

Civil society participation and public media.

The Argentinean case

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In Latin America, public media were barely able to develop until 2005. In many Central American and Caribbean countries they have not even existed. Meanwhile, in countries where they have emerged such as Argentina, they have remained in the hands of the government on call. The abandonment, the lack of financing, the poverty of their content and the regular changes of direction contributed to the deterioration of their credibility and their audience. They were relegated to a secondary place in the media system (Arroyo, Becerra, García Castillejo & Santamaría, 2012).

Meanwhile, communication policies making processes have been historically influenced by political and economic elites. Social actors have not achieved to have impact, even if Latin American civil society is organized around a range of demands related to communication rights. In particular, related to public media.

Nevertheless, civic organizations had an unusual participation and impact in many aspects of the communication policies reforms made in many Latin American countries during the last decade. One indicator of this impact is the creation of participatory institutions of media

governance –and, specifically of public media governance- in some of the new communication laws of the region.

In this paper, we will analyze one of these cases: the Argentinean civil society demands on public media, their impact on *Ley de Servicios de Comunicación Audiovisual* passed in 2009, and the difficulties of social participation and achievement during the new policies implementation.

1. Frame

This analysis challenges the vision of public policies exclusively defined by political and economic elites. Instead, it recognizes the role of social actors and power disputes in policies making processes. Therefore, it defines communication policies as controversial processes. In consequence, actors that seemed weak could have some impact on political processes, as a result of civic claims to the state (Álvarez Ugarte, 2013).

Therefore, it assumes the heterogeneity of civil society and its relative autonomy from market and state. It does not consider it as a purely democratic sphere opposite to market as a space only dominated by interest, and to state as an area which only aim is domination. On the contrary, it reflects the complexity of these areas and their interrelationships (Sorj, 2010).

This poses the discussion about the link between systems of representative democracy and participatory mechanisms (Del Águila & Vallespín, 2003). Citizen participation is usually considered a valuable element of democratic citizenship and decision-making (Barber, 2003).

It also avoids to left policy-making in the hands of politicians, technical experts, and lobbyists for companies.

In particular, civil society has a relevant role to play in the governance of public media in order to guarantee their purposes. It is accepted that the objectives of public media are reflecting social, economical, political, cultural and ethnical diversity of a nation; promoting the creativity of artists and local and national producers; guaranteeing the access to information, expression, knowledge and entertainment in all the country; independent from governments and business, and with social participation in it production, management and control (Pasquali, 1991; Becerra, 2013; and others).

2. Tendencies and changes

The configuration of media systems in Latin America was the culmination of decades of elite-capture policies. It resulted from the cumulative impact of policy decisions that overrepresented the interests of economic and political elites and failed to institutionalize a diversity of citizens' interests (Guerrero & Marquez, 2014). The history of communication policy making in Argentina is not an exception in the region because of the informal links between state and private media owners (Mastrini & others, 2005).

In consequence, historically, the media in Latin American countries were characterized by: private initiative and dependent on advertising for its commercial exploitation, the complementary absence of non-governmental public media with real audience together with the presence of community media confined to illegality or limited development, huge levels

of private property concentration, and concentration of contents production in main urban areas (Mastrini and Becerra, 2006; Becerra and Mastrini, 2009).

In this context, public media were barely able to develop. In many Central American and Caribbean countries they did not even exist. Meanwhile, in countries where they emerged - such as Mexico, Colombia, Brazil, Chile and Argentina - they remained in the hands of the government on call. Their use during the dictatorships of the 70s and early 80s started the lack of credibility. The abandonment, the lack of financing and the poverty of their content in the 90s accentuated their loss of relevance. The regular changes of direction according to the governments also contributed to the deterioration of their audience. They were relegated to a secondary place in the media system. In some countries, this secondary place worked as subsidiary: it was assumed that the audiences were satisfied by the private programming, while state media covered only some slots of contents that private operators did not explore (Arroyo, Becerra, García Castillejo and Santamaría, 2012).

History of public media in Argentina had similar characteristics in a media system with the same shape as the others in the region. Nonetheless, this country has a particular characteristic: it was the first one in the region in installing state television and this channel was one of the first four TV in Latin America. Argentinean channel functioned as monopoly during almost a decade, even if it has commercial financing and was managed by a businessman (Varela, 2013).

These tendencies started to partially revert from 2005, when, during the communication policies reforms, the confrontation between governments and the main media companies in each country, and the technological convergence, Latin American countries developed or

strengthened their state media (Becerra, 2013). Countries that did not have them, created new broadcasting stations, those that already had them multiplied them, strengthened the existent ones, changed their profile and increased their resources. Due to this process, all the countries currently have state media. The state radio and TV stations started to revert their discredit as they competed for audiences and improved their performance. In addition, there are important regional experiences such as the regional integration in the South American multi-state TV station, *Telesur*, and *Unión Latinoamericana de Agencias de Noticias* (ULAN). However, the information, opinion and debate segments in radio and TV are frequently biased by the governmental logic and, therefore, there is scarce internal plurality (Badillo, Mastrini & Marenghi, 2015).

In Argentina, these tendencies also started to change during Néstor Kirchner's administration (2003-2007), even if there were the same continuities. It increased the budget for salaries, infrastructure and new equipments. This allowed to renew their programming and to expand state TV and radio coverage. Besides, it created two new public TV: South American television *Telesur* and *Canal Encuentro*. Moreover, since 2007, it promoted the *Encuentros de Televisión Pública Argentina* to discuss the policies for national, provincial and local states media as well as national universities media and public audiovisual production centers. Nevertheless, the informative and opinion segments, especially of *Canal 7* and *Radio Nacional*, continued to be used for official propaganda (Becerra, 2013).

3. Social demands

Civic organizations mobilized around media reforms have a broad agenda. Social demands can be joined in two groups: the ones that tend to reduce the historical dominance of private

sector in media systems; and the others that try to curb the government control of information and expression. Although organizations have collaborated at times, these two positions direct attention to different problems, strategies, and solutions, grounded in different philosophical conceptions about civil society, state and communication.

One of the social demands that try to reduce the discretionary use of governments' power to restrict communication is the claim of strengthening public broadcasting as a system guarantee by state but independent of government, and that reflects in its governance and content the cultural, economic, social and political diversity of its country. Another social demand is to build participatory institutions of communication policies in the state in order to democratize media system governance.

Unlike demands tending to reduce the power of markets that are expressed by grassroots movements such as associations of communitarian radio stations, the oldest communication movements in the region; demands curbing the power of states –including demands for strengthening public media- are expressed by ONGs of experts (lawyers, journalists, academics, political scientists), journalists professional associations, and some human rights organisms that emerged during the transition and consolidation of democracy in the 1980s and 1990s. They are registered as non-profit organizations and function as bureaucratic structures funded mostly by foreign donors. They usually work on different subjects related to freedom of expression and information.

In Argentina in 2004, with a new government after the crisis of 2001-2002, *ADC*, *CIPECC*, *Poder Ciudadano*, *CELS*, *Periodistas* and *FOPEA*, with the financing of Article XIX and the British Embassy, published a Decalogue for a public media as a result of debates among

different social, professional, academic and political actors. These principles claimed that public media respect regional diversity in contents production; be regulated; be independent from government and business or particular interests; assure editorial independence; have a directory that make general policies; guarantee the control of their management; and be finance substantially by public funds. In addition, it recommended the creation of a *Consejo de Asesoramiento Ad-Honorem* conformed by specialists and organizations to collaborate in general policies of the media (ADC, 2004).

At the same time, *Coalición por una Radiodifusión Democrática* was created to demand a new broadcasting act. This alliance was convoked by one of national associations of community media and also included national universities, workers unions, human rights organisms, native communities, cooperative, native and SME media, women movements, social organizations and political parties (Segura, 2011). ADC, CIPECC, Poder Ciudadano and CELS integrated the *Coalición* in the begining. *Coalición* presented *Los 21 Puntos por una Nueva Ley de Radiodifusión para la Democracia*. These principles included, among others, claims for public and non-governmental media that provide broad variety of informative, educative, cultural, fiction and entertainment program; to guarantee citizen participation and attention to population needs. In addition, it claims that the public media authority should represent the federal system, civil society organizations, and workers unions. (Coalición, 2004)

Four years after, in 2008, during its confrontation with a private group of media, national government took the civil society agenda. *Coalición por una Radiodifusión Democrática* was the first group convoked by the president Cristina Fernández (2007-2011 y 2011-2015) when she announced that the broadcasting law would be changed. Besides, one of their members

was one of the bill writers in collaboration with governmental functionaries. Government has also organized 24 debate forums in each province of the country. Finally, when the bill was discussed in the National Congress, there were public audiences to suggest changes. *Coalición's* members took part in all of these participatory mechanisms. By then, ADC, CIPECC and *Poder Ciudadano* had left the *Coalición* because of disagreements with the relationship with national government (Segura, 2011; Álvarez Ugarte, 2013).

4. Impact

Social organizations that work for communication rights in Latin America, in the particular political junctures of the region in this century, succeeded to impact on legislative reforms in different levels and ways. They had relative influence in more than thirty cases of regulation changes about general broadcasting, community broadcasting, payed television, and public information access as well as in the decriminalization of disrespect laws.

In Argentina, the *Coalición por una Radiodifusión Democrática's* proposal was the foundation of the *Ley 26522 de Servicios de Comunicación Audiovisual* (LSCA) passed by National Congress in 2009. The law recognizes four types of audiovisual services providers: public state, public non-state, private for-profit and private non-profit. Among the public non-state actors include Catholic Church and native media. Among public state actors, include the ones owned by national state, provincial and local states, national universities and national university institutes.

The LSCA also regulates public media following the principles proposed by Argentinean civil society and international organisms such as United Nations (UN) and Organization of

American States (OAS). The LSCA creates *Radio y Televisión Argentina Sociedad del Estado* (RTA SE) that has to manage, operate and develop broadcasting services of national state (LSCA, art. 119). This state society only includes Canal 7, Radio Nacional and Radio Argentina al Exterior. Nevertheless, there are seven others specific television signals managed by different areas of national government, started since 2010 and only transmitted by digital television. These digital channels have made more innovations in the quality, diversity and federalism of their contents, and in their educational, cultural and entertainment proposal. Media of RTA SE, on contrary, have stayed more linked to official message and their innovations did not reach the magnitude of other state channels.

The LSCA establishes that public state media should assure the coverage in the hole country, promote human rights, pluralism and national identity; guarantee the information right; contribute to education and culture; make own production; transmit national, regional, Latin American and independent audiovisual production; offer infantile programming and attend the needs of population sectors that are not contemplate in commercial media. In this way, it overcomes the subsidiary role assigned to these media by the ancient law 22285 (Linares, 2014).

The law 26522 -as civil society have proposed- creates the *Consejo Consultivo Honorario de Medios Públicos* composed by, at least, two representatives of national universities with Communication or Journalism career, six of regions of the country, one of native communities, one of *Consejo Federal de Educación*, and one of *Consejo Nacional de Comunicación Audiovisual e Infancia* (CONACAI) (LSCA, art. 124). The *Consejo Consultivo* should control the observance of the law. It can convoke public audiences to evaluate the programming, contents and functioning of RTA SE; make proposals to improve

their functioning; establish channels for direct communication with citizens; monitor the fulfillment of the aims of the law and denounce its non-observance with the *Comisión Bicameral de Promoción y Seguimiento de la Comunicación Audiovisual*; convoke the directorate of RTA SE to inform about its management; and present its conclusions about this to the Congress commission (LSCA, art. 130).

The implementation of civil society claims expressed in law 26522 is being too slowly. It has been difficult because of the lack of governmental will, the attitude of opposition political parties and the resistance of private media (cfr. Becerra, Mastrini & Marino, 2010). In particular, the social participation in the governance of public state media that the law establishes does not start.

Unlike the other two participatory institutions created by LSCA –*Consejo Federal de Comunicación Audiovisual* (COFECA) and *Consejo Nacional de Comunicación Audiovisual e Infancia* (CONACAI) that functioned very well since shortly after the law was passed, the members of *Consejo Consultivo Honorario de Medios Públicos* proposed by their institutions were designed by the president just in last January and its first formal meeting was in September. Thus, six years after the law was passed, it has not started to work yet. This dilation prevents the realization of public audience with open participation, making citizen proposals or demands, and evaluating the functioning of public state media.

Even if expectations of social organizations that promoted the legislative reform are not yet satisfied, associations of community, cooperative, SME and native media participate actively in COFECA and CONACAI, collaborate informally with AFSCA and *Defensoría del Público*, and also continue claiming for the law fulfillment. On contrary, there are not

organized civil society that promotes state public media. The delay on the designation and functioning of the public media council was reclaimed only in 2012 by the two national associations of Communication university careers, by eight national deputies and a national senator in 2013.

Conclusions

Why, six years after the creation by law of the public media council in Argentina, it is not working, while the two others participatory institutions of media governance created by the same law and that involve more and different actors and interests are functioning and producing shortly after the law was passed?

Our hypothesis combines two variables to understand the delay:

1. The lack of political will of national government and RTA SE directorate in starting a social control entity with plural and diverse representation of political parties, regions of the country, universities, union workers, native communities, publics and human rights organisms to monitor and improve the public state media that, if this council does not function, remains under their control. This lack of interest is manifest in the delayed designation of council members and the no call to its first meeting. This attitude is understandable because the media that the council should supervise are not all state media, but just the ones that have been more used for government propaganda especially in their informative and opinion segments, and the less opened to innovation, diversity and experimentation.

2. Even if there were social organizations that initially promoted principles to ground a public media regulation, nowadays there are not a social movement that strongly demand the implementation of what LSCA establishes for them and, in particular, for the participatory institute of public media control. It could be understandable because public media must attend common interest, but any sectoral interest is represented by them or their *Consejo Consultivo*. In this council there are not represented any sector directly interested on them. On the contrary, associations of community, cooperative and SME media, unions and audiovisual producers organizations that defend specific interests of the people and institutions they represent, have mobilized and lobbied for the other participatory institutions start working, include them and express their claims and proposals.

Why there are not a strong social movement promoting public media in Latin America and, in particular in Argentina nowadays, that claim for the implementation public media regulation of law 26522? In order to answer, we propose the combination of four variables:

1. Public media are of general interest of citizenship, but they are not of particular interest of any entity such as the community, cooperative, alternative, university or SME ones. Thus, there is no organization that promotes them actively.
2. NGOs that have in agenda –among others- the subject of public media, left the alliance of organizations that promoted the new broadcasting law because of disagreements about the negotiation with government.
3. The others civic organizations that promoted the legislative reform concentrate their advocacy efforts to achieve the implementation of specific measures provided by law

favoring their sectors, considering that the hole implementation of the law is having difficulties and delays.

4. Finally, the continuity in governmental use of state media -despite the innovations already mentioned- even after the law that regulate them as public and non-governmental media was passed, inhibit publics involvement with their proposals and, even more, with their management and control.

In summary, the challenge of increasing participation of various social and political sectors in state media and, in particular how the participatory institutions of governance and control proposed by LSCA operate, are linked to the political will to implement them, but also to civil society initiatives and mobilization to make them productive and meaningful. If these two conditions would take place, the process can renew participatory political culture for public media system in Argentina and the region.

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