



*September 11, 2005*

## **Nepal update**

### **Saving Independent Radios in Nepal: Interview with Raghu Mainali, Coordinator of Save Independent Radio Movement (SIRM)**

#### **Background:**

Between February and June, 2005, Ministry of Information and Communication of His Majesty's Government of Nepal, through a series of letters, ordered all independent radio stations including community radios to broadcast pure entertainment programs only. The letters placed a complete ban on the broadcast of news, information, opinion, discussions and interviews and threatened closure of stations in case of non-compliance.

On July 7, 2005, Nepal FM, a Kathmandu based independent commercial radio station resumed news broadcast after it received a letter from the Royal Palace asking it to air the bio-data of His Majesty the King. The Palace secretariat had sent this letter to most media outlets as part of the King's birthday celebration. The station decided to air the bio-data through news program as it did not fit within "pure entertainment program" that the Ministry had prescribed. After airing news for about four weeks, the Ministry sent a letter to the station demanding an explanation for broadcasting news and threatening to close down the station. On August 7, 2005, Nepal FM appealed the Supreme Court for a stay order.

On August 10, 2005, the Supreme Court issued an interim order to the Ministry to stop all actions leading towards the closure of Nepal FM radio station. The government appealed for the cancellation of the interim order.

Following the interim order of the Supreme Court all independent radio stations of Nepal (approximately 46 stations) began to broadcast news.

On September 7, the day set for hearing on the government's appeal, lawyers representing Nepal FM, which included prominent legal practitioners of Nepal requested the judges' bench for a hearing on seven different writ petitions related to freedom of speech, which the court upheld. Lawyers representing the Ministry declined this on the grounds of unpreparedness. The Court has set aside November 29, 2005 as the day for the next hearing. All seven cases, being related to each other in their subject matter, will be argued for and against together. The SIRM has hailed this as a victory for the Movement.

The battle for freedom of expression and freedom to broadcast news has now moved from the streets and into the courtrooms. The verdict of the court will determine the future of independent broadcasting in Nepal. The Government of Nepal is using all its might and resources to influence the court and to slay the voice of independent broadcasting in Nepal, once hailed as the pioneer of independent broadcasting in South Asia.

**In the following Interview with the AMARC Asia Pacific e-newsletter, Raghu Mainali, Coordinator of Save Independent Radio Movement (SIRM), President of Nepal Association of Community Radio Broadcasters (ACOURAB) and Coordinator of AMARC-Nepal Working Group talks about the current status of the movement and how it is going to move ahead in the coming days.**

*Question: Please tell us about the current status of the Save Independent Radio Movement (SIRM)?*

**Raghu:** The Movement took a new turn after the battle for the freedom of expression entered the Supreme Court. The interim order of the Court has put the State in a defensive position. Even though the Movement began from a position of disadvantage, after struggling for almost six months we have successfully place the government in a position of disadvantage. The court's interim order to the government to not to proceed with its threatened closure of the Nepal FM station and its insistence on discussing all cases pertaining to freedom of expression together are important achievements of the movement. These achievements came about because much effort has been made by us to clarify the position of independent radio stations vis-à-vis freedom of expression. However, full victory will be achieved only if the Supreme Court's final verdict will be in favour of freedom of expression and broadcasting.



In the interim, we, the members of the Movement are actively trying to make a positive case for independent radios. For example, Media Services International (MSI) has started a feature service focussing entirely on freedom of expression. Likewise we are working with the media and the civil society to gather their support. It is due to such efforts that we have received unequivocal support of the Nepali intelligentsia and the public in general. Ex-Chief Justices of the Supreme Court have openly spoken against censorship of any kind in radio stations. The civil society movement has supported the cause of independent broadcasting.

*Question: On September 7, 2005, the Supreme Court upheld the request of Nepal FM lawyers by calling for discussion of all cases related to freedom of expression including the Ministry's appeal for the cancellation of the Court's interim order. How does this effect the Movement?*

**Raghu:** Most importantly, this has provided legitimacy to the SIRM movement. The court's refusal to discuss only the government's petition and its insistence on having all other cases of freedom of expression discussed has given legal credential to the SIRM campaign. The SIRM has all along said that the case of banning news on radio is against basic freedom of expression. The Nepal FM case has a direct implication on all independent FM stations of Nepal as the decision to whether Nepal FM is allowed to broadcast news or not will apply to all of them. Therefore, the court's decision has boosted the morale of the SIRM.

As you know, the state is hell bent on giving a bad name to the independent radio stations. Government spokespersons and people in authority are making use of state machinery including state owned media to run a campaign of misinformation regarding independent radio stations. They are telling people that no where in the world do FM stations broadcast news and that independent broadcasters support terrorism. You and I know that this is utterly false. Now we have to tell the people that this is false and that the state is trying to mislead. We have to create an atmosphere that will assist the Supreme Court to decide in an informed, and independent.

***Question: How are you planning to do that?***

**Raghu:** In today's meeting of the SIRM, we have made four important decisions:

Firstly, we will look for resources to provide fellowships to researchers and reporters to study and disseminate the benefits of independent broadcasting and especially community broadcasting. We want people to understand how free expression leads to better conditions for all, including the state. I say this because we must not forget that freedom of expression and broadcasting ultimately support local and national development.

Secondly, we are going to organise a series of meetings of broadcasters from various parts of Nepal to discuss and finalise an editorial policy for conflict ridden and trying times like these. We know that many stations have difficulty in determining policies. They also have difficulty in terms of trained staff to handle delicate information or to steer their programming during challenging times. We will organise workshops and consultations to address these issues.

Thirdly, to demonstrate that independent broadcasters are a responsible lot and that they are aware of their social responsibilities, SIRM will discuss and finalise a code of conduct for all independent stations of Nepal. Various broadcasting associations do have their own codes but we feel that there is a need to combine what exists already and to come up with a common understanding of dos and don'ts.

Finally, we are going to try and gather resources to sustain the publication of the feature service that has been initiated by the MSI. We also want to begin a radio feature service whereby we shall produce radio magazine programs (to be broadcast by the independent FM stations) on a weekly basis on issues related to freedom of expression. We need support for this and we are going to explore the possibilities.

***Question: What kind of support do you require for your programs?***

**Raghu:** First of all, I would like to mention that the success achieved so far has been due to the joint efforts of the SIRM activists in Nepal and its supporters internationally.

I would like to mention the special support that the Movement has received from the World Association of Community Radio Broadcasters (AMARC). The letter campaign that AMARC initiated in support of the Movement has already generated hundreds of letters and that has been of huge support.

Likewise, the International Mission for Advocacy of Freedom of Expression in Nepal made an important contribution in enhancing the profile of the Movement. We are very thankful for

the support received so far and would like to request for continued support of the international community.

Further support is needed. We need support from experienced individuals and institutions in finalising the code of conduct that I have mentioned earlier; we need financial support for carrying out the various activities; we need to learn from radio stations that have experience in broadcasting during conflict times. Most importantly we need financial support. We are a bunch of activists that know how to run a campaign but lack financial resources. In addition to that, we words of support and encouragement from all sections of the international community are welcome too. I would also like to request the international community to keep up the pressure on the Nepali state on behalf of the movement to save independent radios in Nepal.

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