and the liberal constitutional and regulatory provisions that followed, led to the opening up of the Nepali media to the private sector. The floodgates opened, especially in the broadcast sector, after *Radio Sagarmatha FM 102.4* obtained its broadcast license in 1997 and commenced regular broadcasts in 1998 (Onta 2006), becoming the first independent community radio station in the whole of South Asia (Noronha 2003; Pringle 2001). However, this process for making FM radio waves accessible to the public was not simple. Ian Pringle (2001, pp. 80-1) explains how a long and difficult campaign needed to be initiated to overcome multiple obstacles, which included among others, an unstable political environment, a conservative government, a bureaucracy compromised to the status quo and a state radio station (*Radio Nepal*) that was accustomed to many years of monopoly. As of 15th March 2014, 543 FM radio licenses had been issued of which 360 were in operation. Likewise, 57 television broadcast licenses had been issued and 768 cable

operators had been approved to distribute audiovisual media utilizing cable transmission (Ministry of Information and Communication 2014).

What is significant is that this rapid expansion of the Nepali media occurred at a time of enormous political upheaval. The table below (table 1.1) provides a comparative view of how the media have grown in terms of numbers. While print media are the oldest in terms of their existence, the pace of growth indicates that radio has become the most popular medium in Nepal. The popularity is an outcome of radio's extensive signal reach, low cost of access and low literacy levels in Nepal. The growth of the television sector has been slow compared to radio, and this is obvious given the high costs associated with the establishment of television channels as well as that of reception.

	1951/58	1990	2013
Newspapers	37	456	3,408
Radio stations	1	1	515
Television channels	-	1	58

*Table 1.1 – Growth of media in Nepal<sup>3</sup> (UNESCO 2013)*

There was an altruistic vision with which media development – especially rural and community media – was approached in the 1990s. However, despite the very significant role of the media in supporting the political changes in 1990 and 2006 (Chhetri 2010; Dixit, K 2008; Onta 2008), the development of the media in Nepal has not been without its challenges. Vinaya Kasajoo<sup>4</sup> – an eminent media personality and former chairperson of the National Information Commission of Nepal – had this to say with regard to the vision for media development in the mid 1990s in comparison to the situation today:

“... it can clearly be seen that what we had envisaged is not happening. In terms of content, I am satisfied; but in terms of how the media ought to operate, they have gone beyond the control of the community or those at the

<sup>3</sup> The numbers in the table represent the number of registered media publications and channels; of the 3,408 registered newspapers, only 874 publish regularly according to the Press Council Nepal

<sup>4</sup> Vinaya Kasajoo was interviewed as part of data collection for this research

grass-roots level and are now within the grasp of rich people, political leaders and political parties.”

There are many others who, like Kasajoo, express frustration at how the media have moved away from what the pro-people media campaigners had envisioned in the 1990s. While there is still room for satisfaction with regard to the nature and quality of content that the Nepali media provide, the general discontent stems from the manner in which they operate today. Vinaya Kasajoo is respected for his contribution to media development in Nepal. He likes to describe himself as a ‘pro-people’ community media activist. He was the founder publisher of *Gaunle Deurali Weekly*, a community newspaper published in rural Palpa in the mid-hills of Nepal. *Gaunle Deurali* is better known among the media and development fraternity, as a grassroots newspaper dedicated to community development in the true sense, through access to the community and content relevant to community interests and needs (Banjade 2006). Kasajoo recalls how empowerment of people lay at the centre of efforts to develop and institutionalise the media in Nepal in the 1990s, citing *Gaunle Deurali* as an example.

As will be seen in discussions in later chapters, there is a strong voice for provision (where needed) and enforcement of regulatory measures in the media to ensure that media *modi operandi* keep both basic conditions for media development – independence and access – within their sights. The primary source for discontent lies in how the Nepali media have moved beyond the control or management of the community and towards the control of the political elite, thereby reducing independence and access. As argued by Andrew Puddephatt (2011, p. 69), independence goes beyond the issue of ownership (public, non-state, private etc.) alone and is associated with editorial independence as well. Likewise, Puddephatt also notes that access for all sections of the society – the poor and marginalized included – would contribute to the development of media, and hence to the development of democracy. A media characterized by pluralism and diversity where the poorest of the poor are able to communicate, was the type of media development desired by Kasajoo and others like him.

In the beginning, the advent of more community radio stations modelled after *Radio Sagarmatha* - including *Radio Lumbini FM* and *Radio Madanpokhara FM* in 2000 (Onta 2001), indicated that the vision of those that had engaged in or supported the struggle for the opening of broadcast air-waves was steadily being realized. However, the lack of timely policy legislation distinguishing between community and commercial FM radios as well as a lack of planning and regulation to enable the growth in the sector threatened the early visions of social inclusion and development (Pringle & Subba 2007). Ian Pringle and Bikram Subba

suggested that most community radio stations in 2007 would not pass as community radio stations by the standards and principles set by the community radio groups in Nepal for themselves (p. 15). They also observe a growing political and commercial influence on the media in Nepal (pp. 20-1). This is what troubles Kasajoo and others like him, when they look back at the aspirations they had for media development, back in the early and mid 90s. This situation also provides the backdrop for this thesis.

This introductory chapter sets out the aims, context and significance of the research and thesis. This is followed by a section that discusses the research problem and the research questions that this study aims to examine and address. A summary of findings and an outline of the chapters complete this introduction.

## **1.1 Aims, context and significance of research and thesis**

### **1.1.1 Thesis Aims**

The aim of this thesis, as has been explained at the beginning of this chapter, is to explore the development of the Nepali media during the country's prolonged transition to peace, stability and democracy. The thesis aims to enhance conceptual understanding and provide policy recommendations, which will be useful in media policy design and implementation, specifically in Nepal. To do so, the thesis has the following specific aims:

- a) To examine and assess the rapid expansion of the Nepali media industry since 1990 and how it has influenced diversity, pluralism and democracy in Nepal; and
- b) To examine the situation and evolution of the media regulatory environment in Nepal with the aim of assessing its adequacy in the context of the multiple challenges facing this rapidly expanding media industry.

This research explores the factors that have fuelled the rapid expansion of the Nepali media sector since 1990. It includes an assessment of the pattern of distribution of ownership, the professional capacity within the sector, and how a range of stakeholders perceive the role and situation of the Nepali media. It analyses the rapid expansion of the media in the context of the size and maturity of the Nepali media market, and the resources available for the development and distribution of media products. Also considered are the challenges that the media industry currently faces, or those it foresees, within a situation of protracted socio-political transition where media policy is not prominent on the agenda of uncertain policy reforms.

Finally, it explores pathways for consolidation of the media industry in Nepal by looking into the possibility of broadly categorizing them as public, private and community media. This is to explore whether and how the media and policy makers think about and approach ideas of media as a ‘public good’. Overall, this research and thesis is an attempt to understand how the Nepali media have and might continue to contribute to meeting the diverse expectations that Nepal and Nepalis have of democracy.

### **1.1.2 The context**

To provide context for this research, it is necessary to briefly discuss Nepal’s socio-political and media history since 1990. A more detailed account and analysis is contained in Chapter 2.

In 1990 Nepal emerged from an autocratic regime, which under the direct rule of a single-party government under the king, exercised total control of the state media and was not supportive of private sector media. A popular peoples’ movement in 1990 led to the advent of a multi-party democratic framework that was relatively more liberal towards the media, including private sector media.

The time frame considered in this research includes a decade of armed internal conflict from 1996 to 2006, during which the monarchy once again wrested and relinquished control of state power. Since the signing of a *Comprehensive Peace Accord* (CPA) in 2006 and through the adoption of an *Interim Constitution* in 2007, Nepal decided to do away with the age-old institution of monarchy and transformed itself from a ‘Hindu<sup>5</sup>’ to a secular country. By pledging allegiance to a federal structure of governance as opposed to the central unitary form of governance it had practiced throughout its history, Nepal was transformed from being known as the *Hindu Kingdom of Nepal* to the *Federal Democratic Republic of Nepal*.

Despite these sweeping and major transformations, and the election of a Constituent Assembly (CA) in 2008 tasked with developing a new constitution, progress on the road to peace and development has been difficult and slow. The CA was disbanded in 2012 after continual struggles for political power and disagreement on contentious constitutional issues. The new constitution was not written or agreed upon within the mandated time frame. Following this, an interim caretaker electoral government,

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<sup>5</sup> Until the adoption of an interim constitution in 2007, Nepal was the only Hindu nation in the world

headed by the Chief Justice of the Supreme Court, was tasked with conducting elections to a new CA in November 2013. Following the second election to the CA on 19th November 2013 and the formation of a new CA, a daily observation of the Nepali news media reports a situation that is far from stable. Multiple challenges still exist on the road to peace and democracy.

As can be understood from the chain of events described above, Nepal stands at a critical crossroads in its history. The sweeping political and social changes of the past two decades and the inability of Nepalis to institutionalize these changes have resulted in a high degree of instability. These include an alarming increase in political and ethnic polarization (Acharya 2009; Do & Iyer 2006, 2007, 2010; Nepal, Bohara & Gawande 2007, 2011; Sharma, K 2006; Thapa, GB & Sharma 2009) and a faltering justice and security mechanism (Aguirre & Pietropaoli 2008; Pathak, B & Uprety 2009a; Pathak, K & Massage 2009; Phuyal & Ursheler 2010). Among the many variables that impact Nepal's transition, the mass media are considered important in the ongoing peace process (Aguirre & Pietropaoli 2008; Coronel 2002; Hachhethu, Kumar & Subedi 2008; Howard, R 2002; Papagianni 2008). However, the transition also presents a very difficult environment for the media to operate independently and safely (Ghimire 2010; Howard, R 2002; Hutt 2006; Jha 2009; Miklian 2008; Miklian & Tveite 2007; Ramaprasad & Kelly 2003), as it is common for states emerging from conflict and with weak structures of governance to breed an environment suppressive of free media (Frohardt & Temin 2003).

Dharmendra Jha (2009, p. 3) – a past president of the Federation of Nepali Journalists (FNJ) – considers the growing impunity in the nation as a major hindrance for the media to operate independently and safely. Impunity here is related to a situation where alleged criminals escape legal jurisdiction due to a lack of rule of law resulting from very poor governance (Bhattarai 2010; Parajulee 2010; Pathak, K & Massage 2009). Jha argues that this is leading to a state of 'self-censored journalism' and this does not auger too well for media independence, freedom of expression and democracy. This notwithstanding, the Nepali media industry has witnessed immense expansion in the last two decades, most significantly in the FM radio sector (Bhattarai & Ojha 2010; Ghimire 2010; Onta 2006, 2008, 2009). This in-depth study of the development of the Nepali media as Nepal transitions to democracy, takes into account the views and experiences of a range of stakeholders in the process:

politicians, public servants, policy makers, media professionals, media activists, media scholars, and non-governmental media and communication organisations.

### 1.1.2.1 Nepal's Media History

In 1990, the government-owned *Radio Nepal*, *Nepal Television* and the *Gorkhapatra* and *The Rising Nepal* dailies<sup>6</sup> were the only legitimate radio, television and broadsheet dailies that existed in Nepal. Private-owned weekly tabloids that existed with the mission of opposing the regime lived in constant fear of being shut down, or their owners, publishers and editors imprisoned (Onta 2006).

The era after 1990 saw the opening up of the media to the private sector and a decentralization of the media from the capital Kathmandu, to districts and villages (ibid). By mid-2009, around 160 independent FM radio stations had begun to broadcast on a regular basis while those officially licensed for operation stood at 323 (Bhattarai & Ojha 2010). According to the Ministry of Information and Communication (MoIC), there were 329 radio stations and 18 television channels operating in Nepal by December 2012. The print media had seen similar expansion. Of 3,408 print publications registered, 542 were dailies, 28 bi-weeklies, 2,466 weeklies and 372 fortnightlies (Press Council Nepal 2012)<sup>7</sup>. These numbers bear testimony to the rapid expansion of the media sector.

The growth in numbers was, however, not accompanied by associated planning and regulation, especially in the broadcast sector. For example, community radio flourished during this time, but with no specific legislation or regulation, leading to claims of a blurring between community and commercial models with profit or political motives (Pringle & Subba 2007). The need to work in very difficult and dangerous situations, both during the conflict and beyond, have led to very frequent kidnapping, threats and deaths of journalists (Ghimire 2010; Jha 2009). Ghimire (2010) states that investment in the media sector and hence its expansion continue despite the poor law, order and economic situation in Nepal. The power and immunity associated with media ownership is to some extent, this research suggests, driving this increasing investment in the media. Immunity here refers to the protection from legal action resulting from the close association with political leaders and those that enforce the law, namely the police. Corporate interference was cited as the biggest threat to

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<sup>6</sup> *Gorkhapatra* was in the Nepali language and *The Rising Nepal* in the English language

<sup>7</sup> However, only 874 of the 3,408 registered were actually being published.



media freedom in contemporary Nepal at the South Asian Free Media Association (SAFMA) symposium held in 2009 (ibid, p. 1). Since 2006, the Communist Party of Nepal – Marxist (CPN-M) actively established media affiliates with implicit or explicit political objectives with other political parties following suit (Bhattarai & Ojha 2010; Pringle & Subba 2007). This has led to growing political influence on the media as well as investment by political parties or their leaders and members.

This expansion was also not accompanied by an associated review, update and revision of laws, policies, acts and programs related with the media. In 2008, an NGO – *Freedom Forum Nepal* – conducted a comprehensive review of existing laws, policies and acts including constitutional provisions related to media and communication (Dahal, T & Acharya 2008). The scope for the study included the review of recommendations and suggestions made by various commissions, committees, task forces and working groups constituted by recent governments that were aimed at sectoral reform of the media. Comparing these instruments with internationally accepted standards, principles and best practices in the media, the study concluded that the national media policy framework failed to meet internationally accepted standards and that constitutional provisions were not translated into practical laws, acts and programs. It also pointed to a lack of clarity and understanding of media related policies as well as a lack of coordination between policies, acts, laws and programs. It suggests a review and update of existing media policies, laws and acts taking into account the recommendations made by the various committees, the recent social and political transformations and the rapid change in media and communication technologies (Dahal, T & Acharya 2008).

### **1.1.2.2 Media studies in Nepal**

Tanka Upreti (2010) – media academic, practitioner and researcher – contends that although organizations and individuals engaged in media research in Nepal have sprung up in the last two decades, the volume and quality of such research has not kept pace with the expansion of the field of study. Organizations including, but not limited to, Martin Chautari, Media Foundation Nepal, Freedom Forum Nepal, Nepal Press Institute (NPI), UNESCO, University Grants Commission (UGC), university departments, NGOs, media organizations and individuals including media academics and students are known to be engaged in commissioning or conducting research on

various facets of the media in Nepal. However, due to funding and other limitations, most of these have been limited in terms of scope and size (ibid).

The first comprehensive study on the situation of Nepali media was undertaken by the government in 1958 (ibid). Since then research has been conducted in the form of government commissioned advisory committees and commissions seeking to identify problems in the media and communication sector and their possible remedies (Humagain, Bhatta & Adhikari 2007). According to Upreti (2010), research in the media and communication sector were usually conducted in the following ways:

- as formative research for assessing the feasibility and utility of establishing and operating media organizations, or media programs on health and agriculture;
- as impact studies in the form of audience surveys for specific media organizations or programs;
- as studies aiming to assess how media have raised burning social issues around traditionally marginalized groups such as women, dalits<sup>8</sup> and people living with HIV and AIDS; and poverty, health and other similar social issues; and,
- to assess the effects of media and communications on the social and cultural lives of Nepali people.

Research has also been conducted as part of university academic requirements, but a majority of these are of very poor quality (Humagain, Bhatta & Adhikari 2007). Post-graduate level studies on media and journalism were introduced in Nepal only in 2001, and scholars in this discipline are relatively few, and new (Upreti 2010).

Very few studies of the media in Nepal are known that have examined media development in depth analysing how the media continue to expand despite the multiple challenges they face. Indra Dhoj Kshetri attempted to analyse representative cases to demonstrate the diminishing margins between news, entertainment and advertisement and increasing corporate influence in broadsheet dailies. To do this, he used content analysis to study the political economy of commercial news in broadsheet dailies (Kshetri 2010). Media Foundation Nepal's (2012) assessment of media capacity, credibility and media literacy has been a recent addition to the repository of media studies in Nepal. It employs a mixed methods approach with

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<sup>8</sup> Members from the lowest caste in society who were considered untouchables. Although the revised civil code of Nepal (1955) has outlawed the practice of untouchability, the practice persists in different ways

surveys, SMS polls and stakeholder discussions as the primary means of data collection.

Martin Chautari – an organization that conducts social research and organizes a weekly informal discussion series – deserves a worthy mention in the area of media research in Nepal. *Media Adhyayan* [Media Studies] is an annual Nepali language journal published by Martin Chautari since 2006. This journal dedicated to media studies, covers areas within the media and communication industry and discipline such as print, radio, television, advertisement, film/ documentary, the publishing industry, information technology, photography and theatre. The Martin Chautari official website<sup>9</sup> describes the journal as ‘a platform for media scholars and practitioners interested in the social analysis of all aspects of mass media in Nepal’. It includes research articles, commentaries, memoir essays, reviews, bibliographies, interviews and notes about relevant archival holdings.

A mention must also be made of Pratyoush Onta’s contributions to the field of media and communication studies in Nepal. A research associate with the School of Oriental and African Studies, University of London, he is also the current chairperson of Martin Chautari. He has written, edited and co-edited several books and articles on Nepali history, society and the media. Several of his books and articles concerned with the media, have been referenced extensively in this study.

Nirmala Mani Adhikary – a media researcher and academic and an assistant professor for media studies at the Kathmandu University’s Department of Language and Mass Communication – has also been active in the area of media and communication research. He has recently conducted a study of the media coverage ‘on approaching the Constituent Assembly deadline’ and studies on the readability of news stories and editorials in Nepali broadsheet dailies.

The final report of “*Assessing Media Landscape in Nepal*” conducted in 2011 by the Nepal Press Institute (NPI) and Management Innovation Training and Research Academy (MITRA) with UNESCO support, was made available in late 2013<sup>10</sup>. This assessment<sup>11</sup> of the Nepali media landscape, using the media development indicators

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<sup>9</sup> <http://www.martinchautari.org.np/>

<sup>10</sup> Confirmed through personal email communication with the information and communication management assistant at the UNESCO Kathmandu office

<sup>11</sup> [http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/assessing\\_media\\_landscape\\_in\\_nepal/](http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/assessing_media_landscape_in_nepal/)

developed by UNESCO (UNESCO 2008) is one of the first comprehensive studies looking into the system of regulation and control, pluralism and diversity of media, the media as a platform for democratic discourse and professional and infrastructural capacity. Although most parts of this thesis had already been written by the time this report was made available for public consumption, it provides some useful references in connection with the legal and policy framework, regulatory system for broadcasting, defamation and other legal restraints on journalists. However, it is worth remembering that existing published studies on Nepal's conflict and post-conflict situation have not given satisfactory emphasis on the situation and role of media, or the unclear policy situation (Wilmore & Upreti 2008).

### **1.1.3 The significance of this thesis**

This thesis aims to fill a gap in the understanding of the Nepali media and its rapid expansion, in Nepal's transition to democracy. It is evident that media research in Nepal has not matched the scale of expansion of the media and communication sector, both in terms of quality and quantity. What is also evident is that a large number of media studies have concentrated on understanding audience reach, audience types and audience behaviour (e.g. audience surveys by Equal Access and BBC) as opposed to understanding the challenges facing the media while they continued to expand rapidly within situations that were not always media-friendly. Michael Wilmore's *'Developing Alternative Media Traditions in Nepal'* (2008) is a notable exception undertaken as an anthropological study (and based on his doctoral fieldwork in Nepal in the mid 1990s) of the remarkable transition in the media despite a situation of perpetual crisis. But even this work was undertaken almost 20 years ago in a comparatively different political context.

According to a BBC survey on policy opinion related to governance and the media (Lines 2009), there is a high degree of acceptance among policy and development experts of the central role of media in development and the importance of supporting a free and pluralistic media for the same. However, they also suggest that there is an engagement gap in terms of the value assigned to media in planning, thinking and spending. The survey report points to the need for more serious contemporary research linking media with governance, policy and resulting action. Globally, most media research fails to include democracy and governance (in relation to diversity and plurality) issues as angles of enquiry. On the other hand, research on democracy and

governance fail to look at the role of media (Deane, J. 2009). James Deane considers the tendency of development researchers to make assumptions about the role of media in democracy without seriously testing those assumptions through actual research as a serious weakness. He also cites a dearth in substantive data related to the impact of the rapidly changing mediascapes on people's lives, especially in relation to citizens living in poverty and their democratic participation (ibid).

The media are also often overlooked in analyses of conflict and peace building. Combined with a range of other factors, media can be seen as a powerful tool for both instigating conflict and promoting peace (Frohardt & Temin 2003). While the role of the United Nations sponsored Radio Okapi is lauded for fostering unity in the war-torn Democratic Republic of Congo, Radio Mille Collines is discredited for driving the dreaded Rwandan genocide through hate propaganda (Des Forges, A 1999; Stroehlein 2009). Elaine Windrich (2000) describes how radio had a dual role in the 30-year Angolan war. While their own clandestine broadcasting provided a means of recruiting, fund-raising and sustaining the rebellion for the UNITA rebels, the state radio provided a platform for the government to wage a propaganda war against the rebels, highlighting rebel-initiated human rights excesses without talking about the corruption and violations on the part of the government. Max Easterman (2000) describes how the suppression of the media under the guise of regulations and their misuse by politicians and the powerful, provides an example of marginalisation of citizens in two of Europe's poorest nations – Albania and Bosnia.

On the topic of responsible media in a fragile or post-conflict environment, the debate for and against regulation comes to the fore and needs to be approached with caution, taking into account the complexity of the contexts of fragile states (Putzel & van der Zwan 2006). This takes us to the debate on whether free media are a precursor to economic development. The era of modernism that followed the post-liberal ideologies of 1980s regarded a free market as the driver of economic, social and political growth, and the role of the free media was seen as vital. Along with privatisation of state enterprises, there was a relaxation of state control over media, globally. The argument was that a free media led to accountability of the state, lowering of corruption and thus, to economic growth. The same theory may however, not be applicable in fragile states marked by weak governance, corruption and lack of media policy (ibid). Therefore, in terms of a policy framework for media and

communication in post-conflict transition, it may not be practical to assume that policies similar to normally functioning democracies may apply without adaptation of any sort. Research into the role of media in such a context may be able to shed light on the type of media policies or policy reforms that may suit the context.

The significance of this research is justified in terms of its contribution to this often-incomplete debate on the importance of a stable, functional state for consolidating a democratic media. According to Waisbord (2007), most studies that examine media impact on democracy, governance and accountability are undertaken in the western context. This context usually takes for granted the presence of a stable state and all of its obligatory functions of security, justice and welfare. There is therefore a need for more media studies to be undertaken in non-western contexts – especially those characterized by weak and unstable governments.

The media have often been referred to as the ‘Fourth Estate’ – as a platform for public debate, a guardian of the public interest, a link between the state and its citizens and a watchdog for democracy (Coronel 2002). While this is true for most liberal democracies, it might be considered imperative for emerging democracies. Paul Collier has famously described how the media, especially those in poor and fragile countries, have ‘a role of keeping governments honest’<sup>12</sup>. This function, he described, was especially pertinent where there was an absence of formal institutions that would otherwise have performed similar functions. The media have also evolved very rapidly with the rapid change in information and communication technologies, as have communicative practices. There is a fear that growing commercialization and commoditization of the media and waning ethical values in the wake of commercial and political ambitions, will pose a challenge to media continuing to play a role in positive social change globally (Bertrand 2000). This may be more relevant for fledgling democracies and nations in transition following conflict.

There are a set of questions that arise from the above debates about the role of media in fragile states or emerging democracies. Can the media take on a meaningful role or become essential to democratic evolution and effective governance in a poor country embraced by conflict? Can the media’s role be productive in nations with thriving power relations, hegemony and challenged by weak structures of governance? Are the

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<sup>12</sup> In a key note address he delivered at the Salzburg Global Seminar Initiative on Support for Independent Media in 2008

media able to encourage accountability and keep governments honest? Have the media given enough space for citizens to put pressure on political leaders and ensure they remain honest? What role do the media have in elections in post-conflict societies – are they able to create a platform for issue based rather than identity based politics? Or do the media have a greater role in engaging citizens and those in governance in deliberative democracy building, where elections are secondary to issues that need to be deliberated? These questions indicate the growing expectation of the media to keep governments and public institutions honest and accountable. Therein lies their role of supporting democracy and strengthening institutions that promote democratic governance.

However, they also give rise to another very important question – whose role is it to keep the media honest, accountable and democratic? This question assumes greater significance for a nation that has witnessed more than two decades of transition and is 8 years out of a decade-long conflict. It is not the aim of this thesis to answer this particular question. However, with the assumption that media development can occur in the presence of a healthy regulatory environment, it is important to examine the challenges to the media themselves operating transparently and democratically in their attempt at supporting democracy building in the country. This would go some way to answering the question, what steps, if taken effectively, may enable the Nepali media to function as a public good? Even if it fails to provide a solution that is immediately applicable, this thesis will provide conceptual understanding and direction toward what an improved media environment may look like.

Another assumption that can be safely drawn from the discussion in this section is that the media have the ability to secure post-conflict peace. It is a known fact that civil conflicts have a very high rate of reoccurrence (Walter 2011); that almost half of all post-conflict nations are known to relapse into violence within ten years of emerging from conflict (Collier 2004); and that nations with improved governance are known to avoid such relapse (Hegre & Nygård 2014). It has been 8 years since Nepal has emerged from violent conflict and hence, there is the need for the media to exercise restraint and responsibility in ensuring that they do not engage in any form of news and information dissemination that may trigger hatred or violence. This thesis is significant in that it examines what an improved media environment might look like that could in turn support improved governance.

This research does not directly address all of the questions raised in the preceding paragraphs. However, these questions confirm the significance of this research in the messy post-conflict context of Nepal. Within the media background and national context discussed, there is clearly a lack of empirical research to substantiate the media's role in advancing democracy, or in explaining the challenges that impede or inhibit such a role for the media in Nepal's transition. The significance of this research is justified with respect to the complexities of Nepal's critical transition, the contested views of its radical pluralism (multiple identities and diversities) and the potential of the media to enable deliberation, negotiation, consensus and peace. By analysing the opportunities for the media in Nepal's transition to democracy and also the challenges that thwart its greater role as a public good, and by reviewing media policy in post-conflict Nepal, this research explores the situation and role of the media in Nepal over the past two decades.

## **1.2 Research problem and key research questions**

In 2006, Nepal emerged from more than ten years of internal conflict. Given the uncertain progress of the recent transition and peace process, and depending on the actions of those central to the peace process, there is potential for renewed political, social and ethnic conflict in Nepal. Recent developments in Nepal have been characterized by bad governance, deteriorating justice and security (International Crisis Group 2009) and poor economic growth propelled by frequent strikes and closures (Australian Government 2013; World Food Program 2009). This has been associated with political polarisation, an unsettled peace process, and the highly contentious proposal that ethnicity be the basis for the federal restructuring of the state (The Carter Center News 2009).

There is mixed opinion in regard to the role of the media in the period since 1990. There are those that argue that the media in Nepal have generally been supportive of democracy and democratic practices (Adhikari, D 2011). For example, it has been significant in encouraging people's participation in the two popular people's uprisings of 1990 and 2006 and the subsequent restoration of democratic rule, and the CA elections of 2008 (Chhetri 2010; Dahal, D 2008; Dixit, K 2008; Ghimire 2010; Hutt 2006; Onta 2006, 2008, 2009). For an average Nepali citizen, the events occurring in the decades prior to and after the turn of the century may have been hard to follow. Terms used to describe democracy in the Nepali lexicon changed from 'prajatantra'



(rule by subjects) in 1990 to 'loktantra' (rule by the public or citizens) and 'ganatantra' (people's rule within a republican structure) in 2006. The change in 2006 also ushered into the Nepali political sphere terminologies like 'Constituent Assembly', 'federalism', 'federal states', 'republic', 'right to self-determination', 'inclusion', 'autonomy', and a plethora of terms, hitherto not having a significant presence in daily political or social discourse. The media has played a laudable role in bringing understanding on these concepts and terminologies in urban, rural and remote areas (Pant 2010).

However, many including senior journalist Yubaraj Ghimire, lament the current role of the Nepali media (2010). He asserts that there is much more that the media can do towards constructive public education and for supporting informed choices around constitutional issues. He blames this trend to an increasing political alignment of the media and the resulting perception among this fraternity that the media is above the law and beyond accountability. He rues the lack of slander and libel laws, absence of proper authority to seriously look into complaints of vilified parties, government inaction where needed, and interference where not needed. In the absence of meaningful action on the part of the Press Council of Nepal, he foresees the thriving of 'blackmail journalism'. The Press Council of Nepal is the official body authorised to solicit and entertain complaints against the media and monitor and penalise media organizations and individuals found to be breaching media and journalistic ethics and legal boundaries. He argues that the Press Council is either not entrusted with the required power and authority, or usually filled with political loyalists of successive governments.

Ghimire's view reflects some of the challenges facing the media that obstruct their effective role in supporting democratic transition. He considers the current situation to be a backslide from the golden days of development of media professionalism and culture backed by a media-friendly constitution and environment in the post 1990s Nepal. He describes the current political trend as being increasingly hostile towards media freedom and the principles of media independence. He recounts that at least 27 media-people lost their lives in the 10 years of conflict (1996-2006); and that the trend of brutal attacks against media persons with differing ideology or opinion will have a damaging psychological effect on journalists, especially women.

Barnett (2006) argues that it is the function of a state undergoing transition or within a peace process to guarantee that it has institutions that are willing and able to entertain multiple and diverse views, hold them accountable, limit their discretion and safeguard individual rights and liberties. In that regard, the Nepali state in the period between 1990 and 2002 was fairly supportive of the media. However, the period between 2002 and 2005 was a dark era for media freedom in Nepal (International Federation of Journalists 2005). The development of the media sector was also hit hard by the conflict that lasted from 1996 until 2006. Although Nepal has re-entered a phase of democratic rebuilding after 2006 with constitutional guarantees, the media has not been able to operate unhindered due to the uncertainties and constraints ushered in by the transition.

Despite the differing views concerning media's role since 1990, there is considered to be ample scope for media development in Nepal in the short term future. My thesis considers that an independent and professional media environment is essential for the media to effectively perform their role as a watchdog, a forum for public discussion, for citizen participation in governance, as a peace and consensus builder and for promoting transparency, ensuring free and fair elections and rights to information. However, as discussed above, there are also numerous challenges for a state in transition, related to providing protection for media-people, enhancing media credibility and accountability, building media capacity and ensuring universal inclusion and access. Because of the prolonged conflict and protracted peace process, there is the fear that the media in Nepal may become vulnerable to manipulation by different groups and their vested interests. This may hinder their supportive role in Nepal's transition. Historical events since 1990 and recent developments place the media among some of the more important sectors for seeing Nepal through its transition to peace, stability, democracy and development.

Democracy demands a free media and the freedom of opinion and expression. However, history is evidence to media being manipulated or misused in the absence of adequate regulation and policy (Frohardt & Temin 2003). The sector has globally seen rapid advances in terms of technology and business modelling in the last two decades. Sweeping social and political changes in Nepal have also called for matching and adequate changes in the policy sector. There is concern that the media policy framework may have suffered following a prolonged situation of constitutional

uncertainty and transition in Nepal (Dahal, T & Acharya 2008). A study of the media cannot be complete without an examination of the media and communication policy framework and the need for reform.

### **1.2.1 Key Research Questions**

In light of the research problem, gaps in existing research and significance of this research in the current context, this thesis aims to answer three research questions:

1. What factors have propelled the rapid expansion of the Nepali media since 1990 and how has such expansion related to media pluralism and democracy building?
2. What is the situation of the media policy and regulatory framework in addressing and adjusting to this rapid expansion in the media sector?
3. What are the major challenges that impede the media's capability to contribute to pluralism and democracy?

### **1.3 Summary of findings and recommendations**

Findings from this research have been presented within two broad headings:

1. Media expansion, market and pluralism

Despite the vulnerability to abuse within difficult political and social environments, the Nepali media have expanded rapidly in terms of numbers and geographical coverage. The media have remained resilient and largely responsible despite numerous challenges, political and commercial interference being at the fore-front. Media stakeholders have differing opinions as to why the media have expanded so rapidly and even more contrasting views as to whether such an expansion is organic and supportive of media development and democracy strengthening.

As a business prospect, there is a limited market for the media in Nepal because of a struggling economy. Such a market is able to support a limited volume of media providers. Rather than just having a larger number of media suppliers, there is also the need for existing suppliers to promote and produce local and indigenous products. This proposition is truer for small markets where there is tough competition for scant resources available in the market. This theory of inverse correlation between the size of economy/market and concentration of media fails to hold good in the context of Nepal. Despite a small economy and a sluggish growth

rate perpetuated by protracted political instability, media consumption is surprisingly high – especially in the radio sector.

The challenges that restrict the media from consistently upholding democratic values and principles and supporting democracy building result mostly from the manner in which they operate or are managed. This, in turn, results from political and commercial interest and influence. Although political and commercial interest and influence also have an impact on the content and product that media organizations are able to offer, content alone is not the primary concern. The ubiquitous presence and influence of politics in all spheres of Nepali life is not any different for the media sector. This has led to media organizations aligning with political forces, in overt or subtle ways, and this was evident during the two CA elections.

In terms of investment in the media, much of it is done by those who do not have a background in the media or a sound understanding of media ethics and values. Investing in the media is often seen as an opportunity for enhancing one's personal profile and political connectedness. Investment in the media follows a generally observed trend of investment in Nepal – that of a herd mentality where there is the tendency for one to follow the other without delving deep into business plans, sources of revenue generation, media and business ethics and sustainability. Given the lack of business foresight, planning and acumen among investors, remaining in business poses a big challenge for media organizations. They perceive political affiliation and clout as a viable means of securing political favours – monetary included. The second visible means of staying in business within a generally saturated media market is through networking. The trend is for media outlets – mainly FM radio stations operating in rural Nepal, to enter into partnerships with Kathmandu-based media networks. Such partnership agreements provide local (often remote) radio stations with access to centrally generated advertisement revenue and content in exchange for their broadcast channels and audiences. While local radio stations gain access to much needed revenue and content, they compromise on independence and localness as well as editorial and sometimes management control. Issues of independence, access, concern, benefit and diversity for local media and communities suffer, and so do media pluralism and democracy.

## 2. Policy support for the media

There is an inherent tension in the media policy arena. On the one hand there is the need for policy and regulation to ensure diversity, plurality and democracy, while on the other, policy also needs to promote competition and economic and industrial goals. Policy reform initiatives need to ensure a balance between the two tensions and it is very important that regulation affecting media diversity and pluralism be looked at in a more holistic manner and with the understanding that they cannot be effective in isolation. The role of the State in initiating participatory policy reform, even while the environment remains fragile, has been strongly established. As democracy is essentially linked to the relationship between the State and society and their respective roles, the monitoring role of civil society also emerges to the fore – with a larger role for ‘power-monitoring’ and ‘power-contesting’ mechanisms for civil society. The importance of a vibrant civil society often lies in their autonomous role as a third sector capable of counterbalancing the dynamics between the private interests of the business sector and the public realm of the State. Institutions such as the Federation of Nepali Journalists, trade unions and umbrella organizations representing the media sector have a role in ensuring that they work closely with the State in ensuring that policy reform supports media development and their functioning as a public good.

The legal basis for the functioning of media and media markets include legal and regulatory provisions and form the ground rules for relations between the buyers and sellers in the market-place. These buyers and sellers will usually do all in their capacity to ensure that such laws and regulations are in their favour. To safeguard the media as a public good with the ability to provide social justice, the State and civil society need to ensure that regulation and deregulation is aligned with the goals of independence and access.

This thesis finds that the media policy framework as it stands is confusing and leaves ample room for ambiguity and ambiguous interpretation of provisions. The use of language is often misleading or unclear and therefore, policies, Acts and regulations need to be reviewed to address such ambiguities. At other times, the media policy framework is also found to be redundant or inadequate in taking into consideration recent changes. The lack of a clear regulatory mechanism for the

licensing of television broadcasting – terrestrial, satellite and cable – serves as a good example.

Investment and ownership policies are not clear especially with regard to foreign investment in the media. Also, mechanisms need to be established to ensure the transparency of investment and for preventing media concentration and monopoly through ownership. There is a very strong voice that efforts at media reform be made transparent and participatory, without which there could be a lack of ownership of the reform process as well as the product.

There is the need for a mechanism that makes it mandatory for those aspiring to enter the media industry to produce a sound business plan. The mechanism needs to suggest ways in which the capacity of those aspiring to get into the media business is enhanced and they are able to produce business plans that take into account market situations and technical considerations. The business plan should also ensure that there is an understanding of the social responsibilities of the media in addressing concerns related to inclusion, pluralism, diversity and public good.

Commitment to the provisions within the Working Journalists' Act (WJA) have to be made a mandatory condition for entry into the media sector. There is also the need to increase awareness about the WJA among media owners and workers. As a first step, it is recommended that while central level media and large regional media be made to mandatorily comply with all requirements in the WJA, local and small media enterprises be made to start issuing appointment letters and contracts and pay salaries as prescribed by the 'Committee for fixing minimum wages'.

All of the above point to the need for an independent media authority with the mandate and resources to devise professional standards for the media, monitor content to ensure compliance to the professional standards, ensure legal and regulatory provisions are met and issue broadcast licenses and press permits. However, there is divided opinion as to whether a single media authority should carry out all of the above functions for the entire media industry or whether a separate broadcasting authority should provide oversight for the broadcast industry.

The classification of the media – especially the broadcasting media – into commercial, community or public service categories has been raised as a strong and

critical step at reform. There is strong agreement that the State media need to be made independent from state control and influence and that transforming them into public service broadcasters (PSB) adopting PSB models from other Asian or European countries would be a good step in that direction.

#### 1.4 Thesis chapter organization and description

There are a total of 8 chapters in this thesis, the first being the introduction chapter and the eighth being the conclusion. The second and third chapters constitute a review of literature for this thesis, although literature review is also spread across other chapters. The fourth chapter explains the research design including the data collection and analysis procedures. The fifth, sixth and seventh chapters discuss the analysis of data and research findings. Documents supporting information or arguments within the thesis chapters are included within a list of appendices at the end.

**Chapter 1: Introduction** – is the current chapter and provides an introduction to the research and thesis. It presents the aims of the research, as well as its background, context and significance. It discusses the research problem and the key research questions that this thesis has addressed and summarises key research findings.

**Chapter 2: The Media and Nepal's transition to democracy** – is the first of the two literature review chapters in this thesis. This chapter provides an elaborated account of the socio-political context of Nepal with an outline of its modern history and a discussion of the root causes of the conflict in Nepal. It reviews Nepal's post-conflict transition to peace and stability with a brief discussion of the role of geo-politics in this transition. The chapter also examines the history and role of the media in Nepal. The purpose of this chapter is to provide an insight into the literature that exists with regard to how states move towards failure and the role of media in such states. It utilizes a review of global experiences and theories in regard to state failure and peacebuilding, the role of the media in weak states and vulnerability of media in weak states. It discusses specific indicators that identify societies that may be vulnerable to media manipulation and interventions that may prove useful in preventing such vulnerability.

**Chapter 3: Democracy, civil society and the media** –This chapter reviews the historical evolution of media and communication study traditions with an emphasis on the critical political economy of the media because of its association with social justice and public good. The critical political economies of the media and media markets are

reviewed taking the standpoint that there is the role for the State to ensure that there is ease of access to the media for citizens. This review is consistent with the argument that the media are public goods capable of delivering social justice and hence need to be aligned with the two basic goals of media development – independence and access. The chapter concludes with a review and discussion of the linkages between democracy and civil society and the role of the media as an important intermediary between the State and citizens.

**Chapter 4: Research Design** – The purpose of this chapter is to explain the design of this research, the theoretical paradigm considered in the design and a justification for the choice of a qualitative naturalistic inquiry. It provides a description of the data collection strategies employed in the research, the participants in the research and an account of how data was coded and analysed. It also discusses some of the limitations of the research design and its implementation.

**Chapter 5: The media in Nepal: expansion, ownership and pluralism** – Chapters 5, 6 and 7 have resulted from the analysis of data collected as part of this research and present the discussion. Chapter 5 makes a comparison between the vision for the Nepali media in the early and mid-90s when the media initially began to expand beyond state ownership into the private sector, and the current situation. The chapter also compares contrasting views on the linkages between the rapid expansion of the media and democracy building in Nepal. It explores the visible trends in media expansion and ownership with a discussion of how such trends pose both opportunities and challenges for media operation, independence, diversity and pluralism. This chapter explores whether the structural and spatial expansion of the Nepali media translates to pluralism, by examining various factors that influence pluralism and how they inter-relate with one another.

**Chapter 6: Media policy framework and steps at reform** – Chapter 6 constitutes a review of the media policy and regulation scenario in Nepal. It is a result of the examination of the Press and Publication Act, the National Broadcasting Act, the Working Journalists Act, the Report of the High Level Commission for Media Recommendation 2006, Policies and Programs announced by the Minister for Information and Communication in 2007, Recommendation by the High Level Task Force to suggest the Restructuring and Sovereignty of Government controlled Media and the National Media Policy. While this is not an exhaustive examination of the



media policy and regulatory framework in Nepal, it looks at major legislations that have been described by respondents as being crucial in the development of the media sector. There has also been a focus on legal provisions with regard to media ownership and investment within this chapter.

**Chapter 7: The media as a public good: challenges and options** – This chapter deals specifically with challenges for the media in Nepal. It examines the way forward with commercial, community and public service media forming the basis for media legislation, licensing (or other forms of approval) and operation. It finally examines the possible trialing of public service broadcasting in Nepal. For this, respondents' views with regard to public service broadcasting are examined against the BBC's working model as a public service broadcaster, including an assessment of the significance of BBC's 'public value' approach in the context of Nepal. The model public service broadcasting act drafted by Freedom Forum has been examined in comparison to respondents' views and Nepal's reality.

**Chapter 8: Conclusion** – The purpose of this chapter is to draw conclusions from this research including providing recommendations for the development of media in Nepal. It also identifies gaps in the research and proposes opportunities for further research.

## **2. The media and Nepal's transition to democracy**

This chapter reviews literature related to Nepal's modern history. This is to provide an understanding of the root causes of the conflict in Nepal, the post-conflict transition to peace and stability, and a brief discussion of the role of geo-politics in this transition. A history of the Nepali media is reviewed to provide an understanding of how the Nepali media have both influenced and been influenced by the socio-political transformations and transition.

The above discussions are linked to literature on state failure and how media development is affected in such situations. A review of global experiences and theories in regard to state failure and peace building provide perspective on how the media have been vulnerable to manipulation especially when the state is fragile and the structures of governance and security are weak. Specific indicators that identify societies that may be vulnerable to media manipulation, and interventions that can prove useful in preventing such vulnerability are also discussed.

### **2.1 Nepal: an introduction**

Nepal is a small country in South Asia landlocked between two giant economies – China to the north and India on all other sides. With a population close to 27 million (Central Bureau of Statistics 2012), Nepal is one of the poorest countries in the world, and the poorest in South Asia (UNDP Nepal 2009). Small but very diverse, Nepal is home to 101 ethnic and caste groups, 91 linguistic groups and 9 religious groups (Hachhethu, Kumar & Subedi 2008). Mountains and rugged hills constitute major parts of Nepal's landmass, while the densely populated plains (known as the Terai or Madhesh) make up the rest. Poor transport and infrastructure often means even the most basic needs like water, health, education and administrative services are sometimes very difficult if not impossible to access (Niraula 1994; Simkhada et al. 2006). Monsoonal floods and landslides can sometimes cut off vital supplies to even well-connected urban regions within a very short span of time.

With mountains and rugged hills making up nearly 75% of its land area, Nepal can be divided laterally into 3 distinct ecological regions. The southern plains, known as the Madhesh or Terai, bordering India make up 23% of the land area. This is mostly agricultural land and hence also the most densely populated region. North of the Terai are the Hills that constitute about 42% of the land area. Filled with mountains, hills, flat

lands and valleys, the elevations range from between 600 to 3,000 meters. Further north and consisting about 35% of the landmass, the Himalayan region consists of high mountains. This region has more than 200 peaks above 6,000 meters, including the World's highest peak, Mt. Everest at 8,850 meters (Library of Congress: Federal Research Division 2005).

The primarily agrarian and pastoral economy with a narrow tax base and weak industrial capacity depends on tourism, foreign remittances and development funds as the main sources of income. Because of the terrain, one-third of the land is unfit for either agriculture or forestry. Most of the agricultural land lies in the Terai and the hills. The natural resource base is insufficient for Nepal's economic needs and fuel resources are scarce. The natural beauty of the country is regarded as one of its best economic resources; however, internal conflict has adversely affected tourism. There is the potential for large hydro-electricity development but this too is under-developed. Remittances from Nepalis working abroad, including in India, the gulf nations, Malaysia or Korea are an important source of income for the country. Foreign remittances often make up about a quarter of the GDP (ibid).

Nepal's poverty can be analysed using what Paul Collier (2007) describes as the four development traps that keep some nations locked in extreme poverty: the conflict trap, where a country suffers from or has recently emerged from civil conflict; the natural resource trap, where natural resources are abused by corrupt or inefficient governments or other groups, and revenues flow out of the country rather than flow to areas of need within the country; the landlocked with bad neighbours trap, where a country has no direct access to seas and oceans, and depends on transportation through neighbouring countries; and the bad governance trap, where systems of governance are ineffective and/or corrupt. Nepal suffers from all four of these traps. It only recently emerged from ten years of internal conflict; its natural resources of water and hydropower are poorly managed and produce major contention with India; being landlocked, it is particularly dependant on imports from India and China; and plagued by corruption, it is struggling to achieve stable governance. With growing political instability and a dwindling economy, Nepal currently faces a painful transition to democracy, peace, stability and

development. The *Fund for Peace* with the *Foreign Policy Magazine*<sup>13</sup> ranked Nepal among the twenty-five failing states in the world for three consecutive years from 2007 to 2009. It only marginally improved, to be listed as the 26th most failing state, in 2010.

Economies of nations emerging from conflict or going through a political transition are likely to plunge, and Nepal has been no exception. The economic survey for the Nepali fiscal year ending July 15, 2010 presented a bleak picture with exports going down by 9.7%, imports increasing by 43.9%, a balance of payment deficits of almost US\$ 228.7 million and the government missing its targeted GDP growth of 5.5%. The estimated growth for the year 2009/10 stood at around 3.5%, lower than the percentage growth in GDP in the past two years. The turbulent political environment had led to an outflow of assets in the banking sector which was facing a liquidity crunch (Oxford Analytica: Global Strategic Alliance 2010). The situation recovered somewhat in the following two years (2010/11 and 2011/12) despite the fluid political situation of uncertainty, thanks largely to favourable weather supporting good harvests, robust growth in tourist arrivals and migrant worker remittances. According to the Asian Development Bank (ADB 2012), the GDP grew by 4.6% in the fiscal year 2010/11 up from 3.8% of the previous year.

## **2.2 Modern history: uprisings, coups and experiments with democracy**

Nepal's modern political history begins with the so-called unification campaign led by the Shah king from Gorkha, Prithvi Narayan Shah, towards the late eighteenth century. Further expansion attempts led to confrontation with the British who ruled India, and a treaty and the establishment in 1816 of the geopolitical land mass that is now Nepal (Hutt 2006). An autocratic Rana regime emerged in the mid 19th century that ruled Nepal for 105 years. Nepal's first political parties were established in the 1930s and 1940s, and with the support from post-British India, Nepal attained democracy through an armed revolution against the century-old Rana oligarchy in 1951.

The new political order saw the Nepali Congress (NC) elected to power in 1959. However, this was short-lived and in 1960 the then king assumed absolute power using emergency powers given to him by the 1959 constitution. He then introduced the Panchayat regime, characterised by an active monarchy and a party-less system

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<sup>13</sup> The Fund for Peace is an independent, nonpartisan, non-profit research and educational organization that works to prevent violent conflict and promote sustainable security; Foreign Policy is a global magazine of politics, economics and ideas; Since 2005 they jointly rank the World's most vulnerable states through the Failed States Index

(Hachhethu, Kumar & Subedi 2008; Hutt 2006). Thirty years of oppressive, unrepresentative, autocratic and corrupt Panchayat regime was brought to an end through the popular people's uprising of January 1990 – known more popularly as *Jana Andolan I*, or the first people's movement. Multi-party democracy was reinstated and a new constitution that aimed to reduce the powers of the monarchy was promulgated in November 1990 (Hachhethu, Kumar & Subedi 2008; Hutt 2006).

The new constitution that followed this change brought the monarchy within its fold and ushered in a democratic era within a multi-party framework. The same constitution also provided new freedoms leading to a rapid growth in peoples' political participation and in the proliferation of the media. This period saw the establishment and flourishing of non-government institutions and organizations that led to greater participation in social and political activities through associated growth in public awareness. Increased ethnic activism led to alternative spaces for people's socio-political participation. A liberal environment for debate and dialogue led to greater awareness of people's identities, and new voices were raised within Nepali society (Chhetri 2010; Dixit, K 2008; Hachhethu, Kumar & Subedi 2008; Onta 2006, 2008).

However, two basic challenges continued to confront Nepal. The first challenge was political, relating to the institutionalization of the gains brought about by the 1990 people's movement. It was concerned with strengthening and securing political stability, good governance and economic growth. The second challenge was social, relating to the need for societal inclusion, equality and justice. The one-language, one-religion and unitary, centralized characteristic of governance practiced during the Panchayat regime and earlier, led to Nepal being seen as a poor yet peaceful nation on the surface, while discontent simmered below. The challenge lay in addressing the age-old structures of inequality and hegemony that existed in the form of differences resulting from caste, class, religious and language diversity, gender inequalities and geographical location.

Consolidation of gains brought about by the 1990 people's movement proved a challenge. Securing political stability, good governance and economic growth remained elusive. As in many nascent democracies, inter and intra-party power struggles, stagnant economic growth and a perceived increasing divide between people in power and the citizenry had already laid roots by the mid-nineties (Deraniyagala 2005; Onta 2006). The Nepali Congress (NC) and the Communist Party of Nepal, United Marxist Leninist (CPN-UML) were the major parties in power in the period following 1990. By 1995, the

excitement and hope brought about by the 1990 changes had waned. The democratic exercise in Nepal in the period between 1990 – 2002 saw inter and intra-party power duels, bad governance and corruption. This led to a decade-long civil conflict when in 1996, the Communist Party of Nepal – Maoist (CPN-M), declared a ‘people’s war’ against the state. Attributed to the failures of governments after 1990 and the social fissures that emerged around the time (Hutt 2004; Karki & Seddon 2003; Thapa, D & Sijapati 2004), the conflict claimed about 15,000 human lives (Hachhethu, Kumar & Subedi 2008, p. 3).

The conflict and the perpetual instability resulted in weak central governance, a deteriorating security mechanism and growing frustration among the people. As a result, democracy was again toppled through the dissolving of the parliament in 2002 and the assuming of absolute power in 2005 by the king. In February 2005, King Gyanendra used his constitutional powers to dissolve the government for failing to address the conflict and to conduct parliamentary elections (Bhattarai 2005; Hachhethu, K 2007). This drastic step met with widespread revolt, and a second popular peoples’ movement (known popularly as *Jana Andolan II*) in 2006 united the mainstream political powers and the Maoists against the king who was forced to abdicate (Zhihui 2007) .

Following the king’s relinquishing of absolute power and the CPN-M joining mainstream politics in 2006, Nepal entered into a much needed peace process through the signing of a comprehensive peace accord. The CPN-M and other parliamentary political forces adopted an interim constitution that agreed to do away with the king and to declare Nepal a federal republic (Gellner 2007; Malagodi 2011). The same constitution also declared Nepal secular, having been the only Hindu kingdom in the world for many decades. Embracing these milestone transformations, Nepal held a largely peaceful national election in April 2008 to elect a Constituent Assembly (CA) (Parajulee 2010). This election saw the CPN-M emerge as the largest and most powerful political force in Nepal (Do & Iyer 2010). The CA was tasked with developing a new inclusive constitution for Nepal and bringing the peace process to a logical conclusion within two years. This included the reintegration of former rebel soldiers, tackling issues related to truth, reconciliation and disappearances during the conflict, addressing sensitive issues around dividing Nepal into federal units, and developing the framework for future elections and form of governance.

The first meeting of the CA abolished monarchy and Nepal was declared a federal democratic republic. Once again, serious political polarization and a series of struggles for leadership took centre stage in the Nepali political arena. Following growing mistrust and polarization among political parties, the CA failed to draft a new constitution by the stipulated deadline. When the CA was unable to complete its task in the two years, two more years were added to its tenure in increments of 6 months, 6 months and one year. In May 2012, when the CA was unable to agree on and resolve contentious constitutional issues, the Supreme Court intervened, declared further extension of the CA unconstitutional, and called for fresh elections – either for a new CA, a new Parliament, or a combined CA and Parliament. Elections to a second CA were held on 19th November 2013 and currently, the CA2 has resumed the task of drafting a new constitution.

From a reading of the unfolding of political events discussed above, it can safely be said that even after more than two decades since the ousting of the Panchayat government in 1990, Nepal stands at a critical juncture with its democracy still very insecure.

### **2.3 The conflict: root causes**

The conflict in Nepal has deep roots in the historic existence of hegemony and unequal power structures. All rulers and governments since the existence of the modern Nepali state have somehow tried to strengthen a homogeneous, monolithic, unitary state through the promotion of one state language (Nepali), one caste group (Hill Brahmin and Chhettri) and one religion (Hinduism). The reality of the diversity and plurality of the Nepali society has generally been ignored. The Civil Code of 1854 put ethnic groups within the fold of the Hindu caste system thereby determining how they would be treated by the state judicial system and what level of access they would have to state resources. The scheme of national integration through centralization of state power, the one language and one religion policy weakened multiculturalism and widened the disparity between different groups. Although the 1990 constitution recognized Nepal as a multi-cultural, multi-ethnic and multi-lingual nation, it did not include provisions to translate this into reality (Hachhethu, Kumar & Subedi 2008).

While the elite had access to resources like land and trade, the traditionally marginalized served the elites, for little or nothing. This led the generally weaker sections of society into a vicious cycle of poverty and dependency, which continued from one generation to

another. Women had very low social standing, often confined to traditional stereotypical domestic roles. They generally did not have a say in household matters (Bista 1991). Frohardt and Temin (2003) posit that a State or society may become weak, fragile, vulnerable or failing when repressive rule and/ or violent conflict is likely to occur. These more often than not are developing country societies that are transitioning from some form of authoritarian to democratic governance. They are usually characterized by economic decline, long-standing grievances and rivalry between groups, and may have multi-ethnic or multi-religion construction of society.

In more contemporary times, development processes in Nepal have generally been confined to the capital city Kathmandu and district headquarters, and the benefits of development have rarely trickled down to poor, remote locations. As a nation with difficult terrain, remote areas of Nepal lack access to basic education, health and sanitation. Unemployment has been a problem with a large majority of young people travelling to India or more lately, to the gulf and South East Asian nations for work. Bad governance, corruption and continual struggle for central power among political parties has led to frustration among the people (Jones et al. 2009).

Confirming the discussion above, the Nepal Human Development Report for 2009 (UNDP Nepal) outlines the underlying patterns of poverty, vulnerability and exclusion as being at the core of the conflict in Nepal. It argues that while the levels of poverty have decreased recently, the same is not true for the underlying patterns of inequality, entrenched within Nepali society. The report asserts that the transformation of the state is key to sustainable peace and human development through a process of meaningful inclusion and participation. The lack of opportunities for the meaningful participation of youth on issues that concern them and their exclusion at decision-making levels, are also a major cause for the conflict in Nepal (ibid). The lack of good education, employability skills, livelihood opportunities and opportunities for political participation often provide the needed trigger for youth to voluntarily or forcibly enter violent conflict (Hilker & Fraser 2009).

The search for identities in a multi-ethnic and multi-lingual Nepal is seen as another driver of the conflict. While the different ethnic groups lived in peace and harmony in the past, grievances against the ruling majority always existed below the surface (Housden 2009; Pathak, B & Uprety 2009b). It was only after the restoration of democracy in 1990 that Nepal saw a rise in ethnicity as a socio-political identity among



excluded groups. Calls for inclusive democracy included demands like reservation, and caste/ ethnicity-based representation in elected bodies. But it was only after *Jana Andolan II* in 2006 that these voices got louder and the demand for federalism became strong. According to Hachhethu, Kumar and Subedi, the Hill-Hindu high caste Brahmin and Chhettris who constituted 31% of the total population, occupied most of the social, economic and political power positions (2008). This hegemony resulted from attempts made by various rulers through history to forge Nepal into a homogenous, monolithic and unitary state with one language, one religion and a dominant caste. This process of Nepalization failed to heed to the reality of Nepal's social diversity and coupled with the centralization of politics, power and administration, contributed to the process of exclusion in Nepal (ibid).

Although the decade-long armed conflict is now over, the same cannot maybe be said about the root causes of the conflict. It remains to be seen how the Nepali state, political parties and government go about the process of strengthening national identity without hurting people's pride in their ethnic and regional identities. A large majority of citizens surveyed in 2007 expressed the desire for Nepal to remain a Hindu and unitary state (ibid). With regard to the form of government, people from Pahadi (hill) origin preferred the unitary form with a single state language policy, while people from the Madhesi (Tarai/ plain land) origin preferred federalism with bi/ multilingual policy (ibid). This illustrates the existence of diverse opinions, views and pluralisms and the requirement of deft leadership from political and civil society leaders in maintaining political and social harmony while navigating the nation through this sensitive period in its history.

## **2.4 Post-conflict transition, peace-building and geo-politics**

### **2.4.1 Transition and peace-building**

Nepal's future as a nation and that of the Nepali people as citizens of a stable democracy rests on the outcome of the critical peace process that it is currently going through. The definition of Nepal as a State depends on the shape taken by its new constitution, still in the process of being drafted, and central to the peace process. There are certain functions that only the state can perform effectively, especially around maintaining order, security and rule of law. In the absence of these basic functions there is likely to be a situation of 'statelessness' – characterized mainly by rampant violence, insecurity and impunity. Extra-state actors such as war-lords, drug-

barons, criminal gangs, mafias and terrorist groups find a conducive environment for conducting their business in the absence of a state (Waisbord 2007, p. 119). In such a situation, violence supports the exertion of pressure, coercion and other unlawful means that the extra-state actors generally employ. The aspirations of the citizens of Nepal, manifested through the popular uprising or *Jana Andolan II* of April 2006 may either culminate in a constitution agreeable to all, or result in indefinite political conflict if the document fails to garner ownership. The immediate need for Nepal's transition was to build peace or to engage in peace-building.

Although theoretical propositions make peace-building sound fairly straightforward, the process is far more complex in practice, as has been evidenced through various global experiences. Nepal's own experience of attempting to secure peace and stability in the years since the signing of the CPA in 2006, is one that all Nepalis have been witness to. What is peace-building and what are the steps through which it can actually happen? Michael Barnett (2006, p. 87) defines peace-building as 'the attempt to build stable, legitimate and effective states after war'. Global peace-building efforts have generally been guided by liberal values to 'create a state defined by rule of law, markets and democracy'. The state according to liberal democratic principles are considered to be legitimate when they are respectful of their citizens, friendly and peaceful to their neighbours, and hence do not pose a threat to a stable international order (ibid). Anthony Giddens (1993) considers a stable state to possess a political apparatus (institutions like the court, parliament, administrative and security agencies) to be able to effectively govern over a given territory backed by a legal system and the capacity to use legitimate force to implement these policies.

Going by the above definitions for peace building and a stable state, Nepal can be described to have reached a situation of partial statelessness following the signing of the CPA in 2006. This situation was characterized by the emergence of multiple armed and semi-armed militant groups in the Terai-Madhesh region in the southern plains of Nepal along the porous border with India (Pathak, B & Uprety 2009a, 2009b). In the absence of a fully functional state in the region, militant groups were able to threaten, kidnap, beat or even kill government officials, media persons and citizens. A report of a survey tracking changing perceptions of public safety, security and justice provision in Nepal (Interdisciplinary Analysts & Saferworld 2009), reveals that insecurity remains much higher in the Terai-Madhesh region than in other parts of the country.

The survey shows that a larger percentage of the population in the Terai-Madhesh region fear they are more likely to be victims of crime and worry for female members going out alone after dark. Likewise, a larger percentage of Terai-Madhesh dwellers believe the country is headed in the wrong direction and that the government is doing nothing to reduce crime and promote peace.

Despite these alarming revelations, Professor Lok Raj Baral in his foreword to Hachhethu, Kumar and Subedi (2008) talks about many positive trends emerging from the recent tumultuous changes. The most significant among them, according to him, are the re-examination of the Nepali state, the elite structure, and popular aspiration among people for positive change, peace and stability. He describes the transitional phase as a crucial period for Nepal with multiple challenges, but also with equally abundant opportunities. While the heterogeneity of political groups in Nepal cause the challenges to look daunting, Baral explains that there is not much difference between them ideologically. According to him, most of them have accepted multi-party competitive politics, republicanism, popular sovereignty to be guaranteed through the drafting of a new constitution and the upholding of people's freedom. Despite the convergences, the challenges come to the fore in the form of the divergent strategies that political parties employ in realizing their partisan interests, thereby frustrating the common people.

Nepal's transition needs to be examined in terms of the series of political events that unfolded following the signing of the CPA and the CA elections. Emerging as the largest party from the Constituent Assembly (CA) elections in 2008, the Communist Party of Nepal – Maoist (CPN-M) formed the first government of the Federal Democratic Republic of Nepal in 2008. The tenure of this government was short-lived, a mere nine months. This was a consequence of their deteriorating relationships with the other major political parties. The relationship suffered due to the emergence of major differences with regard to army integration, state restructuring and relationship with the State army (Oxford Analytica: Global Strategic Alliance 2010). This began with their chairperson and then Prime Minister Pushpa Kamal Dahal (aka Prachanda) ordering the sacking of the Nepal army chief, seen as a major hurdle to Maoist's interests. This move was however overruled by President Rambaran Yadav. Dahal resigned and the CPN-M announced a three-phase protest program against the President's move, terming it unconstitutional and against citizen supremacy.

Twenty-two of the 25 parties represented in the CA elected Madhav Nepal from the CPN-UML as the next Prime Minister. The 13 months of the Madhav Nepal government were never smooth and saw several disruptions to the regular working of the CA and the running of government programs and policies. Without the votes necessary for proposing a no-confidence motion in the CA, the UCPN-M<sup>14</sup> resorted to what they called the 4th and decisive phase of protests. They did so by bringing in half a million people into Kathmandu to take part in protest programs and rallies in the first week of May 2010. This protest was however called off after five days when citizens and civil society bodies brought out a spontaneous rally of thousands of people calling for peace but symbolically an end to the protests and strikes (ibid).

Madhav Nepal resigned as Prime Minister on June 2010 after the UCPN-M demanded that he leave office so that they could lead a new 'unity government'. However, there were political conditions that other parties posed for supporting the UCPN-M's claim to leadership, which the UCPN-M had difficulties meeting due to internal divisions within the party. A hard-line faction within the party was averse to the surrendering of armed forces before the drafting of the constitution and the next general elections. Even as they had opposed and brought about the downfall of Madhav Nepal as Prime Minister, they were instrumental in supporting Jhala Nath Khanal (from the same party as Madhav Nepal) as the next Prime Minister in February 2011. This ended a seven-month stalemate during which Nepal had no effective government. Khanal resigned as Prime Minister in August 2011 after his government failed to reach a compromise with the opposition over issues concerning the new constitution and settlement of the Maoist ex-combatants.

The Parliament then elected Baburam Bhattarai from the UCPN-M as the next Prime Minister. Bhattarai's government was successful in seeing through the reintegration and resettlement of the Maoist ex-combatants. However, after the CA was unable to agree on major contentious issues within the constitution that was being drafted, Bhattarai dissolved the parliament and CA in May 2012 and called for fresh elections in November 2012. He remained the leader of the caretaker government until March 2013 when the Chief Justice of the Supreme Court of Nepal was made the de facto Prime Minister and leader of an electoral government assigned the task of conducting

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<sup>14</sup> Following the merger of the Communist Party of Nepal (Unity Center – Masal) with the CPN-M in January 2009, it was renamed Unified Communist Party of Nepal, Maoist (UCPN-M).

elections to a new CA / parliament in November 2013. Expressing dissatisfaction with the political line taken by the party, the hard-line faction of the UCPN-M split from the party in June 2012 adding to the drama and uncertainty so prevalent in Nepali politics.

A major factor that has contributed to the current political impasse and mistrust among parties is related to adherence to agreements within the CPA, including decisions on crimes committed by both sides during the civil war; making public the names and status of those disappeared and establishing of a truth and reconciliation commission (Oxford Analytica: Global Strategic Alliance 2010). On the restructuring of the state, all currently proposed federal designs are provisional and inconsistent. There is agreement that fiscal authority, defence spending and foreign policy should remain within the national government's control. However, there are major disagreements around the issues of "self-determination", "autonomy" and the extent to which power should be devolved from the centre to the periphery – sensitive debates that need careful deliberation and coordinated efforts from all stakeholders (Housden 2009, 2010).

Based on the outcomes of a citizen survey conducted in 2007, the challenges facing Nepal can be classified into four broad areas (Hachhethu, Kumar & Subedi 2008). The first challenge lies around consolidation of the recent changes in Nepal and the task of expanding the freedoms and rights guaranteed by democracy to the socially and politically disadvantaged and excluded groups. The second challenge revolves around the trust among citizens for political parties, especially the UCPN-M and its transformation into a civilian party. This includes the disarmament and reintegration of arms and armies, restructuring of the state, writing and implementation of an inclusive constitution and taking the peace process to a logical conclusion. There is also concern around the capability and intentions of the political actors involved.

The third challenge lies around steering the nation away from communal violence, especially in the Tarai. The needs of the people in the Tarai – the Madhesis, are unique in that they show a preference for Nepal remaining a Monarchy and a Hindu nation while changing towards a federal multi-lingual structure. The actors in the current peace process need to be very careful in recognizing the unique need of the Madhesi people and steering the country away from communal violence. Finally, Nepal and Nepalis stand divided around Nepal's future around religion, federal restructuring, and language. The challenge remains for the political parties, their leaders and for civil

society leaders to steer the nation through all of these differences, and educate the masses about and along the changes that take place.

Notwithstanding the challenges posed by the transition, Baral (ibid) posits that the Nepali political landscape is likely to witness a significant transformation. The changes would be more pronounced as the ideological content of Nepali politics is being overshadowed by ethnicity, regionalism and other loyalties. He adds that the political acumen of the political parties will be central in determining where this transformation would lead Nepal. The rise in ethnic consciousness among Nepalis demands greater vigilance and deft social engineering on the part of political parties and political leaders in addressing the dynamics of ethnic national identity. While the political parties need to be bold, imaginative and confident in managing this transformation, there will be greater pressure on them to be accountable too due to the growing awareness among the people. Ever since it became a State, discrimination and the politics of exclusion has been prominent in Nepal and only the privileged class enjoyed power and access to resources. Nepal has the opportunity to correct this and other outmoded characteristics of the State through the drafting and implementation of an inclusive constitution, Baral adds. In that manner, the drafting of a new constitution is an integral part of Nepal's peace process and the failure to do so within the stipulated time frame means that the task of peace building is far from over.

Peace building is usually not an easy task given the lack of time, resources, and the unfavourable conditions commonly following conflict. As a result, major actors in a peace process will often be tempted to seek quick-fix solutions rather than tackle the problem at the root. Barnett (2006) argues that such developments can do more harm than good. It is also unrealistic to expect or assume that weak and fragile states and societies that are just emerging from conflict will be able to respond to liberal programs and achieve progress towards peace and development in short time frames (ibid). Most activities within these programs, aimed at building civil society and private sector capacity, lead to public demand on the state for services that a weak state without the structural institutions in place cannot adequately respond to. There is potential for further instability and conflict in such circumstances. Therefore, there is the need for peace-building programs to recognize the need for developing institutional capacity of the state alongside, if not before, focussing on civil society and private sector strengthening (ibid). However, there probably is no ideal duration for a state to

transition to peace beyond a conflict. It would depend on the complexity of contentious issues needing resolving, the diversity of demands, the conduciveness for deliberation and the ensuing flexibility for negotiation and consensus.

Barnett (ibid) believes that an immediate but major challenge confronting states emerging from conflict is to win the trust of its citizens. Citizens need to trust that the State is capable of delivering physical security while also addressing basic needs of food, medicine and shelter. Barnett goes on to state that at an intermediate stage in the peace process, the state should be able to provide a guarantee that it has institutions that are willing and able to safeguard individual rights and liberties. He suggests that state institutions need to entertain multiple and diverse views, hold them accountable and limit their discretion. He warns that failure to do so would lead citizens of local communities to seek alternative or parallel organizations and institutions that are able to provide security and basic provisions, he warns. Most often, these organizations will be factional and without adequate guarantee for security, they will be reluctant to demobilize – thereby disrupting the peace process (ibid).

Barnett (ibid) also points to the importance of endogenous efforts to peace-building. Stabilization of simmering conflicts have occurred where indigenous leadership place national interest above their own; where state institutions are legitimate, capable and credible; and where there is an active civil society that participates in governance (Krasner & Pascual 2005). Krasner and Pascaul (ibid) describe ideal post-conflict transformation taking place in four broad phases, not necessarily in sequence.

1. The first phase of stabilization in which the international community often play a dominating role involves taking immediate action in restoring order, providing emergency and basic services, generating local employment and reintegrating returning refugees and internally displaced populations. This process must lead to the development of local leadership to take on the roles of fostering indigenous political, social and economic development – a crucial stage in successful peace-building.
2. The second stage involves addressing the root causes of the conflict without which issues such as corruption, failed economic systems, exclusion and exploitation will continue to thwart the process to peace and progress.

3. The third stage involves the strengthening of the ‘supply side’ of governance which includes economic institutions such as markets, banks and tax systems; participatory political instruments like the constitution, political structures and electoral processes; and laws, courts, legal system and law enforcers that can enforce the rule of law.
4. The final stage involves the promotion of the ‘demand side’ of politics – a strong civil society capable of ensuring accountability. Towards this end, an independent media are crucial for free flow of information, an informed and active civil society and a flourishing democracy.

However, efforts at building peace are much more complex and need to consider so many other factors that have remained entrenched within societies for many years – most often related to the structures of power and access to resources. A major drawback in the peace process of Nepal lies in the concentration of most deliberation and communicative action within the capital Kathmandu and district headquarters. What this means is that there is still a big gap in the ‘supply side’ of governance discussed in point 3 above for most parts of rural Nepal. There is also a weakness with regard to the ‘demand side’ of politics mainly because of growing political polarization within most sectors of society. This has weakened civil society and as will be discussed, increasing political and commercial interests of the media have also led to a loss in their credibility.

#### **2.4.2 Geopolitical dimensions**

The current impasse in Nepal also has international dimensions – with India, China and the UN seen as the major stakeholders (Oxford Analytica: Global Strategic Alliance 2010). On June 30, 2010, a Nepal Supreme Court ruling asked for Indian Airlines to abide by the labour laws of Nepal and provide permanent contracts to temporary staff who had worked for certain durations of time. There was speculation that this ruling may be extended to other Indian owned businesses in Nepal, raising concerns among investors from India – a key source of foreign capital. There were also serious concerns



around the UCPN-M's return to power as New Delhi claimed evidence of logistics sharing between the Nepali and Indian Maoists<sup>15</sup> (ibid).

There is concern within both India and China about the notion of federalism in Nepal. China's concern lies around what impact a federal Nepal with the provision of ethnic self-determination will have on Tibetan nationalism. Puskar Gautam, in an article in the Nepali Times (2009) describes how the Chinese are known to have a historical preference for dealing with a powerful centre in countries neighbouring it. What this implies is that they would be averse to a federal Nepal with multiple powerful and independent decentralized federal units. In the same article he also describes self-determination as a western-supported and funded agenda, implying that there is no such need for Nepal. With multiple groups and ethnicities demanding autonomy or cessation from the state, a federal Nepal is not in India's long-term security interest either. There are fears that ethnic federalism with a right to self-determination could have cross-border repercussions on the Gorkhaland movement<sup>16</sup>, on India's northeast States and the Tarai ethnicities across the border in Bihar and Uttar Pradesh. India's fears also extend to how the rights to self-determination may affect existing demands for indigenous and aboriginal (tribal groups) rights in India (ibid).

As discussed above, the presence of weak states within a region can have cross-border security consequences. Weak and failed states present potential risk to global security in today's increasingly interconnected world. They therefore, pose one of the most important foreign policy challenges for most countries. The period immediately before, during and after a conflict is when states are most vulnerable to destabilization, resulting from prevailing chaos, terrorism, drugs and weapons smuggling, other forms of organized crime and the lack of institutional and legal frameworks for good governance. Since the 1990s and more so beyond the terrorist attacks of September 11 2001, there has been a surge in the number of bilateral and multilateral peace-building programs globally (Barnett 2006).

The funding and programs in peace-building received a further boost after the 2005 World Summit at the United Nations agreed to endorse UN Secretary General Kofi

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<sup>15</sup> Following the Maoists successes in Nepal, similar movements against the State in India have intensified, although the Maoist movement in India has been in existence much ahead of the movement in Nepal. The Indian establishment considers the threat from the Maoist as the most serious threat to the State.

<sup>16</sup> Since the mid-80s, the Nepali speaking population in Darjeeling, India have been campaigning for a separate state (federal unit)

Annan's proposal to create a peace-building commission, support office and fund (ibid). The presence of the United Nations Mission in Nepal (UNMIN) to build trust among actors in the peace process and provide technical and logistic support to move the peace process forward, may be cited as one among the multiple bi-lateral and multi-lateral institutions and organizations that joined the peace building mission in Nepal (Dahal, DR & Bhatta 2008). Krasner and Pascaul (2005) argue that adequate funding is needed for supporting timely conflict prevention efforts as the price for developing rapid-response capability may be small compared to the threats posed by failed states. All conflicts cannot be prevented and crises will occur, but that must not be the basis for not supporting preventive interventions (ibid).

## **2.5 Media in Nepal: history, role and vulnerability**

Media was one sector that recorded extraordinary growth after the restoration of multi-party democracy in Nepal in 1990. This growth was measureable not only in terms of the number of media outlets coming into operation but also in terms of the ownership, with a distinct shift from government owned to the private sector; and in terms of decentralization with more media organizations coming into existence outside of the capital city, Kathmandu (Onta 2006). According to Michael Hutt, discourses and assumptions about globalization fail to take into account the boom in local language media that has been a phenomenon in South Asia in the past three decades (2006). Hutt explains this boom as a consequence of the liberal market policies adopted by national governments of these countries and also due to technological advances in the print and broadcast industry. The growth in the number of print dailies is also attributed to the growth in literacy in these countries that has led to increase in mass readership, mostly in local languages. Print, along with the broadcast media, constitutes the single largest influence on public opinion in South Asia (Hutt 2006; Onta 2006).

By the year 2006, the Nepali media scenario had grown into one incomparable to that of a decade earlier, with the print and the radio sectors at the fore-front of this growth (Onta 2006). As of mid-2009, around 160 independent FM radio stations had begun to broadcast their programs on a regular basis while the total number of stations that had been officially licensed for operation stood at 323 (Bhattarai & Ojha 2010). This rapid growth in the radio broadcasting sector can be attributed to the difficult geographic terrain and the fact that radio signals may be the only form of media communication to reach populations in large parts of the remote mountains of Nepal. Another factor is also

the low adult literacy levels in Nepal although there has been an increase from 48.61 % in 2001 to 57.4 % in 2011 (UNESCO Institute for Statistics 2013).

To trace the expansion of the media to the latest official figures provided by the Ministry of Information and Communication (2014), there were 329 radio stations and 18 television channels operating in Nepal in December 2012. Likewise, the print media had seen similar expansion. Of 3,408<sup>17</sup> print publications registered, 542 are dailies, 28 bi-weeklies, 2,466 weeklies and 372 fortnightlies (Press Council Nepal 2012).

### 2.5.1 Media history in Nepal

'*Gorkhapatra*' was the first newspaper in Nepal, which began publishing in 1901 as a State organ. Dev Shamsheer, the Rana ruler who was seen as being too liberal in his approaches and actions, the initiation of the newspaper being one, was toppled from power after only three months in office. The newspaper survived and with '*The Rising Nepal*', '*Radio Nepal*' and '*Nepal Television*', remained the most powerful media institutions – all State owned. In the period before 1990, there were only a few non-State media, most of which had their connections to one or more of the banned political parties (Hutt 2006).

The period after 1990 saw a dramatic increase in not only the number of print newspapers and magazines but also in their quality. By 2001, according to the Press Council of Nepal, 1,620 newspapers were being published on a regular basis in Nepal. Of these, the vast majority (1,156) were weekly papers, whereas 230 were dailies. A vast majority (1,345) were published in Nepali, with 61 published in English and a further 130 appearing in Nepali and English (Press Council Nepal 2001). Of significance for Nepali public opinion in this period of media boom was the establishment in 1993 of the broadsheet dailies *Kantipur* (in Nepali) and *The Kathmandu Post* (in English), whose production quality and editorial standards set them apart as market leaders. Other publications that followed in terms of their circulation and readership included *Nepal Samacharpatra*, *Himalaya Times*, *Rajdhani* and *Spacetime Dainik* (in Nepali), and the *Himalayan Times* and *Spacetime Daily* (in English). The emergence of higher standard dailies saw the decline in the market of the more cheaply produced tabloids that were most popular in the pre-1990 era. Likewise,

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<sup>17</sup> However, only 874 of the 3,408 registered were actually being published

the 1990s also saw a rapid growth in the number of high-quality news magazines (Hutt 2006).

The government owned *Nepal Television* (NTV) was the only television channel until 2002, since its inception in 1984. It stayed in operation by producing its own programs or by selling slots to private and NGO operators. Upon opening of the sector to private operators, by 2006 there were about 10 television channels broadcasting at a national level utilising both terrestrial and satellite broadcast technologies. The Internet and related services had also begun to influence the Nepali mediascape since the mid-90s, however, this influence was limited to the more affluent, urban youth and professionals (Onta 2006). The potential for internet and internet based media services can be seen more in serving the growing Nepali Diaspora, but there is also the potential for its rapid growth within Nepal provided connectivity is made cheaper and software and language adaptations are made to customise the services to the average Nepali (ibid).

### **2.5.2 The media role**

In his investigative report titled *Radio and the Recent Political Changes in Nepal*, Onta (2008) describes radio as a medium for citizen expression and public engagement. He cites radio's large coverage, citizens' access to radio and the plurality in terms of language of broadcast as the main reasons for the popularity of radio as a medium. He describes the role of the media, radio in particular, in providing a platform for political debate, for creating pressure on political parties and for voicing their desire for peace. Likewise, the *Citizens Movement for Democracy and Peace (CMDP)* following the King's taking over of absolute State power in 2005, was instrumental in bringing about the final demise of the king's rule. The media had a vital role in supporting the CMPD by providing a shared public space and by giving priority coverage to its activities (Chhetri 2010). The independent media of Nepal has been credited with 'rescuing democracy', for its crucial role in creating pressure that led to the restoration of the parliament in 2006, following the king's taking over of the state power in 2005 (Dixit, K 2008).

The period during and after the conflict has been a particularly difficult one for the media in Nepal. It is true that the environment for investigating and covering stories has been much more liberal since 1990, but numerous cases of kidnapping, torture and even killing of journalists have been witnessed in this period (Ghimire 2010; Jha

2009). The period following the royal takeover in 2005 was a particularly dark era for media in Nepal with enforced censorship, coercion, harassment and imprisonment of media workers. The period also brought about unprecedented solidarity and resolve among the media fraternity and the royal move and pressure on media were resolutely opposed (International Federation of Journalists 2005). Ghimire (2010) describes the current political trend as being increasingly hostile towards media freedom and the principles of media independence. He recounts that at least 27 media-people have lost their lives in the 10 years of conflict and that the trend of brutal attacks on those with differing ideology or opinion will have a damaging psychological effect on media workers, especially women.

The above discussion has revolved around the role that the media in Nepal have had in the past. There is also the role for the media in addressing issues concerning its peace process and ensuring that violent conflict does not recur. But for that to happen, there first needs to be an environment that supports freedom of expression. Environments with violence can disrupt people's daily lives and limit freedom of expression. Under such circumstances where there is threat to their lives and the media business, reporters, journalists and newsrooms often exercise self-censorship (Waisbord 2007). Public authority, peace, stability and security are not only essential but also crucial for public debate and deliberative argument to take place. Waisbord (ibid) describes the situation where the State is unable to perform key functions related to maintaining order, security and rule of law as a situation of statelessness. As discussed earlier in this chapter, following Waisbord's characteristics of statelessness, Nepal may be considered to exhibit features of partial statelessness.

Situations of statelessness inhibit a functioning market economy including commercial networks that are crucial for the emergence of modern media and for their economic self-sustainability (ibid). In chapter 5, we discuss how a thriving media market is essential for ensuring diversity of media products and representing the political and cultural diversity prevalent in Nepali society. While democratic institutions including international agencies and NGOs have a crucial role in providing a platform for and encouraging public debates around pressing issues, they are usually not in a position to enforce international or local laws to curb violence and provide justice. These are essentially the functions of the state and governments and that is why the state has a crucial role in ensuring freedom of expression and a free democratic media (ibid).

According to Skuse and Adams (2000), media interventions related to conflict may be useful in three scenarios – latent conflict, open conflict and post-conflict. Political, religious, economic or ethnic tensions within societies may be referred to as latent or simmering conflict as they have the potential to grow into full-blown conflicts. Countries where civilians are involved in violent armed conflict may be said to suffer from open conflict. Like Nepal, countries that have reached peace agreements and are in the process of consolidating peace through reconciliation and reconstruction may be recognized as being in a post-conflict transition phase. The need for information is crucial for people caught in conflict. More often than not, other forms of communication like telephones and transportation may be disrupted in conflict zones, making mass media the only means of reaching large numbers of people and communities (ibid). The media therefore have an important role in reducing conflict, in the dissemination of essential humanitarian information and in strengthening civil society. Skuse and Adams (ibid) list some roles for the media within conflict and other emergency situations as follows:

- To counter misconceptions about the ‘enemy’ and reduce the level of rumours in society;
- To build confidence, consensus and trust among the parties in conflict;
- To provide communications as a means for emotional expression;
- To educate people and communities on the conflict resolution process;
- To propose alternatives to violence as a means of protest; and
- To promote dialogue as a means of conflict prevention and resolution.

Waisbord (2007) argues that an independent media is not possible or viable in the absence of a functioning state. He stresses that even with the presence and support of international agencies, non-government organizations and international media organizations and networks, there are certain functions that only the state can perform effectively. These include maintaining order, security and rule of law. He compares an intrusive or interfering state to a state in chaos, or even to statelessness, when it comes to the safeguard of freedom of expression. He adds that the absence of state generally leads to violence against the media, depletion of its economic basis and inhibits the rule of law.

Again, there are both optimistic and pessimistic views with regards to the media's role for peace and democracy building (ibid). The optimistic school points to recent expansion in liberal democracy, global campaigns supporting freedom of expression, information technologies and the upending of traditional relationship between political authority and popular will. These have helped pave the way for the less powerful to organize, coordinate and have their voices heard and opinions expressed (Gladwell 2010; Waisbord 2007). In addition there has been an emergence of professional reporting culture and ethics through training and exposure to western media, factors that can support the practice of democratic journalism.

Waisbord (ibid) describes how skeptics on the other hand, consider media concentration, authoritarian media policies and constraints to a free media to be an outcome of transition to liberal democracies. They fear that such a trend will limit the role of media as a vehicle for public expression and for political accountability (ibid). Their fears include the potential for formation of media conglomerates, their influence on media policy and the resulting 'control' of media through legislation and economic measures (ibid).

As has been discussed above, not everybody is convinced about the role of media in conflict management and peace-building. Nik Gowing (2000) asserts that assumptions about the pivotal role of media coverage in conflict management and prevention are ambiguous, unclear and often misconstrued. He adds that assumptions and analyses around the media's role in situations of conflict are instinctive and often skewed due to the lack of rigorous analysis as compared to the emotions of anecdotal comments. He refers to the 'CNN factor' – the creation of woeful, heart-breaking images for citizens as justification or rationale for engaging in war – as not having a direct causal relationship with policy decisions to engage or not engage in war. In fact, he argues, most people involved in making policy decisions consider such coverage trite and crude.

Gowing (ibid) laments that the quality and skills of professional journalists and journalism have not matched advances in technology supporting real-time reporting from zones of conflict. He regrets that the trend has been more towards the 'superficial and sensational' with ill informed reporting and dependence on second or third hand information as opposed to primary data. He also points to the modern day trend of comment and opinion journalism as being a barrier to clear and impartial

understanding of a conflict and its root causes (ibid). While the lack of quality reporting may be partially attributed to the weaknesses in reporting from zones of conflict, he admits that it is also difficult to report in a balanced and accurate manner operating within the constraints of a complex conflict. Challenges to working effectively within environments generally not supportive of free and independent journalism have been discussed in chapter 7 of this thesis.

Regarding the role of the media in calling attention to international interventions in preventing or managing a conflict, Gowing (ibid) asserts that it is the national interests of countries rather than the emotive power of the media that lead to their involvement in such intervention. Gowing (ibid, pp. 5, 6) asserts that it was a result of a fundamental reassessment of U.S. interests at the time rather than media pressure 'to do something', that led to the change in stance of the Clinton administration and to the consequent U.S. action in managing the crisis in Bosnia in 1995.

Gowing further argues that there is hardly any evidence to suggest that pre-emptive media coverage would lead to pre-emptive diplomatic action on the part of nations to prevent a conflict from developing. Two types of international inaction have been witnessed in the wake of conflict (ibid). The first was a case where the international community shied from intervening when Russia attacked Chechenya in December 1994. Although there was ample media reporting of the conflict accompanied by the gruesome images of conflict, the international community chose not to act, citing that it would be a violation of Russian sovereignty. The second is the case of Burundi in the period between 1993 and 1996. A marginal, sporadic and inconsistent coverage by the international media and subsequent lack of political intervention by the international community, including the United Nations, led to about 100 deaths a day. Gowing (ibid) asserts that the west did not intervene in Burundi because it was not of strategic interest for them. This failure to intervene led to the loss of approximately 150,000 lives in a span of three years.

International media reporting and coverage of an issue and the treatment of stories will vary according to national and regional agendas and interest, and the physical distance from the event. A crisis in one part of the world may be of little relevance to another region. A story that attracts minimal national interest and is physically unfolding far away, will most likely not generate more than a passing interest. While news stories and events in the Pacific Island countries will probably be of strategic importance and



relevance to the Australian state and its citizens, the same may not be true for most European countries. While conflicts in Africa may have otherwise been of least importance to the Nepali media, the picture changes once there are Nepali soldiers in the United Nations peacekeeping missions in those countries or regions.

These discussions on the international role of media in conflict prevention, management or peace building have been included here to provide perspective. While the above discussions support the notion that the media are generally useful in such situations, there are also valid arguments to suggest media interventions are not the magic bullet for preventing conflict or for building peace. They are most effective when they are pitched at the community level and in tackling a dispute that is neither too embedded in society nor too large in scale to be realistically addressed (Skuse & Adam 2000).

While the role of media in establishing peace is important, media organizations themselves are usually restrained in their operations during conflict situations due to threats, insecurity, self-censorship and economic reasons. Despite adverse situations, independent media assume greater importance in developing pressure for good governance among governments in post-conflict transition, especially as their institutions are weak and divided. The relevance to these arguments in the context of this thesis lies in the examination of the type of role the Nepali media have had, the challenges they face in a transitory environment and the possible role that they can have in ensuring that the peace process is finally concluded. This includes ensuring that stability in general and institutions that support stability have been established and are in the process of being strengthened. This leads us into a discussion of how the media in weak states are vulnerable to abuse. There have not been documented instances of outright abuse of the media in Nepal that have led to major disruption of social and communal harmony and public life. However, the indicators that show a society to be vulnerable to media abuse that are discussed in the next section, reveal that the Nepali society may not be completely immune to such misuse or abuse.

### **2.5.3 Media vulnerability in weak states and interventions**

Conventional media have usually played a positive role in informing and educating societies. However, there are many documented cases where individuals and groups have abused media and instigated violence and conflict, especially in vulnerable

societies (Des Forges, AL 1999; Easterman 2000; Frohardt & Temin 2003; Ismail & Deane 2008; Windrich 2000). Aside from the abuse of media leading to conflict, lack of professional skills amongst journalists, lack of a vibrant media culture and the lack of independent media can also contribute to violence and conflict. Frohardt and Temin (2003) group specific indicators that identify societies that are vulnerable to media manipulation within two large areas – those dealing with media structure, or the way the media sector is set up; and those dealing with media content, or the articles and programming produced. This section examines the situation in Nepal based on these two indicators.

**Structural indicators:** Frohardt and Temin (ibid) list media reach, accessibility and plurality as important indicators to observe in terms of the influence that they can have on a population. It is quite obvious that reach associated with strength of signal for broadcast media and circulation for print media will have an impact on the magnitude of influence. Likewise, media reach alone may not always mean that people have access to them. For example, television signals may be present in a locality where most people are unable to own or access television sets for viewing. Therefore, the influence of the media on populations is both dependent on and limited by people's access to the media.

There is less likelihood for dominance of a single view, opinion or group when the media is plural in terms of ownership, geographic distribution and diversity of groups it represents. So, the media can have most influence, both positive and negative, when they enjoy extensive coverage but little competition. Frohardt and Temin (ibid) also cite the lack of balance between state owned and private media as a reason for worry. Likewise, the sudden proliferation of media outlets replacing a prior media vacuum is also undesirable, as they usually provide fertile grounds for the abuse of media. Frohardt and Temin (ibid) cite the situation in the former Soviet republic of Georgia as an example where a large number of media outlets suddenly filled the otherwise vacant media landscape. The messages that these outlets attempted to spread were against ethnic minorities portraying them as threats against Georgia's hard fought independence (ibid).

The capacity of journalists, editors, station managers and media owners; the political, ethnic, religious and regional composition of the media team; and the diversity in ownership of media organizations are indicators related to media outlets themselves.

Capacity relates to a reasonable degree of professional integrity and proper training and skill among media personnel (ibid). The proximity of journalists and media workers on the ground to national and international colleagues and networks is another indicator. Media professionals feel less threatened and are less susceptible to manipulation when they are aware of the international standards of professional journalism. They also feel a sense of solidarity when they know that there is support and that they are not alone in the wake of adversity. Diversity of media ownership and the media personnel that work within them is also an important indicator as the presence of diversity helps avoid undesired control over media organizations and unbalanced media content (ibid).

The independence and effectiveness of government institutions like the legislature and judiciary that deal with the media and influence the performance of the media outlets, is another important indicator that may signal media manipulation. Maintaining a healthy legal environment for media to operate free of government interference requires legislation that protects journalists and media enterprises from abuse. Likewise, libel and slander laws protect individuals from being the victims of a bad media. Also important is the history of media legislation concerned with unhealthy precedents set by previous governments (ibid).

Frohardt and Temin (ibid) identify nations in transition to democracy as being more vulnerable to media manipulation. They explain that this is because such nations tend to relax controls on the media as part of their attempt to liberalize. While a free media is a desirable outcome, it can lead to the 'openness' being quickly filled by 'elements' that harbour extreme or intolerant political, ethnic or religious goals, and can actually fuel conflict (ibid, p. 5). So, while the tightening of media controls usually signal the autocratic intentions of a government, it is critical to maintain a balance even as nations or societies move towards democracy. As discussed earlier in this chapter, liberal democratic ideals and models of the free press may not work without adjustment or modification to take into account the inherent weaknesses in state institutions that are characteristics of weak states.

**Content Indicators:** Consideration of content in the context of this discussion is critical as content helps shape the views and opinions of people, communities and citizens on a range of issues that are of concern to them. Frohardt and Temin (ibid) consider the tendency to abuse media with the intention of creating fear as the first of

the content indicators. Instilling fear connected to past conflict and animosity can be done by disseminating the message – ‘they have done it in the past, they can do it again; remain prepared for the worst and to defend yourself’ (ibid, pp. 6, 7). Such a message through the mass media possesses the capacity to blind individuals or groups with fear, to the extent that they can attack people with whom they had lived in harmony in the past. The justification in such instances is that such an attack is no longer against an individual but more against what he or she represents. The Rwandan genocide of 1994 where a private radio station created fear among Hutus of an imminent Tutsi attack through the use of hate speech is a glaring modern day example. The genocide that followed stands as an example of the negative potential of the media (Des Forges, AL 1999; Frohardt & Temin 2003).

The propagation and manipulation of myths, stereotypes and identities is another way in which the media can create fear and the justification for the use of violence as a means of self-defence (Frohardt & Temin 2003). This includes the strategy of dehumanization of members of the ‘other’ group, portraying them as ‘less than human’, irrational and unpredictable beings capable of ruthless killing. This may be taken to the extent where people start to believe that the ‘other’ must be attacked before they themselves are attacked. Again the extensive reference to Tutsis as ‘cockroaches’ (ibid, p. 7) in the Rwandan media is an example where their portrayal as ‘less than human’ was aimed at justifying their killing.

A second content indicator that Frohardt and Temin (ibid) consider in their assessment of media vulnerability is the misuse of media in the creation of a sense of helplessness, inevitability, and resignation among the population. This leads to the feeling that conflict is inevitable and necessary, and hence little thought or effort is made towards peaceful alternatives. Frohardt and Temin (ibid, p. 8) quote Christopher Bennett as saying that the conflict in the Balkans “is a tale not of ‘ancient hatreds,’ centuries of ethnic strife and inevitable conflict, but of very modern nationalist hysteria which was deliberately generated in the media”.

**Interventions for preventing media manipulation:** Having discussed the indicators that Frohardt and Temin (2003) present in their identification of societies potentially vulnerable to media manipulation, it might be relevant to examine some interventions they suggest to prevent or counter such manipulation. They state that strengthening of the independent media is often a product of media plurality and longevity, both crucial

in ensuring that media enterprises are not easily manipulated. Plurality refers to the diversity in terms of ownership and principle and therefore, the larger the diversity, the lower the chances for media manipulation. Likewise, longevity leads to the ingraining of media enterprises within society and increases the chances for public outcry in the event of the media enterprise being abused or shut down.

A second intervention for protecting media from abuse is through the development of journalist capacity and competence. Media-persons with enhanced physical and human resources are less likely to be bribed or co-opted by forces aiming to abuse media outlets. Other interventions include strategies for strengthening legal framework and judicial system, promoting diversity in journalist corps and media ownership, licensing and regulation of media enterprises, establishing and strengthening journalist networks, and regular monitoring of media content. The utilization of media content as a positive tool for reconciliation and conflict prevention, the provision of issue-based training for journalists and the production and broadcast of entertainment-education programming may be listed as a few content related interventions (ibid).

Media-persons including reporters, journalists and broadcast program producers operating in rural and difficult-to-reach areas are usually more prone to violence and threat in environments characterized by impunity with little or no presence of the state. They face a threat to their lives or to their businesses when they choose to report on criminal activities, illegal operations and illicit businesses that thrive within lawlessness. This may also hold true in the case of reporting on religious and ethnic issues, or political tensions. Such a situation often leads to self-censorship, low risk-taking and to the suppression of uninhibited exchange of information and ideas (Waisbord 2007). A legal framework including laws and courts that protect peoples' rights to information, the media and media-people is a necessary pre-condition for media democracy. However, having the legislation in place is only half the battle won. Regular monitoring needs to ensure that these laws are actually practiced, which may not always be the case in situations of statelessness and in the absence of independent courts and judicial systems. The recent experiences of and examples from the media in Nepal validate the above.

## 2.6 Conclusion

By providing an overview of Nepal's socio-political dynamics, political history, root causes of conflict and a historical account of the evolution and role of the media in Nepal, this chapter explains the complexity of Nepal's political transition. This has been done in the context of discussing how the media may not always be able to operate independently and ensure access for sections of society within situations where the State is unable to consistently maintain order, security and rule of law. This transition has also seen a rapid expansion of the Nepali media, disproportionate to the much slower growth in media markets and the economy. While the expansion can be viewed as being favourable to diversity, plurality and democracy in general, the absence of a sound revenue base has led to a growing number of media organizations and outlets moving closer to political and commercial interest groups. Nepal's geographic and social diversity are also very much part of this transitional complexity. The search for avenues out of generations of structural social inequality and the new search for identities has engendered multiple pluralisms and newer expectations from democracy. Given Nepal's unique position and the complexity of the phenomena that this research examines, this researcher understands that it will be difficult to utilize a limited theoretical lens. Rather, an examination of the evolution of media and communication theories and a critique of those that are perceived as being relevant to this study will be conducted. The critical political economy of the media and normative democratic theories, especially, deliberative democracy will be discussed and critiqued in Chapter 3. An examination of civil society theory in the Asian context and their importance in the context of emerging public spheres will also be examined.

### **3. Democracy, civil society and the media**

This chapter aims to provide an understanding of the theoretical underpinnings that are relevant to this thesis. Given Nepal's unique position and the complexity of the phenomena that this research examines, it is difficult to utilize a limited theoretical lens or approach. Having adopted a grounded theory approach to the research design, it is not useful or practical to wholly adopt any particular theoretical approach. Rather, it will be useful to conduct an examination of multiple concepts that are related to this thesis and explore how these are understood and critiqued.

The concept, understanding and practice of democracy and democratic transformations are important here. Media development and reform are considered integral to democratization because of the media's important role in fostering democratic societies. Only democratic societies will have the ability to achieve and consolidate collective action in cooperation with the State and market forces (Dahal, D 2001). Civil society in turn have an important role in furthering solidarity between the State, markets and citizens and for promoting social justice (ibid). The aim of this chapter is to understand the linkages between the media, civil society, social justice and democracy by examining theories linked to each of them. These concepts will be explored in further detail through an examination of the evolution of media and communication theories, normative theories of democracy, and civil society theory in an Asian context. This discussion will be conducted in the context of a State in transition to democracy and in keeping with the argument that the media themselves may not be able to operate democratically in the absence of order, security and rule of law. The underlying assumption is that the media regulatory framework suffers in the absence of a fully functional state leading to media compromising independence and access – key elements of a democratic media.

#### **3.1 Democracy and civil society**

Democracy has remained an elusive buzzword for Nepal, especially after 1990, but earlier too. It is a vague concept and has been seen to mean different things for different people. In 1990, the Nepali people celebrated the advent of multi-party democracy and the demise of the autocratic single-party Panchayat regime. What was the understanding of and expectation from democracy for the Nepali people then? How did that change when they needed to stage another popular peoples' movement in 2006? Even as democracy seems like a simple concept on the surface, it is useful to discuss the concept

at length in order to understand Nepal's current transition to democracy. A young Nepali political leader interviewed as part of this research had this to say of democracy:

‘Democracy in our context, is relative.... Initially, it was taken as the freedom to speak, write, gather [as groups], and to open or join groups and parties. Today, it is about a system that guarantees the inclusion and representation of all citizens, which protects the rights of people by enforcing certain laws. Another aspect of democracy is that it needs to secure food, clothing and shelter for citizens. Basically, it provides justice to people. Freedom needs to come with justice. Freedom without justice cannot function. Thus, democracy is freedom along with social justice. Democracy can also be taken as a culture..... and like culture, it guides society. Democracy should be understood as a culture and not just number games. While previously only the majority's voice was heard, now even the minorities are given a platform to speak.... this is also democracy. To accept defeat, is also part of democracy. Accepting success but rejecting defeat is not democratic culture, and this is a problem in third world countries and political parties in these countries..... Until and unless we develop democratic practices as a part of our culture, we definitely cannot strengthen democracy.’

The above statement brings to the fore three important parameters of democracy – freedom, justice and culture. Also integrated within the statement is the concept of civil society – the freedom to gather in, or join, groups. A strong democracy is essentially founded upon a strong and vibrant civil society (Diamond 1994; Hudock 1999; Newton 2001) and there are numerous examples to support this assertion. Associational solidarity and social movements assume significant importance in contemporary Nepali society as they have facilitated citizens' participation in collective will formation and in influencing public policy. Dev Raj Dahal explains that the policy environment of Nepal through the constitution, periodic plan documents and progressive Acts (including the Local Self-governance Act), has legitimized the ‘civil society domain’ as being essential for poverty alleviation, social mobilization or good governance (2001, p. 4).

The above statement also provides the implied understanding that democracy is essentially linked to the relationship between the state and society and their respective roles, and how citizens exercise their political opinion and will-formation within this relationship. With the notion that democracy be not understood as mere ‘number games’



(as derived from the above statement), we are reminded of what John Keane (2011, p. 2) defines as a ‘post-representative’ democracy – a form of democracy that goes beyond an aggregation of data and moves towards a larger role for ‘power-monitoring’ and ‘power-contesting’ mechanisms for government and civil society. The ‘monitoring’ role in democracy that Keane emphasizes, accentuates the important role of civil society. This will be discussed later in the chapter when we discuss the different types of democracy that have been intellectually, academically and practically understood, discussed, debated and theorized.

The importance of a vibrant civil society often lies in their autonomous role as a third sector capable of counterbalancing the dynamics between the private interests of the business sector and the public realm of the State (Dahal, D 2001). Unlike the case in the West, where models of civil society were produced after they actually emerged, there is no clear model for civil society in Asia. Schak and Hudson (2003, p. 1) posit that civil society in Asia have to be understood as being dynamic and as a ‘project in process’ – active at times but stalling or going backward at other times, depending on the situation of authoritarianism or democratization of the societies concerned. Dahal (2001, p. 6) posits that it was what Samuel Huntington (1993) famously called the ‘third wave of democratization’, that sparked off the ‘associational revolution’ in the world around the nineteen eighties. This shift in citizen loyalty towards civil society from the State reflected a weakening of the State’s credibility and also its’ receding power as the only provider of public or common good, adds Dahal.

### **Democracy: concept to consolidation**

Defining democracy can be highly contentious and the same holds for civil society. Although some defining characteristics of democracy have already been drawn from the above statement made by a Nepali political leader, it will be useful to provide a more formal definition of democracy. Beata Rozumilowicz (2002, p. 11) defines democracy as the ‘institutionalized diffusion of political power in a society and its allocation to specified agents via the explicit choices of that society ....’. This definition spells out the centrality of competition and participation within a deliberative process. Rozumilowicz makes a link between ‘media reform’ and democracy by stating that media reform should be aimed at ensuring and enhancing the practice of competition and participation within a political system, as well as the institutionalized diffusion of political power to elected or chosen representatives and groups.

Robert Dahl's definition of 'polyarchy' has often been cited as a plausible minimal definition for democracy (Limongi Neto et al. 1996; O'Donnell 1996) according to which, democracy is said to exist when regimes hold elections and where the opposition has a chance of winning in it and coming to power. Guillermo O'Donnell (1996, p. 35) describes the seven attributes in Dahl's definition of polyarchy as: '1) elected officials; 2) free and fair elections; 3) inclusive suffrage; 4) the right to run for office; 5) freedom of expression; 6) alternative information; and 7) associational autonomy'. O'Donnell adds that a definition of polyarchy can only be complete when it includes the assumption that a fair electoral process (points 1 to 4) and the associated freedoms (points 5 to 7) are ensured into the future. Once again, the linkages between the seven attributes of Dahl's conception of polyarchy to the presence of a strong media and a vibrant civil society, is easily discernible.

As has been spelled out several times in this thesis and discussed at length in Chapter 2, Nepal's transition to democracy has been a protracted and complex one. O'Donnell (ibid) describes how countries emerging from authoritarian regimes in the last two decade either embraced democracy, relapsed into new forms of authoritarianism or exist in a gray area of incomplete democratization – failing to consolidate or institutionalize democracy. Nepal might be considered to exhibit characteristics of the third type, having clearly failed to consolidate the democracy borne from two popular movements in 1990 and 2006. While most of the 7 attributes in Dahl's definition for polyarchy generally hold good for Nepal, that these have been consolidated and will be a permanent fixture into the indefinite future, cannot be said with the same level of assurance. There have been periodic elections for central level institutions including the Parliament and the Constituent Assembly, but because of the conflict and the situation of instability, meaningful and legitimate elections for local offices have not been held since 1998 and local bodies have remained without elected representatives since 2002 (Gurung 2011).

By that count, Nepal fails to qualify as a polyarchy or further, as a democracy, as the most basic tenet of democracy, periodic elections, have not been institutionalized. The other fundamental weakness in Nepal's current assessment as a democracy stems from the fact that it does not have a Constitution. The interim constitution that it embraced in 2007 was intended to provide legitimacy to political decisions taken in the interim, since the signing of the CPA in 2006 until the CA drafted a constitution in 2010. The interim constitution was again amended multiple times when the CA failed to deliver a

constitution in 2010 and again in 2012 after repeated extensions to the CA tenure. So, in essence, Nepal lacks a constitution – another institution that legitimizes democracy.

That the institutions of elections and the constitution are easily visible may be ascribed to international interest, pressure and support in seeing these satisfactorily consolidated within transitioning democracies. However, apart from these visible institutions, O'Donnell (1996) outlines other parameters that may not be as visible but are not any less important for the consolidation of democracy. He describes the importance of formal rules (legislation, constitution, regulation) and the effort by actors within political institutions to abide by them, even after the democratic institutions of the constitution and periodic elections have been consolidated.

The closer the fit between the formal rules and the behaviour of political actors within or outside institutions, the more stable the democracy, asserts O'Donnell. A lack of a good fit results in 'clientelism' or 'particularism', leading to patronage, nepotism and corruption, as opposed to the principles of 'universalism' (p. 39). O'Donnell adds how important it is for individuals in public and political institutional roles to follow universalistic rather than particularistic paths in the discharge of their public duties. An important point that O'Donnell emphasizes is that if there is opposition to the particularistic motives of public officials, it is a good sign; if not, particularism is usually so pervasive that it is either not noticed at all or resignedly ignored. As this thesis will show, particularism is entrenched in the Nepali society, although efforts towards universalism are evident, albeit very rarely. As for the media, they have either been unable to generate adequate discourses that discourage particularism, or have done so in a manner that has led to cynicism and distrust of the institutions of democracy and the political actors.

This discussion of universalism and particularism leads to a crucial element in a democracy – accountability. Particularism can become pervasive in the absence of or the weak functioning of state institutions that are responsible for the accountability of other state institutions or agencies – what O'Donnell calls 'horizontal' accountability (p. 44). Such institutions, as in Nepal, are usually weak in democracies that still need consolidating. While institutions like the Public Accounts Committee of the Parliament, Judicial Council, Auditor General's Office, Commission for the Investigation of Abuse of Authority, National Human Rights Commission and Election Commission of Nepal have all been established after the political changes in 1990, these institutions have

themselves been plagued by political appointments and extended periods where key offices remained vacant. Hence, institutional arrangements and mechanisms to check horizontal accountability have been weak, at both the national and sub-national levels (Pfaff-Czarnecka 2004, p. 7).

### **Civil society: concept, evolution and challenges**

In the words of Devraj Dahal (2001, p. 9), ‘the modern version of civil society constitutes an intermediary public sphere between the state and the market where the ideals of democracy and human rights are realized’. They include autonomous associations of identities, networks and movements that come together to secure social justice against arbitrary power and to further their associational interests. Dahal (ibid, p. 10) describes how the preoccupation of political and economic associations with power and profit gave rise for the need for a third form of association – the civil society – that catered to the protection and interests of the non-profit sectors. He also considers it the responsibility of civil society to bring democratic dialogue to the public and to also explain what democracy and development mean – very closely linked to the underlying vision for media development in Nepal.

Historically, the State was considered the locus of all development activity in Nepal. It was only through the promulgation of the Society Registration Act 1960 that the private sector was legally initiated into the project of development, but under the patronage of the State (Dahal, D 2001, p. 20). An amendment to the Act in 1977 renamed it as the Association Registration Act, bringing within its purview, clubs, public libraries, literary societies, self-help groups, NGOs and cultural groups. Following the 1990 constitution and the legislation of the Social Welfare Act in 1992, the Social Welfare Council was given the authority for the registration (affiliation) of NGOs and providing oversight for their activities.

However, Dahal (ibid) adds that due to government confusion, it failed to provide clear constitutional jurisdiction for non-government ‘sub-systems’ treating them at par with NGOs. As a result, most civil society organizations operate as informal organizations with a ‘diffused mandate’ and at times, without the need for registration (ibid, p. 20). Dahal cites as examples how trade unions are registered with the Department of Labor, student unions with the University, private consulting firms with the Department of Industry and a few civic organizations with the Social Welfare Council. This diffusion

occurs as a result of a lack of a Civil Society Act, he adds. In 1998, the Local Self-Governance Act was promulgated and it highlighted the crucial role for NGOs and civil society in local governance and development (ibid).

According to Dahal (ibid, p. 23) civil society's role in creating pressure and fast-tracking the process of democratization and development in Nepal has been limited due to two primary factors, 1) the level of education in the country and 2) the quality of the mass media. This is despite the presence of a multitude of civil society organisations, and the political and social transformations in Nepal. The level of education impacts upon the quality of work-force not only in the trade union movement but also in the media. The Nepali trade unions have struggled to establish work-place rights through collective bargaining and to ensure the dignity of labour through the implementation of labour acts. Likewise, the quality of the media has a bearing on media pluralism and press freedom. Even while they continue to play the role of the watchdog in exposing the high-handedness of political parties and those in power, the evolution of a partisan political culture among the media themselves, limits their potential as a genuine forum for public debate (ibid, p. 23). The Working Journalist Act and the situation of media and journalistic capacity and quality are discussed in chapters 6 and 7 as a crucial element of this thesis.

Wayne Hudson (2003, p. 12) identifies the following in the context of civil societies, inspired by European and European inspired literature:

- a philosophical concept;
- a political slogan;
- a set of institutions;
- a sector, whether the private sector, the third sector or the non-governmental sector;
- a space for action in which social groups can exist and move; and
- a realm of civil solidarity, cooperation and trust.

However, Hudson (ibid) also problematizes the structures and contours of European concepts of civil society and its various interpretations through history. He provides examples of how there are many configurations within which civil society is assumed to exist and operate. There is state and market dependent vs. relatively independent of the state and market; modernist and secularist vs. traditional and religious; pluralistic vs.

particularistic; for individual self-interest vs. for citizen activism. There are various other forms in the public sphere, extending from families to the state and even beyond – to transnational civil society (ibid, pp. 12-4). Hudson argues that given the complex understanding of the concept of civil society in the European context, and because models of civil societies are still in the process evolving in Asia, European theoretical assumptions should only be adopted with caution in studying political, social, cultural and economic conditions in Asian contexts (ibid, p. 15).

Hudson cautions that, especially for those engaged in critical scholarly discussion, we must not assume *prima facie* that civil societies are democratic, desirable and will promote economic prosperity. This goes against common understanding in Nepali society of the inherent need for civil society to be good and do good and the assumption that a prosperous democratic society essentially builds upon a vibrant civil society (Dahal, D 2001). The same assumption also extends for the media (as an integral element of civil society) and that is why a discussion of the critical political economy of the media and its moral implications in ensuring social justice, is crucial (discussed in sections 3.3.2 and 3.3.3 of this chapter).

As in other ‘transitioning-to-democracy’ countries in Asia, in Nepal the concept of civil society is often limited to populist rhetoric rather than practice. Chua Beng-Huat (2003, p. 21) relates how the choice of the word ‘civic’ in a Singapore minister’s address<sup>18</sup> in 1991 titled ‘Civic Society – Between the Family and the State’ was not accidental, but rather loaded with an intended message. He contends that it was intended to point to the ‘duty and responsibility of citizenship under the administration and regulations of a ruling government’ rather than to the ‘freedom of citizens to participate in the general organization and governance of society’. Beng-Huat (ibid, p. 22) also describes how it is rather typical of the state to amplify the rhetoric of civil society when it sees the benefit of extending its governance wing to spheres of social life that it was either not interested in or unable to reach. He recounts instances of how the Singapore state saw it beneficial to extend such arms of governance through its ‘junior’ partner – the co-opted civil society. Civil society movements in Asia are therefore seen to peak and ebb, depending upon the need and interest of governments in power and also the reluctance of civil associations to engage with the state or the bureaucracy, mainly due to a legacy of earlier

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<sup>18</sup> Refers to the speech given by the newly appointed Minister of Information and the Arts, Brigadier-General George Yeo at the National University of Singapore

distrust. Here again, the importance of the media, as civil society, comes to the fore in providing the space for dissenting voices – civil society voices that engage both in confrontation and contestation with the State and in promoting more consistent civil society engagement that is capable of sustaining itself, independent of the state and the market.

The events of the Arab spring point in the direction of a different constitution of civil society (Howard, PN et al. 2011) – one that has both physical and virtual presence. The advent of the Internet and social media has propelled this layered constellation of social associations that functions at different levels. The transmission of images and texts enable almost instantaneous association of groups that can have similar goals and purpose but no prior physical presence or form. The formation of groups on Facebook results from voluntary social relationships forged out of individual will to engage in and participate for a common interest or cause. The networked population of the world has grown rapidly since the rise of the Internet, and Clay Shirky (2011, p. 28) describes how over a million people converged on Epifanio de los Santos Avenue in Manila within two days after the Philippine Congress voted to let the president off the hook during his impeachment trial. They were part of a networked text message that read “Go 2 EDSA. Wear blk.” This network had the capacity to coordinate a rapid response against impunity, which finally led to the downfall of Estrada. The events of the Arab Spring in the Middle East, the ‘Occupy’ movement (Gerbaudo 2012), the Shahbag movement in Bangladesh (Afrin 2013) and the protests following the recent rape of a student in New Delhi (Sharma, B 2013) provide examples of the new form of sub-national, national and trans-national civil society.

### **3.2 Democratic models and trends**

Models of democracy have generally been presented from a European or Western context as the history of democracy in the global South-East and more specifically in Asia, has been a relatively recent phenomenon. An absolute form of governance was usually the norm in most pre-industrial Asian nations (Schak & Hudson 2003). However, the third wave of democratization (Huntington 1993) led to the transformation from authoritarian to democratic regimes in large parts of Asia, including Nepal. Most of these democracies were characterized by the institutions of universal suffrage, electoral systems and parliamentary representation of citizens. The models of democracy adopted have evolved from adaptations of existing and emerging models. Normative models of

democracy that outline ways in which relationships exist between the state and citizens and how citizens are capable of utilizing their will-formation within each system, will be discussed here.

Habermas (1994) compares three normative models of democracy in explaining how these relationships between the state and society differ and the type of political opinion and will-formation that these models offer for citizens. He compares the liberal, republican and deliberative models, explaining how the established 'liberal' and 'republican' models differ from each other. He then presents the 'deliberative' model through a critique of the "ethical overload" of the republican view. The emergence of the deliberative turn in democracy has put communication and reflection at the center of democracy, asserts John S. Dryzek (2010, p. 1).

The Liberal or Lockean model of democracy emphasizes the interests of the private individuals above that of the community in representing the interests of society. It outlines the democratic process as 'accomplishing the task of programming the government' towards the interests of society; where the government is portrayed as an apparatus of public administration and the society as a network of private citizens within a market structure (Habermas 1994, p. 1). In this model, politics or the citizens' will-formation is manifested through the packaging and pushing of private interests against a government specializing in the administration of political power. In that sense, politics has a mediation role between the state and the somewhat passive citizens, adds Habermas.

In his description of the republican model, Habermas (*ibid*, pp. 1, 2) describes how, in addition to the administrative power (hierarchical regulations of the state) of government and individual personal interests (decentralized regulations of the market), solidarity and orientation to common good form a third source of social integration. Politics thus becomes a medium for communities to take cognizance of their interdependence and as deliberative citizens, take existing relations to a higher level of association. It promotes an autonomous basis of communicatively achieved civic self-determination and a civil society that is independent of public administration and market factors. In the republican view, politics becomes more than just a medium between the state and society – it becomes a sphere within which communities associate or take action for a purpose (*ibid*). The purpose and existence of civil society assume value within the republican framework of democracy.



The discussions above portray the image of two types of citizens, according to Habermas (ibid, p. 2). In accordance with the liberal explanation, citizens assume negative rights in relation to the state and other citizens, according to which the state provides them protection, also against government intervention, as long as citizens remain within legal frameworks of the state. Political rights of franchise and freedom of expression provide citizens the opportunity to express their political will and to realise their private interests through the election of a parliament and government that impacts on the apparatus of administration.

In comparison, the political rights of participation and communication under the republican view provide the space for political participation for citizens to autonomously shape a community of free and equal persons (ibid p. 2). In that sense, their rights of participation and communication are positive liberties. Here, administrative authority emanates from citizens' practice of self-legislation and finds legitimacy in the fact that it promotes this very practice through institutionalizing public liberty. So, the existence of the state is justified not through the protection of equal private rights but through the guarantee of inclusive opinion and will-formation resulting in free and equal citizens deliberating common interest. In the words of Michelman (1989, p. 446), rights are a reflection of prevailing political will for republicans as opposed to some rights being always grounded in a 'higher law' of '*transpolitical reason*' in the liberal view.

In terms of the political process of opinion or will-formation in the public sphere and the parliament, the liberal model allows for groups vying for power to attract individual votes to their policies and programs (ibid, p. 3). The success of the groups is gauged in terms of the votes they receive – a measure of citizens' approval of persons and programs. For the citizens, the vote is comparable to expression of their preference or choice, similar in structure to the acts of choice made by participants in a market. In the republican order, the expression of political opinion or will in the public sphere and parliament is considered a practice of civic self-regulation, beyond the structures of a market. It constitutes public communication and dialogue as a means of gaining mutual understanding and is therefore an expression of values rather than mere preference (ibid, p. 3).

Political power according to the liberal view would be dependent on the market conditions and individual preferences within, negating the public use of reason. The republican model in comparison to the liberal model, with its emphasis on

communicative or dialogic channels for fostering mutual understanding and common good, legitimizes the process of political opinion or will formation. However, Habermas (ibid, p. 3) argues that there is a growing tendency among contemporary republicans to focus on overbearing ethical considerations within the political discourse thereby seeking agreement on the political legislature in advance. This tendency, he continues, is in direct contrast to the communicative process of will-formation where legislative decisions are based on deliberation and not on pre-conceived ethical considerations. This practice within republicanism, which Habermas refers to as ‘communitarian’ (p. 3), tends to constrict political discourse.

Where does Nepal stand in the midst of this discussion on European models of democracy? For one, the notion of civil society, as articulated in the republican model, is in the process of evolution (as discussed earlier in this chapter). Political will formation occurs through elections (although the institution of timely and recurring elections is yet to be consolidated), and the communicative process of deliberation in political will formation can be deemed to be at a very nascent stage. The importance of deliberation cannot be emphasized enough in Nepal’s transition where questions concerning identity, nationality, relationships, traditions, minority, marginality and regionality are all concerned with the kind of society Nepali people want to live in. Discourses on these questions can have both moral and political consequences – moral in relation to justice and political in relation to ensuring equality and public good. Habermas (ibid, p. 5) asserts that compromises constitute the majority of political processes and for political interests and values that stand in conflict with one another and where consensus is not possible, ethical discourses alone are not the solution. Here, deliberation is required not only for finding and agreeing on the solution but also for prior ascertaining of the rules of the game should consensus seem beyond sight.

In light of the above discussion, Habermas (ibid, p. 6) describes deliberative politics or deliberative democracy as the process or procedure for consensus building in realizing common interests and values through a ‘fairly regulated bargaining process’ that includes pragmatic, ethical and moral discourses. It essentially takes elements from both liberal and republican models to weave together an ideal procedure for deliberation and decision-making. It moves away from the ‘privatism of a depoliticized population’ but accepts the importance of a constitution in ensuring a regulated balance of power and interests between private citizens and the state apparatus. Dryzek (2010, p. 1) provides a

very simple understanding of how deliberative democracy is not a decision-making process that is a mere aggregation of preferences; rather, he portrays it as the process for judgement, preference formation and transformation in the presence of ‘informed, respectful and competent’ dialogue.

Habermas (1994, p. 8) contends that discourse theory – the basis for deliberative democracy – embraces the communication process through both the formal parliament as well as through informal networks in the public sphere. Habermas states that informal public opinion-formation creates influence. Influence is transformed into ‘communicative power’ through the process of elections and is then transformed into legislative power in the parliament. The public opinions that are channelled towards communicative power are not a rule or a law by themselves but they act as good indicators in providing directions for those in administrative power.

Even as deliberative democracy has emerged in contemporary political theory and practice of democracy, Dryzek (2010, p. v) provides an example to demonstrate the variety of meanings that deliberative democracy can have, or also the spectrum of practice it can spawn. He describes how Barack Obama, the president of the United States has declared his faith in deliberative democracy (in his book *The Audacity of Hope*) while at the other end of the political spectrum, the hierarchy within the Communist Party of China have shown openness to deliberative practice. He states that this variety is comparable to the variety that is usually associated with the concept of democracy itself.

Dryzek (2010, pp. 4, 5) argues that the application of deliberative democracy needs to move beyond developed liberal democracies that are usually constitutionally constrained in the extent of their application of deliberative practices. He also advocates for the application of deliberative democracy to deeply divided societies in resolving deep differences (Dryzek 2006). Martin Beckstein (2008, pp. 238, 9) in his book review of Dryzek’s (2006) *Deliberative Global Politics: Discourse and Democracy in a Divided World*, explains how the positive aspects of deliberation can be lost if it is limited within institutionalized forums alone, without it being concomitantly pursued in the public sphere through civil society. These two ideas provide evidence, at least in theory, as to why deliberative democracy assumes importance for a state like Nepal.

How Nepal is currently grappling with finding peace, stability and development has deep connections with the type of democratic practice it embraces. The widely used term – politics of consensus – in the midst of the radical pluralism generated by waves of transformations, has been difficult to forge and has remained largely rhetorical. The process of constitution building has largely been limited to the institutions of the Constituent Assembly and the Parliament with the process of public deliberation being entrusted to the media. With the exception of a few, the ‘Kathmandu based scholars, civil society stalwarts, development-wallahs [advocates and practitioners of development], donor representatives and diplomats’ have participated in the discourse and deliberation or promoted deliberation, rather expediently (Dixit, KM 2011). Deliberation is very important in Nepal at a time when it is striving to write a constitution that is inclusive and capable of building consensus around multiple contentious issues related to the basis of federation, form of governance and electoral framework. Without doubt, legitimacy of all of these important processes and their outcomes rests largely on the extent of deliberation. If deliberative democracy were ever relevant and important in any geographical location at any point in time, this thesis argues that it is in Nepal and the time is now.

Contemporary social transformations are more likely to generate radical pluralism and also a plethora of interests and identities that demand an extended understanding of democracy (Cottle & Rai 2006, p. 166). Such situations also call for deft social engineering as soaring demands are bound to lead to expectations that a rapidly transforming society or nation is unable to address. Rabindra Mishra<sup>19</sup> describes how a very rapidly fed, inflated but ill-managed public conscience can breed *uttejana* (agitation) rather than *chetana* (awareness) citing the post-conflict transition in Nepal as an example. The fields of media and journalism have the potential to offer the space for expression to disparate, competing and contending ideas, ideologies and opinions (Cottle & Rai 2006, p. 166) with the aim of reconciling pluralism with consensus to some extent.

However, it is not the intention here to advocate for deliberative democracy as the ultimate or only ‘road map to democracy’ for Nepal. In fact, the intention is to critique the concept in the search for a more home-grown model of democracy that recognizes

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<sup>19</sup> Rabindra Mishra is the current chief of the BBC Nepali Service in Kathmandu and he was interviewed as one of the participants in this research; the view referenced here was expressed by him in the course of the research interview with him at his office

social mobilization, politicization and alternative dispute mechanisms as more appropriate and applicable in the midst of radical pluralism and contending identities and ideas. Cottle and Rai (ibid, p. 166) critique the concept of deliberative democracy as proposed by Habermas (1996) and others in three ways. They first of all consider definitions of deliberative democracy too institutionally restricted in portraying relationships between civil society and state institutions. Secondly, they perceive the consensus-seeking communicative action proposed by Habermas in his proceduralist view of deliberative democracy to be ‘too idealistic’ in comparison to the reality of ‘motivated interests and strategic action that informs most public discourse’. Thirdly, they argue that forms and styles of communication within deliberative democracy need to move beyond their current emphasis on reason and rationality and encompass the ‘communication of experiences and distinct cultural values and meanings’. They contend that forms and styles of communication that move beyond very narrow rationalist pretensions and include greetings, rhetoric and story-telling, would promote a more inclusive deliberative democracy (Cottle & Rai 2006, p. 167). The radical pluralisms and contending identities and ideas engendered by contemporary transformations cannot be easily reconciled through idealized and overtly simplified consensual thinking.

Other contemporary accounts of democracy present democracy as a ‘way of life and a mode of governing in which nobody rules’ (Keane 2011, p. 9). John Keane (ibid) presents ‘monitory democracy’ as evolving out of the transformation that democracy has been through since the World Wars. He defines monitory democracy as the ‘multiplication and dispersal of many different power-monitoring and power-contesting mechanisms, both within the domestic fields of government and civil society and beyond, in cross-border settings that were once dominated by empires, states and business organizations’ (ibid, p. 3). This definition of democracy by Keane highlights the role for a civil society that is capable of publicly monitoring, contesting and reversing the decisions of those in power on a regular basis. It also takes the golden rules of democracy concerning representation, accountability and participation to apply to a wider setting, thereby providing a larger sphere for the monitoring and contestation of power, or those that exercise it. Keane perceives the growing public concern in matters that were earlier considered non-political to be proof of the expanding realm of monitory

democracy. Public interest in and questioning of controversial scientific research concerning genetically modified crops can be taken as one example.

This discussion on monitory democracy is intricately connected to transparency and accountability. In countries like Nepal where democracy and institutions supporting democracy are either in a state of limbo or not functioning at a desired level, it is important to not limit accountability for those in power within pre-election and parliamentary discourse. Keane (ibid, p. 5) sees it within the purview of monitoring institutions to keep politicians, parties and elected governments on their toes, complicate their lives by questioning their authority and even bringing them to disgrace, if need be. Social accountability tools like social audits and other monitory mechanisms have become regular practice in scrutinising power in Nepal and other South Asian nations (IPPF South Asia Regional Office 2007; Neupane 2011).

The role of the communication media – as a power-scrutinizing device - is seen as being crucial in monitory democracy. Keane (2011, p. 26) considers the growth of monitory democracy to be closely linked with the coming into being and expansion of networked and media saturated societies – wherein institutions operate within ‘communicative abundance’. Governments today need to be continually put under the media spotlight to ensure accountability and transparency and keep corruption and scandals in check. However, Keane (2011, pp. 31-2) cites the communication divide between the communication rich and poor as a major concern and drawback for monitory democracy. Generally, the communication poor are the ones that deserve most to be within the communicative sphere of monitory democracy. It might be safe to say that monitory democracy will be propelled and supported by the prudent and ethical use of the media.

The different democratic models and trends have been discussed here to demonstrate the central role of the media in upholding democracy by ensuring transparency, accountability and by scrutinizing political and corporate power. By discussing the concept and evolution of civil societies and their important role in strengthening democratic governance, the importance of the media as a bridge between the State and its citizens is brought to the fore. This links to the importance of a media regulatory framework that is capable of ensuring independence and access – the two basic tenets of media development.

### 3.3 Media and communication theories

Nepal's media development is not at the forefront of global media development trends, and its particular political economy and oversight of the role of media is not easily reconciled with stable western democratic models. Nonetheless, global trends and practices can be considered to be influential, as the voice for minimalist state intervention in media affairs in Nepal, is very much on the rise.

The history of mass media and communication in Nepal is not very old with an almost total absence of any form of mass media or communication in early modern Nepal. Michael Wilmore (2008) attributes this situation prior to the 1950s, to two main factors. He describes the first as a strategy of the ruling oligarchy and political elites to keep the masses away from information and knowledge. He attributes the absence of a State as the second factor as the concept of a State was not entirely applicable to Nepal prior to and during the rule of the Ranas. Therefore, it actually did not have a 'mass' to 'mass communicate' with, argues Wilmore. This was because the modern concept of State and its functions were not practiced in the manner that the state exercised jurisdiction over regions and local communities. Local landowners close to the ruling elites at the centre were usually the main means of communication between citizens and the state (Regmi 1984). According to Wilmore (2008), the development of a public sphere in the Habermasian sense (Habermas 1992) was not possible during the Rana regime and in the context of the Rana state.

From a 'development communications' perspective, underdevelopment is attributed by various theorists to a lack of information among populations and unequal power structures within societies (Waisbord 2000). Although Nepal emerged from the Rana regime in 1951, it wasn't until 1990 that the media were given the constitutional and legal freedom to operate independently from State control. It was also the entrenched and unequal power structures in society that created barriers for the majority of citizens to access information. To put it another way, the masses were deliberately kept separate from sources of information, as a critical intelligentsia and a reading public have historically been seen as a threat by elites close to power (Garnham 2011, p. 43). According to the famous theorist of state failure Robert Rotberg (2003, 2004), information and communication stand second only to security and public order as the essential foundations of a successful State.

### **3.3.1 The evolution of media and communication study traditions**

Although major paradigms, schools of thought, theory and research related to media and communication studies are now more globalized, contemporary theoretical traditions that had major influences could be identified as being either European or American (Sinclair 2006, p. 13). Sinclair considers the European approach to be interpretive and holistic and having a critical leaning towards the Marxist socio-political stance. In contrast, Sinclair describes the American approach as more empirical and micro in scope and in its most extreme form, taking a direct observation approach within a controlled (laboratory) environment. In terms of its socio-political stance, it tends to have a pluralistic or liberal leaning. But because it does not take a critical stance in terms of attempting to change society or the world, Sinclair considers the American approach to be conservative rather than liberal.

The critical theory was developed by a group of Marxists at the Frankfurt School in Germany to counter Hitler's Nazism in the 1930s. They argued for an approach to knowing and understanding reality that went beyond mere scientific proof as the basis of knowledge. They argued for critical theory as a means of critiquing current society with the aim of improving it. Sinclair (*ibid*) describes how critical theory became an influential form of cultural analysis and criticism, feeding into what is now called 'cultural Marxism' or 'Western Marxism'. The members from the Frankfurt School established an important ideological critique of the mass media. They considered the mass media to be a part of capitalism that was indifferent to the fate of the exploited class (*ibid*, p. 15). This notion, often labelled the 'dominant ideology thesis' emerged as the prevalent theory in media studies by the 1980s. This ideology saw the mass media attempting to instil a sense of false consciousness through diversion and misinformation. This purportedly led to a sense of 'all is well' among the working class and to the belief that capitalism is both desirable and inevitable, and hence, not an enemy (*ibid*, p. 16).

Antonio Gramsci also contributed to the ideological critique of the media with his concept of hegemony (*ibid*, p. 16). According to his concept, the bourgeoisie (ruling class) maintained their power over the proletariat (working class) not only through deceit and illusion but also by achieving the resistant but unstable consent of the working class. This gave rise to the need to approach media studies so as to be able to analyse multiple messages as opposed to 'one dominant message' leading to other



important European interpretive traditions within media studies – namely semiology and structuralism.

French communist philosopher Louis Althusser introduced a more left-wing functionalist reformulation of the ideological critique of the media as compared to Gramsci (ibid, p. 16). He proposed that the media were ‘Ideological State Apparatus’. However, in doing so, he broke away from the Marxist tradition that recognized politics and culture as being a reflection of the economic structure of a society and argued that the ideological (or cultural) sphere of society was ‘relatively autonomous’ of the economic. Marx had said that politics and culture formed the base of a capitalist society in his base-superstructure model. This was important as it laid the path for analysing and interpreting media messages without reference to their place in the economic structure of capitalism.

Britain’s own tradition concerning media and culture has been bourgeois rather than proletarian. Sinclair (ibid, p. 17) refers to this tradition as reflecting Matthew Arnold’s nineteenth century view of culture as ‘the best that has been known and thought’. Likewise literary figures from the era saw themselves as defenders of spiritual, aristocratic, traditional and elite ‘high culture’ which they thought was under threat from the rise of the working class ‘mass culture’ represented by the mass media.

It is interesting to note how both the Frankfurt school philosophers and the British literary figures put the ‘mass’ at the centre of the debate that emerged in the 1950s on mass media and mass culture. While the Frankfurt school philosophers did so in their ideological critique of the media as being supportive of capitalism, the British literary figures did so as a result of their disdain of the media’s promoting working class ‘mass culture’. By breaking down the distinction between high culture and low culture, it was thinkers like Raymond Williams and Stuart Hall, among others, who were instrumental in introducing cultural studies into the realm of British Marxism which until then, had little conception of culture at all. That is how the Center for Contemporary Cultural Studies was established at the University of Birmingham in the 1960s (ibid, p. 17).

Another initiative in Britain was that of screen studies (cinema) which opened up the ideological criticism of representation and images beyond just the Marxist angle of class to other traditions of analysis namely feminism and structuralism. In line with Althusser’s theory of ideology, French Structuralism (a broad intellectual movement

mainly based in France and led by scholars such as Jacques Lacan, Claude Levi-Strauss and Ferdinand de Saussure among others) broke away from the purely Marxist tradition of analysis, namely, sociological and political economy, towards the study of media representations (ibid, p. 18). This is also regarded as the 'linguistic turn' in cultural theory and for the discipline of communication, it meant the moving away of emphasis from media industries, technologies and audience (Marxist tradition) to the media messages themselves. The meanings are still considered ideological, but in a more broader sense as compared to the narrow Marxist preoccupation with class (ibid, p. 18).

The empirical tradition developed in the United States in the period following World War I resulted from three historical developments of the time (ibid, p. 19). The first was America's obsession with propaganda and persuasion through their role in the war; the second was their faith in the new 'social sciences' and their potential to positively influence the state and commerce; and the third was the rise of the 'mass media of communication' – namely the popular press, cinema and radio in those days. In order to stay neutral in the war, the US government as well as academia resorted to propaganda as a tool (ibid, p. 19). Approaches based on the then emergent behavioural sciences like psychology were employed to study propaganda. Such approaches shared a commonality with positivism in that they employed methods such as direct observation and laboratory experiments.

Harold Lasswell's model of communication represented by the question - 'Who says what, in which channel, to whom and with what effect?' led to research focus on the 'what' or the message content, and the immediate effect it had on people's attitudes (ibid, 19, 20). Content analysis was devised as a quantitative technique for analysis of the meaning of media messages, as opposed to the Frankfurt school's aim to critically interpret the meaning of the ideology in media messages (ibid, p. 20).

The dominant paradigm associated with modernization theories tended to use mass communications as the 'idealized view of the western society' (McQuail, D 2005, p. 62). The fact that such theories were an outcome of the propagandist 'media effects' research conducted in the US between the first and the second world wars, reinforce the above statement. It can be argued that there were major shortcomings in the dominant paradigm theories in that they considered economic growth marked by industrialization and technological advances and measured in terms of growth in gross national product, as the main yardstick for measuring social change and development

(Melkote 2003, p. 131). It failed to take into account the structural barriers of power and the access to means of production by the traditionally marginalized as an impediment to social change. Rather, it considered that third world nations and populations lacked in development because they were unable to 'modernize'. Mass communications were viewed as a tool to enable such modernization.

Dissatisfied with the behavioural approach and its results, Paul Lazarsfeld and others put forth the 'two-step flow' communication model that posited that personal influence did occur but not directly as proposed by the behavioural model (Sinclair 2006, p. 20). They proposed that especially in the context of voting and consumption choices, individual choices could be influenced through messages from the media to the masses by influential individuals. So, in a way, in this model, the focus was more on the 'communication' rather than the 'masses'.

A development of the dominant paradigm, the 'diffusion of innovations theory' was based on the argument that external ideas and innovations introduced through mass communication would be adopted by members of local communities in certain stages, leading to change from a traditional to a modern way of life (Melkote 2003, p. 135). More progressive in nature, the social marketing approach combined commercial marketing strategies to communicate messages related to development, mainly around the promotion of health (ibid, p. 136). Although traditional social marketing campaigns were designed as a top-down, one-way communication model, more recent campaigns take into account cultural appropriateness in message design and its dissemination.

The education entertainment (edutainment) approach, linked to the 'uses and gratification' model and research, depicted users of media as more active (not passive recipients as described in the mass communication theories) in selecting their choice of media outlets as well as products, with the aim of satisfying their information, education or entertainment needs (Melkote 2003, p. 136). Edutainment approaches usually encapsulate a pro-social message within an entertainment media format, leading to changes in individual knowledge, attitudes and behaviours with the aim of changing societal norms.

Melkote posits that the emergence of an alternative, critical paradigm for social change in the 1960s and 70s envisaged different and more progressive models of mass communication that brought into perspective the concept of 'well-being' as opposed to

‘well-having’ (ibid, p. 138). Participation and participatory approaches assumed importance in promoting the inclusion of peoples' voices in matters that were of concern in their daily lives. While having a voice is important, of even more importance is being heard or listened to, recognized and respected. This is when actual empowerment of societies can truly happen, argues Melkote.

To contextualise the above discussion on media theories to Nepal, the media operate in different ways depending on whether they are owned by the state or the private sector (including civil society); whether they distinguish themselves as serving commercial, community or public interests; whether they are part of larger media networks; and how ingrained they are in the business of media communication and the associated ethical and professional standards. Although an understanding and discussion of Western media theories and models is useful, they may not apply too well to the study or assessment of the media in Nepal. The UNESCO media development indicators (UNESCO 2008) provide an alternative framework for assessment. The indicators that are concerned with media development in relatively nascent democracies, can be listed as:

- Regulatory system conducive to freedom of expression, pluralism and diversity of the media;
- Plurality and diversity of the media and transparency of ownership;
- Media as a platform for democratic discourse;
- Professional capacity building and supporting institutions; and
- Infrastructural capacity.

Since the media operate on one level as an industry in itself and at another as a platform for democratic deliberation, there is bound to be an inherent tension in the way they operate. Media, communication and cultural industries have now taken center-stage with the advent of what is termed the ‘knowledge economy’ in most advanced economies (Murdock 2004, 2011). The political economy of the media will be discussed here to understand the relationship between private interests and public good and how these play out within factors that are largely determined by the market.

### **3.3.2 The political economy of the media**

According to Sinclair (2006), the political economy approach to analysing the media tends to consider the production and distribution of media content as being the major focus of study as opposed to the media message itself. In that sense, the political economy approach has more to do with patterns of ownership and control, strategies of corporate concentration and expansion, the dynamic tension in regulatory regimes and labour, and the links between the media industries and capitalist structure in general (ibid, p. 18). Wasko, Murdock and Sousa (2011) explain how modern societies hinge on a balance between the pursuits of personal interests against the demands of the common good. History presents numerous instances and examples of how attempts have been made to organize economic life by balancing markets against state interventions. Wasko, Murdock and Sousa (ibid, p. 2) argue that this critical tradition has had a major impact on the political economy of the media and communication industries because of their double role in modern society – on the one hand as an industry in their own right, and on the other, as the platform for public representation and debate.

Wasko, Murdock and Sousa (ibid, p. 2) contend that the analyses of culture and communication produced by critical political economists treat ‘the economy’ and economic practices as being linked with social and political organization rather than a domain in isolation. They link contemporary shifts and transformations to historical events and occurrences over a period of time, rather than treating them as current or immediate phenomenon. Critical political economy also continues to remain centrally concerned with public good and transformation through social justice and democratic practice (ibid).

Nick Garnham (2011) explains how the divide between political and neo-classical economists lies not in the existence of markets per se, but more in the struggles in control over the laws, institutions and cultural practices that support these markets. That is where the ‘political’ in the concept of political economy makes sense, argues Garnham, explaining that the struggle exists even between capital and capital, and not only between capital and labour. As an example, he cites the struggles that exist between owners of land and between industrial and mercantile capitalists. That is why the political economy tradition is also very closely linked to policy debate (ibid, p. 43), resulting in a flexibility in the approach to adapt and adjust to shifts in economy and

society and the problems for all participants that these shifts may bring about. He also adds that the approach would be responsive to specific institutional policy problems as well as the changing strategic corporate management problems.

With the expansion of globalization, capitalism and marketization in the last several decades, Wasko, Murdock and Sousa (2011) argue that the tension between private interests and public good has increased manifold. Privatization and the abuse of private power have also increased significantly as public policy efforts remain challenged. With dramatic advances to media and communication technologies in the last two decades, the cultural or creative industries (that include media and communication) have moved from being peripheral to occupying a more central role in national and international economies. As a result, the critical political economy approach assumes significant importance in understanding contemporary developments and changes in the media and communication sector.

Wasko, Murdock and Sousa (ibid, p. 3) explain that the critical political economy of the media and media economics are different in the same way that critical political economy and neo-classical economy had been differentiated earlier. Generally, media economics are concerned with mainstream or neoclassical economic issues focussing mainly on producers and consumers engaged in media markets. It may be described as the application of neo-classical economics to the media. Studies that embrace a media economics approach tend to stay away from issues around ownership or the consequences of concentration and control, as they tend to avoid critique based on moral grounding or the questions of ethics that the critical political economists tend to engage with.

However, with the turn of events since 2008, which we now associate as the ‘global financial crisis’, questions are being raised about what moral values will underpin 21<sup>st</sup> century capitalism (Murdock 2011). Murdock describes capitalism in its simplest form as a network of markets competing with a minimum of oversight and regulation to produce measurable outcomes. The generally ignored questions of value and moral philosophy have now been flung back into the centre of global economic discussions as has the much debated question as to what constitutes progress – mere accumulation of wealth or a broader understanding of well-being and quality of life. Murdock (2011, p. 14) quotes the then British Prime Minister Gordon Brown to sum up some of the recent

learning emerging from outcomes that reflect the lack of values within the capitalist system:

“we have discovered to our cost, without values to guide them, free markets reduce all relationships to transactions [and] unbridled and untrammelled, become the enemy of the good society”,

Modern capitalist economies have already recognized the centrality of media and information industries in the growing ‘knowledge economy’ that is slowly taking the place of the heavy industries. The critical political economy approach has equal if not more significance in the knowledge economy era, as it continues to remain concerned with social justice and democratic practices and the linkages with social and political organizations (ibid). This is true also for Nepal, where the media and cultural industries are still far from being organized to take advantage of the benefits that the rising knowledge economy has to offer.

### **3.3.3 Public good provision: the shifting balance between State and capital**

To understand the evolution of the concept of political economy as a subject for study, it might be useful to take a look at historical events that shaped it. Murdock (2011, pp. 15-7) describes how political changes in Europe and North America since the latter part of the 18<sup>th</sup> century led to greater emphasis on participation and citizenship, with more able to have a say in the political decisions that affected their lives. As the economic bases shifted from mercantile to industrial, the State had an increasing role in providing the resources that assisted such participation and citizenship by supplementing and subsidizing those resources that the market was unable to cater to – especially cultural rights and resources. Undoubtedly, access to resources became a bone of contention and the role of the State expanded considerably with the responsibility of ensuring equitable distribution of resources while continuing to ensure security, social and financial order. Murdock (ibid) asserts that resources that supported participation and citizenship ranged from the essential (employment, minimum wages, benefits, education and healthcare) to cultural (access to information, knowledge and tools for public engagement).

Through the passage of time, management of cultural provisions and mass communication became an important element of public policy through state regulation and subsidy. Murdock (2011) states that while regulation was more a result of the

state's attempt to ensure that public interest was not overshadowed by the motives and interests of private media and advertisers, subsidy was a way of ensuring that public good was realized through the provision of cultural rights and products that would otherwise not be delivered. In terms of communication systems and environments, this gave rise to the commercial media that sold cultural commodities and advertisements as a means of revenue and profit generation; and a public sector that catered to public cultural goods without a profit motive, often needing to be subsidized by the state. To this day, libraries, museums, galleries and public service media often continue to be regulated and/ or subsidized by the state (Murdock 2011). As an emerging field for academic study in the post World War II era, the political economy of the media found itself grappling with the above issues.

Within the context of capitalism, the shifting balance between the State and capital found some kind of equilibrium during the post war construction in Europe and the wave of decolonization that followed (ibid). In both cases, there was an expanded role for the state in delivering communication and cultural services and products. America emerged not only as a superpower but also as a media centre while without a legal private sector, Russia and China were not of much interest to political economists of communication (while being of immense interest to students of political science) (2011).

Murdock (2011, p. 16) attributes the demise of the Soviet Union, China's growing interest in the market and India's breaking away from Gandhi's doctrine of self-sufficiency as major factors that changed the balance once more from State to capital in the late 70s and the 80s. These changes led to these hitherto isolated or distanced yet major emerging economies to come closer to the global capitalist circuit. Around the same time, many countries moved in the direction of privatization of public enterprises and marketization with increasing pressure from neo-liberalists protesting public sector inefficiencies. With public good always central to critical political economy, Murdock (ibid) states that critical political economists of communication have challenged 'market fundamentalism' in defending public sector organizations.

Murdock (2011, pp. 17-26) describes how individuals, communities, societies and nations engage in a series of social relations every time they enter into a transaction for the consumption or exchange of goods and services. Each of these transactions evokes moral and ethical conscience related to the social costs of production bringing



questions surrounding justice, equity and environmental concerns to the fore. Murdock (ibid) argues that these questions on ‘moral economies’ are either addressed or side-stepped in contemporary societies through engaging in the transaction of either commodities, public goods or gifts. In the capitalist mode of transaction, commodities meant for personal use are exchanged for a price to consumers with the end goal of attainment of liberty. The State conducts transactions of public goods meant for shared use by citizens, funded through taxes with the aim of ensuring equality. Likewise, the transactions within civil society take the form of gifts through co-creation between community members aimed at reciprocities and mutuality (ibid, p.18). The economy of gifting occupies a central position in civil society association every time people come together or associate in the pursuit or protection of their common interest.

The nature of moral economies within societies depends on the nature of the transactions. Commodity transactions allow people to bail themselves out from the social contract of equality and mutuality in supporting a moral economy based on disengagement and individual gratification. Murdock (ibid, p. 20) explains that cultural and communication goods have a three-fold relationship to commodity culture. Firstly, as large numbers of media products and services are themselves commodities, a substantial degree of control of public culture is entrusted in the hands of private owners. They promote inequalities in their quest for maximization of profits, as participation is linked with the consumer’s ability to pay for such media products. Secondly, as platforms for advertisement and brand promotion of general commodities, the media promote commodity culture and consumerism. Thirdly, they promote commodity culture and capitalist realism in the form of imagined worlds portrayed through popular media including movies and television soap operas.

Murdock (2011) explains that this trend of commodity culture did not flourish without contestation and was in fact countered by a long struggle to provide communication and cultural resources to citizens as shared public goods. He attributes the birth of the notion of public commons in new industrial cities to the rise in demand for public spaces and for public cultural provision – both basic resources of citizenship. While access to public spaces were claimed to serve as actual space for the gathering, debate and political expression of citizens, libraries, museums, galleries and community centres formed part of expanding collective cultural resources. Murdock (ibid) explains how the public commons could be defined as public good in three ways. Firstly, unlike

privately owned commodities, these goods were there for the shared use of all citizens. Secondly, because the goods were funded by public tax, there was no exclusion of access to the goods and services to citizens unable to pay. Thirdly, they were able to provide a sense of shared equality of entitlement and a sense of belonging.

However, challenges for citizens to access public goods existed in the form of location and availability of public goods (Murdock 2011). Likewise, public cultural institutions also became the seat for power struggles where, on the one hand, the state and governments used it as a means of social control; and on the other, cultural and intellectual experts stamped their supremacy and hegemony on these institutions (Murdock 2011, pp. 21-2). This compromised the relative autonomy of these institutions and discouraged citizen participation to some extent, argues Murdock. He reminds us however, that in the late nineteenth and early twentieth century, there arose the trend for collective learning and sharing where public sites such as workplaces, street corners and pubs became settings for collective cultural expression (2011, p. 22). In lesser advanced countries like Nepal, there are still remote areas where such sharing occurs in the form of wall newspapers in community notice boards and clubs and community broadcasts from audio towers where the community while engaged in their daily work in the fields, continue to consume cultural products. With the advent of public broadcasting in the 1920s and television in the middle of the twentieth century the locus of public communication again shifted to domestic living rooms, asserts Murdock (2011, p. 22).

This discussion on moral economies and the importance of the transaction of ‘gifting’ within political economy is crucial in the context of Nepal and its transition to democracy. The pursuit of private interests often dominates the need for public good and because of competition resulting from commercialization and politicization, the Nepali media often tend to forget or disregard their purpose. Going a little beyond the critical political economy’s campaign for social justice, Rabindra Mishra calls for a new form of media activism in Nepal, which he calls ‘philanthropic journalism’ which forms part of a concept he calls ‘practical philanthropy’ (2010). Within philanthropic journalism, he calls for the media and journalists in particular, to adopt philanthropy as one of the ‘foundation stones of their profession’ in pursuit of their goals of public service. His explanation of philanthropy fits well with the concept of the ‘gifting’ transaction that we have discussed above as he explains that philanthropic journalism

does not entail actual support to an issue in cash, but also through in-kind contributions or calls for contributions. His concept of journalism goes a step beyond reporting on an issue to trying to resolve the issue. Instead of merely reporting on the condition of a dilapidated school building with commentary and pictures, he sees added value if a remedy is also included as a part of that reportage.

Murdock (2011, pp. 23-8) argues that the advent of the Internet and the 'digital' offer the best opportunity yet for the revivification of the transaction of gifting. He cites the founding executive director of the *Wired* magazine Kevin Kelly, who rather too optimistically sees the new collaborative social technology engendering a 'socialism uniquely tuned for a networked world' in which 'masses of people who own the means of production work toward a common goal and share their products in common [and] free of charge'. The phenomena of peer-to-peer creation, production, sharing, blogging, cooperation and collaboration in social networking sites over the Internet and without monetary transaction, partially validate the above assessment. Social recognition and self-realization above monetary gain tend to be the motivating factor, as technology exposes them in the market of intellectual economy from obscurity.

However, Murdock (ibid) notes the same technology also provides similar opportunities for corporates to solicit and commandeer individual creativity and skills. He cautiously notes that Kelly's utopian statement discounts the push by capitalists to guide digital gifting towards corporate enclosures and also takes for granted government roles in creating access to cultural resources for citizens' participation. He also affirms that modern media, including those supported by the Internet and digital technologies support commodification of audience attention, by selling them to advertisers. Likewise, he believes, there is a similar trading of social relations and everyday interactions among young people by growing numbers of corporate initiatives and brand promoters.

#### **3.3.4 Transformation of messages into commodities**

Increasing commercialization of the media makes the critical political economy approach to assessing media communications more pertinent and important. With profit and consumer numbers lying at the centre of their operations, the media often fail to address concerns surrounding social justice and democracy. At this stage, the messages are often transformed into commodities where the package offered to the

consumer assumes more importance than the message within it. Citizens are less citizens, more consumers. While this study does not narrow down on how the structures of power within the political economy operate to transform messages into commodities, it might be an interesting topic for future study. At a broader level, it will also be interesting to assess how the growth of global political economies that are increasingly dependent on mediated communication at the transnational level, influence and are influenced by government and corporate institutions at the national and local level.

From a critical political economy standpoint, there is also the scope to look into conflicts that can ensue from the struggle to control media communication resources and benefits. For Nepal, that might mean the potential for further research to examine how power relations evolve between the State, media entrepreneurs, media workers and the trade unions and umbrella organizations related to the media, and what these changing power relations mean for the effective implementation of the Working Journalists' Act. Here, the assumption can be made that an effective implementation of the Working Journalists' Act will lead to greater professionalism within the media sector and ultimately to a stronger democracy.

Faced with subsidy squeezes and cuts, Murdock (2011, pp. 34-7) insists there is also an increasing trend for public institutions to turn towards commercial sources to complement funding gaps. There is often commercial interest within such a relationship reducing some element of public good from such public cultural resource. He cites the case of leading public libraries turning to Google for the digitization of their collections as example, adding how such a move raises questions over future control over public access to such resources. Increasing private commercial sponsorship of public cultural events and exhibitions also confirms this trends.

This compromise of the moral economy of public goods has not gone unchallenged. Murdock mentions how employees in public institutions who follow Susan Hockfield, President of the Massachusetts Institute of Technology (MIT), insist that the products of public institutions are a public good meant for the benefit of all, and that the public should not be made to pay for access to it as they already pay for public institutions through taxes (Murdock 2011, p. 35). The capacity for digital archiving of cultural resources in the public realm and the power of the Internet provide a powerful mode of public access to cultural goods that might otherwise have been limited by physical

access and storage space for cultural artefacts. Murdock also argues that public service broadcasters are uniquely placed as nodes within a network of public cultural institutions in maximizing the public value of resources available (ibid, pp. 35-6). However, Murdock stresses the radical potential of the Internet to engender new relationships between experts and amateurs by narrowing down the distance between the economies of gifting and public goods, as opposed to just its use within a distribution system. He outlines that one of the major contemporary challenges for the discipline of the critical political economy of culture and communications lies in its examination of the support for and opposition against the public cultural commons and in arguing for the realization of its full potential (ibid, p. 37).

### **3.3.5 The political economy of media markets**

The political economy of media markets is reviewed to develop a basic theoretical understanding of how media markets operate within a liberal market condition, Nepal having adopted the same in the early 1990s. The liberal market model presented in Adam Smith's 'The Wealth of Nations' (2009) is considered the first political economic model of a capitalist economy (Meehan & Torre 2011, pp. 62-3). Smith called for policy and other support from governments arguing that the base for economic growth and political stability for all nations in a global economy lay in the existence of free and competitive markets. Smith's liberal market model was critiqued and criticised by a school of thought that contended that liberal market forces led to concentration of ownership, exploitation of labour and economic instability (ibid, 64-5).

An opposing school of thought counter-argued through their position, generally known as neo-liberalism, that reforms in the supply of money (monetarism), deregulation of markets and privatization of government services would lead to economic stability. Restructuring of national and global economies and markets along neo-liberal policies gained prominence since the 1980s. However, Meehan and Torre (ibid) argue that Adam Smith's model was not adhered to by the market restructuring policies adopted which instead led to concentration of ownership, conglomeration and convergence and decreasing protection for the consumer.

On the basis of Smith's model and the various responses that it elicited, Meehan and Torre (ibid, p. 65) define a market as: "an economic construct that emerges from a

combination of legal strictures, economic relationships between entities capable of engaging in transactions, and the structures resulting from those elements that may become institutionalized within an economy over time”. They admit that the degree of abstraction of this definition allows for it to cover market transactions between individuals to small companies to big corporations, transnational conglomerates, non-profit and non-governmental organizations, governmental agencies, nation-states and international organizations.

The definition does not limit markets to physical locations or actual assemblage of people, taking into account the roles of electronic communications in recent times. It also recognizes the importance of legal strictures in supporting or delegating certain forms and practices of trade. The phrase ‘economic relationships between entities capable of engaging in transactions’ acknowledges the political economists’ understanding of the existence of power relations, not always equal, within the acts and processes of production, distribution and consumption.

While markets can and will be distinctive, Meehan and Torre (*ibid*, pp. 66-7) posit that they also have some common features. More specifically for media markets, the legal basis for their functioning include legal regulatory provisions like what constitutes licit or illicit trading or products, intellectual property rights and copyright, trademark, patent and proprietorial knowledge. Again, all of these differ from country to country and function as the ground rules for relations between buyers and sellers, who may do all in their capacity to ensure that such laws and regulations are in their favour.

The second common feature that Meehan and Torre describe of markets (*ibid*, p. 67) is the economic relationships between entities capable of engaging in transactions. They describe the varying role for advertisement in demand-driven or supply-driven markets. In a demand driven market, the buyers know what they want, have communicated their desire to buy and also have the wherewithal to buy. In such a market, the sellers compete for buyers’ attention towards their product where they are required to be more innovative. A supply driven market usually controlled by fewer suppliers, would allow them the luxury of planning for a longer term regarding the type, price and life of product. Buyers are usually reduced to loyal consumers that tag the brand name of products. Most national and global markets are supply driven based on image-based advertising. These are the type of markets that also promote consumerism, explain Meehan and Torre (*ibid*, 67-8). To go back to Graham Murdock’s argument (2011, pp.

17-8), an understanding of where a market hinges with regard to respect for ethics and values within it, depends largely on the nature of transactions that govern moral economies.

The last common defining characteristic in the Meehan and Torre's (2011, pp. 68-70) definition of the market is how elements of the market become stable institutional structures over time. The government's role as an entity in the market, especially in the form of a regulator can be an example of such institutionalization of markets. In the broadcasting media sector, the government, or an independent authority on its behalf, is usually entrusted the role of regulatory oversight with regard to the use of the electromagnetic frequency spectrum. For the media in general, there is a similar institution that has a role in drawing the limits to legal and other standards of conformity for media content. While such institutions have the direct role of providing oversight, they also have an added role of ensuring fair-play within the market and thereby, protecting the market. The International Telecommunications Union (ITU) and the Asian Broadcasting Union (ABU) are examples of international institutions in the media and communication sector while the Federal Communications Commission (FCC) in the U.S., the Ofcom in the U.K. and the Australian Communications and Media Authority (ACMA) in Australia are some of the well-known national regulatory institutions. By expanding the legal basis for markets, regulators are instrumental in the institutionalization of these markets.

Once again, it will be prudent to revisit at this point, the relationship of the political economy tradition to this thesis. An examination of the aims of this thesis and the research questions that it aims to address (refer to chapter 1); the political economy of Nepal's transition to democracy (refer to chapter 2); and the linkages established between the media and its role in supporting civil association, deliberative and communicative action, social justice and democracy generally, shed light on such a relationship. The relationship is also evident in the examination of the role of the media in playing that reconciliatory role in attempting to forge consensus in a radically fragmented and pluralistic society and within the parameters of a market modelled on liberal economic principles. The influence and consequences of expansion, ownership patterns, concentration and control of the media and how these are centrally concerned with public good through social justice and democratic practice lies at the heart of this study. In agreement with Wasko, Murdock and Sousa's (2011) assessment of critical

practitioners' obligation to carry the logic of their analysis towards action for public good and change, it is hoped that this thesis will also be able to move in that direction.

The tension between private interests and public goods has increased manifold in recent times and with the adoption of liberal market principles in 1992, the above trend has been a feature in Nepal too. The abuse of private power can often accompany the trend to privatization, and this has been evident in Nepal. Political economists are concerned with the struggles in control over laws, institutions and cultural practices that support the market (Garnham 2011). Such a struggle has been a feature of the evolving Nepali society, the media and the market.

This chapter has discussed how the global financial crisis has refocused global attention to morality within transactions and the exchange of commodities. This can be linked to the discussion in chapter two where comparison is made between the altruistic vision that campaigners for independent media had in early and mid 1990s, and the current situation. The global financial crisis did not have a direct impact on the economy and general life in Nepal, and hence there is not much impact there with regard to global discussions on morality within transactions. However, even within the commercialization and industrialization of culture and media in Nepal, questions around morality and the altruistic role of the media remain prominent, as is evident from the discussions in chapters five, six and seven.

Media markets and their relationship with the expansion of the media in Nepal are discussed in chapter 5. Although not a focus of this study, the manner in which structures of power operate within the political economy to transform messages into commodities resonates well with the overall purpose of this study. The situation of media workers in Nepal and how that has been influenced by gradual changes in the Working Journalists' Act are discussed in chapter 7. Media Regulation – a central concern within the political economy – especially those concerning ownership and concentration are discussed in chapter 6. There is also the potential from a critical political economy standpoint to look into how the media may serve as sources of conflict through the struggle to control media communication resources and benefits. Finally, the critical political economy is applicable as an approach to inquiry and analysis both in terms of the media as a practice (how it is coping on this continuum between public good and private interests) and its role in ensuring public good in an otherwise profit-oriented and power-centered media environment in Nepal.



## 4. Research design

The purpose of this chapter is to explain the research design employed in this thesis. It explains the methodology and provides a justification for the choice of a qualitative naturalistic inquiry. It describes the data collection strategies employed and provides an account of how data was coded and analysed. It also discusses the limitations of the research design and its implementation.

### 4.1 Theoretical considerations to research design

Given the complex and shifting nature of the phenomena being researched, and the iterative nature of the inquiry, a social construction and constructivist worldview was adopted, combined with pragmatism. The reason for the selection of this worldview lies in the objective to understand the meanings different key stakeholders attribute to their experiences and interactions with the media in Nepal since 1990. It also follows from the researcher's understanding that as individuals and humans, each meaning is likely to differ from the other given the difference in context and time; "...different people and people at different times in history will make different interpretations or meanings of the same 'reality' (event, issue or phenomenon)" (Weerakkody 2009).

For this research, it was important to understand the context, culture and setting of research participants by visiting and gathering data face to face. The interpretation of the meanings through the data were partially shaped by my own experiences and background of having worked in the communication media sector in Nepal, and as a Nepali who has lived for over 30 years in the country. This worldview also helps the researcher to establish the reason for the selection of a largely qualitative and naturalistic enquiry as a research strategy.

The basic premise of constructivism is that human perceptions, understandings, meaning making and realities are constructed. There is no absolute reality 'out there' in the world and therefore human beings need to be studied differently from the natural, physical world (Bryman 2004; Creswell 2009; Crotty 1998; Patton 2002). Social constructivists and constructionists hold the assumption that there are varied and multiple meanings that individuals and groups make out of certain objects, things, issues, events or phenomena. Meaning does not reside in the object but is rather constructed by humans. Although constructivism and constructionism seem to be widely used interchangeably, Crotty (1998) and Patton (2002) explain that

constructivism is used to point out the experience of each one of us as unique individuals whereas, constructionism refers to the meaning that we make as a group, influenced by context, history, society and culture.

Constructivism argues that people are constantly learning and gaining knowledge from their experiences and interactions with others and thus constructing their own understanding and knowledge of the world, and that such a knowledge is dynamic and changing with experience (Weerakkody 2009). Constructionism, according to Weerakkody, “refers to ‘constructing reality’ or making sense of the world around us” (2009, p. 11). Both are included in this study as research respondents are expected to relate as individuals, from their personal understanding of the phenomena under exploration; and such personal understanding will also be influenced by their context, history, society and culture.

Given Nepal’s diversity, it is important that multiple voices are heard, multiple perspectives understood and interpreted, and the implications of these varied perspectives examined. This necessitated an in-depth review of existing and relevant literature including that related to the media regulatory framework in Nepal. A review of what was written in the media, about the media, was also an important resource. Observation of respondents’ contexts and settings, open-ended interviews, and a review of literature concerned with Nepal’s transition and the role of the media, emerged as the best ways to do so. This allowed respondents to share their views, and since these views were varied and multiple, it led me to appreciate the complexity of views rather than narrow down their meanings to limited categories (Creswell 2009).

Creswell (2009, pp. 8-9) cites three assumptions put forth by Crotty (1998) in discussing the social constructivist worldview or paradigm. Firstly, he asserts that humans seek and construct meaning of the world in which they live and work by engaging with the world they interpret. This study is also premised on the notion that the media play a significant role in the meanings that people make about their understanding of social and political events. This study sought to include the views of different media stakeholders that included media owners, managers, producers, editors, media consumers and policy-makers, to understand the different interpretations that they make of their engagement with the media and its social, political and economic dimensions.

Crotty's second assumption is that the context of history, culture and social perspectives form the basis for the sense that humans make of the world they live and work in. This researcher will also interpret research findings based on personal political, cultural, social and historical background and consciousness. While my knowledge of the subject of research may be an advantage, I also need to be reflexive through self-questioning and self-understanding. Patton (2002, pp. 65-6) emphasizes the importance of reflexivity and how it 'reminds the qualitative inquirer to be attentive to and conscious of the cultural, political, social, linguistic, and ideological origins of one's own perspective and voice as well as the perspective and voices of those one interviews and those to whom one reports'.

As the third assumption put forth by Crotty, Creswell posits that the generation of meaning is always social, resulting from interaction with a human community and is therefore constantly evolving and relative. This assumption necessitates an iterative nature of inquiry to allow for understanding of meaning that is evolving, especially around the rapidly changing political and social fibre of Nepal.

In relation to constructivism Patton (2002, p. 98) states that phenomena can best be understood within the context that they are explored, and that problems, solutions and findings emerging from the study are difficult to generalize for a different context or setting. This might be considered a limitation of this study, although the use of grounded theory as a methodology supports the generalizability of the concepts and theories generated through this research to some extent (Neuman, W 2006, p. 60).

Finally Patton (2002), and also Neuman (2006), refer to the ways language as a social and cultural construction affects the ways we think about and see the world. I have taken this assumption into account by conducting interviews in the Nepali language to best understand the role that language plays in shaping the meaning that research participants make of their social world. Although it is very difficult to uncover and analyse how language shapes peoples' understandings and outlook towards the world, it may be assumed that the use of the language that they are most comfortable using for conducting the interview, may have allowed respondents to best express their understanding of and relationship with the media.

Based on the above assumptions, a largely qualitative framework and a naturalistic inquiry emerged as the most suitable research strategy. While such a strategy

encouraged the use of open-ended or semi-structured questions to allow for respondent's views, it allowed the researcher to be located within the context and setting, backed by personal experiences and background. It also created the space for an inductive inquiry and grounded theory building, discussed in greater detail in the following pages. In exploring the challenges media face in playing a constructive role in the current context of post-conflict Nepal, this research aimed to understand and interpret the everyday lived experiences of the various media stakeholders within their specific historical settings. The situation and role of media and communication in affecting democracy, governance and freedom of expression within the specific contexts of existing policies and post-conflict transition, were explored through the everyday lived experiences of media and communication developers, consumers and policymakers, and the meaningful social and political actions taken as a result.

In his description of the various methodological approaches in social science research, Neuman (2006) lists constructionism as a paradigm within the interpretive social science. He describes the interpretive approach as 'the systematic analysis of socially meaningful action through the direct detailed observation of people in natural settings in order to arrive at understandings and interpretations of how people create and maintain their social worlds' (2006, p. 88). Bryman (2004, p. 13) presents interpretivism as an epistemological consideration that was put forth as an alternative to the 'positivist orthodoxy' that held ground for a long time. He describes the justification of interpretivism as a strategy that differentiates between human beings and the objects of the natural sciences. In the words of Crotty (1998, p. 67), 'the interpretivist approach, [...] looks for culturally derived and historically situated interpretations of the social life-world'. Embracing a largely qualitative naturalistic inquiry as an approach, this research adopts an interpretive inquiry by making interpretations of what can be seen, heard and understood. Agreeing with Creswell (2009), this researcher acknowledges that readers of this thesis and research respondents will make their own interpretations connected with their individual histories, contexts and backgrounds, leading to multiple views of the problem.

As stated at the beginning of this chapter, this research has combined a social construction and constructivist worldview with pragmatism. This researcher agrees with Patton (2002), that practical solutions to the problems of this world may not always be guided by theory. In the words of Patton 'in real-world practice, methods can

be separated from the epistemology out of which they have emerged ... the methods of qualitative inquiry now stand on their own as reasonable ways to find out what is happening in programs and other human contexts' (2002, pp. 136-7).

According to Creswell (2009, p. 10), the pragmatist approach focuses on the research problem rather than on the method. He adds that the method needs to be flexible for the situation and context in which the problem resides, to allow for a better understanding of the problem. This allows the researcher to have the freedom with regard to approach, philosophy or methodology and make that choice that leads to the solution to the problem. Admitting that a pragmatic approach does leave room for ambiguity and uncertainty, the researcher acknowledges the value that it offers in terms of flexibility, considering the complex nature of this study.

#### **4.1.1 Qualitative Naturalistic Inquiry**

According to Creswell (2009, p. 4) qualitative inquiry 'is a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem'. This research has engaged with various individuals and groups in an attempt to explore and understand the meaning that they make of the situation and role of the media in post-conflict Nepal. As the research has been conducted in real-world settings, without any attempt to manipulate the 'phenomenon of interest', it has been naturalistic in its design (Patton 2002, p. 39). Patton describes a phenomenon of interest as anything that is related to the research in the form of a group, event, program, community, relationship or interaction.

This research has been designed to be pragmatic and iterative in nature and does not aim to prove or disprove a theory or hypothesis. Rather it takes a flexible approach by being open to emerging patterns, trends and findings. In that sense, it remained open to the use of quantitative techniques and approaches if it seemed they were required for investigation and validation purposes. Although some quantitative data could have been important to support some of the findings, and as a means of data triangulation, the limitations of time and resources compared to the likely benefits, supported the decision to limit this exploration to a purely qualitative inquiry.

The research design was both basic and applied. It was basic as it aimed to understand and explain the situation and role of media in the post-conflict transition of Nepal. This was also applied research because by exploring the challenges to media in post-

conflict Nepal and assessing the policy environment, it draws conclusions and makes recommendations that may be useful to multiple stakeholders in the media and political sectors. By doing so, this research has aimed to address human and societal problems. By contributing to knowledge that may help stakeholders related to this research to understand the nature of the problem and possibly intervene, it may be relevant to acknowledge the applied nature of this thesis.

## 4.2 Data collection and research participants

### 4.2.1 Data Collection

As a way of answering the research questions central to this thesis, this researcher has taken an inductive approach to analysis by embracing a constructivist grounded theory methodology. Such an approach required coding of data; deriving of categories, concepts and theory; making comparisons between data and emerging concepts; and the collection of further data as required. This research employed four strategies for data collection:

- Semi-structured in-depth interviews;
- Focus group discussions;
- Document review; and
- Regional media managers' workshops (conducted by Equal Access<sup>20</sup>).

#### 4.2.1.1 Semi-structured in-depth interviews

Semi-structured in-depth interviews conducted with 44 respondents served as the primary data for this research. Of these 33 were conducted personally by the researcher whereas 11 were conducted by two research assistants based in Nepal. A non-random, purposive sampling method was employed to select interview participants (the list of participants who were interviewed in this research is included within the appendix 1).

The process of interviewing included an observation of the respondents' settings wherever such observation added value to the interview and data gathering process. Observation was generally useful during interviews to observe various aspects related to the respondents' settings, surroundings and behaviour (non-verbal communication).

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<sup>20</sup> Equal Access ([www.equalaccess.org](http://www.equalaccess.org)) is an international non-profit that works in partnership with Equal Access Nepal ([www.equalaccess.org.np](http://www.equalaccess.org.np)) in the area of media development and communication for development

The researcher took notes of observations made before, during and after the interview wherever such notes were deemed necessary and useful. A semi-structured interview protocol or schedule (refer to appendix 2) was prepared and utilized as a guide for the interview process. The same schedule was also used to explain the interview process to the research assistants who helped in conducting 11 interviews that the researcher was unable to conduct personally. The interview schedule ensured consistency in process and protocol not only for the researcher but also for the research assistants.

The interview schedule was tested prior to the actual interviews through mock interviews with respondents with characteristics similar to the actual respondents of this research. This exercise served both as training for the researcher as well as for improving the interview schedule. The length for each interview varied from a minimum of 30 minutes to two hours. The participants / respondents representing media managers and the policy stakeholders were recruited based on recommendation made by people with experience and expertise within the media sector, media networks and umbrella organizations. Four political leaders representing the four major political parties in the country were also interviewed. They were selected based on their relative proximity with and understanding of the media as well as their availability and willingness to participate. Media consumers included purposively selected participants recruited with the support of Equal Access in Nepal.

The participants were approached through email, telephone or directly. They were provided with a Plain Language Statement or Participant Information Sheet that provided information about the project. This included information on what the research was about, what kind of questions they would be asked, what their roles as participants would be and information regarding their privacy, confidentiality, rights and protection. They were also provided the opportunity to choose a convenient date, time and location for the interview, so that the interview process was convenient for them. All interviews were recorded using an audio recording device with the prior consent of the respondents.

Even as the topic for discussion and a few key questions were pre-organized, the respondents were encouraged to tell their own story. The researcher remained open at all times to change the course of the interview when a new topic that provided richness to the research emerged. This approach allowed the researcher freedom and flexibility to revise the wording and sequence of questions or add questions to the

schedule depending upon the respondent's unique characteristics or circumstances, or to further probe interesting points raised by the participant (Weerakkody 2009).

The semi-structured interview technique was chosen as it provides data that allow for comparisons between the varying perceptions of the different respondents. Such comparisons were possible, as respondents answered similar questions on the same basic topics. This also allowed the researcher to record frequency of occurrence of certain opinions and views giving rise to discernible patterns, themes and dimensions. The interview questions were descriptive in nature with the aim of collecting opinions of the respondents in their own words on the topic or phenomenon under study. These included the main topics around the media situation, role and challenges in post-conflict Nepal, including questions related to the policy environment. The questions were very general, specific or guided depending on the course of the interview and other unique considerations of the participant. Experience questions were included in the mix of overall questions to gain information about respondent experience with regard to the topic or phenomenon under study. Likewise, the use of contrast questions was also made to get comparative views and opinions of participants on differing aspects within the topic of study.

#### **4.2.1.2 Focus group discussion**

Although it was within the research design to conduct at least five focus group discussions, only one could be completed due to a situation that was unfavourable for organizing, travel and conducting of focus group discussions as planned for May 2012 in Nepal. This period coincided with the date when the first Constituent Assembly came to an end and there were street demonstrations by different political and social groups accompanied by forced transport closures and unrest. The situation did not allow for the travel needed to conduct the focus group discussions.

Focus groups discussions are generally useful in generating a variety of perspectives for gaining confidence on the patterns that start to emerge from early research. This was particularly the reason that four of the five planned focus group discussions had been planned for the second of this researcher's two field trips to Nepal. This limitation of numbers of focus group discussions can be considered a drawback in this research as Babbie (2007, p. 308) contends that the results from one group with a limited number of participants can usually be too atypical to generalize.



According to Patton (2002, p. 385), groups can typically have between 6 to 10 participants, usually with similar backgrounds, who participate in the discussion on a specific topic, for about one to two hours. The one focus group discussion that was conducted as part of this research in September 2011 included five participants who belonged to the 20-30 years age bracket and came from the Madhesh, Terai region although none were of Madheshi ethnicity. They all had a background of having started working with the media as reporters and newsreaders for local FM radio stations. At the time of the group interview, they all worked in the area of communications for development as radio program producers for a media development organization.

The pattern of questioning and the approach to the focus group discussion was similar to the semi-structured interviews, with the participants encouraged to engage in discussion on a particular topic without attempts to guide the course of the discussion. The aim was to elicit the views of the participants through a moderated or facilitated discussion, wherein meanings could be jointly produced through interaction and conversation (Bryman & Burgess 1999). This was in keeping with the underlying assumption of focus group discussions that a more rich and complete understanding of the issue under discussion can be achieved within an environment that stimulates participation and willingness to express feelings, views, opinions and ideas (Bloomberg & Volpe 2008, p. 84). The discussion also helped understand the difference in perspectives between the participants and the reasons for such differences. In that way, it helped identify the differing and different positions of participants.

The process of selection of the participants in the focus group discussion was purposive and non-probabilistic (Babbie 2007, p. 308) as participants were from similar backgrounds. As the moderator of the focus group discussion, the researcher made the best attempt to avoid 'groupthink' or for the less assertive participants to conform to the ideas and opinions of the more outspoken members of the group. As outlined by Patton (2002, p. 386), the objective was not to find consensus, neither to necessarily disagree; it was more to encourage participants to consider their own views in the context of others. Attempts were also made to ensure that the moderation of discussions were non-directive in maintaining free, open discussion by all members.

#### **4.2.1.3 Document review**

Records, documents, artefacts, and archives constitute a rich source of information. Techniques that explore such resources are a valid part of field research (Patton 2002, p. 293). Documents also provide a means for comparing or authenticating the validity of research data collected through interviews and focus groups. However, the authenticity of the documents being used as documentary data need to be authenticated as a first step (Board 1998, p. 128). Documents should also be analysed 'as a product of the context in which they were generated' because they could be useful in shedding more light on the context than on the 'substantive issues' that they discuss (ibid, p. 128). Patton (2002, p. 294) explains that documents prove useful not only as a direct source of data but also as a guide to paths of inquiry.

Document and policy review was conducted to uncover recent studies, reports, op-eds, features and articles on the media as well as other media content relevant to this study that were not part of the overall literature review conducted (as included in chapter 2 and 3). The aim was to find, read and identify information and secondary data from within these documents that were related to the questions that this research posed. These included documents related to the media's role in supporting Nepal's passage to democracy, the challenges faced by the media, and the media policy and regulatory framework in Nepal.

Document review conducted during fieldwork travels to Nepal was important, as this researcher had been away from the field of inquiry - Nepal - for most of the duration of this study. It has been realized that the readings and resulting meaning making can be very different based on the location that they are done in. Documents in Nepal often tend to exist in the Nepali language and may not always find their way to the Internet or exist in electronic format. A purposive sampling technique was used to select the documents that were reviewed for this purpose based mainly on recommendations made by interview respondents and other colleagues in the media sector, or otherwise, through searches conducted on the Internet.

A review was also conducted of 30 op-eds, features and articles on the media published by leading print and online media platforms and often authored by leading journalists or media analysts and critics. These were selected from within a period from 2010 and March 2013 and were accessed from a website that functions as a repository of articles and stories published in the Nepali media on contemporary

Nepal and Himalayan studies<sup>21</sup>. This website includes topics on Nepal related to health, media, culture, politics, society, economy, history, education, development and law, among others.

A review of Nepal's media and communication regulatory situation was conducted based on an analysis of existing policy framework including the overall Media Policy; Print and Broadcasting Policies, Acts and Regulations; Working Journalists Act and Regulation; Journalistic Code of Ethics; and a review of different policy recommendations put forth by various review commissions formed during the time period. Towards this end, a thorough review of '*Patrakarita Niti तथा Kanun: Adhyayan Prativedan*' [Press Policy and Laws: Study Report] (Dahal, T & Acharya 2008) has been undertaken. This study report undertaken by a media-related NGO in Nepal - Freedom Forum - is the latest comprehensive attempt at exploration and analysing the media policy and regulatory situation in Nepal. All reviewed documents have been referenced in the bibliography section.

#### **4.2.1.4 Regional media managers' workshops**

In coordination with Equal Access, the first of the two research field trips to Nepal was designed such that two regional workshops with media managers in Nepal could be incorporated as part of the data collection process. These workshops that were part of Equal Access' 'Media Empowerment for Democratic Information Access' (MEDIA<sup>22</sup>) initiative were held in August 2011. These workshops provided a source for secondary data as they focused on the topic '*media operation and management: existing challenges and the search for ways to resolve them – a consultative program*', and involved the active participation of approximately 40 media owners or senior managers.

#### **4.2.2 Research Participants<sup>23</sup>**

In accordance with the approval of this researcher's research ethics application by the RMIT Human Research Ethics Committee (refer to the approval letter from the RMIT Human Research Ethics Committee in the appendix 3), no participants below 18 years of age were included in this research. A non-random, purposive sample was drawn

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<sup>21</sup> <http://www.nepalresearch.com/>

<sup>22</sup> This was a two-year project aimed at strengthening the capacity of Nepal's independent media to play an effective role in the country's emerging democracy

<sup>23</sup> Research participants have also been referred to as respondents in other parts in this thesis

from media organizations that included owners, managers and journalists with a good mix from radio, television and print media; media consumers and those related to media policy. Please refer to the tables that provide a description of interview participants and focus group participants aggregated in accordance with the researcher's field trips to Nepal, and a separate table showing interviews that were conducted by the research assistants (these tables have been included in the appendix 1).

### **4.2.3 Nepal field trips**

Data collection was undertaken through two field trips to Nepal – the first in 2011 and the second in 2012.

#### **The 1<sup>st</sup> Nepal field trip in 2011**

This 10-week long trip was undertaken as part of research data collection, from 15<sup>th</sup> July to 24<sup>th</sup> September in 2011. A total of 31 semi-structured in-depth interviews and one focus group discussion consisting of 5 participants were conducted during this period. Of these, 21 interviews were conducted within the capital city area, also known as the Kathmandu valley, and 10 were conducted in the course of two trips undertaken to areas outside of Kathmandu. While in Kathmandu, the researcher was based at the Equal Access Nepal (EAN) office, where a room with desk and Internet access was provided. This was in accordance to an understanding between this researcher and Equal Access, whereby Equal Access agreed to provide access to Equal Access premises, relevant literature and material and access to their list of contacts with details (letter of support provided by Equal Access is included in Appendix 4). The first three weeks in Kathmandu were spent in meeting with key people who helped in the planning of interviews, selection of participants and in the development of an on-the-ground understanding of the situation and issues related to this research topic.

The first of the two trips outside of Kathmandu was from August 15-18. This took the researcher to Gaur municipality in Rautahat district – a Terai/Madhesh town in the central plains of Nepal that experienced rapid growth in the number of media outlets coming into operation, especially FM radio. Gaur represents a typical semi-urban town in central Nepal with predominantly Madhesi ethnicity. It was in Gaur that a major political confrontation in 2007 had led to the death of 27 political cadres

belonging to one of the clashing parties (Hachhethu, Krishna 2007; Hattlebakk 2007; Pandey 2010; Skar 2010). A station manager at one of the local FM radio stations was interviewed there. The station manager also publishes a weekly newspaper in the Nepali language.

The next stop on the same trip was the town of Birgunj - another border city of Nepal in the central plains. Birgunj is among the larger cities in Nepal with a significant presence of all forms of media. The population is more or less balanced between people of Madheshi or Pahadi origin or ethnicity. Birgunj is a commercial hub and a major transit point between Nepal and India. It is the largest land-port through which essential goods and raw materials are imported into Nepal from India. A station manager of a local FM radio station in Birgunj was interviewed.

The second trip outside the Kathmandu valley was from August 22-26, to the three locations of Butwal, Tansen and Pokhara. All of these locations have had a rapidly changing media environment since the mid-90s and since the turn of this century. They also represent a Pahadi predominance in terms of the populations living there. In Butwal, the chairperson of a community organization that ran one among the many emerging community television stations in Nepal was interviewed. In Palpa, a young station manager of a local FM radio station hailing from a minority ethnic group was interviewed. In Pokhara, a female station manager of a local FM radio station and Mohan Chapagain, a central member of the Federation of Nepali Journalists (FNJ) were interviewed. Also in Pokhara, four visually impaired students were interviewed to get an understanding of their perspective as media audiences.

It had also been arranged in advance for this researcher to attend a number of meetings during this trip, which were of interest from the research point of view. This included two-half day workshops related to the 'Media Empowerment for Democratic Information Access' (MEDIA) initiative implemented by Equal Access in Nepal and supported by the US Bureau of Democracy, Human Rights and Labour. These two workshops with local media managers in Tansen and Pokhara conducted with the aim of understanding current challenges to the media in Nepal, were part of a seven-workshop series. Five of these had already been conducted prior to this researcher's arrival in Nepal. However, EAN agreed to share the reports from these workshops enabling the researcher to compare the findings from these two workshops with the others in the series.

## **The 2<sup>nd</sup> Nepal field trip in 2012**

This four-week field trip to Nepal was undertaken from 5<sup>th</sup> May to 3<sup>rd</sup> June 2012 as part of this research data collection process. This field trip coincided with the date that the new constitution of the country was to be launched – May 28<sup>th</sup>. Hence it was a period of turmoil with a lot of nationwide strikes and vehicular closure, making any kind of movement, even local travel, difficult. This was true for almost three of the four weeks within this trip, resulting in a situation where the researcher was compelled to make the best use of the one-week window during which traffic and vehicular movement was allowed. This limited the number of people that this researcher could meet with or interview. Only two crucial interviews with young leaders from two leading political parties was possible, even as rallies and protests continued on the streets. However, the focus group discussions with audiences outside of Kathmandu which had been planned as part of this trip, could not be conducted due to the situation.

The upside of the situation was that it provided this researcher with an excellent opportunity to observe the situation unfold as it did in Nepal. It allowed the researcher to be at the scene and understand events as they unfolded, and in the manner that they were covered by the different media. There was a build-up of political and ethnic tension, which led to even the media being attacked on the streets. This, and how the media responded, provide a good insight into my own research investigation.

### **4.2.4 Data collection with the support from research assistants**

Arrangements had been made to interview a number of people who could not eventually be interviewed as a result of conflicting schedules (1<sup>st</sup> field trip) and difficult situation (2<sup>nd</sup> field trip). At least three participants cancelled the interviews at the last minute due to other meetings during the first field trip to Nepal. For conducting interviews with these participants and others that were considered as resourceful, the researcher made arrangements for the service of two research assistants based in Kathmandu, Nepal. The research assistants were trained in understanding the purpose of the research project, the methodology, rationale for participant selection and concerns around ethics. Some political leaders could not be reached easily for the interviews and one of the research assistants was trained

specifically to conduct these crucial interviews. The list of respondents interviewed by the research assistants has been included within the appendix 1.

### **4.3 Data recording, storage, coding and analysis**

#### **4.3.1 Recording and storage of data**

All research data was clearly labeled in the form of field notes, audio files and transcripts. The audio interviews and focus group discussion were translated and transcribed and stored as electronic files.

#### **4.3.2 Data coding and analysis**

The next stage in the process was to code the data according to emerging themes and topics, both as a means of organizing data and also making navigation through data easier. Codes are basically conceptual categories that lead to themes and concepts, taking the researcher from messy raw data to a higher level of theory and generalizations (Neuman, WL 2011, p. 510). Coding and grouping led to emerging themes and patterns. The inspection of data was done in 3 stages – first during the transcribing of interviews and focus groups, secondly in the process of manual coding of data and finally while coding using the NVivo<sup>24</sup> software.

The NVivo software was used only to organize and code data. A project for this research was created in NVivo and the interview and the focus group data were imported. The process of coding was done by assigning a topic or theme to a word, phrase, sentence or paragraph in the data in the sources. In NVivo these are called nodes. Coding was done at the topic and analytic levels meaning sub-themes were developed from broader topics and themes. NVivo was used only at this level where data were organized and categorized into themes and sub-themes. This initial coding may be described as the initial or open coding process where initial codes were assigned to the data. These changed over time as more data were coded and the process of data analysis was started. This led to what may be called axial coding where linkages and comparisons were made between the initial open codes leading to a new set of codes, themes and categories.

An inductive grounded theory approach was used in the analysis of data for this research. Neuman (Neuman, W 2006) asserts that researchers who adopt an inductive

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<sup>24</sup> The NVivo software program was used to code data in interviews and focus group discussion

approach use grounded theory, a methodology that allows researchers to make generalizations and formulate theory from the ground up through the process of interpreting, explaining and making meaning of data. Qualitative inquiry allows for such theory to be inductively generated from fieldwork and data emerging from the researcher's observations and interviews. Patton (2002, p. 487) describes grounded theory as "theory denoting a set of well-developed categories (e.g., themes, concepts) that are systematically interrelated through statements of relationship to form a theoretical framework that explains some relevant social, psychological, educational, nursing, or other phenomenon". The statement of relationship refers to who, what, when, where, why, how, and with what consequences an event occurs, explains Patton.

Creswell (2009, p. 13) explains grounded theory as a strategy of inquiry that assists the generation of a "general, abstract theory related to a process, action or interaction grounded in the views of participants". He adds that this involves several stages of data collection, their refinement and the establishment of interrelationships between emerging categories or dimensions. The comparison of data with emerging categories with the aim of finding similarities and differences is an important part of grounded theory generation as it aims to build theory that is faithful to the evidence. In this manner, grounded theory allows for the movement from lower-level concepts to a higher level theorizing. The adoption of pragmatism within the theoretical paradigm for this research provides the space and flexibility for design adjustment and readjustment based on situation and need.

An inductive process of data analysis and meaning making was employed as qualitative inquiry by characteristic tends to explore and discover using inductive logic (Patton 2002). Inductive analyses usually start from specific observations and then grow into more general patterns or trends leading to theory development. Patton adds that 'categories or dimensions for analysis' begin to emerge from observations and this happens as the researcher begins to understand the existing patterns within the phenomenon of study (2002, pp. 55-6). This approach refrains from making prior assumptions about what these important categories or dimensions for analysis will be but rather allows them to emerge from the data. As described in the section on coding, data were coded to provide sets of emergent themes and sub-themes.



The process of data analysis involved revisiting the sources of data once the themes and sub-themes began to emerge. Based on the frequency of occurrence of these themes and sub-themes, the major sections of data that needed close analysis were identified. Links and comparisons were made based on the emerging themes and categories and these were constantly documented as notes. These notes shaped the chapters that became part of the discussion for this thesis (chapters 5, 6 and 7).

#### 4.4 Limitations of study

Finally in this chapter, before moving on to three chapters that present the research findings, it is useful to list some of the limitations of this study:

- While the researcher's knowledge of the subject of research was an advantage, there was the need for reflexive self-questioning and self-understanding. Patton (2002, pp. 65-6) emphasizes the importance of reflexivity and how it 'reminds the qualitative inquirer to be attentive to and conscious of the cultural, political, social, linguistic, and ideological origins of one's own perspective and voice as well as the perspective and voices of those one interviews and those to whom one reports'. Despite best efforts, there will always be the possibility of some subjective bias creeping into the data collection and analysis processes.
- In a naturalistic inquiry, the presence of the researcher (however ubiquitous) and the act of note-taking and interviewing may have affected the process of data collection to some extent (Patton 2002, p. 43). Also, the open-ended nature of the inquiry and the pragmatic considerations that have been discussed as part of this research, may have led to some degree of ambiguity and uncertainty (Patton 2002, pp. 43, 4)
- In the discussion of the assumptions of the constructivist paradigm, an assumption that Patton (2002) refers to is that any phenomena can best be understood within the context that they are explored. He adds that the problems, solutions and findings emerging from the study are difficult to generalize for a different context or setting. This might be considered a limitation of this study, although the use of grounded theory as a methodology supports the generalizability of the concepts and theories generated through this research (Neuman, W 2006, p. 60).
- Compared to the scale, size and diversity of the media sector and given the geographical difficulty of access in Nepal, the scope of this study may not have been truly representative of the universe it aimed to study.

- Most of the interviews were conducted in the Nepali language involving large volumes of translation and transcription. Even though maximum care was exercised, some meaning may have been lost in the process.
- The initial design included at least 5 focus group discussions to be conducted during the second field trip to Nepal as a means of testing some of the patterns that had emerged from the first Nepal field trip data. However, the one focus group discussion that was conducted during the first Nepal field trip was the only one that is part of this research, as the situation in Nepal during the second field trip did not allow for these focus groups to be conducted.

## 5. The media in Nepal: expansion, ownership and pluralism

This chapter sets out the polarized views that have emerged on the relationship between media expansion and democracy building in Nepal and discusses how the expansion presents both opportunities and challenges for media operation, independence and pluralism. The discussions revolve around how such expansion has influenced the two primary indicators of media development discussed in this thesis – independence and access. It draws primarily from the in-depth interviews and a focus group discussion. It is made up of two sections. The first section examines how and why the media are expanding, the factors that fuel and/ or influence this expansion, and the visible trends in media expansion and ownership. The second section critically examines whether this expansion in the media in Nepal translates to diversity and pluralism as indicators of inclusive democracy.

Diversity in the media is associated with the wide range of content offered to the consumer, reflected in the diverse range of programming – e.g. information, education, news and entertainment; or the diversity of views and opinions (Hitchens 2006, p. 441). Likewise, pluralism is said to exist in society when there is a diverse spectrum of independent voices representing a range of social, cultural and political views and opinions (Doyle 2002b). This can happen when media ownership is fairly distributed leading to a diverse range of media products (content) and hence to a diversity of choice for consumers.

Media pluralism is considered to be integral to any nation's development and transition to democracy since it indicates diversity and the presence of a number of independent voices representing different social, cultural and political stances (Doyle 2002b; UNESCO 2008). In Nepal, it could be suggested that media pluralism will be realized only when a majority of the population, whom Manuel Castells describes as the 'fourth world' (2000), have access to and a voice in the media. By the 'fourth world', Castell refers to those populations who are among the marginalized in poor underdeveloped nations and who, bypassed by any form of technology, are neither able to produce nor consume. Hence, these populations are considered irrelevant in societal structures. This section explores whether the structural and spatial expansion of the media in Nepal translates to media pluralism, by examining the various factors that influence media pluralism and also how they inter-relate with each other.

## 5.1 Why and how are the media expanding?

Globally, the media are expanding because of the opening up of a borderless transnational media market supported by the advent of the Internet in the 1990s (Doyle 2002a). The technological capability to digitize content for distribution and consumption through multiple platforms has made media production and distribution cheaper. All of these factors affect the media market in Nepal. For the purpose of understanding why and how the media are expanding, it is useful to also examine legal provisions for media ownership in Nepal and this will be discussed in Chapter 6.

Legislation for media ownership and media ownership patterns are closely tied with media expansion. However, Taranath Dahal<sup>25</sup> contends that scientific studies into media ownership patterns have not yet been undertaken in Nepal. Dahal, who has been in the media / journalism sector for 25 years, has served as the general secretary and president of the Federation of Nepali Journalists (FNJ) between 2000 and 2005. He is currently chairperson of *Freedom Forum Nepal* and is the coordinator of the citizens' campaign for the right to information. *Freedom Forum*, a non-governmental organization (NGO), works in the area of human rights, press freedom, freedom of expression and right to information.

Dahal describes how his involvement in student politics slowly drew him into the field of journalism with the mission of supporting the movement for democracy during the pre-90s Panchayat era. He states:

“I did not start journalism as a profession, rather I started it as a mission. It was a mission that was part of the democratic movement during the Panchayat era. But it was only two or three years after I got into journalism that we got democracy in Nepal. That gave me the opportunity to continue journalism as a profession....”

The above statement gives an indication of how peoples' association or engagement with the media changed beyond 1990, when the media began to be looked upon as a profession rather than a means for political activism. This, combined with the advent of liberal provisions described above, have regularly been cited as primary drivers of the expansion of the media by a majority of respondents.

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<sup>25</sup> One of the participants who was interviewed during this research

The Nepali media can be classified on the basis of legal registration status where the state remains a major media owner. Based on respondent views, media ownership in the non-governmental private sector can be described as private company owned or community owned. Those media organisations run by cooperatives, local governments and NGOs fall under the community media category, although a policy distinction has not been made by the state between community and other private media. Therefore, the media may broadly be classified in terms of their ownership as being state-owned, commercially owned or community owned. The recent addition of an FM radio run by Tribhuvan University and registered directly with the Ministry of Information and Communication (MoIC), brings educational media into the media mix of Nepal.

It is pertinent and important here to discuss the fact that the government does not identify any media as being community media through its registration or licensing arrangements. This is more a distinction made by the media industry itself in identifying those media enterprises that are non-profit oriented and registered through NGOs or cooperatives or the local government. This is an important fact to be considered in the study of the media in Nepal as a lot of anomalies arise out of this lack of distinction from the part of the government. Distinction can also be made between media organizations in terms of their affiliation with different central level umbrella organizations. While most commercial radio stations are owned by private individuals or companies and are affiliated with the Broadcasting Association of Nepal (BAN), most community radio stations are owned by NGOs, cooperatives or local government bodies like village development committees (VDCs) and are affiliated with the Association of Community Radio Broadcasters (ACORAB).

This research points towards the following factors as primary drivers of investment in the media, and explains the emerging pattern of Nepal's media ownership:

1. Political influence and economic motivations;
2. Liberal regimes and progressive constitutional, legal and regulatory provisions;
3. Advances in print and broadcast media technology; and
4. Popularity as an area for investment, resembling a commonly witnessed investment fad or trend in Nepal.

There is a marked difference in opinion about the reasons behind the very rapid expansion of the media sector in Nepal, especially in the last two decades. The

difference is about whether this expansion might be considered to have been spontaneous and inevitable (the organic view) or driven by commercial and political motivations (the instrumental view). Those that agree that it was high time for the media in Nepal to expand, consider that it had been state controlled and restricted for far too long. They characterize Nepal’s media expansion as inevitable and organic and generally beneficial to democracy building and development. However, there are those that see the expansion as instrumental and driven by commercial or political motivations and are not very hopeful about the country’s democratic transition.

Organic view	Instrumental view
Beneficial to democracy building	Beneficial to commercial and political interests

*Table 5.1*

There is the need to clarify that the polarities of positions (on media ownership and expansion) described here are not straightforward. Most respondents do not fit neatly into one or the other category but are rather found to hold different and even contrasting views at the same time, or sometimes position themselves somewhere in between on a continuum between the two extreme opinions. However, this polarisation provides a useful device for exploring the complex and political nature of media development in Nepal.

From the first position, the importance of media plurality to the establishment and sustenance of democracy and democratic practices and institutions in Nepal, especially as ownership patterns move from state-owned to private sector, is not questioned. This is despite the fact that policies remain largely unclear or outdated. Moreover, with the opening of media enterprises, especially radio, in districts and remote regions of Nepal, many agree that these new operations provide a platform for localizing peace initiatives and transitional politics – a basic tenet for grounding democracy in Nepal.

However, with a very different understanding, there are those that consider this rapid expansion unnatural and not generally in the interest of the media sector or the nation. They argue that lack of clarity of investor’s background and profile, and the growing tendency for investment driven by political motives, is or could be detrimental for democracy. They also contend that the necessary policy and regulatory environment has been inadequate compared to the expansion.

Organic view	Instrumental view
Media plurality leads to democratic practices and organizations	Lack of policy and regulation detrimental to democracy

*Table 5.2*

Most respondents however agreed that some form of regulation was necessary and useful in ensuring oversight and transparency in media investment. Although ‘regulation’ is associated with ‘control’ and discussed with caution given experiences of the media with past governments in Nepal, there is generally consensus that some form of regulation should be exercised, and that it is the government’s role to initiate and advance regulation.

Nirmala Mani Adhikary, a media researcher and academic, links the rapid expansion of the media sector to the social and political situation of Nepal. On the one hand, he asserts that journalism is no longer as difficult as it used to be in the past because of the rapid development in technology. On the other hand, and contrary to evidence of the deteriorating situation of the Nepali economy, he sees a rapid increase in the volume of money flow and investment in the private sector in Nepal. These two factors can be attributed to the creation of an environment favourable for investment in the media industry, as in any other industry. As a result of the political changes, there is also the assurance that investment in the media will not be confiscated or media enterprises not made to shut down by the state as has been the case in the past.

Adhikary also considers growth in trans-national travel, cooperation, exchanges and learning to be favourable contributing factors in increasing national awareness about both the attractiveness and the role of media in society. He also attributes the expansion to the open market economic structure that Nepal embraced in 1992 after the restoration of multi-party democracy in 1990. He links media expansion to peoples’ aspirations to have their voices heard in their quest for the creation of a pluralistic, inclusive, democratic society. In summary, political, economic, technological and social factors are considered to have led to the rapid expansion in media in Nepal.

Upendra Aryal, a long-time media personality and practitioner was among the many respondents who asserted that the regime before 1990 denied uniform growth opportunities for its citizens by not allowing private sector access to FM radio airwaves. They argue that the rapid growth in the number of media providers coming

into operation is a natural phenomenon, like a lid being opened on a sector that had been stifled for too long. They consider the liberal era that followed the restriction and the constitutional guarantees for freedom of the press, to be the primary reason for interest in investing in the sector.

Aryal believes that the expansion of the media in Nepal is natural and organic and refrains from describing this as *mushrooming*. He asserts that *mushrooming* would give the current development of the media a negative connotation especially when the presence of a vibrant media is vital. Although he is in agreement that this expansion came about after the political changes in 1990, he asserts that the real expansion happened only after the political changes in 2006. He attributes this to more liberal ministers at the Ministry of Information and Communication (MoIC) and wishes such liberal regimes had existed earlier when he states:

“If I had the opportunity to listen to the CNN or BBC in the 80s and 90s, I would have developed excellent English while I was still young. But because of the unwillingness on the part of the state to expose me to that technology, I had to depend on whatever English was taught to me at the government school.”

The above statement is significant of how the State and governments after 1990 have been liberal in their realization of the media as a public good. However, the above discussions also confirm how media expansion was gradual in the years before 2006. With reference to FM radio stations, Aryal is of the opinion that most have come into operation without giving enough thought to their commercial or business viability. He believes one of the reasons for this was that they were generally envisaged as a political resource and hence, they came into being without much homework being done with regard to business prospects. Here, he makes a comparison with the situation in India where community FM radio stations were not given licenses for operation until a policy to govern the sector had been drafted. He does not rue the fact that Nepal issued licenses to FM radio stations even in the absence of a governing policy, saying Nepal was not in the luxurious position to wait for a policy framework before the issuing of operating licenses. Nor does he lay the blame for the current situation of chaos in the media to the lack of policy. Rather, he attributes the situation to a lack of capacity among administrators and practitioners. Aryal therefore thinks that political gains lay at



the forefront when it came to the motivation or intent for establishing an FM radio station; business gains were secondary.

Organic view	Instrumental view
It is time for policy and regulation	It is already too late

*Table 5.3*

Binod Bhattarai thinks that media expansion and ownership patterns cannot be looked at with a single lens as the patterns vary for print, radio and television. Bhattarai, who is a journalist and communication expert, recalls how a large number of print media outlets are owned by individuals and while some of them may have transformed into private companies, none of them are publicly traded on the share market. He considers transparency in ownership and financing a challenge as most private companies function as family-run businesses with ownership being limited within family and close friends. He adds that this is also true for the television industry where the surge has been a more recent phenomenon as compared to the print and radio sectors.

Bhattarai does not consider the rapid growth of the media in Nepal as natural. He makes that assertion based on the current market limitations for the media in Nepal and the fact that they will need to compete for scarce revenue and resources, even if only to survive. He thinks that this would not serve as a very healthy environment for the media and democracy in general, and he believes that this situation will change eventually as policies and systems fall into place.

Although Bhattarai admits that there is greater diversity when it comes to radio ownership in the form of cooperatives, NGOs, local government bodies and private investors, he adds that ownership patterns are equally messy because of their closeness to certain identities or political groups. Concerned with the membership of ordinary citizens in community media, he laments the lack of clarity of membership, the criteria for membership, the number of members and their names. What is also becoming clearer, he adds, is that even the radio stations who consider themselves as community radio stations are actually gaining hold of multiple licenses with the aim of establishing branches and building networks similar to business groups.

Organic view	Instrumental view
New entrants in the media market will find a way to survive financially	The market can only support up to a certain number of outlets

**Table 5.4**

Praveen Kumar Sharma, station manager at Rautahat FM in the central plains of Nepal agrees that people invest in the media with business motives. However, he attributes the attraction among investors in media and communication businesses to their desire to have their issues or interests communicated. This trend stems from a feeling of competition and thinking along the line -‘if my issues and interests are not addressed by existing media, why don’t I open my own?’ This trend is not limited to individuals and has caught on with political parties and other interest groups, adds Sharma.

In terms of the profile of the main investors in the FM radio stations in Nepal, he states that some are business people, some have a background in the media and some are close to political parties. He mentions how general people he talks to are of the view that most FM stations belong to or are close to political parties. He thinks that those radio stations that have gone on to render themselves as political party mouthpieces have lost the trust of the people and audiences. However, he again says that it would be best left to the audience to decide which ones belong to that category.

There is broad agreement among respondents that the investment motives of those investing in television channels coming into recent operation were not always centered around the principle of public good provision. A few respondents felt that some television channels were being opened in Kathmandu to create high profile jobs for their children. Although these assertions were not fact-checked for accuracy, they do point towards two trends – that people who invest in the media, especially television of late, do not invest with much knowledge about the sector; and the media is looked upon as a sector that enhances the profile of the investor and people who work in it. Many respondents felt that showcasing their newly acquired wealth and building a public profile are among the reasons for the growing attraction among the nouveau riche to invest in the media. These are conclusions exhibited by respondents irrespective of the context being the Kathmandu valley, or districts outside of the Kathmandu valley. A few respondents were also of the view that the media is considered an attractive sector

for investment for people with shady backgrounds and businesses – as it not only helps enhance their profile, it also helps provide a legitimate front to illegal businesses.

There was consensus among respondents that there was a lack of transparency as to who was investing in the newly established television channels, or where the money was coming from. As a result, most respondents who talked about this thought that investment in the television sector was coming from right-wing organizations whose aim was to destabilize Nepal's transition. Some of those that were named by respondents are recognized criminals (some even serving prison sentences), cronies of previous regimes, or those who have made large amounts of money through illegal business in Nepal or abroad.

Some respondents asserted that an assessment of the programming and content of some of the new television channels would serve to establish their relationship with their shady investors. This analysis leads to some preliminary views: that such programming is aimed at maligning the image of mainstream political parties – the main actors in the current transition process; that they are aimed at spreading the message that the multi-party democratic system will not work for Nepal; that the current crop of political leaders are bad and corrupt; and by unbalanced views of the current transition, they aim to create a dislike among people for the democratic system and to revive the old regime. Some respondents even suggested that an effective content analysis of the product from such television channels might serve as a good area for further research.

A participant in the focus group discussion said from her experience working in the media, rather than earning money, the motive was more to bring listeners within the fold of their (media enterprise investors or political backers) ideology. She adds that this is the case as more and more media enterprises are becoming attractive investment grounds for people with political leanings, active politicians or for political parties themselves. She mentions that this was definitely the case in some of the districts in the eastern Terai after the Madhesh movement<sup>26</sup> in 2006. She recalls that more than one radio station came into operation in one of the districts, after witnessing what they perceived as political benefits reaped by the station that already existed. She claims that

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<sup>26</sup> The Madhesh movement was a spontaneous uprising in most of the eastern and central Terai districts against what they described as a 'Pahadi (hill ethnicity) centered establishment' that failed to bring the Madhesh districts within the folds of development and public good distribution; and discriminated against those of Madheshi (plain land residents) ethnicity when it came to the distribution of opportunities, high level jobs, inclusion within the state army and other services the state had to offer

opening of a media enterprise in the Terai is linked to political power rather than business and income motives.

Another one of the focus group discussion participants raised the question of why people continue to invest between 5 to 10 million Nepali Rupees in radio stations even as most of the radio stations in operation find it difficult to sustain economically. He contends that genuine business people would certainly make that sort of analysis before investing money into a business. He links this to the availability of capital amongst local elites, without attractive alternative options for investment. He narrates a case where his friends solicited local investment to establish a radio station and of how they were so overwhelmed with offers for investment that they had difficulty in choosing investors.

Most research respondents agreed that before the opening of the floodgates in 2006, investment in local media was generally made by people who had a background in the media or, those who understood the values and ethics of the media. One respondent compared radio stations that have come into operation after 2006 to weekly tabloids – known for being highly politically biased. Many understand this trend in the radio sector to have begun after the CPN-M came into open politics around 2006 / 2007 and consolidated the existence of clandestine radio stations that they had begun to use during the conflict.

One respondent recalled that programs broadcast from radio stations under the direct ownership of CPN-M were highly politically charged. This began to get established as a trend that others, including the Madhesh-based political forces, saw benefit in emulating. He added that while in some cases certain political party committees or wings own and operate the radio station directly, in other cases, people who are known to be members, cadres or followers of political parties are in the lead. He asserts that the political ownership, affiliation or inclination of local media in most localities can be easily discerned through either talking to local people or by reviewing a few samples of their content. He added that there is also pressure from investors in local media enterprises, especially radio stations, to stay close to one or another political party.

Organic view	Instrumental view
The media sector provides an opportunity for investment at the community level	Unbridled investment can lead to the media being controlled by a few

*Table 5.5*

Although there is no legal or regulatory binding, community radio stations are by definition meant to serve a community and hence, tend to be low-powered (Fraser & Estrada 2001, p. 35). It therefore follows that they are small in terms of size, investment, and broadcast reach. Vinaya Kasajoo expressed dissatisfaction at the current trend towards development of high-capacity, large-powered community radio stations. This trend is also confirmed by Pringle and Subba (Pringle & Subba 2007, p. 19), who see emerging community radio stations with very large coverage being no different from their commercially oriented, advertisement-driven and highly competitive commercial counterparts. Although Kasajoo admits that community and to some extent even commercial media are still doing good work in terms of providing access and participation for local populations and incorporating issues that are pertinent to them within the content they carry, he believes that media such as newspapers, radio and television have moved beyond the control of the community in the ways that they operate. He believes that even the ones at the most remote levels have come within the grasp of local elites whom he describes as the rich people, political leaders or people following political parties. He cites the manufacturing of news in the interest of certain power bases as an example of the decadence the sector is witnessing in terms of operation.

However, Kasajoo also recalled that Nepal may be among the few countries of the world where local events in ample detail can still make it to local or national news; or where the ordinary citizen has a higher degree of access to media and media content. This he cited as a positive in comparison to neighbouring India where it is usually only celebrities who have easy access to media content and representation. However, it should be noted that after a decade of struggle (Pavarala & Malik 2007) India obtained community radio legislation in 2006, with very tight controls on ownership and content, broadcast of news programs being completely disallowed.

Kasajoo also recalled that about ten years ago, before the media floodgates opened, there was a lot of respect for editors of the media. He thinks that the same level of

respect for editors is absent now and people do not gather the way they did, to welcome editors who came to district centers from Kathmandu or other cities. He thinks that now, editors are regarded within the same brackets as advertising agents or finance managers and he attributes this to the growing politicization and commercialization of the media in the wake of the current expansion and competition.

## **5.2 Politicization – mediation versus mediatisation**

In discussing why and how the media in Nepal are expanding, the majority of research respondents consider that there is a large degree of politicization of the media. They refer to an increasing trend in media interference, manipulation by, investment in and management by politicians, political cadres or political parties. Political interference occurs at both the content and operation levels. At the content level, there is pressure for the political activities, developments and interests of a particular political party or unit to be given priority and communicated in a favourable manner. At the operational level, there is pressure for political leaders, cadres and followers being given favourable positions within the media enterprise. There was a general consensus that weekly tabloids and FM radio stations were increasingly operating in accordance to political party directives with the aim of serving political party interests and thereby getting themselves into positions of power or creating situations that are favourable to their interests. While politicization of the media was widely accepted as a trend, there were a few respondents who thought that there was also a reverse process in play – the mediatisation of politics. These respondents contend that while political parties and their members find it in their interest to influence, invest in, or own media enterprises, the reverse is also true where, media enterprises and owners find it in their business and social interests, to associate closely with politics and political parties.

Jesper Strömbäck (2008) and Strömbäck and Peter Van Aelst (2013) argue in the context of western democracies how the mediatisation of politics takes place. Strömbäck (2008, p. 228) alludes to a situation wherein as politics becomes increasingly mediatised, the independence of politics and society from the media become more important than the independence of the media from politics and society. This is definitely not the case in contemporary Nepal, even when a few key influential media enterprises are able to make or swing public opinion. But as a possible phenomenon for the future, it will be pertinent to examine the concept of mediatisation in further detail.

In explaining the process of mediatisation, Strömbäck (ibid, p. 229) makes a distinction between mediation versus mediatisation of politics. He (ibid, p. 230) considers politics to be mediated when the mass media form the primary channel of communication between those being governed and those governing. In this scenario, the media are the main source of information about politics, society and opinions, not only for the citizenry, but also for politicians, governing institutions and the elite. He contends that mediation in itself is not a new phenomenon; it is just that the volume and intensity of mediation has increased manifold in recent times, especially due to technological advances and that this (together with other factors concerned with the information economy) has led to an increase in ‘relevancy of institutions, events and processes beyond people’s own reach’ (ibid, p. 231).

On the other hand, Strömbäck (ibid, p. 34) considers mediatisation of politics to refer to the degree to which

- 1) the media constitute the dominant source of information on politics and society;
- 2) the media and its governance are independent from political control;
- 3) media content is governed by political or media logic; and
- 4) political actors are governed by political or media logic.

The higher the degree of the first two factors and greater the dominance of media logic in the last two factors outlined above, the larger is the degree of mediatisation of politics. Here, there is the need to also develop the concepts of media logic and political logic further. Strömbäck (ibid) describes media logic as a societal process where media forms, formats, technique and content are dominant in capturing people’s attention and creating influence. Political logic, on the other hand alludes to the process where the needs of political systems and institutions including democracy remain at the core of how political communication occurs. While in the former case, the media assume a commercial identity within a market model, they are seen to hold a moral obligation to democracy within a public sphere in the latter (ibid, p. 234). Strömbäck (ibid) observes how political logic gets the better of media logic during difficult times for a country. However, the process of mediatisation must be considered a dynamic phenomenon reflecting the model of media and politics that is prevalent in the country or society under consideration, as described by Daniel C. Hallin and Paolo Mancini in ‘Comparing media systems: three models of media and politics’ (2004).

Although the models of media and politics discussed by Hallin and Mancini (ibid) in their seminal work represents a Western (Western European and North American) context, it is safe to say that the media in any country is a reflection of the political, economic, social and cultural fabric of that society. This assertion is justified to a large extent by the framework of analysis that Hallin and Mancini adopt in distinguishing between national media systems. These are (McQuail, D. 2005, p. 266):

- 1) the degree and shape of development of media markets;
- 2) the degree and nature of links between political parties and the media and the extent to which the media reflect political divisions (political parallelism);
- 3) the degree of development of journalistic professionalism; and
- 4) the degree and nature of state intervention.

Based on the above dimensions of media and politics, Hallin and Mancini (2004, pp. 10, 1) classify countries as either having ‘Liberal, Polarized Pluralist or Democratic Corporatist’ models. They do however caution that although it may be interesting theoretically to categorize media systems within neat and discreet models, the fit may often be very rough in reality. In their analysis of countries in the global North-West, Hallin and Mancini (ibid) describe the ‘Liberal or Anglo-American or North Atlantic’ model as generally characterized by a strong market (especially for print), low political parallelism, strong journalistic professionalism and minimal government intervention. Exhibiting moderate political pluralism (despite being majoritarian), an advanced culture of legal-rational authority and low levels of clientelism, the media system in the USA, Britain, Canada and Ireland are cited as examples of the Liberal model (McQuail, D. 2005, p. 267).

The ‘Democratic Corporatist or North/ Central European’ model represents systems where politics is consensual, pluralism is organized and moderate, journalistic professionalism is high and where there is rational intervention of the state in economic matters and the public service role of the media. Countries listed within this category by Hallin and Mancini are Austria, Belgium, Denmark, Finland, Germany, the Netherlands, Norway, Sweden and Switzerland (ibid).

The ‘Polarized Pluralistic or Mediterranean’ model is typified by an incomplete development of the press, strong political parallelism, weak professional journalism and a strong role of the state. Italy, Spain, Greece, Portugal and France have been described



as exhibiting Polarized Pluralistic characteristics, some of which include a weak or yet to develop market, strong and often hostile pluralism, an authoritarian regime, a weak culture of legal-rational authority and high clientelism (ibid).

Katrin Voltmer (2011, pp. 224-6) describes attempts by several scholars to classify a particular country within one of the three models put forth by Hallin and Mancini, most often ending up in the Polarized Pluralistic category. She considers it is most likely that this category will encompass most or all the characteristics that relatively nascent non-western democracies or those emerging from authoritarian regimes are likely to exhibit – weak markets, weak journalistic professionalism, political instrumentalization and commercialization of the media. Upon preliminary examination of the Nepali political and media system, it seems like it fits very neatly within the Polarized Pluralistic category. However, Voltmer (ibid) warns against adopting models configured from an examination of social, economic, political and cultural contexts within a purely western perspective. She suggests that it might be prudent to reconsider the framework of analysis adopted by Hallin and Mancini (Hallin & Mancini 2004) in the design of studies aimed at locating a model for media and politics in non-western contexts.

Having examined some theoretical analyses of mediatization and models of media systems, the thesis now moves back to the examination of empirical data. Respondents assert that mediatization in Nepal is characterized by a growing tendency for the media to engage in opinion making rather than reporting, outside of their editorial function. This trend points to an increase in media logic at the expense of political logic indicating a rise in commercialization and polarization. It also points to a weakness in journalistic professionalism as discussed in the previous paragraphs. Respondents express a lack of understanding as to whether the current trend is meant to be a part of the political transition. However, there is agreement that the trend is cause for concern.

Kasajoo describes transition as a phase where a shift in power has occurred from one power center to another. In previous years, the power center was the monarchy. He compares the situation beyond the demise of the monarchy to the bursting of a dam that held back absolute power, with power now being scattered. Kasajoo thinks it unfortunate that such power has been held back by multiple power centers, instead of making its way downstream to the people. Along with political parties, corporate and feudal power centers, Kasajoo sees the media as an emerging power center in itself. He finds it very unfortunate that the media themselves have transformed into a power

center, whereas it should have been their role to see the stream of power safely make its way to the people. This is how he explains the mediatisation of politics in Nepal; as a power center, they are engaged in directly making opinions, rather than facilitating opinion making through objective news reporting. He fears that the future may not be good if the media themselves resort to being power brokers.

Kasajoo adds that those investors who are not as much bothered about press and media ethics as they are bothered with name, fame and profit, find the media an attractive area for investment. Because a lot of money is being pumped into the television industry, even journalists are being traded for money and their prices have soared, which is a situation he laments. Both these factors have adversely affected media and journalistic professionalism – one of the dimensions outlined by Hallin and Mancini (2004) in determining the media system model prevalent in a country. Whatever the context – western or non-western, developing or advanced – journalistic professionalism will without doubt figure as an indicator of the degree to which the media in a particular country have developed. The lack in fairness and transparency in investment in the media will affect the process of democratization of Nepal, unless steps at reform are initiated in a timely manner.

### **5.3 Ownership and investment: linkages with policy and technology**

In September 2008, *Article 19, Freedom Forum and FNJ* brought out a document titled ‘An agenda for change: the right to freedom of expression in Nepal’ (2008). The document was a result of three stakeholder meetings between representatives from the Parliament, media, political parties, civil society, minority groups including women, and legal experts. It makes five recommendations with regard to media ownership (p. 38).

First, it calls for measures to be put into place to ensure transparency of media ownership. Second, it recommends that the broadcast regulator (proposed) develop capacity and mechanisms for conducting on-going market monitoring to establish the market shares of both the broadcast and print media sectors. It also calls for making it mandatory for those involved to inform the independent broadcast regulator of proposed mergers or cross-mergers in and between both the print and broadcast media. Third, it recommends that the broadcast regulator have the authority to disallow mergers that could lead to undue concentration. The document defines undue

concentration as the control of 25% or more of a particular media market – print, radio or television – as measured by reference to market share, advertising revenues and capital investment. The fourth recommendation calls for no single individual or company to have ownership of more than two media outlets from among the print, radio and television media. The last recommendation is aimed at capping foreign investment in the media to restrict foreign control. It recommends editorial and management control should be in the hands of Nepali citizens.

As will be discussed in chapter 6, foreign investment has been perceived as a threat for the local media – both in terms of professional capacity and the potential for capital investment. Hence, there is generally a voice for limiting foreign investment in the media – as seen from reviewing policy documents or as voiced by interview respondents. Although this was not discussed directly with respondents, this thesis makes the assumption that this voice is only limited to foreign investment and not to foreign content. This assumption is based on the premise that in this day of satellite television, Internet and ubiquitous media presence, it will be impossible to deny access to foreign media content. To the contrary, foreign content may be a good resource to have access to in this age of competition, deterritorialization and globalisation.

The "... agenda for change ...." document perceives an increase in media concentration as a potential threat to media pluralism citing that some major media companies are already known to own and operate print, radio, television and online services. It argues that this is happening in the absence of comprehensive rules and laws concerning media concentration. A further conclusion in the document relates to the lack of clear rules for transparency of media ownership and recommends for a clear system of transparency in relation to media ownership. Likewise, although there are policy provisions with regard to foreign investment in the Nepali media there are no laws, and media is not among the areas where foreign investment is restricted as outlined in the 'Foreign Investment and Technology Transfer Act 1992'.<sup>27</sup>

Binod Bhattarai is a strong advocate for a strong and independent regulatory authority for the broadcast media and argues that many of the above issues concerning ownership, cross-ownership, transparency of ownership, licensing and distinguishing between community and commercial media would be better taken care of through an

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<sup>27</sup> ([http://www.wipo.int/wipolex/en/text.jsp?file\\_id=189131](http://www.wipo.int/wipolex/en/text.jsp?file_id=189131))

independent regulator. Bhattarai refrains from blaming the government for not making a distinction between community and commercial radio stations within its licensing policy and believes that it is the responsibility of the community radio sector to first of all define what a community is or stands for. He thinks that this is not an easy task as a definition that would pin the boundaries for ‘community’ is difficult to envisage. He believes that the regulator would be best placed to define ‘community’ or ‘commercial’ and make interpretations of claims (because he believes there may be some that consider the entire country their community). He adds that at present it is difficult to separate community and commercial media as most of them have very similar content with a focus on news, similar advertisements and employ similar strategies to stay afloat within the limited media market.

Organic view	Instrumental view
Lack of Government control (regulation) leads to open market, investment and media freedom	Lack of Government control (regulation) allows media to be controlled by elite (private and political) interests

*Table 5.6*

Taranath Dahal asserts that policy issues relating to media content, broadcasting frequency and regulation of media ownership need addressing as a result of rapid growth in media providers. He thinks that the current mechanism that tasks the Ministry of Information and Communication (MoIC) with the issue and renewal of broadcast licenses breeds nepotism, corruption and unplanned and unregulated media expansion. He argues that the major reason for the high number of radio and television licenses being distributed is because MoIC is responsible for distributing them. So each time a political party is in power, it issues licenses to its loyalists. This has led to unplanned growth leading in turn to unhealthy competition. He refers to the current situation as ‘policy anarchy’.

There is the need for a radio frequency allocation plan independent of political interference. Currently, there is the lack of a scientific basis for the distribution and allocation of radio frequencies in Nepal. Rather, it is subject to the whims of the political power in government. Also, despite the recommendation by the ‘Long-term Policy for the Information and Communication Sector’ 2059 (2003) for the drafting of a regulation to govern media ownership in Nepal, no concrete steps have been taken in

that direction. As a result, several questions remain unanswered as to who is eligible to invest in the media; whether there can be cross-ownership of the media; and whether there are provisions for mergers especially as the issue related to the digitization of the media (or analogue to digital switchover) by the end of 2017 (ITU 2012), may necessitate mergers in the near future. There are further questions that need addressing at the policy level as to whether foreign investment and cross-media ownership should be allowed in the Nepali media, and if so, to what extent. Should community radios be allowed to establish country-wide networks? Should there be national networks using FM technology? Who should be allowed to produce content and who would be responsible for the monitoring of such content?

As will be discussed further in the next chapter, the procedure for legislation in Nepal usually follows the following hierarchy – Constitution, Policy, Act, and Regulation. The constitution serves as the basic legal framework for the country. Constitutional provisions are translated into policies by the concerned ministry with involvement of the sector. For example, a media policy would be developed with the MoIC taking the lead and ultimately making the determination, but by involving stakeholders from the media. The policy provides the guidance for the development of the Act or the legal document that becomes the law of the land. The Act becomes functional once it has been endorsed by both houses of the Nepali Parliament. Detailed procedures on how the provisions within an Act may be understood and implemented are then constituted within the Regulation.

Dahal contends that there are no provisions for the distribution of television licenses to the private sector as the Broadcasting Act 2049<sup>28</sup> (1993) had only envisaged this for the radio sector. As a result, he adds, television licenses are being distributed in accordance with the Broadcasting Regulation 2052 (1995) formed by the authority conferred by the Broadcasting Act 2049. As regulations can normally be revised or reformed through a decision and approval by the cabinet of ministers, in this instance, it was elaborated in a manner that made it possible to issue television licenses. Dahal argues that this procedure for television licensing is neither transparent, nor within the system and that it is usually interpreted as a monopoly of and convenience for the government in power. He is of the opinion that the legal procedure for television licensing should first

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<sup>28</sup> The year associated with the Act is given as per the Nepali calendar and has been converted in brackets into the year according to the Gregorian calendar

be incorporated within a revised Broadcasting Act and approved by the Parliament. Regulation is usually prepared or revised at the ministerial or ministry secretarial level and endorsed by the cabinet of ministers without being debated in Parliament. Dahal is of the opinion that television and radio licensing should be the ambit of a proposed ‘Broadcasting Authority<sup>29</sup>’ and not that of the government.

Organic view	Instrumental view
Natural growth healthy for democracy, need for institutionalising growth through regulation	Unplanned growth, unhealthy competition, lack of transparency and ‘policy anarchy’

*Table 5.7*

With regard to cross-media ownership and monopoly, Dahal asserts that the private sector stakes a claim to cross ownership because the government itself operates television, radio and print media. He however adds that ideally no situation should be encouraged that promotes monopoly. He thinks the global trend is to restrict ownership to not more than two mediums for one organization, but then that too depends upon the extent of coverage for radio, circulation for print, or viewership in the case of television. The principle is that in a single market no media enterprise should be too predominant, otherwise it can work against diversity. He adds that peoples’ access to media needs to be diverse and they should be entitled to multiple sources of information thereby enabling opinions and decisions that are independent. He feels that a monopoly over media and the scale of these media can be dangerous as it can result in limiting diversity of opinions, choices and decisions in important national debates and events including elections.

Dahal considers the current diversity in media a positive trait. However, regarding media expansion, he says that it is highly unplanned. He observes that this growth does not make a lot of difference in the print media sector as they do not use up resources of the state as long as they have the revenue to survive. He feels that the diversity and plurality of media in a State are directly connected to the freedom of expression of its citizens. It is based on this principle that in many nations print media can operate without the need to be registered, as long as they do not violate existing laws and as long as they adhere to a code of ethics.

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<sup>29</sup> The Broadcasting Authority is being widely debated as an independent institution with the responsibility to monitor, regulate and issue licenses for the broadcast sector

In the case of television channels, Dahal contends that the current Nepali media market is unable to support the rate of expansion in the television sector. While about 35 licenses for television channels have been granted and about 15 channels are in operation, there has not been any associated growth in the advertising market. Given that it takes an investment of about NRs. one billion to establish a television channel in Nepal, and as the advertising market which is centralized in Kathmandu has not grown in proportion to the growth in number of channels, a few television channels have even closed down. Dahal argues that while the expansion in the media sector is publicly hailed and discussed at length, the losses that are incurred by the media are mostly ignored and are not researched. Dahal notes that while everybody seems to talk about the profits of the *Kantipur*s they tend to forget the losses incurred by the now defunct *Channel Nepal* television and its associated print medium, *Spacetime* daily. There is also evidence of companies having their broadcast licenses nullified for not beginning operation within the time-frame stipulated in clause 9(ka) within the National Broadcasting Regulation 2052. A recent example is the notice issued on 3<sup>rd</sup> March 2013 by the MoIC cancelling the broadcast licenses of 9 television companies<sup>30</sup>. This suggests that financial viability is a serious issue for television.

Dahal also mentions how daily newspapers such as the *Sagarmatha*, *Everest Herald* and *Lokpatra* closed down after incurring big losses. The Nepali language *Himalaya Times* that came into operation right after the *Kantipur* daily in the mid nineties is barely staying afloat. Despite these losses, there still seems to be growing investment in the media and Dahal considers that this is because of the lack of a professional investment environment. The monies being invested are usually coming from unknown and unseen sources probably also with unethical intentions, according to Dahal. This lack of professional environment for investment in and registration of media enterprises and also the lack of a developing media market, point to the need for related policy reforms. Broader discussions on policy reform for the media are undertaken in the next chapter.

In terms of technology and the associated costs, Pawan Prakash Upreti<sup>31</sup> thinks that frequency availability will be a limiting factor for the further expansion of FM radio stations, especially in most urban areas. Frequency interference is already a big factor

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<sup>30</sup> [http://www.moic.gov.np/notices/notice\\_2069-11-20.pdf](http://www.moic.gov.np/notices/notice_2069-11-20.pdf)

<sup>31</sup> Pawan Prakash Upreti is an IT expert with extensive knowledge of and experience in the development of Nepal's broadcast sector

in urban localities, for example in Kathmandu. Frequency availability means that each locality can only have a certain number of radio stations operating in it. There may have been a similar situation in the case of terrestrial television, however because of the high costs associated with establishing a television channel, Upreti does not foresee a very rapid expansion in the near future. Moreover, there is also the option for television channels to use satellite-broadcasting technology, in which case, frequency would not be a problem.

Upreti mentions that recently there were a number of cable channel operators running local channels, in most towns. These mostly ran short programs like news, phone-in programs, request music programs, quiz contests, and so on. About two years previously<sup>32</sup> the government made attempts to stop the operation of local television channels run by the cable operators. Upon pressure by the cable operators association, the government agreed to allow three types of television broadcasting – terrestrial, satellite and cable-cast but this decision was again changed when the government was changed. The following government gave permission for operation of television channels using only satellite and terrestrial broadcast technologies. This permission also has relation to the government's ability to easily monitor content broadcast through satellite and terrestrial technologies, which is relatively easy compared to cable distributed content.

Upreti contends that most cable operators who had obtained television licenses in the past are now compelled to adopt the terrestrial route. Although they obtain licensing for terrestrial broadcasting, they continue to distribute their content through their cable network channel – thereby reducing the cost of broadcasting terrestrially and increasing their viewership through their already established cable networked clients. As they are required by the government to import, install and commission all equipment required for terrestrial broadcasting, some of them aim to reach a higher audience by broadcasting terrestrially alongside the cable network.

Policy and technology developments are linked to the nature of competition within a market and have a close connection with the level of media pluralism. Rapidly changing media technologies have led to convergence as well as concentration of the media. Cunningham and Turner describe convergence as the dissolving distinctions

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<sup>32</sup> This interview was conducted in September 2011



between media systems, media content and the resulting trade between systems (2002, p. 3). Convergence supports concentration of ownership as multiple platforms including television, radio and print content can be distributed through the Internet. A few private commercial organizations like *Kantipur* and *Image* do exhibit some forms of concentration and cross-media ownership and some research participants saw this trend as a threat to media pluralism. They cite *Kantipur* as an example as there is the potential for them to standardize content and ideologies that they broadcast nationally over television and radio, publish nationwide through their English and Nepali versions of broadsheet dailies, and publish online through their online platform. Their branding is such that most people trust *Kantipur* and hence, it has a lot of influence over which issues are given prominence and which are not. Although there are growing numbers of good quality national media outlets capable of breaking the *Kantipur* monopoly, especially in the print and radio sector, the combined power and influence that *Kantipur* brings together, is still substantial.

It is understood among research respondents that within the rapidly changing political landscape of Nepal, the media have had a role in shaping peoples' understanding of democracy itself. Many respondents argued that the media might be unlikely to play a similar effective role in the future if they are not adequately regulated. Others fear a greater possibility of manipulation of the media by political or business interests, powerful ethnic or illegal armed groups. Be it in the content produced and broadcast or in the structure of its ownership and membership, politics is pervasive. Respondents generally feel that this has led to the understanding among audiences that most media outlets especially in the districts are either directly or indirectly associated with a political party. They feel that some form of regulation of ownership would help to ensure transparency and balance and build trust among audiences of the media in Nepal.

#### **5.4 Does media expansion translate to pluralism?**

Who owns the media and how much of it is an important question in the context of pluralism. Concentration of the media reduces the diversity of voices that have access to or that can be heard through the media; this can lead to an under-representation of some significant views. This can also lead to the abuse of political powers by owners (Doyle 2002b).

Policy concerned with the regulation of ownership has been an important safeguard of pluralism historically. Pluralism is said to exist in society when there is a diverse spectrum of independent voices representing a range of social, cultural and political views and opinions. Likewise, media pluralism is said to exist when media ownership is fairly distributed leading to a diverse range of media products (content) and hence to a diversity of choice for consumers.

Doyle (2002b) puts forth the concept of pluralism at two levels - external and internal. He associates the former with the diversity in media providers (ownership) while the latter is concerned with the diversity of content offered by the provider. While external pluralism is dependent on public policy or regulation enforced by the State, internal pluralism relies both on State regulation and internal guidelines of providers that encourage diversity of content sources and unbiased output.

Both external and internal pluralism can be viewed from two positions – political and cultural. For external pluralism (diversity of ownership), political pluralism would indicate the presence of a politically balanced media ownership spectrum. From a cultural angle, it would ensure that different groups within society are represented within media ownership or within governing bodies in or related to the media. The presence of media products representing political and cultural diversity would ensure internal pluralism – through diversity in political viewpoints represented in the media such that no single political viewpoint or ideology is given undue prominence; or through a fair share for expressions and representations from all stakeholders from society including those representing language, caste, class, religion, gender, ethnicity, race, creed or region.

Hitchens (2006, pp. 8-9) makes a similar distinction between pluralism and diversity. He explains pluralism as being associated with structural diversity in terms of the type of media – e.g. public and private; or the diversity in ownership of media outlets. This is similar to what Doyle (2002b, p. 12) puts forth as external pluralism or how the broadcast environment is structured. Similarly, Hitchens associates diversity with a wide range of content offered to the consumer, reflected in the diverse range of programming – e.g. information, education, news and entertainment; or the diversity of views and opinions. This again is similar to what Doyle refers to as internal pluralism or what is broadcast, i.e. the content.

A basic understanding of media pluralism leads us to look at the various factors that influence it. For an analysis of media expansion in Nepal and its relationship with pluralism, the following can be considered – market size (economy) and the availability of resources for media production, diversity of ownership (external pluralism), and the diversity of output (internal pluralism). In looking at the interplay between these factors, other factors that influence those outlined above can also be considered. These include advances in technology, policy and regulatory environment, competitive nature of the media sector, strategic partnerships and networking arrangements, and the overall law, order and security situation in Nepal.

#### **5.4.1 Market size and diversity in media ownership**

The size and depth of an economy or market and the likeliness for its members to consume media products is usually crucial to determining the resources available for the media in any free market economy. Larger and wealthier markets are more likely to provide more resources for a diverse range of products compared to smaller markets. In the context of Europe and before the global economic slowdown of this century, Doyle (2002b) mentions how countries like Germany, France, Italy and Spain were able to support both larger numbers of media suppliers and diversity of products as compared to smaller economies like Greece, Portugal or Ireland. However, Doyle mentions how wealthy northern European and Nordic countries are exceptions by providing diverse media outputs despite their small economies as a result of higher than average per-capita print consumption and other educational and cultural factors.

Doyle makes an important addition by stating that even the larger and wealthier markets of Europe have not been able to avoid the problem of media concentration altogether and that the UK, Germany, France and Italy had engendered some of the largest media conglomerates in the world (e.g. News International, Bertelsmann, Havas, Fininvest). However, he adds that larger firms or conglomerates are more likely to dominate (by commanding a larger market share) within smaller markets than in substantially large markets.

A significant majority of research respondents agreed that the number of media providers existing in any particular market had stretched the Nepali market or economy beyond its capacity. For Nepal, there are two main types of markets – urban

and rural. The urban markets comprise of the national capital Kathmandu and major cities and district headquarters where most resources are concentrated. These include corporate advertisements, advertising companies, government agencies that distribute public welfare advertisement and subsidies, and the masses that consume media products. Given the tendency to centralize services in Nepal, there is quite a large difference between urban and rural markets in terms of the resources that are available for media production.

The size of the market for media depends primarily on the growth in media consumers in Nepal. Onta (2006, p. 19) contends that there has been an unprecedented growth in the number of Nepalis that consume media products. Some of the reasons he assigns to this growth in media consumers are a growth in literacy, fashion, popular culture and a growing role of media in their everyday lives. He also considers that more and more people today are dependent on the media for professional purposes as well as for development and political information. Shiva Gaunle, the immediately past president of FNJ also endorses the fact that there is a growing hunger among media consumers in Nepal. During the course of a research interview with him this is what he had to say:

‘Nepali people have become politically aware and there is a growing interest among them for news and views. Mass communication is a discipline that teaches the society how to communicate with itself. The society learns to communicate its own issues with itself... through the media.’

The consumer’s capacity to consume media products has a direct impact on the volume of resources made available for advertisement, and this in turn has a positive bearing on the size of the market or the resources made available for media production. This has a positive correlation with external pluralism of the media. What that means is that the expanding consumer base for the media can lead to a market capable of supporting more media suppliers in the market. A media market that has diversity of ownership is a good indicator of media pluralism.

#### **5.4.2 Size of resources available and diversity of media output**

Although arguably the most straightforward indicator for media pluralism, Doyle (2002b) argues that diversity of media owners within a market may not always reflect

media pluralism and that this relationship may not always be a straightforward one. He asserts that concentration (lowering of external pluralism) could lead to a lowering of the number of media players vying for market resources, thereby allowing better utilization for innovative product design and production. This in turn, he argues, can lead to an increase in the diversity and quality of media products or content (increasing of internal pluralism). He further presents the argument that any given market can support only up to a certain level of supply and that therefore, it is more important to have more suppliers that promote indigenous political or cultural representations than merely having a larger number of suppliers. He makes the assertion that for smaller markets, it is important to deliberate the economic question of what level of diversity can a local market support, or what level of pluralism is practically feasible.

Political diversity exists when all political parties and groups are given adequate space and time within media products, especially during elections. Most respondents were of the opinion that the media in Nepal showed restraint and responsibility during the April 2008 CA elections, aside from a few cases of discrepancies. This can be ascertained to some extent from the ‘media monitoring program chart’ in the Press Council Nepal’s website<sup>33</sup>. It shows the result of the monitoring of print and electronic content conducted by the Press Council Nepal during the CA elections.

Cultural diversity or pluralism of the media is another consequence that cannot solely be determined by the expansion of media suppliers. That there are many media suppliers may not always mean that there is diversity in the cultural characteristic of the media products through fair access to and representation of all cultural groups and sub-groups of society – including those representing language, caste, class, religion, gender, ethnicity, race, creed or region. The diversity of Nepal’s demographics has already been discussed in chapter 2. A young politician belonging to one of the Madhesi (or plains-based) parties of Nepal says that the media in Nepal are still not sensitive to the needs of ethnic and language based minorities. He laments that even while Al-Jazeera identifies and internationally broadcasts stories concerning the lack of cultural pluralism in Nepal, the media in Nepal are not sensitive to the issue.

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<sup>33</sup> <http://www.presscouncilnepal.org/charts.php>

Veteran broadcaster Tapa Nath Shukla thinks that the lack of proportional representation of minority-based journalists or media persons in mainstream national media may explain the lack of sensitivity among the mainstream media towards issues concerning minority populations. Another well-known journalist in Nepal – Kanak Mani Dixit – holds the view that most journalists in Nepal, particularly those in national level Nepali language print journalism, come from the hill-Brahmin caste group. He adds that as there is a general lack of adequate training and education among them in the disciplines of journalism, media studies or the social sciences, there is an associated lack of sensitivity in their reportage.

The availability of resources for media production has a significant impact on internal pluralism or in the diversity of media outputs. Most of the resources available for media production, especially in rural Nepal, come from local business advertisements; public-welfare advertisements and subsidies made available by the government; revenues passed on by central level media networks; and funds made available for content production or distribution by NGOs and donor organizations. The fact that such resource pools are not very large and often stretched by the presence of too many media providers within a small geographical area challenges the production of quality indigenous output.

Larger markets would also mean larger audiences and if adequate resources are available within such a context, media suppliers would be able to employ strategies for audience segmentation – thereby catering to the unique needs of ‘minority’ audiences. Apart from very sporadic efforts by organizations like Jagaran Media Center and Sancharika Samuha such a practice is still not commonplace in the Nepali mediascape.

### **5.4.3 Impact of conflict**

The economies of nations emerging from conflict or going through a political transition are likely to be weakened, and Nepal is no exception. The economic survey for the Nepali fiscal year ending July 15, 2010 presented a bleak picture with exports going down by 9.7%, imports increasing by 43.9%, a balance of payment deficits of almost US\$ 228.7 million and the government missing its targeted GDP growth of 5.5%. The estimated growth for the year 2009/10 stood at around 3.5%, lower than the percentage growth in GDP in the past two years. The turbulent political

environment had led to an outflow of assets in the banking sector which was facing a liquidity crunch (Oxford Analytica: Global Strategic Alliance 2010).

The situation has recovered somewhat in the last two years (2010/11 and 2011/12) despite the fluid and uncertain political situation, thanks largely to favourable weather supporting good harvests, robust growth in tourist arrivals and migrant worker remittances. According to the Asian Development Bank (ADB 2012), the GDP grew by 4.6% in the fiscal year 2010/11 up from 3.8% of the previous year. Although the liquidity crisis on the banks had eased, the growth in credit was slow due to lack of investment opportunities. The lack of implementation capacity was manifest from under-spending in capital projects despite a healthy growth in revenue.

Although there are no explicit data and figures to support this assumption, it might be assumed that such an economy would not support a market or the availability of resources that will in turn support a diversity of media products and also the quality of these products. As a result there may not be the incentive to produce indigenous media products that involve a certain level of research, independence and quality. Likewise, the persisting environment of impunity dissuades journalists and reporters to work independently and without resorting to self-censorship, as such an environment is usually suppressive of free media (Frohardt & Temin 2003). Former FNJ president Dharmendra Jha (2009, p. 3), cites growing impunity as a major hindrance to the media operating independently and safely, leading to a state of 'self-censored journalism'. Media pluralism may find it hard to thrive in such a situation.

Kanak Dixit, a renowned publisher and editor, contends that the media at the national level enjoy a lot of freedom as compared to their counterparts in the districts. This is especially true for locations in the eastern plains of the country where lawlessness and impunity results in self-censorship. He believes that political party bias within reporting decreases as the professionalism of a media outlet increases. Again, professionalism is dependent on training and the availability of resources for media providers to build a quality workforce. The importance of the quality of workforce and how this poses a challenge for the Nepali media is discussed in chapter 7.

#### **5.4.4 Competition and ethics**

The other variable at play within the scheme of factors affecting media pluralism is the competition that exists in a media market. The nature of competition can

determine both the diversity of media suppliers as well as the diversity of media output. The research undertaken for this thesis reveals that competition in the media environment in Nepal is not always healthy and there tends to be cut-throat competition for the scarce resources available for media production and distribution. This competition is most evident in the advertisement pricing strategies employed by media providers that generally tend to lead to a downward spiral. This leads to a lowering of advertisement rates to levels that may result in lowering of revenues for media suppliers. This was clearly spelt out as a major challenge for media providers in two regional media managers workshops held in 2011 as part of this research.

Such competitive pricing strategies could discourage new entrants to the media business or squeeze out existing ones (Doyle 2002b, p. 21). Competitive behaviour can thus lead to a reduction in diversity of media suppliers as well as of media outputs. The big and powerful media organizations may also have a tendency toward influencing policy and regulation in a manner that new entrants are discouraged from coming into the business.

A major and significant development in the radio broadcasting sector is the establishment of networks. Such networks are mostly concentrated in Kathmandu with commercial as well as political motives. The development of these networks might be seen to be an outcome of competition – political and commercial. According to Pawan Prakash Upreti, at least four of the existing six networks, have political affiliation, influence or investment. They usually operate on a content and revenue sharing basis. Upreti thinks that because there is a lack of business acumen and planning among investors, most local media come to existence ‘on a whim’. Most of them think about garnering funds or capital for establishment but remain unconcerned beyond that, as to how they will manage on-going operational costs.

That is when they find it easy and attractive to join one of the networks operating out of Kathmandu under the agreement that they broadcast centrally produced content as well as advertisement supplied by the network operator. This helps them in two ways according to Upreti: first, they have access to content which otherwise they would not be able to produce on their own; and second, they do not need to go chasing advertising agencies or donor organizations for advertisements or support. It is a win-win for both the network operator and the local media supplier. However, diversity of



media product and pluralism are negatively affected as indigenous content production and broadcasting suffers.

Media product diversity and pluralism also suffer under such a network arrangement when there is greater editorial control by investors and owners. Doyle (2002b, p. 19) explains how editorial control can be through direct intervention in content for commercial and political aims but also indirect – through the selection of key personnel; through the establishment of a culture of obedience and self-censorship; or through a practice of selective sourcing and distribution. It is still early days to analyse the operation of networks in Nepal from the angle of political and commercial influence and intervention. However, from observing the elections to the CA held in November 2013, there is the tendency for bias through the amount of media coverage given to certain political parties or the nature of content. In the print sector, there is similar competition for public welfare advertisement funds provided by the government to the press. The print newspapers and magazines are paid certain amounts based on their categorization by the Press Council of Nepal into *ka*, *kha* or *ga* categories (equivalent to A, B, and C categories) based on their circulation, numbers published and credibility. While a few of the research participants mentioned that there was unfair competition among the print media for getting a share of these funds, one participant explicitly mentioned that they were aware of a practice of registering a newspaper and publishing a minimum number of copies to meet the requirements to be eligible for the fund. Such an alleged practice would indicate that not all newspapers and magazines that are registered are publishing with public good in mind. The research respondent gave this as an example of activities that work against the best interest of media pluralism.

## 5.5 Conclusion

Based on the above discussions, it can be argued that any given market (from the point of view of product and location) can only support a certain level of supply. Rather than just having a larger number of media suppliers, there is also the need for existing suppliers to promote and produce local and indigenous products. This proposition is truer for small markets and the State has a role here. Even while independence from State and its control is desirable for media development, such independence alone is not a guarantor of media access for the very poor. On the contrary, State intervention will be required to ensure that the poor, marginalized and weaker sections of society have

access to the media, and that media providers acknowledge the need for diversity and pluralism and promote the same through their internal policies and outputs. There is support in Nepal for the notion that the State does have a role in media development, but not through the operation of a State media. Rather, the State role is foreseen in the promotion of an environment that is supportive of media development through the enactment of favourable public policy.

The theory of inverse correlation between the size of economy/ market and concentration of media fails to hold good in the context of Nepal. Despite a small economy and a sluggish growth rate perpetuated by protracted political instability, media consumption is surprisingly high – especially in the radio sector. Print is not the first choice as literacy levels among the general population in 2011 stands at about 57.4 % (UNESCO Institute for Statistics 2013). Likewise, television because of its high production, distribution and reception costs, and the difficult terrain for the transmission of signals across distances, is not as widespread as it might be as a form of popular mass medium. Radio is relatively cheap to produce, transmit and receive and overcomes the barrier posed by low literacy levels, at least for the most common Nepali languages. Hence, the consumption of radio products is high (Equal Access 2007) despite low economic levels and the competition for scant resources in the market. But these are still early days and there is agreement among respondents on the likelihood for closures and mergers once this initial euphoria for owning media outlets starts to reach saturation.

Developed nations are better able to determine what levels of pluralism through diversity in ownership and product (external and internal) the market will be able to sustain. That is because there are frequent studies on the size of the market, the consumption of media products by consumers and what would constitute adequate resources for the development of quality products by media platforms or providers. The same is not true for Nepal where there is a lack of frequent and quality studies that aim to establish the size of the media market, the resources available for them to produce quality media products and the consumption figures for such media products. Media outlets that come into the market often do so without knowledge of the market and a sound business plan to support their sustenance.

As outlined by Doyle (2002b), it is more challenging to correlate markets, audiences and plurality for the broadcast sector because of the rapid pace of developments within

the sector. He adds that for the broadcast sector, diversity may depend more on regulation and technological advances rather than just on the economy. This is true for the media market in Nepal and diversity does depend on the regulatory framework for broadcasting, and points to the importance of a broadcasting authority being established. This will be of greater significance for locations where the radio frequency spectrum has not yet been saturated. It will also depend on whether broadcasting policies and regulation will remain centrally controlled as it is presently or whether greater freedom will be given to provinces in determining regulatory regimes. Technological advances in the broadcast sector will also have an impact on whether media providers and platforms merge or converge and lead to more networks, conglomerates and corporate groups. Once again, the policy and regulatory provisions will have a bearing on how the sector advances.

Making ownership regulation more flexible would mean allowing more players in the arena, and this would effectively mean that the public has access to a diversity of voices, information, ideas and opinions. However, regulation also needs to ensure that the media continue to play their role in a democratic society as a platform for public opinion and debate. The situation would be very different in the context of Nepal as many fear that deregulating media ownership and making cross-media ownership more flexible, would limit ‘opinion and influence-making’ to a few powerful media outlets. This research indicates that the dominating opinion currently is for reforming media policies and regulations towards limiting cross-ownership and foreign investment. The draft media policy spells out unequivocally that appropriate mechanisms shall be created to limit ownership, media concentration and cross-subsidies in the media sector in order to prohibit monopolies and to limit foreign investment in the media to 49% at most (Ministry of Information and Communication 2012, p. 5).

The media policy drafting exercise initiated by the MoIC in 2011 had however, not progressed any further than the January 2012 version 3 draft. There is undoubtedly an inherent tension in the media policy arena. There is on the one hand the need for policy and regulation to ensure diversity, plurality and democracy, while on the other, it also needs to promote competition and economic and industrial goals. Policy reform initiatives need to ensure a balance between the two tensions.

Debates around media ownership regulation are usually considered central to media diversity and pluralism. However, there are other regulatory areas that are of

importance for media diversity and pluralism like content regulation, sectoral diversity and competition controls (Hitchens 2006, p. 6). These are usually overlooked as media ownership regulation grabs much of the focus and attention of industry stalwarts and policy makers. However, it is very important that regulation affecting media diversity and pluralism be looked at in a more holistic manner and with the understanding that they cannot be effective in isolation.

Regulation has become confusing in the modern era because of the blurring of content delivery platforms and technologies. While conventional broadcast encompassed wireless delivery of content over the airwaves, e.g. terrestrial television broadcasting, this has become complicated because of the advent of satellite and cable television, as well as online streaming using the Internet to desktop and hand-held devices. This is similar for the radio that can now be received on mobile phones or online, apart from conventional AM (Amplitude Modulation) and FM (Frequency Modulation) broadcast.

The case for print has also been complicated with print media products made possible online in addition to the conventional printed newspapers and magazines. Nepal's media policy and regulation have not kept up with these narrowing of media platforms and the diversity of options for distributing media products due to the rapidly changing media and communication technologies. Pawan Prakash Upreti relates how the private sector has always been ahead of the government in this regard and how it is usually difficult to convince non-technical bureaucrats at the MoIC of the impact that technology is having on the media landscape in Nepal and of the need for policy and regulatory reform.

Based on the distinction made between pluralism and diversity in this chapter, media regulation could also be classified as structural regulation and content regulation. Structural regulation should be concerned with ensuring that media ownership and control is not limited to a few individuals and groups and also with ensuring that there is a healthy mix of private, community and public service media players in the media landscape. The goal is to ensure that a few individuals and groups are not able to dominate opinion-making or ideology formation and hence are not able to dominate a certain media market. Likewise, by ensuring a healthy mix of types of owners, the goal is to ensure that the commercial interests of the private sector is balanced by the public service motives of the community and public service media. Likewise, the private sector can also balance government interest and bias that may creep into public sector

programming. Public sector media may not be under pressure to garner huge audience numbers to prop its advertisement drive and can therefore support content diversity by offering programming that may be of interest to minority groups.

Content diversity regulation will aim to ensure and promote diversity in the type of programming as well as a diversity of opinions and ideologies. To do so, it will need to have rules that promote information, entertainment, news and education within programming offered by media outlets. Likewise, it will need to have rules that make it binding upon media outlets to provide a balanced diversity in its political and social content, ensuring that there is a balance in the space and time it offers to differing political and social opinions and viewpoints. There are other content regulatory checks less concerned with diversity, like rules to limit portrayal of violent and sexual material or to protect children from unsuitable content. Rules concerned with ethics and unhealthy competition between media players are also of immense importance in ensuring both pluralism and diversity. This raises the very important question of monitoring of media content and this is a much neglected area, as outlined by almost all of the respondents. This leads us to an examination of select regulatory provisions in the media to assess how they might promote media development while also identifying existing gaps and need for reform. The next chapter discusses media's regulatory framework and steps for reform.

## 6. The media policy framework and steps for reform

One of the major conclusions drawn in chapter 5 from examining the rapid expansion of the media sector in Nepal is the immediate need for ‘enabling’ legislation. Discussions have moved around the need for media pluralism in addressing the complex diversities of Nepal while at the same time admitting a situation of policy chaos. Multiple mentions have been made in the chapters thus far of how policy and legislative reforms aimed at media development have not matched the speed at which politics, society and technology have changed. Taking into account these discussions and the need to address the second research question that this thesis aims to answer – ‘what is the situation of the media policy and regulatory framework in addressing and adjusting to this rapid expansion in the media sector?’ – this chapter constitutes a review of the media policy and regulation situation in Nepal. It is a result of an examination of legislation concerned with print publications, broadcasting, and working journalists; and a review of the recommendations made by the different commissions, committees and task forces constituted by various governments in the past. While this is not an exhaustive examination of the media policy and regulatory framework in Nepal, it looks at major legislations that have been described by respondents as being crucial in the development of the media sector. The focus has also narrowed down on legal provisions concerning ownership and investment in the media.

The rapid growth in the media industry in Nepal since the early 90s was not accompanied by an associated review, update and revision of related laws, policies, acts and programs. In 2008, an NGO - *Freedom Forum Nepal* - conducted a comprehensive review of the existing media and communication related laws, policies and Acts including constitutional provisions (Dahal, T & Acharya 2008). This study by Taranath Dahal and Bhimarjun Acharya, is among the few in-depth explorations and analysis of media related legislation in Nepal. It includes a review of recommendations and suggestions made by the various commissions and working groups constituted by recent governments with the aim of sectoral reform in the media. The study made comparisons of these instruments with internationally accepted standards, principles and best practices in the media. Based on these, the study came to the following conclusions (ibid, p. 105):

- The national media policy framework fails to meet internationally accepted standards;
- There is a lack of actual translation of constitutional provisions into practical laws, Acts and programs;

- There is a lack of clarity and understanding of media related policies;
- There is a lack of coordination between policies, Acts, laws and programs; and
- Due to a prolonged situation of constitutional transition and uncertainty, media policies, laws and Acts have not been reviewed and updated in the timely manner taking into account developments in technology or the recommendations made by the different commissions and working groups.

The above points, and the last point especially, point to how successive governments since 1990 have not been able to amend or update media regulation in accordance with the concomitant changes in the political, social, economic and technological environment. This lack of action occurred even while every successive government constituted some form of commission, working group or task force to review the media policy environment with the aim of improving it. Pawan Prakash Upreti, one of the participants in this research, mentions how the private sector has always been ahead of the government when it comes to identifying and pressing for new policy or regulation or for the review of existing legislation. One of the political leaders interviewed sees the growing trend for political parties to own or invest in the media as dangerous, mainly because there is the likelihood that the party in power could easily resort to financing such media through State resources. He fears that this may give rise to a nexus that will include business people as financiers, leading to compromise in the accuracy, balance, credibility and plurality of the media. Along with many others, he sees this as a primary reason for reform in legislation related to the media including the need for an independent media regulator.

### **6.1 The need for legislation: keeping up with developments**

Among the many factors that have transformed the media in the last two decades, technology remains at the forefront. Modern technologies have brought about rapid transformations in the media and communication industries. By reducing the barriers to entry, advances in technology have encouraged diversity providing people with more choices; however, digitization and converging technologies have also led to increasing concentration in ownership (Doyle 2002b, p. 1). Doyle (ibid) describes how media companies throughout the world are trying to remain at the forefront of what is rapidly becoming a transnational and more competitive marketplace. He explains how the forces of globalization and converging media platforms have led to mergers and alliances increasing the challenges for transnational regulation. There are considerable

socio-political and economic implications of these recent shifts requiring an examination of cross-media ownership and foreign investment policies, adds Doyle.

In the prevailing context in Nepal, media ownership and control has been identified by respondents in this research, as an area for reform, echoing other more general calls for reform (Dahal, T & Acharya 2008). As elsewhere (Doyle 2002b, p. 2), ownership, legislation and regulation of the media remain a hot political topic. Ownership has close relationships with power and policy. Regulatory reform plays an important role in ensuring a balance between such power and the public value role of the media (ibid). Because emergent circumstances provide increasing opportunities for the public to access more media and information, most developed western nations show flexibility towards media ownership regulations to allow existing industries to take advantage and consolidate their media platforms (Hitchens 2006, p. 3).

The logic for nations with advanced media systems and healthy media marketplaces is that existing regulations may only inhibit the possibility for more media services to be made available to the public. Nevertheless, the concentration of media ownership and its political influence and relationship to the public is under intense scrutiny in the West too (ibid). The ‘Report of the independent inquiry into the media and media regulation’<sup>34</sup> (Finkelstein 2012, p. 7), while reinforcing the importance and essentiality of a free press for a democratic society, acknowledges that it can cause harm to individuals and organizations if it is not publicly accountable for its performance. The report, in the same vein, stresses for both internal self-regulatory as well as external regulatory mechanisms to keep the press publicly accountable. Therefore, the report categorically maintains that a free press (or free speech) is not absolute and that despite all rationale, some regulation needs to be in place (ibid, p. 37). The report argues that, as there is bound to be contestation between private and public interests in a liberal democracy, the social benefits arising out of those interests might sometimes outweigh the benefits of free speech. Again, acknowledging that there are inherent problems within external and self-regulatory mechanisms that cannot be addressed through piecemeal measures, the report recommends the establishment of a new body – the News Media Council (ibid, p. 12). It recommends that this body be made responsible

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<sup>34</sup> This report is the result of an independent inquiry conducted by (The Hon) R. Finkelstein QC into the media and media regulation in Australia, and submitted to the Minister for Broadband, Communications and Digital Economy on 28<sup>th</sup> February 2012.



for the establishment of journalistic standards in consultation with the industry and for handling public complaints in the event that such standards are breached (ibid, p. 12).

Another significant inquiry into the role of the media was triggered by the phone hacking scandal in the UK commissioned by the government and dealing with concerns about the press. This inquiry (Leveson 2012, p. 1466) recommends the UK government and Ofcom (the media regulator in the UK) work with the media industry in developing a framework for measuring media plurality. Although the report acknowledges the high degree of difficulty in measuring plurality of the media, it makes the recommendation with two significant outputs in sight – diversity of views, and the prevention of excessive influence (ibid, p. 1465). Both these examples are included here to point to the fact that even countries with advanced democracies and professional media systems need periodic reform in media policy and regulatory frameworks to adjust to social, political, economic and technological developments.

Of these regulations and reforms, those concerned with ownership and control are often the most controversial. Hitchens (2006, p. 5) contends that regulation for media ownership and control has for a long time been controversial in the U.K., the U.S.A. and Australia, mainly because of doubts around its purpose, design and effectiveness. In these countries, it is also ownership and regulation's focus on broadcast media as opposed to print media that contributes partly to the controversy. Spectrum scarcity and the potential impact associated with broadcast media have often been put forth as justification for this regulatory bias (Hitchens 2006). The Finkelstein report (Finkelstein 2012, pp. 166-7) provides three primary reasons as to why the broadcast media (unlike the print media) are required to obtain a license and comply with regulations concerned with broadcast content. The first reason given is that the airwaves are a public resource and that the government is therefore entitled to license its use by broadcasters. The second reason relates to the spectrum scarcity although the report points out that for Australia, this will not continue to pose a major challenge with the advent of cable television and digital television. The third reason is attributed to the power of broadcast media to affect greater influence on public opinion, although the report does raise a question as to whether it is the print news media that is more instrumental when it comes to political opinion making.

With the emergence of online platforms for broadcasting as well as for print, the above arguments are again, not perfect. New outlets, platforms and technologies give rise to

questions about the adequacy of current regulations or, as to whether they are superfluous. As confirmed by most research respondents, the broadcasting frequency spectrum distribution has been very erratic and problematic in Nepal, especially in the major towns and cities. There is a call for a planned and scientific frequency spectrum allocation to ensure that the current situation of frequency overlap is resolved or improved upon. For the television media, there is the urgent need for legislation to address concerns around the legitimacy of current license distribution trends (discussed in chapter 5). There is also the need to address issues around the legality of cable distributors operating television channels, which as discussed in chapter 5, is still a policy-gray area.

For the print media, there are issues surrounding the barrier for entry into the sector, and respondents have described the need for the vetting of business plans or proposals before they are approved for operation. In all forms of the media, there are issues around the transparency of investment and investors. The question of cross-media ownership is being raised with increased regularity, as is foreign investment. The regulation of online content is a recent development that many respondents raise concern about. The adequacy of professional standards is another area of concern. Above all, everybody interviewed for this research agreed on the need for an independent authority to regulate, monitor and provide oversight for the sector. The only point of disagreement lay in whether this authority should monitor the media in its entirety or whether there should be a separate authority for regulating the broadcast media. These developments and more, make a strong case for media policy and regulatory framework reform in Nepal.

## **6.2 Media regulatory framework in Nepal**

As briefly mentioned in Chapter 5, the procedure for legislation in Nepal usually follows the following hierarchy – Constitution, Policy, Act, and Regulation. The constitution serves as the basic legal framework for the country. Constitutional provisions are translated into policies by the concerned ministry but with the involvement of the sector that it is concerned with. For example, a media policy would be developed with the MoIC taking leadership, but by involving the stakeholders of the media. The policy provides the guidance for the development of the Act or the legal document that becomes the law of the land. The Act becomes functional once both houses of the Nepali Parliament have endorsed it. Detailed procedures on how the

provisions within an Act may be understood and implemented are then constituted within the Regulation. The Regulation comes in to effect on the day that it has been approved by the Council of Ministers.

Constitution → Policy → Act → Regulation

In addition to drawing heavily on the review of the media regulatory framework in Nepal (Dahal, T & Acharya 2008) conducted by *Freedom Forum*, the following policy and regulatory instruments in Nepal are examined and reviewed in this chapter.

6.2.1 The Press and Publication Act 1991

6.2.2 The National Broadcasting Act 1993

6.2.3 The Long-term Policy of the Information and Communication Sector 2003

6.2.4 Report of the High Level Commission for Media Recommendation 2006

6.2.5 The National Media Policy (draft 2012)

6.2.6 The Working Journalists' Act 1995

6.2.7 The Code of Journalistic Ethics 2003

The following discussion of the regulatory instruments in Nepal is important to this thesis because it aims to point to significant shortcomings and gaps, important to understanding the role of media in Nepal, and its potential role, at this time of transition. The main focus here is on how provisions for media investment and ownership influence media development and in turn, media pluralism and democracy.

### **6.2.1 The Press and Publication Act 1991**

Despite no licensing requirements for operating a print media outlet, the barriers of entry are still unnecessarily high. Dahal and Acharya (2008, p. 46) contend that the long and cumbersome process required to register and publish a print publication for public consumption, is a legacy of the *Panchayat* era stranglehold on the press (as explained in chapters 1 and 2). There is the provision of an important role for a Press Registrar within the Act (Ministry of Information and Communication 1991) for regulating record-keeping and simplifying the current process of administrative approval. However, this post has never been filled. When *Freedom Forum* filed a writ seeking for this position to be filled as provisioned by law, the court responded by issuing an order for the Director General of the Department of Information, to

continue to cover that role himself, as had been the practice, rather than appointing a separate Press Regulator. Dahal and Acharya (2008) posit that such an arrangement proves impractical on two fronts – first, as the Director General has other responsibilities apart from the Press Registrar role, there is the likelihood for difficulties and delays in providing updated data and sound advice with regard to registration. Secondly, as the amended ‘Working Journalists Act – 1995’ (Ministry of Information and Communication 1995) has made provisions for additional responsibilities for the Press Registrar, the provisions made within the Press and Publication Act have now become outdated and redundant in certain ways.

If article 3.1 of the Press and Publication Act is interpreted in its current form, there are no restrictions for foreign investment in registering and operating a print media outlet. The Act states ‘any person with the interest in operating a press, can do so by lodging an application with the local officer by providing the required details within a stipulated format’ (Ministry of Information and Communication 1991, pp. 3,4,5). It does not state anywhere that such a person should be a Nepali national. This can be either understood as a highly liberal approach to investment, or it has been an oversight of those involved in preparing the Act. If understood as a highly liberal approach to foreign investment in the media, it does not clarify the volume (percentage) of foreign investment that should be allowed (Dahal, T & Acharya 2008, p. 44). In that light, it can be understood that there has not been sufficient forethought within the Act with regard to foreign investment; as a result, there is ambiguity in how it might be interpreted in its current form.

By contrast, in India, the law provides for up to 74% foreign investment in publications on science, literature and others of a special nature. Likewise, it allows for up to 24% investment in news and events based publications. Capital, technology and professional capacity without doubt have a bearing on the quality of media that can be offered for public consumption. Given the current economic situation of Nepal, there may not be enough capacity within the country to ensure these resources. Therefore, research respondents were of the opinion that foreign investment need not be ruled out absolutely. Rather, they see the need for a balanced approach in garnering foreign investment without putting editorial independence in jeopardy. Likewise, they also see the need for regulation to ensure that Nepali nationals are involved in managerial level decision-making.

### 6.2.2 The National Broadcasting Act 1993

Dahal and Acharya (2008, p. 49) assert that the ‘National Broadcasting Act 1993’ refers to broadcasting as including those activities that utilize wireless radio signal transmission and therefore fail to take into account communication services ushered in by modern technologies – namely, cable transmission including cable television and the Internet. As a result, there is a lack of clarity as to which laws govern these services. Clause 2(c) of the *Prashar Bharati* Act 1990 of India has included cable transmission within the definition for broadcasting and also has a separate ‘Cable Television Network Act 1995’ to govern and regulate cable services.

As with the Press and Publication Act, the National Broadcasting Act is not very clear about foreign investment. Clauses 5 and 6 outline very clearly that any person or organization willing to broadcast educational, entertainment or news programs within Nepal utilizing satellite, cable or any other communication medium or through FM broadcast technology, and who have submitted the requisite application in the requisite format, may be given approval for broadcast in the form of broadcast licenses. While this can be construed to mean that the Act is open to foreign investment in broadcasting, there is no further mention within any of the other clauses that provide principles or guidelines to govern foreign investment. Dahal and Acharya (2008, p. 50) recommend that a distinction should be made between commercial and public service broadcasting and that foreign investment be allowed in the commercial sector through associated flexibility in policy, regulation and law.

As per the current practice, the Government issues broadcasting licenses through the Ministry of Information and Communication. Dahal and Acharya (ibid) argue therefore that the Act is in opposition to the principles of freedom of expression, and the free flow of information. Likewise, they advocate for greater clarity in the definition of terms like ‘educational’, ‘entertainment’ and ‘news’ within the Act, which would otherwise leave room for ambiguity and arbitrariness in the decisions taken by the government. The clampdown on the media that ensued in 2005 after the royal coup d’état (Dixit, KM 2005), provides an example of how lack of clarity in legal provisions lead to ambiguous reading and imposition of autocratic means. The Nepali media lives with the fear of the state taking arbitrary steps at restraining the media or autocratic moves that may limit its independence and this fear stems from actual events in the past where the media’s independence and sovereignty have been

put to the test. A good majority of respondents expressed wariness at the prospect of government regulation, and the ambiguity of regulatory provisions or how they could be interpreted reinforces this fear.

A controversial clause (clause 8) within this Act, provides for the cancellation of the broadcasting licenses of those broadcasters who broadcast programs that are in contravention to this Act or a regulation developed in accordance with this Act. This clause stands in direct contradiction to the provisions made in clauses 12(2) and 13(1) of Nepal's 1990 constitution, which forbids the closing, capture or seizure of any mass media enterprise on the basis of the content it publishes or broadcasts. The Supreme Court ordered the repeal of this clause after a writ was filed against it in the Supreme Court (Dahal, T & Acharya 2008). However, as it stands, the clause is yet to be removed through the amendment to the Act. These are some relevant policy and legislation issues that are concerned with timely media reform in Nepal.

### **6.2.3 The Long-term Policy of the Information and Communication Sector 2003**

An examination of the 'Long-term Policy of the Information and Communication Sector 2059 (2003)' (Ministry of Information and Communication 2003), reveals the following in connection to provisions for investment in and ownership of media in Nepal. In relation to information flow and journalism (clause 2.19, section IV), there is the provision 'to give permission to any person, organization or company to operate a maximum of any two out of the following media enterprises: print publication, news agency, radio broadcasting and television broadcasting; and in so giving permission, to have a provision that only up to 40 percent of the total investment (of the first), may be invested in the second enterprise'. Likewise, clause 2.22 in the same section states that 'as sufficient investment is already being made in the print journalism sector in Nepal, to not accept any foreign investment for the development of print media'. This clause makes it clear that investment by Nepali nationals is enough to develop the print media sector and that foreign investment may not be required.

Clause 2.7 within section V (a) (Ministry of Information and Communication 2003, p. 12) states, 'in view of the convergence of information and communication technology, to render assistance in making clear policy and law on the ownership of governmental and non-governmental sector'. It is however clearly evident that this provision has not been implemented, as much of the confusion with regard to ownership exists because

of the lack of clear policy and laws to govern ownership. The long-term policy document makes a difference in the policy direction it provides with regard to foreign investment for print and broadcast media. It states that there is no requirement for foreign investment in the print media as the domestic sector in Nepal is capable of financing modern technology required for print publication. However, it makes provision for foreign investment not exceeding 25% (of the total) for the development of the broadcasting sector until the situation is improved.

#### **6.2.4 Report of the High Level Commission for Media Recommendation 2006**

After the political changes in 2006, the government formed a ‘High Level Media Commission for Media Recommendation’ with the objective of providing inputs for the formulation of a new media policy for Nepal. There was an acceptance in the media fraternity that the media sector in Nepal needed greater independence and freedom and this acceptance resulted partially from how the media had needed to overcome multiple challenges during the decade-long insurgency and during the difficult period after the 2005 royal takeover. There was also the acceptance that a new media policy and legislation was the right way forward and that this new media policy needed to ensure the Nepali citizens’ rights to be informed; and to protect the independence of the media responsible for providing such information (Adhikari, Radheshyam et al. 2006).

The report (ibid) submitted by this high-level commission, makes comprehensive recommendations for legal and policy reforms. A major recommendation is for the state media to be made independent from government and state control. On the topic of foreign investment, the report recommends limited foreign investment (up to 49%) in the press and communications sector at the national level. Interestingly, the report forbids foreign investment in any media at the regional (provincial) and local level. Arguing that foreign investment in the media should not be made unconditional, as is the situation for other industries, the report recommends for major shares to remain within the possession of Nepali nationals. It also recommends that Nepali nationals have strong and meaningful roles within editorial and management control in the media.

It can therefore be seen that although the high level commission recommends for up to 49% foreign investment in the media at the national level, it takes a conservative

approach for foreign investment in the media at the regional and local levels. This can be understood to result from the unitary nature of Nepal's national governance where most institutions of governance are centralized. It reflects a fear on the part of Kathmandu that foreign investment in the media may lead to foreign influence – political and cultural. It also probably reflects Kathmandu's lack of control of affairs in other parts of the country. This recommendation can also be perceived in terms of the understanding of the power of the media, its ability to easily influence and the need for some level of control. One of the politicians interviewed in this research tended to agree with the approach to disallow foreign investment in regional and local level media. This also reflects a fear among the political establishment that the media need to be kept under control, or at least to a certain degree.

This report of the high level commission refrains from recommending a total ban on foreign investment in the media. It rather takes an approach that allows for foreign investment that can be closely monitored and eventually phased out when Nepal is self-sufficient in investing in the media. Rather than placing total restriction on foreign investment in the media in Nepal and witnessing such investment through illegal channels, the report calls for an environment that promotes gradual and transparent foreign investment. This recommendation contradicts provisions made by the 'long term policy 2003' that does not allow any foreign investment in the print media and only up to 25% in the broadcast media. However, this recommendation has not yet been assimilated within media policy or implemented through the amendment of a regulation (Dahal, T & Acharya 2008, p. 87).

The report also recommends procedural reform in print media registration. As has been discussed in section 6.2.1, the current procedure for registering and operating print media enterprises is rather cumbersome. It requires aspirants to submit an application, get approval from, and be registered at the District Administration Office, which is the local arm of the Ministry of Home responsible mainly for maintaining law and order. The report calls for the registration process to be handled by the District Development Committee, which is an elected body responsible for development work at the district level. It also recommends that records related to print media registration are maintained by the Department of Information, and for the whole registration process to be completed within 3 days. It is silent about the role of



the Press Registrar that the Press and Publication Act outlines as being important in the process of print media registration, but which is non-existent in actual practice.

The report recommends an independent ‘broadcast authority’ be established and tasked with licensing, monitoring and regulating the broadcast media. It calls for the radio broadcasting sector to be classified on the basis of their service as commercial, community or public service provider and on the basis of their scope (coverage and reach) as national, regional and local and licenses to be distributed in accordance with the classification by making the process simple and transparent. The report also recommends that the television sector be classified on the basis of service provision as public service or commercial, and for licenses to reflect this. It also recommends that cable television distributors be allowed to produce and distribute their own television products with prior approval from the relevant authority.

It is quite evident that the recommendations made by the High Level Commission are practical and aimed at resolving a lot of ambiguities. The process of drawing up the report was also highly participatory involving inputs from key stakeholders. These might precisely be the reasons why a majority of the respondents called for the implementation of these recommendations in updating media policy for Nepal. Some respondents felt that the formation of yet another commission to review the media in Nepal would be a futile exercise. Rather, they contend that the recommendations made by past commissions should be taken on board and finalized for legislation. However, the media fraternity stress the need for this process of finalization to be led by the media and be completed with wide consultation with media stakeholders. So far, it is evident that not many of the recommendations have been transformed into legislation.

### **6.2.5 The National Media Policy (draft 2012)**

Various attempts have been made to strengthen Nepal’s media policy framework, especially after a regime or government change. Recommendations for policy reform have usually been progressive but implementation has always been weak. What is also clear from the above discussions is that with so many attempts at addressing policy reform, the whole media policy framework has become rather confusing. Most recommendations by past commissions, committees and task-forces have called for an updated media policy that will simplify, integrate and unify media laws. The latest

effort for such media policy reform has been the initiative led by the MoIC with the technical and financial support from the Japan International Cooperation Agency (JICA) to produce an updated media policy for Nepal.

The MoIC made public a policy draft (Ministry of Information and Communication 2012) on its website<sup>35</sup> in January 2012. However, there was widespread criticism and opposition to this draft by various stakeholders citing procedural flaws, ambiguity and bad timing as primary reasons. There is broad consensus on the need for a new media policy to address issues concerning media ownership, concentration and monopolies, including the need for transforming the state broadcast media into public service broadcasters. However, the media fraternity opines that the process needs to be led by the media bodies and involve all stakeholders.

The revision 0-3 of the draft policy (ibid) cites three primary reasons for the need for a new media policy. These are the historic political and social changes in Nepal especially beyond 2006; the chaotic, often obsolete and oppressive existing media policy and regulatory framework; and the advancement in technology. The draft claims it will promote independence of the media, freedom of expression and speech, right to information and create pathways for a free, fair and democratic media environment. It lists all areas and regulatory provisions of mass communication within its scope namely radio broadcasting (MW, SW, FM); Internet radio broadcasting; cable, terrestrial, satellite and IPTV television broadcasting; the printing press and publication; advertising; and cinema. It is divided into sections that include overall guiding principles, objectives and policies before moving on to sectoral policies for broadcasting, print media, advertising and cinema respectively.

The two primary objectives for the new media policy development have been stated as the transforming of *Radio Nepal* into a Public Service Broadcaster (PSB) and the reviewing of media policy, Acts, regulations and guidelines. Stated otherwise, these objectives are the outputs that this process aims to achieve. Ujwal Acharya (2012) is in agreement with both objectives of the media policy development exercise as being in the interest of the Nepali media sector. However, many in the media sector support his assertion that the exercise was badly timed and faulty by procedure. The reason given is that as the country is still in the process of developing a new constitution, a

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<sup>35</sup> <http://www.moic.gov.np/pdf/media-policy-eng.pdf>

lot of policy and regulation direction will depend on the provisions within the ‘yet to be developed’ constitution. Likewise, there is a lack of ownership for the policy draft because the consultation process was not led by the media sector. Acharya (ibid) also points to omissions and ambiguities as being another reason for the draft not being well received.

Despite its current status of controversy and limbo, it is relevant here to discuss what the draft media policy has to say, beginning with the issue of media investment and ownership. The following overall or broad policies have been outlined within the document (Ministry of Information and Communication 2012, pp. 4-7):

- to encourage healthy investment in the media sector, including limited foreign investment;
- to create appropriate mechanisms to limit ownership, media concentration and cross subsidies in the media sector in order to prohibit monopolies;
- to create appropriate mechanisms to limit foreign investment in the media sector to 49% at most;
- to allow 2-5 years’ transition period to the concerned party to comply with anti-monopoly and ownership limitation provisions; and
- to create mechanisms to ensure the financial transparency of media organizations.

These overall policies have been translated into sectoral policies for the broadcast, print, cinema and advertisement sectors. The following have been included as sectoral policies for broadcasting (2012, pp. 8-11):

- to limit ownership of any broadcaster, except the PSB, for the desirability of avoiding monopolies in control of news to only one state (or Province) of the (sic) Nepal;
- to formulate a general rule, except for PSB, to restrict only one broadcaster under one company, and a company cannot control the broadcasting company terrestrially more than 10% by voting rights and 1/5 on additional officer post; and
- to limit the investment and share holding ratio by any organizations or individuals interested in any broadcaster to 15% for maintaining its independence.

The most notable observation from the above policy statements is the regulation immunity intended for the proposed PSB as compared to other broadcasters. It might reflect the fact that this was a government-led process and might also be another reason for the non-acceptance of the draft by the media fraternity. It is also evident from the language used that there will be difficulty and ambiguity in interpreting meaning. While the overall policies are quite clear, an attempt was made to gain a better understanding of sectoral policies for broadcasting by comparing the English language version to the Nepali language version<sup>36</sup>. Upon examining the Nepali language version of the draft, the policy statement ‘to limit ownership of any broadcasters except PSB for the desirability of avoiding monopolies in control of news to only one state (or Province) of the (sic) Nepal’ can be understood to mean: ‘with the exception of the PSB, there shall be mechanisms in place to limit ownership among other broadcasters in a manner that there will not be a monopoly to control news within a certain state or province of Nepal’.

Likewise, the statement ‘to formulate a general rule, except for PSB, to restrict only one broadcaster under one company, and a company cannot control the broadcasting company terrestrially more than 10% by voting rights and 1/5 on additional officer post’ can be translated from the Nepali version as: ‘with the exception of the PSB, a general rule will be formulated to provision no more than one broadcaster within one company; and to limit the company control over the broadcaster by provisioning no more than 10% voting rights and the rights to appoint no more that one-fifth of officer level employees’.

Sectoral policies for the print media outline the need ‘to create a system of mandatory disclosure (sic) of newspapers to encourage the newspaper and publisher to disclose its income and outgo statements to the public each year, thus making fund raising and financial affairs transparent to the readers’. It can also be seen that investment and ownership policies call for more regulations for broadcasters as compared to the print media, and this follows international trends (Hitchens 2006, p. 5). Hitchens (ibid, p.6) however argues that within the debate for reform and regulation of the media and the increasing presence of media platforms and outlets triggered by technology, the traditional media (broadcasting and print) continue to remain a trusted source for public information and news. He adds that in the continual assessment of the need for

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<sup>36</sup> <http://www.moic.gov.np/pdf/media-policy-nep.pdf>

reform, the renewed need for strong and independent media should always remain central.

Media policy reform efforts in nations like Australia, U.K. and the U.S. have shown that while the print press has largely been left to the general law, it is the broadcast media that has been subject to specific sectoral regulation (Hitchens 2006, p. 7). Such an approach, argues Hitchens, has shifted the focus of media policy reform from its role in the democratic process to a skewed approach that lays more focus and importance on the differences in the treatment of press and broadcasting regulation.

While there are recommendations within the draft media policy aimed at limiting corporate and foreign investment in the media, there is not much mention of political investment and ownership (it has been discussed in chapter 5 how this has been seen by many in Nepal as highly problematic). Also, as can be seen, there is difficulty in developing a clear understanding of what the policies aim to convey, often leading to ambiguity. Sufficient exercises aimed at reforming media policy have been conducted, however, these need to be consolidated within one concrete overall media policy for the sector, and implemented. Poor implementation has meant that there is either the lack or weakness of institutions that are meant to monitor, regulate or govern the sector.

#### **6.2.6 The Working Journalists' Act 1995**

Examination of the Working Journalists Act 1995 (WJA) (Ministry of Information and Communication 1995) is included here in order to study provisions for ensuring professional rights of media workers and journalists. It was first introduced as a regulatory instrument for ensuring the legal rights of working journalists in 1995. The working journalists' regulation – meant to serve as a guideline to assist implementation of the Act - was put into effect in December 1996. However, as Dahal and Acharya (2008, p. 56) explain, there are various reasons why the Act was not actually implemented until 2007. These include procedural weaknesses with regard to initial research and assessment, lack of sufficient dialogue within concerned stakeholders and the lack of requisite infrastructure.

Organizations dedicated to the rights of journalists asked the government not to implement the Act citing incomplete provisions and other weaknesses. There was also a convergence of purpose between the management within media organizations that

were opposed to the implementation of the Act, and the government, who did not want to antagonize media owners and managers by enforcing it. Hence, it was only in 2007 that the Act was implemented, following the 2006 peoples' movement and a 2007 amendment to the Act. Likewise, the related regulation was also amended in 2009. As discussed in chapter 7, the *effectiveness* of the implementation of the WJA is as yet far from satisfactory. However, the implementation of the Act can nevertheless be seen as a big achievement for the media industry in Nepal.

Dahal and Acharya (ibid, p. 56) report that while the first amendment to the WJA and regulation has broadened the definition of a 'working journalist', it has also produced a more agreeable definition of media enterprises (*Sanchar Pratisthan* in Nepali). The earlier version defined a working journalist as a person working in any capacity for a print publication, while the revised version has broadened the definition of a working journalist as someone working for or within a media organization. So, in accordance to clause 2(d) on page 2 of the amended WJA, working journalists include those that engage with the media as their primary profession or service by working part-time or full-time within a media organization, for remuneration. Those that engage in the collection, production, editing and publication of news material; chief editors, editors, correspondent, stringers, news-readers, translators, web-designers, column writers, photo-journalists, press camerapersons, cartoonists, program producers or directors, visual and language editors are included within the amended definition for working journalists. Those with managerial and administrative responsibilities are not included within the working journalists category.

To distinguish between those engaged in journalism and other work within media enterprises, the WJA has also defined two separate categories as *karmachari* (employees) and *kamdari* (labor workers). Apart from those at senior level decision making positions, *karmacharis* constitute those that are engaged in managerial, administrative and technical functions. Here, the act creates an ambiguity as it lists technical functions within the *karmachari* category even while it lists web-designers or visual editors (which are technical functions) within the 'working journalist' category as well. Within the labor worker category, the WJA lists those that are engaged in labour work related with the production and distribution of media products.

A media enterprise or *sanchar pratisthan* has been defined within clause 2 (*kha*) in section 1 of the WJA (Ministry of Information and Communication 1995, p. 1) as ‘any public or private communication media or organization that has been established or registered in accordance with existing law, with the objective of operating a business or service related to communication media, and employing three or more working journalists, *karmachari* or *kamdar*.’ Dahal and Acharya (2008, p. 57) consider this definition of media enterprises as being a positive one as it brings working journalists, *karmachari* and *kamdar* working within public media enterprises within the fold of the WJA. Previously, they would be governed by the Act governing the respective government media enterprise like the Radio Act, Gorkhapatra Corporation Act and so on. So when it comes to working journalists, *karmachari* and *kamdar*, the 2007 amendment of the WJA brings all government, private, public, community and media enterprises under other ownership forms, within the jurisdiction of a single Act.

A research respondent, Binod Dhungel, who has many years of experience in the media sector in Nepal, made reference to ‘*Shramjivi Patrakar: Media Adhyayan Pradibedan 2067*’ or ‘Working Journalists: Media Study Report 2011’ (Committee for the fixation of minimum wages report 2011), a book that first came out in the form of a report of a study conducted and published by the ‘Committee for the fixation of minimum wages’. Although he admits that the data collection process was not very scientific, he contends that the report highlights the plight of the working conditions for journalists. It shows that most often, journalists work without an appointment letter, only on the basis of an identity card. Sometimes, they work in very risky situations without even an identity card. Their working conditions generally do not allow them the luxury of access to resource centres, libraries or data banks and very often they are required to work overtime without pay (*ibid*).

The WJA stipulates that the relationship between a media enterprise and a journalist becomes formalized when the enterprise presents the journalist with an appointment letter. Once this happens, the media enterprise is bound by the WJA to provide provisions and facilities outlined therein to the journalist. Dhungel asserts however, that these provisions are generally not fulfilled in actual practice. Journalists, on the other hand, adds Dhungel, are bound to carry on with their work as it is what they are passionate about and usually they lack the skills to get into any other work. Dhungel

gives his own experience as example when he admits that he worked for many media enterprises in the past 20 to 22 years, but may have had only 2 to 4 appointment letters with contracts. He mentions that in earlier years, most journalists were not even aware of such a right for journalists but he agrees that times are changing now and there is growing awareness amongst journalists.

The 'Media Studies: Working Journalists Report' (2011) reveals how about 45% of working journalists were working without an appointment letter or contract at the time. Likewise, about 37% mentioned that they were not receiving even the minimum wages prescribed by the 'Committee for fixation of minimum wages'. While 32% lamented that they were not being paid in accordance with the amounts stipulated within their contract, 14% of working journalists surveyed had not received their salary for over two months. Even as the WJA mandates that 85% of those working within media enterprises need to be employed on a permanent basis, this was true in only 21% of cases, with the rest being employed through contracts or as temporary employees. Of those employed on temporary or contractual basis, 77% were found to be working full-time, 6% were engaged on a part-time basis and 17% were operating as stringers. Likewise, 36% of media enterprises did not have provisions for leave. Almost half (48%) of media enterprises had not implemented provisions made by the WJA with relation to annual salary increment, establishment of a welfare fund, provident fund, treatment allowances, insurance, gratuity, festival bonus, over-time work allowance and other benefits. Quite surprisingly, the report goes on to reveal that data collected from the management side also showed similar results.

Dhungel mentions that because the WJA was developed as early as 1995 and although the first amendment was made in 2007, there are a lot of problems in the Act. He mentions that as most media owners are either not aware of or do not assign importance to journalistic or business ethics, they do not abide by the requirements of the WJA. As an example he cites how, despite financial statements of the majority of media enterprises showing losses, the lifestyles of their owners are seen to have improved. Under circumstances of continual loss, most businesses would close down, but media enterprises have continued despite losses, he observes. The probable reason for showing losses, argues Dhungel, might be because media owners do not wish to pay regular salaries, bonuses and other facilities prescribed in the WJA. He blames the lack of transparency in investment as a root cause for this problem. If investments



were made transparent, then profit and loss statements would be more transparent and employees would have a better chance of being issued appointment letters with contracts, being paid on time and in accordance with the minimum salary scale, and benefits outlined by the Committee for the fixation of minimum wages.

The media study report (Committee for the fixation of minimum wages report 2011) laments that even esteemed and influential national level media enterprises failed to provide the basic provisions as outlined in the WJA. The report takes this situation to represent an example of lack of respect for laws and exploitation of labor. This reveals a lack of adequate business planning prior to the establishment of media enterprises; weak management capacity; a lack of institutional development practices; and legal complexities. Above all, this situation points towards an increasing disregard and disrespect for labor and existing laws, the report asserts.

However, despite the sad state of affairs generally, the report also points to progress being made. A few media enterprises were observed to provide all the services and benefits prescribed by the WJA, while others claimed they were in the process of implementing the requirements. While there are signs of institutional reform, there is also the awareness among many in the sector around the importance of implementing legal requirements. There is also a sense of understanding and consensus among stakeholders in the media around policy reforms and for the amendment of legal provisions identified as being impractical. Likewise, on a positive note, there has been an increase in government intent and commitment for implementation of legal and regulatory provisions, the report adds.

The 'Committee for the fixation of minimum wages' has also made a recommendation to the government for a system whereby compliance to legal and regulatory requirements be made a pre-condition for media enterprises receiving government support and benefits (2011, pp. preface - ga). This would serve as a means of encouraging media enterprises to take legal provisions seriously. As a first step in this direction, the committee recommends that all media enterprises that fall within the jurisdiction of the WJA, begin by providing appointment letters and by paying salaries in accordance with the revised minimum wages as prescribed by the committee.

Likewise, the Committee recommends that all media enterprises identified by the Committee as representing national or central level media, immediately begin implementing all requirements (including those concerned with mandatory appointment letter and minimum wages) in accordance with prescribed standards. The report affirms that only when the recommendations put forth by the committee are implemented will there be an improvement in the situation of the working journalist, *karmachari* and *kaamdaar*. This discussion reveals how the amendment to the Act in 2007 has clarified previous ambiguities to some extent by making clear definitions of related entities. However, it also reveals how there is still ample room for improvement and how the implementation side of things is far from ideal. Only then would the media sector be in a position to experience the benefits of justice and rule of law and move towards institutional and professional development.

#### **6.2.7 The Code of Journalistic Ethics 2003 (amended and revised 2008)**

Both the Leveson (2012) and Finkelstein (2012) inquiries into the media recommend the Code of Journalistic Ethics as a crucial mechanism for self-regulation by the media. Accordingly, the Code of Journalistic Ethics 2003 (Press Council Nepal 2003) has been examined to understand its essence and implications for self-regulation of the media in Nepal. The Code of Journalistic Ethics was revised in 2008 to cover all forms of the press (media) and to make adjustments in accordance with international practice and norms. It now applies to ‘all news media operating within Nepal and to all journalists engaged in their calling within Nepal’ (ibid, p. 18). Within its preamble, the following have been cited as its basic objectives (ibid, p. 17):

1. Safeguarding the freedoms and rights guaranteed by the Interim Constitution of Nepal, 2007;
2. Making the people well informed;
3. Rendering the mass media and journalists more responsive towards the nation and society, and avoiding any misuses of the same; and
4. Protection of the freedom of the press by means of making the news media and journalists responsible and professional for the sake of developing healthy journalism.

The Journalistic Code of Ethics (ibid, pp. 19, 20) lists the following as the primary duties of journalists and media enterprises:

1. Protection and promotion of press freedom;
2. Respect for humanitarianism, human rights and international relations;
3. Safeguard and enforcement of the right to information;
4. Imparting true and factual information;
5. Editorial freedom and accountability;
6. Respect for right to privacy;
7. Professionalism of a high order;
8. Decent behaviour;
9. Readiness to rectify errors;
10. Social responsibility; and
11. Respect mutual (enterprise – journalist) relations.

Likewise, the Code of Journalistic Ethics also enlists what media enterprises and journalists should not do (ibid, pp. 21, 2, 3, 4, 5):

1. Not undermine national integrity;
2. Not adversely affect social justice or good-will;
3. Not disclose confidential sources of news;
4. Not use news material for fulfillment of personal interests;
5. No discrimination;
6. Do not penalize the victims;
7. Non-disclosure (without consciously given consent);
8. Not encourage violence, terrorism and crime;
9. Not publish or broadcast scenes of nudity or pictures in a manner that spreads hatred, fear and provocation;
10. Not mention the name of a person not related to the event;
11. Not distort facts;
12. Not present advertisement as news;
13. Not re-use without citing the source; and

14. Relations with news sources (keeping relationships within professional norms).

The *Code of Journalistic Ethics* provides a complaints procedure in the event that any of the codes enlisted above are found to be breached. It also includes a provision on decision and enforcement procedure to ensure that action can be taken should it be seen that the code of ethics have been breached. While the duties and limitations for journalists and media enterprises have been clearly spelt out, the section on complaint handling and penal action that will be taken can be construed to be weak. As an example, not much has been said with regard to defamation and libel and what the penalty for such an offence may be if proven. Satish Kharel – a legal expert who runs an organization called FREEDEAL engaged in providing legal services and products to its clients – was among those interviewed as part of this research. He shared as examples, several instances where journalists and media enterprises were penalized Nepali Rupees 500 or less (equivalent to about USD 5) for cases of serious defamation or blackmail. It is clear that such penal measures will not be able to deter journalists and media enterprises from engaging in activities that can be construed as a breach of the journalistic code of ethics. He is also of the opinion that the Press Council Nepal is too limited by mandate to ensure compliance to the code of ethics, especially in the television broadcasting sector. That is another area where the need for an independent media authority comes up – for the independent and effective handling of complaints and ensuring that journalists and media enterprises do not misuse the power of the media to harm or malign individuals, groups or institutions.

### 6.3 Conclusion

A nation's constitution forms the fundamental legal document from which all legislations are sourced. Since 2007 Nepal has been making use of an Interim Constitution for this purpose. As the term 'Interim' in the Interim Constitution of Nepal suggests, it was designed to serve its purpose until a new Constitution was drafted by an elected CA. The original CA tenure was two years with the provision of an extension of up to one year, but there was an actual extension of two years with repeated amendments to the Interim Constitution. In the absence of a new Constitution and citing the doctrine of necessity, the Interim Constitution has been extended to serve as the fundamental law for Nepal till this date. While on the one hand, the Interim Constitution does not provide the geographical borders of provinces within federal Nepal, its very legitimacy has not gone unchallenged (Ghimire 2010). What can be

understood here is that there is not enough basis currently for policy reform in any sector, let alone the media.

The Interim Constitution guarantees liberal freedoms for the press including the freedom of expression and speech, as well as the rights of the people on matters of public concern. However, as discussed it does not provide the answer as to whether media policy will fall under the aegis of the central or provincial government in federal Nepal. This will only become clear when the new Constitution clarifies the basis of federation in Nepal, and whether media policy remains a central or provincial responsibility. However, it raises questions about how long a nation can wait to address policy reforms that in themselves can be seen as central to the reforms currently in progress. This is a dilemma that Nepal currently faces as has been seen from the unfriendly response that the media policy draft 2012 received. As has been discussed in this and previous chapters, democracy, civil society strengthening and the capacity of media to serve public interest are all closely linked with the media regulatory framework and its timely revision and reform. Without these important areas addressed through policy reform, participation of marginalized populations cannot be guaranteed, and there is a serious risk that not all will have a voice, not all voices will be heard, and public deliberation in public policy formation will remain a concept rather than actual practice.

In the western context of multiple platforms for content delivery, content abundance and increased consumer control over access, questions are being raised as to whether government policy interventions in media markets are needed at all (Goodman 2007, p. 363). This raises two contrasting questions, also valid for the Nepali context, that need to be looked into before making policy decisions. These are:

1. How else will policy goals linked to diversity and localism be addressed? In other words, how will public access to diversity including 'local' and non-commercial content be guaranteed?
2. How well will media markets adapt to and function in responding to the needs for diversity and localism?

The conclusion that was drawn in chapter 5 in the context of Nepal was that mere presence of an array of media providers or a range of content was not enough to guarantee the policy goals of diversity and localism in the true sense. The degree of

consumer exposure to differing views, opinions and voices was discussed as being more important. Ellen Goodman (2007, p. 364) reinforces this concept by stating how it is important for consumers to be exposed to a variety of content, even if they do not demand the same, for a robust and thriving democracy.

This review along with research data from this study points to a number of conclusions that can be drawn in this chapter:

- The media policy framework as it stands is confusing and leaves a lot of room for ambiguity and ambiguous interpretation of provisions. The use of language is often misleading or unclear and therefore, policies, Acts and regulations need to be reviewed to address all ambiguities.
- At other times, the media policy framework is also found to be redundant or inadequate in taking into consideration recent changes. The lack of a clear regulatory mechanism for the licensing of television broadcasting – terrestrial, satellite and cable – serves as a good example.
- Investment and ownership policies are not clear especially with regard to foreign investment in the media. Subsequent recommendations by committees and commissions have added to the confusion even if they are well meaning. A clear set of regulations needs to be drawn up ensuring that the protocol for legislation is complied with. Also, mechanisms need to be established to ensure the transparency of investment and for preventing media concentration and monopoly through ownership.
- There is a very strong voice that efforts at media reform be made transparent and participatory, without which there could be a lack of ownership of the reform process as well as the product;
- There is a growing voice for the establishment of a mechanism that makes it a mandatory condition for those aspiring to enter the media industry to produce a sound business plan. Such business plans need to be reviewed to assess their feasibility in terms of technical, financial, social and sectoral strength. The vetting needs to ensure that the knowledge of broadcasting and publishing technicalities are understood and accounted for; that the plan is financially viable and foresees avenues for expenses and revenue within stable operating environments; that they understand social responsibilities of the media in addressing concerns related to

inclusion, pluralism, diversity in content and staffing and general public good; and provide a sectoral understanding of media and journalism standards and codes of ethics and the importance of complying with normative and legal requirements.

- It is critical that commitment to the provisions within the Working Journalists' Act (WJA) be made a mandatory condition for entry into the media sector. There is also the need to increase awareness about the WJA among media owners and workers. As a first step, it is recommended that while central level media and large regional media be made to mandatorily comply with all requirements in the WJA; local and small media enterprises be made to start issuing appointment letters and contracts and pay salaries as prescribed by the 'Committee for fixing minimum wages'.
- While the above steps will raise the barrier of entry for new aspirants wishing to enter the media sector, it will act as a solid step in ensuring quality journalism and professionalism. Apart from the above, there is the demand and need for lowering other barriers of entry, especially those that exist for registering print media in local regions.
- An important conclusion that can be drawn is the demand and need for an independent media authority with the mandate and resources to carry out effectively the following tasks:
  - 1) Devising professional standards for the media in consultation with stakeholders;
  - 2) Monitoring content broadcast or published to ensure that professional standards including the Journalistic Code of Ethics are complied with;
  - 3) Monitoring to ensure that that other requirements prescribed by the Journalistic Code of Ethics, the Working Journalists Act and other legal and professional standards are complied with;
  - 4) Devising a sound mechanism for handling complaints and taking action where necessary; and
  - 5) Issuing broadcast licenses and press permits.
- There is divided opinion as to whether a single media authority should carry out all of the above functions for the entire media industry or whether a separate broadcasting authority should provide oversight for the broadcast industry. Those that agreed that the two should be separated also thought that a strengthened Press

Council Nepal could be entrusted the task of providing oversight for the print media sector.

- It was expressed that internal mechanisms for monitoring of adherence to or compliance with professional standards and codes of ethics need to be developed and practiced to build a culture of self-regulation. There also needs to be more awareness about the codes of ethics and other professional standards for the media. This might be an important direction to head in as most media owners, practitioners and journalists were seen to be averse to increased external regulation. This fear for external regulation, especially if the regulator belongs to the state or can be influenced by the state, stems from past experiences where the media have been stifled, gagged or made less effective.
- There was strong agreement that the state media need to be made independent from state control and influence and that transforming them into public service broadcasters (PSB) adopting PSB models from other Asian or European countries was a good step in that direction.
- The classification of the media – especially the broadcasting media – into commercial, community or public service categories has been raised as a strong and critical step at reform.

There is a need to review the procedure for the handling of complaints against the media as outlined in the *Code of Journalistic Ethics*; as well as strengthening punitive measures for breaches of ethics. Only then will journalists and media enterprises be made more responsible and compliant to legal and professional standards. The procedures for punitive action in the event of a breach of ethics need to be made proportional to the severity of offence, especially for cases of libel and defamation. While it will take time for the formation of a media authority or an equivalent independent body, the mandate of the Press Council Nepal needs buttressing to ensure that it has the authority and resources to take action.



## 7. The media as a public good: challenges and options

The media in Nepal stand at a major crossroads in their claim to being the fourth estate. Their positive role during major socio-political transformations in Nepal remains uncontested. The sector is expanding as one of the major areas for investment and employment and gaining respectability as a profession. However, numerous challenges lie in the way of transforming the media in Nepal to a competitive and professional arena. Journalism continues to remain one of the most dangerous and unsafe professions. Despite gradually improving legal provisions for the safeguard of the media and its employees, there is still a lot to be done in terms of an enabling legal environment, professional values and on-going practices (Committee for the fixation of minimum wages report 2011).

This chapter discusses these challenges by analysing primary data from research interviews and the focus group discussion, data from two media managers' workshops and the reports from 5 other similar workshops<sup>37</sup>. This chapter also draws on a review of a set of purposively selected newspaper articles published in the print media in Nepal after 2010. Authored by eminent academics, media critics or media-persons themselves, these have been selected from an online portal that archives articles on the situation of media in Nepal<sup>38</sup>.

The chapter has been divided into two main sections. The first section deals specifically with the challenges for the media in Nepal. The second section examines the possible trialling of public service broadcasting in Nepal. For this, respondents' views with regard to public service broadcasting are examined against the BBC's working model as a public service broadcaster, including an assessment of the significance of BBC's 'public value' approach in the context of Nepal. The model Public Service Broadcasting Act drafted by *Freedom Forum* has been examined in comparison to respondents' views and the current situation in Nepal.

### 7.1 The challenges

“For a society whose members do not generally show reaction and where silence is the tradition, how may we ascertain how much of the opinions expressed within newspapers are public opinion and how much are those of the newspaper?” – VinayaKasajoo

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<sup>37</sup> A series of 6 workshops had been organized by Equal Access (a communication for development organization working in Nepal) in 2011 with the participation of approximately 40 media owners and managers in each workshop. These workshops provided a source for secondary data as they focused on the topic '*media operation and management: existing challenges and the search for ways to resolve them – a consultative program*'.

<sup>38</sup> <http://www.nepalresearch.com/media/>

The media's claim to its status as the fourth estate in a democracy can only be realized through its role as a watchdog ensuring that the other three organs responsible for the good health of the state, the executive, legislative and judiciary, do their job well (Coronel 2002). A democracy functions on the basis of peoples' votes and peoples' votes are best utilized when they are able to make informed decisions (Deane, J 2007). How informed decisions can happen when there is deliberation has been discussed at length in chapter 3. Participation and deliberation are essential characteristics that promote civic engagement within a functional democracy (Dahlgren 2002). It is therefore imperative that journalists embrace and adhere to the principles, values and code of ethics of journalism and remain true to their role as informants of society (Christians 2009).

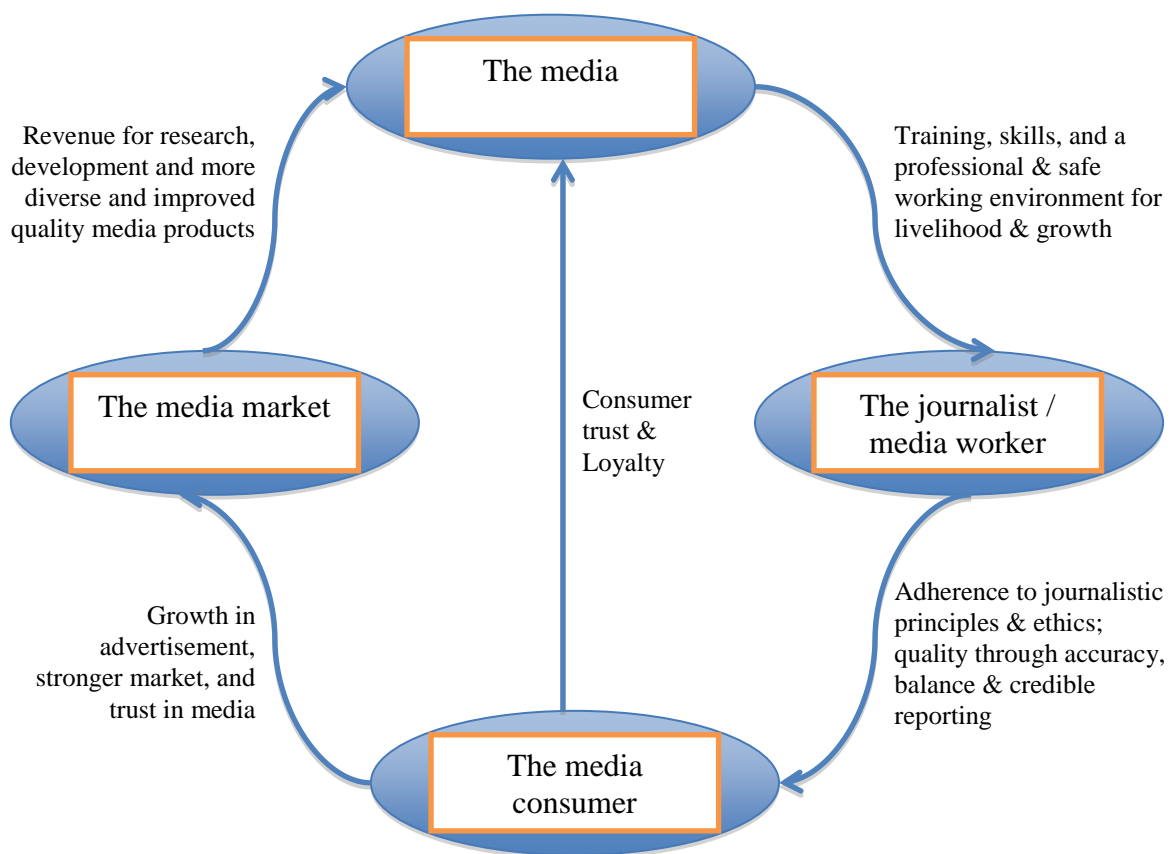
In his personal blog<sup>39</sup>, Vinaya Kasajoo raises an important and interesting debate on professionalism within the Nepali media. 'Professional development of the media' has always been the central slogan for every new FNJ executive committee. Likewise, the primary objective of most media institutions like the 'Press Institute of Nepal' has been to promote professional journalism. Although different people at different times and contexts understand and use the word differently, Kasajoo asserts that professionalism within media and journalism circles should be understood as the adherence of popular principles, values and code of ethics by players within the sector. Again, in the course of the research interview with him, Kasajoo talks about how the media have become 'undisciplined' after the political changes since 2006. He adds that the press have not complied with press laws and press ethics in recent times and that a lot of journalists may not even be aware of press laws and ethics. Echoing Kasajoo's fears, this study has found that while there are external threats in the general environment of lawlessness and impunity in Nepal, weaknesses in reporting and adherence to journalistic codes and ethics by journalists and reporters are a major reason for the situation of growing insecurity in the media.

Kasajoo asserts that professional journalism has its roots in western democracies and has evolved over a long period of time. With profit being the primary motive of their commercial media, these nations have strong laws including high financial penalties for libel and defamation. However, for most developing nations like Nepal, the primary objective for the establishment of media has been social, religious or political as

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<sup>39</sup> [www.kasajoo.com/fea\\_art\\_n\\_nepali\\_patrakarita.php](http://www.kasajoo.com/fea_art_n_nepali_patrakarita.php)

opposed to commercial profit making. As the objective of the media in Nepal in the pre-90s era was to either support or oppose the system, it was not possible for them to be professional as understood in the western context, adds Kasajoo. It was only after the advent of multiparty democracy in 1990 that professional journalism made its entry into the Nepali media landscape. Most research respondents have reaffirmed this fact and they maintain that rapid globalisation, liberal constitutional provisions and advancing media technologies have given rise to glossy-paged, advert-filled and attractively presented newspapers and magazines. However, they call for closer attention to the kind of agenda these outlets are setting for their readers and the nation, by making a distinction between crass commercialisation and professionalism.



**Fig. 7.1** *An ideal media development model*

Based on the literature review, discussions and suggestions emanating from this research, the above figure presents a very basic ideal media development model for Nepal. Although the development of the media is much more complex in reality than what has been presented in this very simplified model, the model does present a case of how the different stakeholders or interest groups could relate to and contribute to the

overall development of the media sector. The model has also not included all of those listed below who were identified at the media managers' workshops as key stakeholders of the media in Nepal (apart from the obvious media consumers):

1. Media owners and management;
2. Journalists and media-workers;
3. Umbrella organizations and other representative media bodies;
4. NGOs and other organizations that support the media; and
5. The state and the government.

The above model can serve as a model for examining the challenges facing the Nepali media in allowing consideration of this important question:

‘What are the challenges for the media that restrain Nepali journalists from performing their duties adhering to the established norms, principles and ethical standards of journalism in Nepal and worldwide?’

This will be discussed at length in the following section taking into account the roles of different stakeholders in addressing these challenges.

### **7.1.1 Business acumen among media owners and management**

At the forefront of the challenges faced by media owners and those in governance (for example boards of directors), lies a lack of knowledge about the media industry. Investment in the media has become a fad according to most research respondents. Respondents consider that in the absence of a regulated business environment, market and viable investment opportunities, people tend to follow what is commonly perceived as being successful at the time – comparable to what has generally come to be known as a ‘herd mentality’.

This was the case for the carpet and garment industries in Nepal in the late 1980s and 1990s and the real estate business in the late 1990s until late 2000s. The majority of investors who chose these businesses made the choice not because they had knowledge of or a background in any of these businesses, but because these businesses were seen as ‘doing well’ at the time (Giri, J 2004). As is often the case, the few with knowledge of the business or with sound business acumen did well.

Many who entered the field merely following the trend lost their investments, as the market had the capacity to accommodate only until a certain limit.

In both the garment and carpet industries in Nepal, the market was either European or American with high quality benchmarks and expectations for the condition of the workforce engaged in production. Those that invested without sound knowledge of the requirements and high standards set by their clients soon went out of business. Even those that passed that test, needed to compete with many in the market – some experienced and established in the business for many years (Wanczura 2010).

Investment in the media has followed a similar pattern. Those investing in the media seem rarely to conduct an assessment of the media situation in their locality or region to gain an understanding of the feasibility for more media outlets to operate and survive in a limited market. The concept of a business plan or financial forecasts is generally overshadowed by the excitement of investing and owning a stake in a media outlet, or as has been discussed in previous chapters, for political or status reasons. While most investors are aware of and concerned with the initial capital investment required, they appear either unaware of or tend to ignore the type of operating costs that will be needed to run a media outlet and sustain it in the long run. There is also a lack of foresight into what sort of one-time and on-going revenue streams may be available for raising regular operating costs. The decision to invest, in that sense, not driven by well developed business planning.

At one of the regional media managers' workshops, a representative from a FM radio station in eastern Nepal narrated how they started with about 20 staff but have now come to operating with only 3 because they are unable to sustain salaries, as the market is small and competitive. This has come up many times through the research and represents what seems to be a typical case of understanding investment as the capital costs without taking into account operating costs and how that will be raised.

Investment in the media has also resulted from a sense of competition as expressed in each of the five regional media managers' workshops. Competition was described as being manifest at three levels – among individuals, among business groups and among political parties. While this is true for Kathmandu and the capital valley towns, it is even more prevalent in towns and districts outside of Kathmandu valley. What can be understood is that these are more egotist rather than business investments.

Reference can be drawn here to discussions around investment and ownership conducted in chapter 5. Here the discussion focuses on the apparent lack of business understanding among most investors.

### **7.1.2 Investment opportunities, trends and the stock market**

This trend to follow the herd when it comes to making business investment arises from a lack of investment environment and opportunities (Giri, J 2004). The Nepali market opened up to fiscal reform, free trade and competition in 1993 with the initiation of capital market reform and trade liberalization. In April 2004, Nepal was the first least developed country (LDC) to gain membership at the World Trade Organization (WTO) after 1995 through the accession process (Adhikari, Ratnakar & Dahal 2007; Evenett & Braga 2005). However, a lack of reliable and cheap transport, telecommunication and power networks have resulted in unequal geographical connectivity to domestic and international markets. Local institutions and civil servants have generally not been made accountable for inclusive distribution of public resources to those marginalised by caste, ethnicity and gender. A culture of entrepreneurship and understanding of market dynamics has yet to penetrate the Nepali investment sector (Bhawuk & Udas 1996).

A decade of conflict and political instability meant that Nepal has had the lowest growth rates in the last decade among all South Asian nations (Devarajan & Nabi 2006, p. 3573). Civil conflict and bad governance have together been responsible for an unattractive investment environment, for both domestic and international investors. Much of the public sector domestic investment has been expended on military purposes in the last one and a half decades – a large part for militarisation during the conflict years and the remaining for disarmament, reintegration and rehabilitation in the post-conflict era. Private investment was also largely deterred by the lack of encouraging public sector investment (Devarajan & Nabi 2006, p. 3578).

Nepal Stock Exchange Ltd. (known more popularly by its abbreviated form – NEPSE), the only stock exchange in Nepal, came into existence in its current form in 1993 as part of the government's capital market reform initiatives. Although it opened its trading floor in January 1994, NEPSE introduced fully automated screen-based trading only in August 2007. Adopting the principles of an order driven market, NEPSE facilitates trading in shares, debentures, mutual funds and government bonds.

According to the NEPSE website (<http://www.nepalstock.com/listedcompany.php>), as of May 2013, it had 336 instruments listed for trading with the majority being finance companies and commercial and development banks. In terms of numbers, these were distantly followed by insurance companies, manufacturing and processing firms and government bonds. Hydropower companies, hotels, trading firms and mutual funds made up the rest. All of the centralised trading activities take place in Kathmandu although companies from outside of Kathmandu are also listed. There are no media companies listed or trading public shares on NEPSE and hence, there are no media companies open for public investment.

The argument being made here is that investment in the media is still done through informal channels – generally within closed circles of friends, families and political associates. That no media organizations are listed on the stock exchange for public trading explains the lack of urgency to open up investment in the media to the public. For most investors, the current trend of investing within confined circles means that they are not required to disclose details of investors or feel obliged to show transparency in investment. However, this kind of investment mechanism leads to practice that is against the principles of free and open media, as the interests of investors often overshadow the importance of media ethics and neutrality considered important for democracy. Research participants in this study considered that many of the main challenges facing the Nepali media emanate from this lack of transparency in investment and the overbearing interests and interference of investors.

### **7.1.3 Media management, journalists and ethics**

Journalists may not always make the best managers. However, in most cases, administrative management was generally found to be handled by editors and station managers who doubled up as journalists. Financial management and transparency was also reported as being poor. A station manager from a radio station in the Dang district in mid-western Nepal contends that annual financial audits are conducted merely as a formality as something being legally necessary.

FGD participants, all former FM radio station workers, mentioned that they were generally unaware of board membership and board decisions. A majority of the FGD participants mentioned that the board of directors – especially the chairperson, were responsible for putting pressure on the management in matters relating to staff

recruitment, prioritising issues for news and for promoting political interference in daily business. Transparency with regard to board composition and decisions taken was also described as lacking at the regional media managers' workshops. Participants at the workshop traced a direct correlation between the credibility and trust for a media outlet with the credibility and trust of its investors, promoters and board of directors.

Research respondents and participants at the regional media managers' workshops agree that most of the smaller media outlets depend primarily on advertisement as opposed to product circulation and sales for revenue generation. This has created a culture and practice of dependency for both finances and content. It has promoted an environment that dissuades creativity, quality and competitiveness but promotes a 'business as usual' attitude. This explains why most of the FM radio stations have had to reduce staff and operate with bare minimum resources. It also explains why most of the media outlets are unable to provide their staff with an appointment contract, pay them on time, and provide them with working conditions and facilities that have been outlined and recommended by the Working Journalists' Act.

Most interview respondents and participants at the regional media managers' workshop talked about the lack of enabling working environment within media outlets, which they explained was primarily due to the lack of a working contract that outlined the scope of work and terms of engagement for an employee. From observing the list of participants at the regional media managers' workshop, it was evident that while there were media owners participating, most were managers (employees). While the absence of a contract meant that employees generally felt insecure and vulnerable, it also meant there was a dearth of understanding between employer and employee around the nature and scope of work, duration of engagement, working hours, salaries and payment schedules; and benefits like provident fund, retirement fund, leave of absences (paid or unpaid), sick leave, maternity leave or other provisions.

Interview respondents and regional media managers' workshop participants also explained a lack of delegation of authority due to a situation of centralisation of power and authority by upper management. They lamented that staff meetings with owners and management were very rare and that there was a lack of internal policies to guide management around recruitment and human resource planning. As a result,



organizations were unable to hire skilled managers, editors and finance and marketing personnel, or even have a scheme for volunteers, trainees, internships or apprenticeships. Moreover, systemic performance evaluations and assessments and promotions based on such evaluations were very rarely practiced. There was agreement among most respondents and workshop participants, that public policies (external) and organizational policies (internal) were essential for ensuring security at three levels – economic, social and physical. Training and capacity development for employees and those in management was also raised as a major concern.

Owners or those that represent senior management cite financial weakness for their inability to hire and pay salaries for competent people in the areas of senior management, finance and administration, advertising and marketing, creative media production and editing, and technical human resources. As a result, they describe situations necessitating a single person doing multiple roles, usually without the required skills. This leads to a lack of motivation and a situation of dependency, as when one person leaves, it creates a vacuum. Above all, this leads to a practice of creating output for public consumption with bare minimum of inputs in the form of adequate human and other resources – leading to low quality media products.

While the Working Journalist Act (WJA) is meant to serve as the legal basis for the institutionalisation of human resource management within media organizations, weaknesses within the act and in the translation of the act into implementation are seen as primary reasons for the rather poor economic, social and security situation of working journalists in Nepal. The provisions and weaknesses within the WJA and how they are being implemented or understood within media circles, has been discussed in chapter 6.

Research respondents agreed that it was important for journalists, reporters and media workers generally, to develop self-capacity and become aware of their rights and responsibilities. Respondents contend that by knowing what is stipulated in the WJA, media workers would be aware of whether they were being exploited. With such awareness, there would finally arrive a situation where media workers could refuse to work under conditions that are not satisfactory. Apart from any training that may be provided by the media enterprise they work for or other organizations conducting media training, there is the need for a good understanding among media workers of the code for journalistic ethics, the legal consequences related to libel and defamation

and conflict sensitive journalism. Research respondents argue that public good should be central to the work of media workers rather than filling the coffers of the owners. For this to happen, workshop participants at the media managers workshops proposed a list of recommendations for media managers and media workers to follow:

- Avoid partisan politics;
- Adhere to applicable codes of conduct and ethics;
- Give priority to investigative reporting;
- Maintain inclusion and representation at the core of journalistic reporting;
- Promote factual reporting as opposed to sensationalism in reporting;
- Prioritise local issues and content;
- Provide job security for media workers; and
- Maintain loyalty towards the employing media enterprise.

While most of the points above have been discussed earlier or are self-explanatory, it may be useful to discuss the last two points in a little more detail. Most respondents who were media owners or in media management roles expressed the difficulty for local media enterprises to create conditions for the retention of media workers in accordance with provisions within the WJA. However, they also expressed dissatisfaction at the trend for media workers treating local media enterprises as training platforms. After spending a year or more on the job and acquiring the basic skills required for their position, they generally take up more lucrative jobs at larger towns or in the capital city. This has been widely described as a trend through which retention of trained and qualified staff has been difficult, especially for media enterprises in remote locations.

The Code of Journalistic Ethics have also been discussed in chapter 6 and a lack of understanding of the existence or importance of the code of ethics has been uncovered in this research as a serious challenge for the media. There is also a lack of training for editors, journalists, reporters and media-workers around international and national codes of ethics. Research respondents at the management level felt they were doing enough by having the ‘Code of Journalistic Ethics’ or the ‘Broadcasters’ Code or Conduct and Guidelines’ in their libraries or available online for their staff to access

and read. Most participants at the media managers' workshops and in the course of interviews admitted that these documents were seldom read or referred to in the course of media reporting and production.

#### **7.1.4 Quality of workforce**

The quality of the workforce engaged in the media has a direct impact on the credibility of media products and hence, on media pluralism. A significant majority of research participants outlined the lack of training and professionalism amongst journalists, moreso in regional locations outside the capital, as a challenge confronting the media. Unlike other professions that have skills, training and experience requirements, the media and journalism sector often takes on board young people without the required training, education or experience. Respondents attributed this to the fact that most media investors have come into the media sector without prior knowledge and experience themselves, and without any business plan to support operation and growth. They are generally on the lookout for cheap labour. Quality is not something they would be willing to pay for. Their immediate aim, respondents felt, was to get started with minimum locally produced content with a view to raise revenue through advertisements and government subsidies.

The research points towards a lack of awareness and understanding among media managers and journalists of protocols and provisions like the working journalists' act, the journalistic code of ethics and national and international regulatory frameworks. There was also apathy towards the transfer of knowledge on these important requirements through internal training or by creating access to such documents through a library or other internal resource. The lack of resources to do so was pointed out as the main reason for this. Research participants considered this a primary reason for a lack of responsibility and accountability in journalistic reporting and their affinity towards sensationalism, corruption, manipulation, and the lack of security for journalists and media providers. Participants also talked about the lack of good journalism schools, and lack of quality education and curriculum as primary reasons for the dearth of trained and professional journalists coming into the media sector.

There is a marked difference in the standards of journalism and reporting between media organizations, journalists and reporters in Kathmandu as compared to those outside the capital. The vast majority of the big media houses are based in

Kathmandu, as are the majority of journalism schools and training facilities. There is also the added incentive for trained journalists to be close to where major policy decisions and events occur. This leads to a vast difference in the quality of reporting and publishing in Kathmandu compared with elsewhere in Nepal. This has direct relationship to the concentration of resources available for the media.

### **7.1.5 Politicization of the media**

Since 1990 and moreso after 2006, Nepal has witnessed extreme political polarization in most sectors, and media has not been an exception. Anurag Acharya, in his column in the Nepali Times, contends that the stifling of media voices and the views of the ‘other’ side is an indication of an ailing society and democracy. He argues that a Nepali journalist would lay down his pen to either choose another profession or travel abroad in search of a better future; or else, out of fear of speaking the truth to power (2012c). Power here refers to political power. It is customary in Nepal for even commercial and underworld groups to have alliances with political power. It has become difficult for the media to speak out against such powers unless they themselves align with one power center or the other.

In a separate article in the Nepali Times, Acharya (2012a) discusses the political polarization among journalists and media outlets and the questions such allegiances raise for journalistic and media credibility. Acharya posits that journalism has become so Kathmandu-centric and journalists so obsessed with mingling with the powerful elite in Kathmandu, they often fail to see and report on the hardships of the majority that reside in rural Nepal. This disconnect, exacerbated by public discontent over the partisan nature of political news reporting practiced by the national media, has led the public to doubt the *messengers* more than the *message* itself, claims Acharya.

Rubeena Mahato thinks that the Nepali media is in crisis mainly because it is not a financially viable business. In an article in the Nepali Times (2012), she ascribes this to waning advertisement revenue, increasing costs of production and fierce competition for advertising and audience share. That is when they become vulnerable to political and commercial pressures and begin to compromise ethical principles as well as journalistic integrity. Mahato asserts that there is an increasing but alarming trend for enemies of press freedom to buy off media that is critical of them and for

print or television coverage to reflect the position of their political or commercial bosses.

Whenever and wherever citizens feel far removed from the decision-making process in their lives, or if there is an increasing disconnect between them and the institutional political processes, it leads to what might be called a democratic-deficit (Norris 2011). This is also referred to as a legitimacy crisis within a democracy and according to Norris, the media have an important role in ensuring that situations of disconnect between citizens and public decision makers, remain minimal if not completely non-existent. It is also their role to ensure that people are engaged and empowered to experience citizenship of agency. In the absence of this role of the media, the citizenship experience takes a quick leap over the political spectrum from democracy to dictatorship, especially as governments and rulers continue to invent mechanisms for restraint and control when unchallenged. The situations get especially difficult when state or government restraint and control is aimed at the media themselves (Norris 2011).

Despite having emerged from the authoritarian regimes prior to 1990 and that resulting from the royal take-over and direct rule in the period between 2005-2006, there have been various political decisions taken by successive governments that have undermined press freedom and citizens' rights to information (The Kathmandu Post 2012). Even as recently as January 2012, the government issued a 'classified information directive' precluding individuals, organizations and the media from seeking 140 categories of information including those related to development projects, parliamentary decisions and major decisions of the government. This was in direct contravention of the Right to Information Act 2007 which restricts the supply of only 5 categories of information related to national sovereignty, security and the judiciary. Amidst widespread protest, a public interest litigation was filed at the Supreme Court requesting the scrapping of the government's decision and the Supreme Court immediately stayed the implementation of the directive. Currently, the case remains sub-judice at the Supreme Court and a decision may be expected soon.

These are examples of how the media in Nepal continue to remain vulnerable to political interference and how policy directives of the state have continued to hamper press freedom and citizens' right to information. Apart from the brief period of royal takeover (February 2005 – April 2006), the state has generally been supportive of the

media and media development in Nepal. However, time and again, different governments have made attempts to limit press freedom in furthering their own interests. This shows that the media in Nepal are as mature as democracy itself and that it will become stable and less vulnerable to political and state interventions only when democracy and democratic institutions supportive of the press, are institutionalized.

#### **7.1.6 Kathmandu-centered networks and the advertising market**

Especially relevant to the FM radio sector, Nepal has witnessed a nation-wide networking or syndication of radio stations in recent years, primarily based on two factors:

- Their categorization as commercial or community radio stations, and
- Their political affiliation.

As discussed elsewhere in this thesis, the state does not make a distinction between community and commercial FM radio stations with regard to licensing and other requirements. Hence, from a legal standpoint, there are no community or commercial FM radio stations. However, the distinction is made by the FM radio sector itself in terms of whether these FM stations are run by a private enterprises, NGOs, cooperatives, local governments and lately, educational enterprises. Apart from the first, all others are considered community radios serving a certain community of local people, farmers, small-scale entrepreneurs or educational institutions. The other distinction made is in terms of the profit motive – while commercial enterprises operate with a profit motive, the community enterprises operate to serve their community without a profit motive.

Opinion at the media managers' workshop was that Kathmandu-centered networks were culpable for centralization of resources for the media. Interview participants saw both the benefits and disadvantages of central level media networking. Both views will be discussed here to explain these benefits and disadvantages. However, the concept of networking needs to be explained before moving into the discussion.

Networking as a concept took root among the FM radio stations in Nepal around 2003 for the purpose of sharing content, exchanging programming and for sharing training and other resources among members in the network. The initial concept of networking

was based on altruistic intentions. It encouraged members with a common purpose to become part of a network with the promise of a supply and exchange of quality content, frequent training opportunities and shared revenue.

However, with the growth in the number of FM radio stations coming into operation, networking presented itself as a viable business model. Centered in the capital city Kathmandu, network operators presented advertisers and radio programme producers with an easy and cost-effective way of contracting with radio stations – through a single contract with the network operator. It was up to the network operator to manage individual contracts with members within the network, and these, according to respondents, were usually done on a bulk, time-bound contract. Networking usually also entailed the technical connection between the network operator and its members through satellite transmission and reception. Different models of transmission and reception are employed by the different networks; however, this thesis will not discuss these in detail.

To discuss the views as expressed by research participants for and against networking, the discussion will be initiated by first discussing the views against networking. The main concern for these respondents was the tendency for networks to be politically aligned. They assert that although it is not publicly announced that a certain network is aligned with a certain political party, it often is common knowledge. They add that the news broadcasts or some of their programs are good indicators of which political party or ideology they are aligned with or support. Political influence on such networks can be discerned from the views and opinions broadcast, quantity of airtime given for leaders of parties they are close to or even the flow of political party funds for such networks, they assert. The *Nepal FM Network*, the *Ujyalo National Network* (UNN) and the *Community Information Network* (CIN) are cited as the most prominent networks with the largest numbers of members. The *Nepal Bani Network* and the *Mirmire Network* were among those that were primed to enter the networking arena. According to one interview participant, the *Madhesvani* or *TheVoice of Madhesh* was another media group primed to network FM radio stations affiliated with the Madheshi political groups. Respondents ascribe the tendency for local FM radio stations to align with one or the other network to the benefits that they see in being part of such networks.

Most local stations see the benefit of aligning with a network based in Kathmandu as it saves them the effort and cost of making a trip to Kathmandu to look for funds from donors or advertising agencies. Most of these networks are operated by organizations or companies who themselves produce news and other programs. While networks allow such news and program producers easy reach and access to audiences located in different corners of the nation, they provide local radio station members with high quality news and other content, which they would otherwise not be able to produce on their own. It helps them fill up their airtime which otherwise, they would fill up playing music and songs. However, what this does is also fill up about 70% of local airtime (Pringle & Subba 2007) with Kathmandu produced content, which may not be completely relevant to the local population. Such a practice defeats the idea of indigenous media, localism, diversity and pluralism – all-important in the promotion of deliberation and democracy. Such a practice would make the local media and audiences passive participants within a media system. This was an issue raised by participants that were against networking.

Seeing the benefits of garnering a large national audience for their programs and increasing revenue generation, even big media groups like *Kantipur* and *Image* have resorted to rebroadcasts from 8 and 7 locations respectively, utilising their own rebroadcast networks. These large groups like *Kantipur* and *Image* have the capacity to draw very large audiences with their programming. Also, respondents assert, groups like *Kantipur* have a brand image, which can lead to the standardisation of media output. Standardisation refers to the homogenization of content output to an extent that people do not seem to notice or acknowledge other views or opinions available in the media. This is considered by respondents who are critical of networking as the start of a very dangerous trend against pluralism and democracy.

There is also the fear that many local radio stations may be co-opted within larger networks. Research participants asserted that such a trend had already begun. There is the trend for Kathmandu based networks to buy a substantial stake in ailing local FM radio stations. They provide local management and administrative control to the local stakeholders while at the national level they represent the local station. While the local stakeholders feel relieved of financial responsibilities and the need to maintain a steady stream of revenue, the Kathmandu based network finds access to the remote



local market. The purpose of localism is again defeated, assert respondents and it creates a situation of dependency among local radio stations.

For proponents of the networking trend, the primary benefit they cite for local radio stations is building of capacity through interaction and sharing. Gopal Guragain, the Executive Director for *Ujyalo National Network* mentions an example where the flow of content is not only one way or from top to bottom. He cites examples where programming or content produced by network partners are also shared through the network providing a platform for sharing of content and issues with listeners in another part of the country. Likewise, he mentions a trend for annual interaction between member stations at regional levels with the aim of training and building capacity of local members on areas related to program production, content, technology and other related matters.

The most obvious advantage of networking, as articulated by research participants, is the financial benefit. An example given was that even an FM radio station in Darchula (a geographically remote district in the far-western region of Nepal with a population of about 133,000 people) would incur a monthly operational expense of 1.5 to 2 *lakhs* Rupees (approximately about 1,700 to 2,200 US\$), which would include salaries, electricity, repairs, equipment and other costs. Without an effective business plan, it may be extremely hard for such a radio station to raise that amount locally. The sharing of revenues through networking provide the local station with those costs and even some profit, assert respondents; although it comes at a price where they compromise autonomy and localism.

Pringle and Subba (2007, p. 21) contend that while networking has many benefits for the different stakeholders, syndicated content and networking of the type that is trending in Nepal needs to be closely examined and regulated to mitigate associated risks.

### **7.1.7 Other challenges**

While the list of challenges that face the media in a country in political transition are bound to be abundant, some of the major challenges that have been identified as pressing, will be discussed briefly.

## **Security**

The issue of security has been discussed at various points in previous chapters. Shiva Gaunle, the chairperson of FNJ, saw the situation of impunity in the country as the biggest challenge for the media operating independently in Nepal. He and others, ascribe the pervasive practice of self-censorship to this situation of lawlessness and impunity, especially in remote locations outside of Kathmandu. Political interference in media and journalism and the impinging upon the editorial and reporting independence of journalists, reporters or news readers are described as creating a sense of insecurity and helplessness. Respondents call for the development and implementation of self-regulation based on the code of journalistic ethics to ensure ethical behaviour for journalists and media-persons. Such a practice would help ensure that they do not put themselves in potential situations for being threatened or attacked for what they report.

## **Monitoring**

Monitoring of content, or the lack of monitoring, has been cited as a major problem by most respondents. Currently, there are very weak mechanisms in place for monitoring what content is being published or broadcast. While a politically appointed Press Council of Nepal is entrusted with the task of monitoring of media content at the central level, such responsibility has only recently been given to the district post office at the district level. There is a lack of capacity at both levels to carry out monitoring of print and broadcast content on a consistent basis according to respondents. In addition, while the Press Council Nepal is entrusted with handling public complaints against the media for libel or slander, such a mechanism does not exist at the district level. There have been numerous examples given by research respondents where the police intervene in such cases in the absence of appropriate mechanism, often leading to imprisonment of media-persons.

There remains a degree of contestation as to whether the role for monitoring of the media is a government role or that of an independent authority. There is widespread demand for an independent authority or what some preferred to call an independent broadcast authority to play the role of an independent regulator for the broadcast sector. They argued that the Press Council Nepal should be developed into the independent regulatory authority for the print media. The body that they envisage is

similar to the Federal Communications Commission (FCC) in the US, Ofcom in the UK, or the Australian Communications and Media Authority (ACMA). This body they argue, should be entrusted with both technical and content regulation and monitoring which would include establishing guidelines, protocols and code of ethics for the media, monitoring of content, issuing of licenses, frequency spectrum allocation and monitoring and ensuring that the media operate in a manner that is in the interest of the public.

### **Inclusion**

Diversity, pluralism and democracy can never be meaningful without environments that promote the inclusion of all citizens within the project of nation-building (Bohman 2007). While respondents agreed that inclusion has improved since 2006, they still believe that there is discrimination based on ethnicity and gender even within the media work force. It was observed that inclusion based on ethnicity and gender was on the rise but that this did not hold true for senior and managerial positions within media enterprises. Participants of focus group discussion explained that while women are increasingly accepted as newsreaders and program presenters for their presence and quality of voice within broadcast media, the same was not true for senior managerial positions. Respondents also criticized the lack of ethnic diversity within the work force of national level media enterprises in Kathmandu, arguing that this was also the reason for ethnicities not being provided adequate space in, or for their being misrepresented by, Kathmandu based media. Anurag Acharya (2012b) recounts how stories of the Madhesh get front page mention only when celebrities or politicians visit areas affected by a natural disaster. Research respondents including Nirmala Sharma and Rita Gurung mentioned how stories concerning women rarely find their way into headline news.

## **7.2 Role for umbrella organizations**

Research respondents as well as regional media managers' workshop participants expressed their dissatisfaction at the kind of role central representative media organizations were playing. These organizations included those like the FNJ, Association of Community Radio Broadcasters (ACORAB), Broadcasting Association of Nepal (BAN), and others that represent the print and television media. They argued that such representative organizations needed to be advocating in favour of the

constituent media enterprises and taking their challenges and difficulties to government and non-government organizations. They also expressed dissatisfaction that these bodies also failed in raising fundamental policy and regulatory issues in reforming the media sector. Overall, they did not feel that these umbrella organizations were effectively playing the role of a bridge between them and the state, government and other stakeholders and representing them adequately.

Research respondents also see a greater role for umbrella organizations in training and other capacity enhancing activities; for providing legal and other support to media enterprises and journalists; providing professional security for media workers through advocacy with the government; and resolving problems within and between media organizations including mediation.

### **7.3 Role for NGOs and donors**

There is a growing voice for the decentralization of focus for support to and development of media from the center to the local. There is also increasing demand on NGOs and donors for regular and sustained capacity building opportunities for the media in the media production, technological, marketing and finance and administrative skills, both on a short term as well as long term basis. There is demand for the provision of more infrastructural support, as well as for the NGOs and donors to have a role in creating pressure on the state and government on behalf of the media and media development in Nepal.

### **7.4 Role for the government and State**

A strong voice exists for the development of a mechanism for assessing feasibility and business planning before allowing investment in the media as a means of protecting public investment. They also ask for the government to initiate programs that will guarantee professional security and individual safety of journalists and media-workers through the provision of life insurance schemes and tax and royalty subsidies. The role of the media in supporting the state and people during difficult periods in history was cited many times as justification for the government to ensure the professional stability of journalists and media persons.

The situation of power supply in Nepal has been cited as a major barrier for the media, especially for the broadcast media. Nepal has been suffering from serious power outages for the last decade, and because rivers that feed the hydroelectric generation of

power become dryer during the winter months, power outages are very severe at this time. It is common for power outages to peak up to 16 hours a day during the winter months of November, December and January with the need to resort to generator or another power back-up system. There is united demand for subsidy by the state for the media to make alternative power arrangements.

Research respondents also voice their concern for the equitable distribution of state advertisements, support and funds for media development. Respondents cited a lack of policy for the distribution of government controlled public welfare funds for media advertisements. They also talked about the situation where advertising was centralised in Kathmandu as a disadvantage for local media enterprises. Respondents argued that it was a government responsibility to reform policy such that advertising resources became decentralised.

A recent development in early 2013 saw the government bring out a one window advertisement policy, which was met with widespread criticism in the media. The one window policy centralised the distribution of state distributed advertisement to a single source in the Ministry of Information and Communication. This was in opposition to previous practice where the different ministries distributed related government advertisement, for example, the Ministry of Health distributed health related public advertisements. In an article in the *Kathmandu Post* (1<sup>st</sup> February 2013), Anil Giri describes this government move as an attempt to control the media arguing that it provided the government with discretionary powers in choosing which media would air government advertising and which would not. He sees the move as an attempt by the government to control media outlets critical of them, as the policy gives them discretionary powers to decide government advertisement distribution.

The 'proportional advertisement' was previously operated from the government's 'public welfare advertisement fund'. Earlier each government agency was independently responsible for distributing advertisement among media outlets – circulation (for print) and reach (for broadcast) forming the basis for selection and advertisement rates. In accordance with the 'proportional advertisement policy' the Department of Information under the MoIC has been given the authority to distribute the advertisements based on its assessment of 'reach, access, coverage' of the recipient media outlet. Therefore, the process of centralising distribution of advertisement to the media is looked upon as a means of control.

There is apprehension that by limiting the distribution of advertising through a single window, the government will have greater control in manipulating advertisements based on the concerned media's closeness to or animosity toward the government. However, the minister for information and communication – Raj Kishor Yadav countered that rather than being aimed at controlling the media, the move was an outcome of a long-held demand of the media fraternity for advertisement support (Giri, A 2013). Likewise, chief secretary – Lilamani Paudel defended the policy as being in the interest of the media (Post Report 2013).

Giri is of the belief that such a move by the government may have been an outcome of the way in which the media were generally critical of the government's stance in the Dekendra Thapa murder trial in Dailekh or its position on human rights abuses during conflict-era atrocities. The government had ordered the District Attorney's office in Dailekh to stop further investigation into the conflict-era murder of journalist Dekendra Thapa. Thapa had been allegedly murdered by cadres of the CPN-M (the then Prime Minister's party). The Advertisement Association of Nepal denounced the move calling it regressive, promising agitation against the decision. The FNJ Chairperson – Shiva Gaunle, sounded more accepting but with a note of caution in saying it is fine if the move is aimed at social justice but that it would be unacceptable if it were meant to stifle the media.

There was also concern that press freedom and media rights were still limited to constitutions and documents, and the reality was different as journalists were still being attacked, kidnapped, threatened and murdered. Research suggests the need for the government to implement the WJA and for subsidy in telephone, electricity, tax, rent and technical equipment purchase for media enterprises. Finally, there is a need to address issues of political influence on the operation of the media and for equitable treatment for all media irrespective of which political party was in government.

Research interviews, media manager workshops and 'media critiques of the media', consistently point towards the lack of adequate policy, regulation and law as a major concern for the media. Research respondents and media manager workshop participants repeatedly stressed that policy always followed events while they contend it should have been the other way around. They assert that the government needs to study various phenomena in the media sector and have the foresight to introduce policies, regulations and guidelines in advance. They also lament the fact that when legal

provisions are finally made available, there is not enough concern and sensitivity to ensure that they are media-friendly.

## 7.5 Public Service Broadcasting

The central role of the government or state in the development of media also concerns the shape the government-owned media will take in the near future. There is displeasure among the non-state media that much of the state resources are spent on keeping the state media up and running, while this could have been utilised in the development of non-state media. A majority of respondents consider this to be unfair as they see it creating a situation where the non-state media are required to compete with a government-resourced state media. For those that agree with this line of thinking, privatisation of the state media is the best way forward. However, there are those that still see an integral role for the state media in safeguarding nationality, inclusion and promoting a multi-cultural society. Proponents of this school of thought see the transformation of the state broadcasters into public service broadcasters as the ideal way forward.

The concept of Public Service Broadcasting (PSB) and the need for state broadcasters to be transformed into PSB has been debated in Nepal for some time. Recently, this issue was once again raised in the process of developing the Media Policy draft in 2011. Clause 17 within the sectoral policy for broadcasting in the Media Policy draft (Ministry of Information and Communication 2012, p. 9) reads, “To transform *Radio Nepal* and *Nepal Television* as Public Service Broadcaster (sic) (PSB) with the target service coverage of 100% in order to provide necessary information for all the people of Nepal”. A major portion of the broadcasting sectoral policy has been dedicated to policies aimed at promoting the transformation of state broadcasters into PSBs.

The state media have occupied and continue to occupy a frontline position since the very beginning of media history in Nepal. With state finance, support and patronage, they have large infrastructure, human resource and operations; hence, also a large reach and coverage. In earlier years until the political change in 1990, they were known to be very parochial and conservative in their approach, playing the role of the state’s mouthpiece in supporting and promoting a singular identity, culture and language ‘nationalistic’ ideology. While there has been a marked change in their approach in the post 1990 era with the need to compete directly with the rapidly growing private sector

media, they continued to benefit from the majority of the resources that the state had to offer for media operations. However, with the advent of multiple media providers over time, audiences have been fragmented, and the potential for the state media to shape agendas has decreased.

Beyond the 2006 political upheavals, the state media have been seen to embrace a more inclusive stance promoting multiple regional languages, providing greater space for ethnic populations and thereby promoting greater political and cultural diversity. With increasing pressure to transform the state media, especially the national radio and television networks into public service broadcasters (PSB), there has been an ongoing exercise among media policy experts, advocates of media pluralism and some bureaucrats within the MoIC to design PSB models conducive to Nepal's social, political and economic situation. Freedom Forum with support from UNESCO has designed and put forth for consideration a model PSB Act. This draft model was developed in 2011 in response to the need for policy and law to guide the recognition of PSBs in Nepal<sup>40</sup>.

It is useful to consider what such a transformation of state media into PSBs would mean for media diversity in Nepal. This was discussed by many respondents. Tapa Nath Shukla thinks that PSBs are known to assist pluralism when they are allowed to function as intended, independent of political influence. He describes PSBs as having three distinctive characteristics. The first characteristic is universality and plurality. He says that the reach and coverage of PSBs should ideally reflect a national footprint (universality) and they should also reflect the views of people living in all corners of the nation (plurality). The second characteristic he describes is their independence from politics and market economies, or government and market influence. Thirdly he argues that they need to be distinctly different from commercial broadcasters – unique in their product and behaviour, which should be aimed at promoting diversity and democracy. The diversity should be such that they represent different cultures, ethnicities, opinions, geography, languages and other differences.

Although the contexts are very different, it is useful to examine the role of the BBC as a public service broadcaster, and how it has contributed to public value over the years. This examination can help to assess the potential role and challenges for public service

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<sup>40</sup> <http://www.freedomforum.org.np/content/news-and-events/139-freedom-forum-outlines-psb-model-law.html>



broadcasting in Nepal, especially related to governance mechanism, assurance of independence and the business development model for revenue generation.

### **7.5.1 An examination of the BBC as a PSB**

The hallmark of the U.K. broadcast media lies in its long-standing commitment towards public service broadcasting. Hitchens (2006, p. 12) mentions that such a commitment has led to a set of principles that have had an influence on the structure and content of both the public and private free-to-air sectors of broadcasting, which have resulted in close regulatory supervision of broadcasting. This influence is manifest in the requirement for two distinct elements associated with public service broadcasting, what Hitchens calls ‘universality’ and ‘cultural responsibility’. Universality is concerned geographically with reach – that it should be available throughout the country; and in terms of consumer interest that it should be able to cater to a wide range of consumers and their interests. Cultural responsibility is concerned with the content value of the product that is broadcast – whether it is able to inform, educate and entertain audiences through high quality products.

Commensurate with the above statements, the U.K. public service broadcaster – the BBC – plays a dominant role in the U.K. media landscape. The BBC was the only television and radio service provider until 1955 when commercial television first started. It was not until 1972 and 1992 respectively, that private local and national radio made their entry into the U.K. media landscape. Increasing competition, especially with the advent of cable and satellite television in the 1980s and 1990s, led to questions about the BBC’s privileged position and comfortable funding base (license fee arrangement) (Collins 2007, p. 164).

**Funding base:** Collins (2007, pp. 164-5 & 8) describes a growing concern that a comfortable funding base and growth of the BBC may have had an adverse impact on pluralism, diversity, competitiveness, innovation and the growth of new commercial service providers. This has been in alignment with the 1986 Peacock report recommendation for a reduced role of the BBC (Collins 2007, pp. 164-5). Other challenges included the question of legitimacy of the BBC and the justification of the increase in its license fee amount, even as audience consumption of BBC’s television programs gradually declined (Collins 2007, p. 168). Concerns were also raised about the quality and character of BBC programmes. As a means of consolidating its

institutional status and also as a guide for its future conduct and practice, the BBC adopted a ‘public value’ management and regulatory doctrine.

In a context where the BBC's traditional funding base (license fee arrangement) is increasingly challenged, it would be pragmatic for the designers of the PSB model in Nepal to give thought to the business development mechanism for these PSB in Nepal. Tapa Nath Shukla – who has served many years as the chief of both *Radio Nepal* and *Nepal Television* thought that the single biggest challenge in transforming the state broadcasters into PSBs would be funding. He said that both *Radio Nepal* and *Nepal Television* have depended largely on the market for the generation of revenues with only small amounts of government funding.

As a PSB needs to maintain a level of independence against market forces, current revenue streams will need to be rethought. Shukla argues that licensing fees (as with the BBC) or receiving fees (as in Japan) would not be practical in Nepal where the majority of the people will not be able to afford fees due to their low income. He mentions how the fund raising model most applicable to Nepal would be the one adopted by Thailand when they moved towards PSB media in 2008. Thailand levies a 1% extra tax on liquor and tobacco products and that raises the full amount that is required to operate PSB. He recounts that such a fund-raising scheme had been adopted with success in the past for the construction of the Bharatpur Cancer Hospital, and therefore, that would be a feasible PSB fund-raising model for Nepal.

The preamble of the draft Act (within the draft PSB model developed by Freedom Forum with support from UNESCO) provides policy directives and outlines the need for the transformation of state controlled *Radio Nepal* and *Nepal Television* into PSBs through the establishment of an autonomous and self-governed Public Service Broadcasting Authority with perpetual succession. The draft PSB model envisages a more optimistic funding model for the proposed PSBs whereby the PSB Authority will have an independent fund. The fund is envisaged to be sourced from an annual allocation made by the Legislature Parliament that will constitute at least 66% of the total budget of the Authority; from proceeds and revenue generated from the Authority’s regular programs and productions; revenue generated from license fees, permit fees, royalties and renewal fees paid by broadcasting enterprises; revenue generated from broadcasting public interest programs and advertisements; funds from foreign governments or donor organizations; and funds generated from any other

sources. Various provisions have been made in the model Act to ensure financial and programmatic accountability.

**Governance and regulation:** The BBC structure and operations are governed by the Royal Charter and an agreement between the BBC and the Secretary of State for Culture, Media and Sport, although there are some aspects of its operations for which it is accountable to external regulatory authorities (Hitchens 2006, p. 13). Because of unprecedented and intense public inquiry and debate, Collins (2007, p. 165) cites a senior BBC manager as having described the 2006 BBC charter renewal as the most difficult charter renewal yet. The new BBC constitution for the ten-year period (2007-2016) has enforced major changes by replacing the BBC Board of Governors by the BBC Trust; making clearer separation of the governance and regulatory functions of the Trust and the management responsibilities of the BBC Executive; introducing a ‘public value test’ (PVT) as a pre-condition for the launch of new services; and strengthening of the BBC’s fair-trading policy. The new BBC constitution has assigned governance and regulation responsibility to the Trust along with the Office of Communications (Ofcom) with public value taken as the key yardstick for regulation (Collins 2007, p. 165). The BBC continues to be funded through the license fee arrangement<sup>41</sup>.

The 2007 Charter and Agreement has entrusted the BBC Trust with the authority to approve (or not) proposals put forth by the BBC management for new services, or for significantly changing existing services through the exercise of the Public Value Test (PVT). The PVT takes into account the BBC’s six public purposes in conducting a Public Value Assessment (PVA) for such approvals (Collins 2007, p. 166):

- Sustaining citizenship and civil society,
- Providing education and learning,
- Stimulating creativity and cultural excellence,
- Representing the UK, its nations, regions and communities,
- Bringing the UK to the world and the world to UK,
- Building digital Britain.

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<sup>41</sup> [http://www.bbc.co.uk/bbctrust/governance/regulatory\\_framework/charter\\_agreement.html](http://www.bbc.co.uk/bbctrust/governance/regulatory_framework/charter_agreement.html)

The Ofcom undertakes a market impact assessment as part of the PVT for new services. The same is undertaken by the BBC Trust for significant changes to existing or established BBC services using a methodology endorsed by Ofcom. So although the BBC Executive is able to operate more independently because of the clear separation of roles of the Trust and Executive, the Trust and Ofcom have regulatory oversight of Executive operations.

This can be compared with the governance mechanism envisaged for PSBs in Nepal as proposed by the draft PSB Act, in light of the role that it is expected to perform. As a policy directive for the PSB Authority, there is a clause that states that the Authority shall remain independent of governmental, political and commercial control and shall exercise a high level of editorial independence and ethics in its programming. This, it states, is essential for the Authority to be dedicated to its goal of 'public good'. From analysing the content in the document, the following can be understood to describe public good:

- A platform for freedom of expression and opinion for citizens;
- An increasing feeling of the fulfillment of citizens' rights to information;
- Universality of coverage and access to the various geographical locations, genders, castes, communities, languages, ages and minority groups;
- Products that impart information, knowledge, practical education and healthy entertainment;
- Notices, information and knowledge related to public importance and interest;
- Timely and rapid notices and information during natural disasters and other situations of emergency; and
- Critical and constructive debates for deliberation and opinion formation on contemporary issues of national importance.

Diversity and pluralism are evidently at the center of what has been discussed above as 'public good'. Staying aloof from any kind of governmental, political and commercial control and influence requires a strong governance mechanism and the PSB model Act considers a 7-member Council should be entrusted with the responsibility of general management, operation, control, supervision and direction of the PSB Authority. The Council would be headed by a chairperson and would consist

of five additional members. The Director General of the Authority would serve as the General Secretary and as the seventh member on the Council. The draft Act makes provision for a 7-member committee to recommend the positions of the chairperson and the 5 members on the Council. While the speaker of the House of Representatives (HoR) in the Parliament has been envisaged as the coordinator of this selection committee, the leader of the opposition in the HoR; Minister (or state minister) at MoIC; an academic with at least 25 years of experience in the field of journalism and mass communication; an academic or researcher in the area of linguistics, arts, literature, culture, sociology and anthropology; the chairperson of the Federation of NGOs in Nepal; and the chairperson of the Nepal Bar Association are the other possible members.

The model Act stipulates that while making the recommendation for members on the Council, the Committee will need to ensure inclusiveness while at the same time ensure that those recommended have a background in or represent the broadcast engineering, journalism, management, information technology, or law professions. The head of state has been mandated to legalise the appointment of the chairperson and members on the Council based on the recommendations made by the committee. The model Act envisages the term for the Chairperson and the members of the Council to be 5 years. The Act also sees the Council recruiting the Director General of the Authority through a transparent competitive process.

In light of the complex transition that the BBC is going through in justifying its funding base and what added value it brings, both the governance and funding mechanisms proposed in the model PSB Act lack depth in addressing the possible challenges for PSBs in Nepal. In-fact, the proposed mechanisms are rather superficial and fail to take into account the evident hurdles that the PSBs will start to face from day one of operation. Independence from state and political influence, for both governance and day-to-day operations can be foreseen as primary among many challenges. As a strong voice already exists that challenges the need or continued existence of the state media (or PSBs) in Nepal, there will also be the challenge of justifying PSBs and their value add. The contribution to diversity and pluralism lie at the heart of what is described in the model PSB Act as the value it adds as a provider of public good, but this may be challenged by those that see the non-state media performing such a role.

The draft model PSB Act leads to ambiguity with regard to the need for an independent Broadcasting Authority that has been discussed earlier in this chapter. Upon examining the provisions made in the model Act, it seems that the PSB Authority has been envisaged as the Broadcasting Authority. This can be reaffirmed in how the PSB Authority has been made responsible for some of the functions that were envisaged for the independent Broadcasting Authority – namely issuance of broadcast permits and licenses and the collection of royalty and renewal fees. However, the model Act remains silent on the role of monitoring of the broadcast media. If the PSB Authority is entrusted the role of the independent Broadcasting Authority, this would constitute a conflict of interest with the PSB Authority itself functioning as a broadcaster. Therefore, the model PSB Act creates ambiguity when it comes to the role of broadcast regulation. The scope for regulation needs to be clearly defined and an authority independent of the PSB Authority entrusted the role of regulation, similar to the BBC Trust and Ofcom in the UK.

**Public value principles:** In all the discussions around the BBC doctrine of Public Value, it might be interesting to understand the concept in broader detail. Collins (2007, p. 167) says that the public value concept was established as a public sector management doctrine by the Harvard management theorist, Mark Moore through his 1995 book “*Creating Public Value*”. BBC’s commitment to the management doctrine is evident from its adoption of the Public Value Test and also from embracing the four management ‘drivers’: reach, quality, impact and value for money (commonly abbreviated as RQIV).

The public value management (PVM) doctrine presented itself as an attractive public sector management alternative to the more established ‘command and control’ or the ‘old public administration’ (OPA), and the ‘new public management’ (NPM) doctrines. The OPA was considered somewhat old-school in its approach as it rendered public bodies governed in this way to be controlled by the people who worked in them in an environment characterized by a lack of responsiveness towards its users (Collins 2007, p. 169). The NPM tried to address the weaknesses in OPA through the adoption of market mechanisms and price systems as a means of building provider-user communication in public sector service provision. PVM in turn promotes greater accountability on the part of public sector organizations towards the

public, overcoming a downward accountability within an unequal seller-purchaser relationship associated with the private-sector-like environment fostered by NPM.

Collins (2007, pp. 170-2) asserts that PVM as adopted and practiced in the U.K. public sector management has changed to some degree from the original doctrine propounded by Moore and the Harvard School, the salient elements of which were the concepts of ‘co-production’ and ‘contestability’. The concept of coproduction has roots in the notion that public efficiency is enhanced when the public – as clients and recipients of public service – have a share in the decision making through involvement, empowerment and collaboration. Likewise, contestability or competition from the private sector and the non-profit sector is posited as being the driving force behind public sector efficiency and the quality of public services.

Collins argues that fulfilling the public value principles of coproduction and contestability can be difficult for the BBC as a broadcaster, firstly because broadcasters usually do not maintain a face-to-face relationship with their consumers; and secondly, because its mandate for independence calls for greater self-authorization in its journalistic and editorial practice. Also, as the very nature of public service broadcasting calls for provision of services that are either not supplied or under-supplied in a contested market, Collins argues that the public value model of the BBC has been changed to some extent from the Moorean model.

As described above, BBC uses the Public Value Test (PVT) as a way of ascertaining the value of a proposed new BBC service to the public, as well as to ascertain the overall impact it can have on the broader market. For example, even while the establishing of a new service could potentially provide the license-fee paying BBC client with more choices of service and greater value for their money, there are also the chances that such a service could hamper existing providers by either lowering their client base or by hampering their advertisement revenue. The BBC make it clear that a proposal for a new service proceeds for public consultation and then for decision-making by the Trust only when there is ample evidence that the public value likely to be created by a new service outweighs the potential damage that it can have on the market<sup>42</sup>.

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<sup>42</sup> [http://www.bbc.co.uk/bbctrust/governance/tools\\_we\\_use/public\\_value\\_tests.html](http://www.bbc.co.uk/bbctrust/governance/tools_we_use/public_value_tests.html)

According to Sir Michael Lyons, (Chairman – BBC Trust) (Coyle & Woolard 2010, p. 3) the sole purpose of the BBC's being is to serve its public – which are the license fee payers; and that their interests would remain central in any decision that the BBC would take. From looking at how difficult it has been for the BBC to justify their current existence, there will be a few concerns, apart from what has already been discussed above, for the smooth transition of the Nepali state media into PSBs. The primary concern will always be the difficulty in resisting political influence in both the constituting of the PSB and the allocation of positions on the very-powerful Council. Most research respondents are of the view that it would be foolish to expect that political influence and control can be eradicated at once. However, they expressed confidence that the mechanism for entrusting accountability of the PSB towards the Legislature Parliament instead of the government could be a good start to a new beginning. They also expressed confidence in the comparatively transparent mechanism for the recruiting of Authority and Council officials and members.

There can also be concern with regard to the impact that state-supported PSBs can have on private and other media enterprises. The question may arise as to why the same funding is not utilised for the development of media in the private sector in Nepal. The case for pluralism can be made from both positions. From the position of the 'state broadcasters transformed to PSBs', it can be argued that without commercial interests, the PSBs would be best placed to work for public good. Without the pressures of raising revenue, they will feel less constrained to produce and distribute programming that needs to attract large listenership or viewership. This provides the PSBs the opportunity to offer programming for minority groups or focused audiences. The lack of the pressures of commercialization also provide greater freedom and space for programming that are aimed at health, education and public welfare. PSBs can also be exempt from the pressure of commercial sensationalism in their programming and the pressure of being the first to break news.

From the position of the private media, there can be the argument that the funds to support PSBs could help develop a large number of media outlets in the most remote parts of Nepal. This could support diversity and pluralism by taking broadcast air-waves to the last mile – and this can be particularly difficult in the geographically challenging Nepali terrain. What this discussion has probably missed is that PSBs can also exist in the private sector, depending on their ability to address concerns related



to universality, plurality and local concerns. It might also be an interesting area for research in the future.

## **7.6 Conclusion**

From an understanding of the context of Nepal's transition to peace, security and development and the discussions in chapters 5, 6 and 7, it can be seen that the challenges for the development of the media in Nepal are multiple. It is difficult to point to a single strategy or action that might be initiated before the others in the course of developing the media in Nepal. From revisiting the media development model that was presented in figure 7.1 of this chapter, it is evident that the development of the media sector as a whole is dependent on the development of each of the elements in the model – the media enterprises, the journalists and media workers, the media consumers and the media market. Of course, this is all influenced by the overall environment where NGOs and civil society organizations, umbrella or representative organizations of the media, and the state and government, all have a role.

## 8. Conclusion

Despite prolonged political instability, the media in Nepal have continued to grow in the last two decades in size and strength. This period has witnessed a royal coup, ten years of civil conflict, social unrest, a difficult economic environment as well as two popular movements that toppled autocratic regimes. Despite these difficulties, the media have grown in terms of numbers, geographical coverage, and the available access for citizens. However, numerous questions remain with regard to their role in strengthening democracy, the policy environment supporting their development and the numerous challenges that they continue to face. Polarized views have emerged on the relationship between media expansion and democracy building in Nepal indicating that the expansion presents both opportunities and challenges for media operation, independence and pluralism.

An examination of literature, mainly in chapters 2 and 3, point to how the media are vulnerable to abuse in environments similar to what Nepal has gone through in the last two decades. What emerges as one of the most significant findings of this research is the manner in which the Nepali media have managed to survive under these difficult circumstances and resisted unbridled misuse. It points to how the media have exhibited resilience and responsibility, and such resilience and responsibility have not only safeguarded the media, but also other institutions that are responsible for preventing a complete failure of the state. This can be attributed to the relative freedom enjoyed by the media after 1990 despite the trend towards political polarisation and commercialisation. What extent of media freedom is desirable for a nation in transition and what extent of regulation will keep the media responsible is contextual, and will continue to remain debated.

According to Andrew Puddephatt (2011, p. 68), independence from government and government control remains a central precondition for the media fulfilling their role of a watchdog, for promoting transparency and accountability of government actions and in enhancing social harmony, peace and economic efficiency. However, independence from government and its control alone is not a guarantor of media access for the very poor. To the contrary, state intervention will be required to ensure that the poor, marginalized and weaker sections of society have access to the media, and that media providers acknowledge the need for diversity and pluralism and promote the same through their internal policies and outputs. There is support in Nepal for the notion that the state does have a role in media development, but not through the operation of a state media. Rather, the state role is foreseen in the

promotion of an environment that is supportive of media development through the enactment of favourable public policy. Even among those that vehemently oppose the existence of state media in Nepal, there is the acceptance that state broadcasters be transformed into public service broadcasters (PSB). There is support for the notion that the market (private sector) has the ability to supply what a PSB delivers. The opposing argument contends that there are certain minority groups only PSBs can or will serve. There is also the voice that with government funding and support, PSBs enjoy the privilege whereby they are able to take risks, or even afford to fail.

### **Expansion, diversity and pluralism**

Based on the discussions in this thesis, it can be argued that any given market (from the point of view of product and location) can only support a certain level of supply. Rather than just having a larger number of media suppliers, there is also the need for existing suppliers to promote and produce local and indigenous products. This proposition is truer for small markets. This theory of inverse correlation between the size of economy/ market and concentration of media fails to hold good in the context of Nepal. Despite a small economy and a sluggish growth rate perpetuated by protracted political instability, media consumption is surprisingly high – especially in the radio sector. Print is not the first choice as literacy levels among the general population in 2011 stands at about 57.4 % (UNESCO Institute for Statistics 2013). Likewise, television because of its high production, distribution and reception costs, and the difficult terrain for the transmission of signals across distances, is not as widespread as it might be as a form of popular mass medium. Radio is relatively cheap to produce, transmit and receive and overcomes the barrier posed by low literacy levels, at least for the most common Nepali languages. Hence, the consumption of radio products is high (Equal Access 2007) despite low economic levels and the competition for scant resources in the market. But these are still early days and there the likelihood for closures and mergers once this initial euphoria for owning media outlets starts abate.

Developed nations are better able to determine what levels of pluralism through diversity in ownership and product (external and internal) the market will be able to sustain. That is because there are frequent studies on the size of the market, the consumption of media products by consumers and what would constitute adequate resources for the development of quality products by media platforms or providers. The same is not true for Nepal where there is a lack of frequent and quality studies that aim to establish the size of the media market, the resources available for them to produce quality media products and the consumption figures

for such media products. Media outlets that come into the market often do so without knowledge of the market and a sound business plan to support their sustenance.

As outlined by Doyle (2002b), it is more challenging to correlate markets, audiences and plurality for the broadcast sector because of the rapid pace of developments within the sector. He adds that for the broadcast sector, diversity may depend more on regulation and technological advances rather than just on the economy. This is true for the media market in Nepal and diversity does depend on the regulatory framework for broadcasting, and point to the importance of a broadcasting authority being established. This will be of greater significance for locations where the radio frequency spectrum has not yet been saturated. It will also depend on whether broadcasting policies and regulation will remain centrally controlled as it is presently or whether greater freedom will be given to provinces in determining regulatory regimes. Technological advances in the broadcast sector will also have an impact on whether media providers and platforms merge or converge and lead to more networks, conglomerates and corporate groups. Once again, the policy and regulatory provisions will have a bearing on how the sector advances.

Making ownership regulation more flexible would mean allowing more players in the arena, and this would effectively mean that the public has access to a diversity of voices, information, ideas and opinions. However, regulation also needs to ensure that the media continue to play their role in a democratic society as a platform for public opinion and debate. The situation would be very different in the context of Nepal as many fear that deregulating media ownership and making cross-media ownership more flexible, would limit ‘opinion and influence-making’ to a few powerful media outlets. This research indicates that the dominating opinion currently is for reforming media policies and regulations towards limiting cross-ownership and foreign investment. The draft media policy spells out unequivocally that appropriate mechanisms shall be created to limit ownership, media concentration and cross-subsidies in the media sector in order to prohibit monopolies and to limit foreign investment in the media to 49% at most (Ministry of Information and Communication 2012, p. 5).

There is undoubtedly an inherent tension in the media policy arena. There is on the one hand the need for policy and regulation to ensure diversity, plurality and democracy, while on the other, it also needs to promote competition and economic and industrial goals. Policy reform initiatives need to ensure a balance between the two tensions. Debates around media ownership regulation are usually considered central to media diversity and pluralism. However, there are other regulatory areas that are of importance for media diversity and

pluralism like content regulation, sectoral diversity and competition controls (Hitchens 2006, p. 6). These are usually overlooked as media ownership regulation grabs much of the focus and attention of industry stalwarts and policy makers. However, it is very important that regulation affecting media diversity and pluralism be looked at in a more holistic manner and with the understanding that they cannot be effective in isolation.

Regulation has become confusing in the modern era because of the blurring of content delivery platforms and technologies. While conventional broadcast encompassed wireless delivery of content over the airwaves, e.g. terrestrial television broadcasting, this has become complicated because of the advent of satellite and cable television, as well as online streaming using the Internet to desktop and hand-held devices. This is similar for the radio that can now be received on mobile phones or online, apart from conventional AM (Amplitude Modulation) and FM (Frequency Modulation) broadcast.

The case for print has also been complicated with print media products made possible online in addition to the conventional printed newspapers and magazines. Nepal's media policy and regulation have not kept up with these narrowing of media platforms and the diversity of options for distributing media products due to the rapidly changing media and communication technologies. The private sector has always been ahead of the government with regard to identifying the need for policy reform. There will be another opportunity in the very near future for the private sector to make policy makers comprehend the impact that technology is having on the media landscape in Nepal and of the need for related policy and regulatory reform.

Based on the distinction made between pluralism and diversity in this thesis, media regulation should also be classified as structural regulation and content regulation. Structural regulation should be concerned with ensuring that media ownership and control is not limited to a few individuals and groups and also with ensuring that there is a healthy mix of private, community and public service media players in the media landscape. The goal is to ensure that a few individuals and groups are not able to dominate opinion-making or ideology formation and hence are not able to dominate a certain media market. Likewise, by ensuring a healthy mix of types of owners, the goal is to ensure that the commercial interests of the private sector is balanced by the public service motives of the community and public service media. Likewise, the private sector can also balance government interest and bias that may creep into public sector programming. Public sector media may not be under pressure to

garner huge audience numbers to prop its advertisement drive and can therefore support content diversity by offering programming that may be of interest to minority groups.

Content diversity regulation will aim to ensure and promote diversity in the type of programming as well as a diversity of opinions and ideologies. To do so, it will need to have rules that promote information, entertainment, news and education within programming offered by media outlets. Likewise, it will need to have rules that make it binding upon media outlets to provide a balanced diversity in its political and social content, ensuring that there is a balance in the space and time it offers to differing political and social opinions and viewpoints. There are other content regulatory checks less concerned with diversity, like rules to limit portrayal of violent and sexual material or to protect children from unsuitable content. Rules concerned with ethics and unhealthy competition between media players are also of immense importance in ensuring both pluralism and diversity. This raises the very important question of monitoring of media content and this is a much neglected area, as has been very evident in this thesis.

### **Policy support for the media**

Nepal's transition has been prolonged by the presence of a number of contentious socio-political issues. This research points to how lack of sufficient deliberation has led to polarization of opinions rather than supported the finding of common ground. Lack of deliberation has not only inhibited negotiation and consensus building but has also slowed the process of public policy formulation. Media policy development has been harder hit as it generally failed to figure in priority and prominence among competing policy requirements during the transition. The media also failed to present the urgency in media policy reform as an agenda for public discussion, as the people, as consumers of the media have an equally important role in participating in public policy design. Therein lies an important role for the media in strengthening democracy, in promoting deliberation as an important precursor to voting. The mere exercise of rights to suffrage is not an appropriate indicator of democracy, the deliberation that supports the associated decision to vote and whom and what to vote for, is more important.

The Interim Constitution guarantees liberal freedoms for the press including the freedom of expression and speech, as well as the rights of the people on matters of public concern. However, it does not provide the answer as to whether media policy will fall under the aegis of the central or provincial government in federal Nepal. This will only become clear when

the new Constitution clarifies the basis of federation in Nepal, and whether media policy remains a central or provincial responsibility. However, it raises questions about how long a nation can wait to address policy reforms that in themselves can be seen as central to the reforms currently in progress. Democracy, civil society strengthening and the capacity of the media to serve public interest are all closely linked with the media regulatory framework and its timely revision and reform. Without these important areas addressed through policy reform, participation of marginalized populations cannot be guaranteed, and there is a serious risk that not all will have a voice, not all voices will be heard, and public deliberation in public policy formation will remain a concept rather than actual practice.

In the western context of multiple platforms for content delivery, content abundance and increased consumer control over access, questions are being raised as to whether government policy interventions in media markets are needed at all (Goodman 2007, p. 363). This raises two contrasting questions, also valid for the Nepali context, that need to be looked into before making policy decisions. These are:

1. How else will policy goals linked to diversity and localism be addressed? In other words, how will public access to diversity including 'local' and non-commercial content be guaranteed?
2. How well will media markets adapt to and function in responding to the needs for diversity and localism?

The conclusion drawn in this thesis in a Nepal context is that the mere presence of an array of media providers or a range of content is not enough to guarantee the policy goals of diversity and localism in the true sense. The degree of consumer exposure to differing views, opinions and voices was discussed as being more important. Ellen Goodman (2007, p. 364) reinforces this concept by stating how it is important for consumers to be exposed to a variety of content, even if they do not demand the same, for a robust and thriving democracy.

A number of conclusions related to policy support for the media has been drawn in this thesis. These are:

- The media policy framework as it stands is confusing and leaves a lot of room for ambiguity and ambiguous interpretation of provisions. The use of language is often misleading or unclear and therefore, policies, Acts and regulations need to be reviewed to address all ambiguities.

- At other times, the media policy framework is also found to be redundant or inadequate in taking into consideration recent changes. The lack of a clear regulatory mechanism for the licensing of television broadcasting – terrestrial, satellite and cable – serves as a good example.
- Investment and ownership policies are not clear especially with regard to foreign investment in the media. Subsequent recommendations by committees and commissions have added to the confusion even if they are well meaning. A clear set of regulations needs to be drawn up ensuring that the protocol for legislation is complied with. Also, mechanisms need to be established to ensure the transparency of investment and for preventing media concentration and monopoly through ownership.
- There is a very strong voice that efforts at media reform be made transparent and participatory, without which there could be a lack of ownership of the reform process as well as the product;
- There is a growing voice for the establishment of a mechanism that makes it a mandatory condition for those aspiring to enter the media industry to produce a sound business plan. Such business plans need to be reviewed to assess their feasibility in terms of technical, financial, social and sectoral strength. The vetting needs to ensure that the knowledge of broadcasting and publishing technicalities are understood and accounted for; that the plan is financially viable and foresees avenues for expenses and revenue within stable operating environments; that they understand social responsibilities of the media in addressing concerns related to inclusion, pluralism, diversity in content and staffing and general public good; and provide a sectoral understanding of media and journalism standards and codes of ethics and the importance of complying with normative and legal requirements.
- It is critical that commitment to the provisions within the Working Journalists' Act (WJA) be made a mandatory condition for entry into the media sector. There is also the need to increase awareness about the WJA among media owners and workers. As a first step, it is recommended that while central level media and large regional media be made to mandatorily comply with all requirements in the WJA; local and small media enterprises be made to start issuing appointment letters and contracts and pay salaries as prescribed by the 'Committee for fixing minimum wages'.



- While the above steps will raise the barrier of entry for new aspirants wishing to enter the media sector, it will act as a solid step in ensuring quality journalism and professionalism. Apart from the above, there is the demand and need for lowering other barriers of entry, especially those that exist for registering print media in local regions.
- An important conclusion that can be drawn is the demand and need for an independent media authority with the mandate and resources to carry out effectively the following tasks:
  1. Devising professional standards for the media in consultation with stakeholders;
  2. Monitoring content broadcast or published to ensure that professional standards including the Journalistic Code of Ethics are complied with;
  3. Monitoring to ensure that that other requirements prescribed by the Journalistic Code of Ethics, the Working Journalists Act and other legal and professional standards are complied with;
  4. Devising a sound mechanism for handling complaints and taking action where necessary; and
  5. Issuing broadcast licenses and press permits.
- There is divided opinion as to whether a single media authority should carry out all of the above functions for the entire media industry or whether a separate broadcasting authority should provide oversight for the broadcast industry. Those that agreed that the two should be separated also thought that a strengthened Press Council Nepal could be entrusted the task of providing oversight for the print media sector.
- It was expressed that internal mechanisms for monitoring of adherence to or compliance with professional standards and codes of ethics need to be developed and practiced to build a culture of self-regulation. There also needs to be more awareness about the codes of ethics and other professional standards for the media. This might be an important direction to head in as most media owners, practitioners and journalists were seen to be averse to increased external regulation. This fear for external regulation, especially if the regulator belongs to the state or can be influenced by the state, stems from past experiences where the media have been stifled, gagged or made less effective.

- There was strong agreement that the state media need to be made independent from state control and influence and that transforming them into public service broadcasters (PSB) adopting PSB models from other Asian or European countries was a good step in that direction.
- The classification of the media – especially the broadcasting media – into commercial, community or public service categories has been raised as a strong and critical step at reform.
- There is a need to review the procedure for the handling of complaints against the media as outlined in the Code of Journalistic Ethics; as well as strengthening punitive measures for breaches of ethics. Only then will journalists and media enterprises be made more responsible and compliant to legal and professional standards. The procedures for punitive action in the event of a breach of ethics need to be made proportional to the severity of offence, especially for cases of libel and defamation. While it will take time for the formation of a media authority or an equivalent independent body, the mandate of the Press Council Nepal needs buttressing to ensure that it has the authority and resources to take action.

### **In concluding**

This thesis points to the need for public policy that promotes the practice of local, indigenous and endogenous media production for strengthening small and unorganized media markets. Such practice might ensure that local media enterprises remain independent from centralized media networks in terms of their governance and management mechanism as well as their editorial and content policy. Public policy might also ensure the decentralization of resources for the media, the absence of which can very easily lead to local media joining or being co-opted by centralized media networks. Such a phenomenon can lead to media concentration even at the local level, thereby limiting media plurality.

From an understanding of the context of Nepal's transition to peace, security and development and the discussions in this thesis, it can be seen that the challenges for the development of the media in Nepal are multiple. It is difficult to point to a single strategy or action that might be initiated before the others in the course of developing the media in Nepal. From revisiting the media development model that was presented in chapter 7 (figure 7.1), it is evident that the development of the media sector as a whole is dependent on the

development of each of the elements in the model – the media enterprises, the journalists and media workers, the media consumers and the media market. Of course, this is all influenced by the overall environment where NGOs and civil society organizations, umbrella or representative organizations of the media, and the state and government, all have a role.

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## Appendices

### Annex 1. List of interview respondents and FGD participants

Interview respondents during first field trip to Nepal (15<sup>th</sup> July – 24<sup>th</sup> September, 2011)

	Name	Position / title	Organization / region	Sector
1.	Praveen K. Sharma	Station manager	Rautahat FM, Gaur	Media management, Print & radio
2.	Krishna C. Lamichhane	Station manager	Narayani FM, Birgunj	Media management, Radio
3.	Siddhi C. Bhattarai	CEO	Lumbini Community Television, Butwal	Media management, Television
4.	Dev P. Magar	Station manager	Srinagar FM, Tansen	Media management, Radio
5.	Gautam Pokhrel	Student	Amar Singh High School, Pokhara	Media audience
6.	Arjun Limbu	Student	Amar Singh High School, Pokhara	Media audience
7.	Sanju Rana	Student	Amar Singh High School, Pokhara	Media audience
8.	Pratap Parajuli	Student	Amar Singh High School, Pokhara	Media audience
9.	Mohan Chapagain	Central member	Federation of Nepali Journalists (FNJ), interviewed in Pokhara	Media management, policy; Print and radio
10.	Rita Gurung	Station Manager	Pokhara Sunaulo FM, Pokhara	Media management, Radio
11.	Kashinath Subedi	Educationist	Kathmandu	Audience
12.	Brabim K. K.C.	Radio producer; youth activist	UNDP Radio Chautari, Kathmandu	Media management, Radio
13.	Pawan P. Upreti	Proprietor	Kankai Technology Network & Research Center, Kathmandu	IT, media technology, policy; Radio & TV

14.	Nirmala Sharma	Member	South Asian Free Media Association (SAFMA), Kathmandu	Media management, policy; Print
15.	Shiva Gaunle	Chairperson	FNJ, Kathmandu	Media management, policy; Print
16.	Shital Sah	Chairperson Central member	Radio Janakpur, Janakpur FNJ, Kathmandu	Media management, policy; Radio
17.	Vinaya Kasajoo	Chairperson	Information Commission of Nepal, Kathmandu	Media policy, research; Print
18.	Devraj Humagain	Researcher	Martin Chautari Nepal, Kathmandu	Media researcher
19.	Rupa Joshi	Information Officer	UNICEF Nepal, Kathmandu	United Nations professional
20.	Satish Krishna Kharel	Legal consultant	FREEDERAL, Kathmandu	Legal policy
21.	Nirmala M. Adhikary	Asst. professor	Kathmandu University, Kathmandu	Media academic and research
22.	Taranath Dahal	Chairperson	Freedom Forum Nepal, Kathmandu	Media management, research & policy; Print and radio
23.	Binod Bhattarai	Director	Writing Workshop Pvt. Ltd., Kathmandu	Media academic, research & analyst; Print and radio
24.	Tanka Upreti	Senior producer	Nepal Television, Kathmandu	Media production, academic; Television
25.	Dhruva Hari Adhikari	Founder member, trainer	Nepal Press Institute, Kathmandu	Media management, trainer, analyst; Print
26.	Rabindra Mishra	Chief	BBC Nepali Service, Kathmandu	Media management, writer, analyst; Radio
27.	Kunda Dixit	Chief editor	Nepali Times, Kathmandu	Media proprietor, editor, analyst; Print

28.	Binod Dhungel	Freelancer	Past central member, FNJ, Kathmandu	Media consultant, writer, policy; Print and radio
29.	Tapa Nath Shukla	Executive Director	Radio Nepal, Kathmandu	Media management, policy; Television and radio
30.	Dhirendra Premarshi	Freelancer	Kathmandu	Madhesi media activist, artiste; journalist; Television & radio
31.	Gopal Guragain	Executive Director	Ujyalo Ninety Network and Communication Corner, Kathmandu	Media management, media development, Print and radio

#### Focus group discussion participants (19<sup>th</sup> September 2011)

	Name	Position/ title	Org./ region	Sector
1.	Anu Upadhyay	Program Officer	Equal Access Nepal, Kathmandu	Media production & audience
2.	Pawan Neupane	Program Associate	Equal Access Nepal, Kathmandu	Media production & audience
3.	Durga Lamichhane	Program Associate	Equal Access Nepal, Kathmandu	Media production & audience
4.	Pavitra K.C.	Program Associate	Equal Access Nepal, Kathmandu	Media production & audience
5.	Karuna Poudel	Project consultant	Equal Access Nepal, Kathmandu	Media production & audience

Interview participants/ respondents during second field trip to Nepal (5<sup>th</sup> May – 4<sup>th</sup> June, 2012)

	Name	Position/ title	Org./ region	Sector
1.	Rabindra Adhikari	Member; Member	Constituent Assembly, Nepal; Nepal Communist Party UML	Politics
2.	Gagan Thapa	Member; Central Committee Member	Constituent Assembly, Nepal; Nepali Congress Party	Politics

**Interview participants/ respondents in interviews conducted by research assistants**

	Name	Position/ title	Org./ region	Sector
1.	Mohan Nepali	Faculty member	Dept. of mass communication & journalism, Kantipur City College, Kathmandu	Academic
2.	Jay Nishant	Director for parliamentary programs	National Democratic Institute, Kathmandu	Development, Radio & TV
3.	Kishor Pradhan	Country Director	PANOS International, Kathmandu	Media development, Print
4.	Kanak M. Dixit	Publisher Editor	Himal South Asian and Himal Khabar Patrika, Kathmandu	Publisher, editor, writer; Print and radio
5.	Upendra Aryal	Strategic partnerships director	Equal Access Nepal, Kathmandu	Development media; Radio
6.	Bhanubhakta Gajurel	Retired Village Development Committee secretary	Simle, Ward no. 5, Tehrathum district	Social worker and media audience
7.	Rom B. Pradhananga	Service sector entrepreneur	Tehrathum district	Entrepreneur and media audience



8.	Abhisek Pratap	Member; Central Committee Member	Constituent Assembly; Madheshi Janadhikar Forum (MJF) Nepal	Politics
9.	Devendra Poudel	Politburo member; Chief political advisor to Prime Minister Baburam Bhattarai	UCPN - Maoist	Politics
10.	Rukh B. Gurung	Student and social worker	Syangja district	Media audience
11.	Chitra Gurung	Student and social activist	Syangja district	Media audience

## **Annex 2. Semi-structured interview protocol/schedule**

As the interviews were open-ended, a set of questions were framed for each interview based on the key research questions and the sub-questions. However, there was the flexibility for changing or revising these questions based on the particular context of each interview, interviewee, their responses and emerging issues.

Observed data was recorded on a plain form that included basic information such as the time, place, date and location. It also included demographic information around the age, gender, ethnicity, religion, caste, education and professional background of the interviewees. The following section on the form was divided into two columns. The first column was used for noting observations around the participant, their physical setting, key moments in the interview including points of reminders – for later use during the transcription of the interviews. The second column included reflective notes e.g. researcher's personal feelings, hunches, impressions and prejudices. This captured both descriptive data like a log (what, where, when, who) with interpretive data like a diary/journal (researcher's reflections and interpretations). The interviews were recorded using audio recording equipment with the prior consent of the interviewee.

Two trial runs were conducted to revise and refine the interview schedule. The researcher made the best attempt to make the interview relaxed and conversational. The interview schedule included the following key steps to ensure that standard procedures were used from one interview to another (the plain language statement that includes information about the research project and the interviewee's role and rights were shared and the consent form filled by the participant interviewee):

- Make pre-interview observations of the interview location setting including any observation that might provide information about the participant; make sure that there is prior knowledge about the setting in which the participant works or lives and how he or she engages with the topic under discussion or the subject of study;
- Have good quality recording equipment ready and do a test run to ensure that the audio recorder is recording the participants response in an audible manner; select a quiet place that is available so that little or no outside noise is recorded and also so that the interviewee does not have to fear being overheard by others;

- Make sure to use language that is comprehensible and relevant to the participant and avoid leading questions; ask short, simple and easy questions avoiding jargons;
- Briefly explain the purpose of the interview again and the time it may take including the fact that the interview and data will be treated confidentially;
- Start with an ice-breaker question that may or may not be directly related to the topic under discussion or the subject of study;
- Register basic demographic information: date, place, interviewer, interviewee, age, gender, education, ethnicity, religion, professional background etc.;
- Have 4 or 5 broad questions that will act as the catalysts for the interviewee to open up and provide his or her perception on the topic of study; as described below, there will be 3 sets of questions for three different groups of participants;
- Have some probes for the questions so that the participants may be able to explain their ideas in more details or elaborate on what they have said. Include a mix of experience questions to gain information about participant's experience with regard to the topic; and make use of contrast questions to get comparative views and opinions of participants on differing aspects within the topic of study, and in their own words;
- Listen attentively to what is being said and be conscious of participant's cultural and background context in the framing and administering of questions;
- Put in a concluding statement like 'who do you think I should meet to gather more information on this topic';
- Be gentle and provide time between questions for the participant to think or add something to what has been already said;
- Ask if the participant interviewee has any questions;
- Thank the participant for their time and effort, briefly outlining the next steps and also the need for a follow-up interview with the participant if required.

After the interview make a note of how the interview went, whether or not the participant was cooperative, willing to talk, nervous, attentive, interested in the process; location of the interview; other thoughts about the interview – whether it led to other avenues of interest; the setting – whether it was quiet or busy or punctuated by disturbances.

Keeping in mind the three different media stakeholders that are targeted as participants in this research, there will be three sets of interview questions – one each for media workers, policy-related participants and general media audiences or consumers.

### **Probable set of questions for media owners and workers**

1. What was it that got you into the media industry? How and where did you start?  
For Media owners – What got you motivated to invest in the media industry?
2. How are people recruited, what policies are followed? (Also ask to get hold of a copy of policies if they are open for distribution).
3. How are staff (journalists, reporters, editors, news-room) trained – especially for dealing with sensitive topics?
4. How do you learn about your audiences, their preferences and perceptions?
5. What has been your experience of working in the media sector – especially under difficult circumstances?

### **Alternate questions**

6. What guidelines/ policies/ protocols do you follow as a media organization? How do you ensure that these are disseminated, read, understood and followed?
7. How do you think the media will operate in a federal Nepal?

### **Probable set of questions for media policy stakeholders**

1. What are your thoughts on the current media regulatory environment of Nepal?
2. How does current legislation affect the media and media workers?
3. What is the present situation of media monitoring in Nepal?
4. What forms of media regulation best suit the transitional context? Is there a role for industry self-regulation?
5. Is there a policy that governs media ownership? Do you think media plurality can be enhanced while regulating ownership?

### **Alternate questions**

6. How does current legislation affect media audiences / consumers?
7. How would / should media be utilized in a federal Nepal?

**Probable set of questions for media audiences/consumers**

1. What is your relationship with the media in Nepal?
2. What has been your experience of media's role in Nepal since the last two decades? Or  
How have you understood the rapid unfolding of political events in the last two decades?
3. Do you have access to the media? Is it a platform for you and your community?
4. What are your thoughts on media content over the years – especially during and after the conflict? Or  
How has the focus of media content changed over the years?
5. How would you compare media operating from Kathmandu to local media?

**Alternate questions**

1. Do you believe there is a role for the media in creating a new Nepal?
2. What sort of relationship can citizens have with the media?

## Annex 3. Letter of approval from the RMIT Human Research Ethics Committee

 **RMIT University**  
*Human Research Ethics Sub-Committee*  
*Office of the Pro Vice-Chancellor*  
Phone: 9925-2974  
Email: [lisa.mann@rmit.edu.au](mailto:lisa.mann@rmit.edu.au)

24 June 2011

**Design and Social Context  
College Office**

Building 101, Level 10  
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Tel: +61 3 9925 2226  
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Dear Nirmal,

**Re: Human Research Ethics Application – Register Number CHEAN A-2000508-06/11**

The Deputy Chair of the Design and Social Context College Human Ethics Advisory Network (CHEAN), Prof Joseph Siracusa, assessed your ethics application for the following research project:

***Media's role in transition to democracy: the situation in post-conflict Nepal***

I am pleased to inform you that your application has been approved at a Low Risk classification. This approval will be reported to the University Human Research Ethics Committee for noting.

Your ethics approval expires on 31 December 2013.

Please note that all research data should be stored on University Network systems. These systems provide high levels of manageable security and data integrity, can provide secure remote access, are backed up on a regular basis and can provide Disaster Recover processes should a large scale incident occur. The use of portable devices such as CDs and memory sticks is valid for archiving, data transport where necessary and some works in progress. The authoritative copy of all current data should reside on appropriate network systems; and the Principal Investigator is responsible for the retention and storage of the original data pertaining to the project for a minimum period of five years.

You are reminded that an Annual /Final report is mandatory and should be forwarded to the College Ethics Subcommittee Secretary by mid-January 2012. This report is available at <http://www.rmit.edu.au/browse;ID=6sqx7sd0wkp> or can be located by following the link under Policy at <http://www.rmit.edu.au/dsc/chean>.

Should you have any queries regarding your application please seek advice from the Deputy Chair of the College Human Ethics Advisory Network (CHEAN) Prof Joseph Siracusa on (03) 9925 1744, [joseph.siracusa@rmit.edu.au](mailto:joseph.siracusa@rmit.edu.au) or contact Lisa Mann on (03) 9925 2974, [lisa.mann@rmit.edu.au](mailto:lisa.mann@rmit.edu.au)

On behalf of the DSC College Human Ethics Advisory Network I wish you well in your research.

Yours sincerely,

Ethics Officer  
DSC College Human Ethics Advisory Network (CHEAN)

cc. Dr Jo Tacchi

## Annex 4. Letter of support from Equal Access



June 21, 2011

To Whom It May Concern,

This is to confirm that Equal Access is aware of Nirmal Rijal's PhD study and the research project that he aims to undertake. It will be our pleasure to support Mr. Rijal in his data collection efforts during his field trip in Nepal from August to October 2011 and during a subsequent follow-up trip sometime in mid-2012.

Mr. Rijal will have access to our office resources and facilities and he will be provided with recommendations and contact details to identify possible participants to support his data collection work. A space will be provided for him at the Equal Access office in Kathmandu for safe storage of data that he collects.

He will also be provided with access to relevant data and information at Equal Access' disposal including reports of its' current and previous monitoring, evaluation and research works. He will also be connected to local and regional level support through a network of Equal Access' staff and reporters in Nepal.

We wish him the very best in his important study and for an outcome that will be beneficial for the media sector and more broadly, for democracy in Nepal.

Yours truly

President & CEO  
Equal Access International