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Research in Brief

From Media Niche to Policy Spotlight: Mapping Community-Media Policy Change in Latin America

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Introduction

Some of the most inspiring media policy innovations in recent years have emerged in Latin America. Originally a region with a vibrant grass-roots media landscape but few possibilities for such media to operate legally, it has seen significant social and political change, leading to the radical transformation of the normative and legal frameworks that guide and enable media development. In several countries, non-profit community media have not only been legalized, but have been moved out of niche positions and elevated to a leading force in social communication. This paper traces these developments across several countries of the region.

Policy change has coincided with increased academic interest in non-mainstream alternative, community, radical, citizens', or civil society-based media practices (e.g., Bailey, Cammaerts, & Carpentier, 2008; Coyer, Dowmunt, & Fountain, 2007; Downing, 2001, 2010; Howley, 2005; Rennie, 2006; Rodríguez, 2001; Rodríguez, Kidd, & Stein, 2009). This interest has been fuelled partly by the emergence of new media technologies that have allowed activists and grass-roots groups to create substantial media operations with a worldwide reach, partly by the continued spread of community uses of older technologies such as radio and video. Yet with the growth of the sector, policy questions have become more prominent. According to the World Association of Community Broadcasters (AMARC), "the lack of proper enabling legislation is the single principal barrier to [community media's] social impact" (AMARC, 2007, p. 5). Thus some community-media organizations (such as AMARC and the Community Media Forum Europe, or CMFE) and researchers (e.g., Hadl, 2010; Hintz, 2009; Milan, 2010; Reguero & Scifo, 2010) have increasingly been interested in the regulatory rules and norms that shape the media landscape: where they originate, how they are created, based on which values and interests, and how they shift.

In this article I will first introduce the contemporary dynamics of media policy at a global level and map several components that need to be considered if we want to understand the policy environment of a given media type or theme. I will then use

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this framework to investigate the policy environment of community media in Latin America, focusing on the countries of Argentina, Uruguay, Bolivia, Venezuela, Brazil and Chile. In the limited frame of this article, these developments and environments can only be outlined as a brief and necessarily sketchy overview. What this article will highlight is, in particular, a way of approaching the analysis of media policy change and a starting-point for investigating the specific policy context of community media.

Mapping media policy

Policy analysis has traditionally focused on national legislation, the implementation of legal texts, institutional design, administrative processes, and the existence or non-existence of support measures that may condition legal rules. National laws, as we will see below, continue to be a crucial framework that enables, constrains, or obstructs media operations. However, they increasingly intersect with developments taking place at other levels than the national one, and they are subject to both normative and material influences by actors other than the nation-state. Geographically, both the local and the national have “become embedded within more expansive sets of interregional relations and networks of power” (Held & McGrew, 2003, p. 3). As for the actors involved, global policy debates such as the World Summit on the Information Society (WSIS) and the Internet Governance Forum (IGF) have experimented with new forms of multi-stakeholder processes that include non-state actors such as civil society and the business sector. As arenas where actors and interests clash in a “battle for justifications” and where “consensus mobilization” (Khagram, Riker, & Sikkink, 2002, p. 11) is a prime target, such forums offer specific leverage for new “players.” Latent and invisible policymaking, such as standard-setting by technical communities and informal actor alliances, have opened further doors for non-state actors to shape policy (e.g., Braman, 2006; DeNardis, 2009). The vertical, centralized, and state-based modes of regulation have thus been complemented by collaborative horizontal arrangements, leading to “a complex ecology of interdependent structures” (Raboy, 2002, p. 6) with “a vast array of formal and informal mechanisms working across a multiplicity of sites” (p. 7).

These multi-actor dynamics, taking place at “different and sometimes overlapping levels—from the local to the supra-national and global” (Raboy & Padovani, 2010, p.16), highlight the nature of policymaking as a process of political negotiation. This puts the focus on the interactions between, and the interests of, those involved, and on the conditions and environments of interaction. Prevalent societal norms and ideologies underlie and advance specific policy trends (Freedman, 2008); favourable institutional settings may create “policy windows,” that is, temporary openings for policy change (Kingdon, 1984); and stable “policy monopolies” may be broken up when political constellations change and the balance of power shifts (Meyer, 2005).

Whether a policy window is opened and a policy monopoly is shaken depends, not least, on the relative strength of social forces such as civil-society groups and the private sector. For our focus on community media, a particularly relevant aspect is the position of existing commercial and public-service media, including the extent of their commercial (through media concentration) and political (through links with the political elite) dominance. Another key dimension is the strength of social movements that support policy change by both public pressure and interventions into policy de-

liberations. In particular, the creation of networks and collaborations across movements, both domestically and transnationally, has been identified as one of the key factors for gaining political influence (Keck & Sikkink, 1998). Furthermore, individuals who occupy strategic positions in, for example, technology development or regulatory institutions may hold significant leverage in shaping policy development.

Finally, a focus on a region of the Global South, such as Latin America, may benefit from insights from postcolonial studies (e.g., de Toro & de Toro, 1999) that investigate how far Northern/Western concepts form the basis of social structures in non-Northern/Western societies and which continuities exist from colonial to current times. Policy analysis, with its focus on the governance of complex societies, faces the risk of setting the models prevalent in “advanced” societies as benchmarks for policy development in other parts of the world and thereby of assuming unidirectional policy change. Instead, it needs to illuminate differences and connections across societies and to question normative assumptions regarding the direction of development dynamics (Mihir, 2005).

The effort of mapping communication policy thus necessitates an enquiry into a broad range of dimensions: national laws and their implementation; regulatory regimes and institutional design; the technological, social, economic, and political context; interconnections between the local, regional, and global levels, including transnational influences; discursive, ideological, and normative frameworks; political constellations and government change; social movement formations; the strategic roles of civil-society organizations and individuals; and the interactions among diverse actors intervening in negotiations and norm-building processes. In the following sections, I will use these dimensions as a lens to look at community-media policy in Latin America.

Historical contexts of community-media policy

Over the past century, communication policy has passed through several phases (Ó Siochrú & Girard, with Mahan, 2002; van Cuilenburg & McQuail, 2003). Whereas during the 1950s, 60s, and 70s, international co-operation and public-service values were prominent, albeit with a persistent dominance of state actors, the 1980s and 90s saw the “unobstructed rollout of a neo-liberal model of media development” (Calabrese, 2004, p. 324), characterized by market- and industry-dominated regulatory approaches. For community media, both periods provided substantial challenges. The earlier phase, with its focus on state-led initiatives and international negotiation, left little space for citizen-based media models, while the later emphasis on business initiatives, commercialization, and the private sector has largely neglected media that are non-commercial and civil society-oriented. However, some openings for their support have emerged throughout those phases. For example, the MacBride Report, the main outcome of the international debate on a New World Information and Communication Order in the 1970s and 80s, recognized the role of local, alternative, participatory, and decentralized media (International Commission for the Study of Communication Problems, 1980). At the World Summit on the Information Society of 2003 and 2005, community-media concerns were crushed by both authoritarian governments and business agendas, but side events, thematic WSIS-related conferences, and reports strongly emphasized the value of community media (Hintz, 2009).

Regional policy institutions have picked up the trail over the past decade. In 2001, the *African Charter on Broadcasting* recognized community media as a “third media sector” in a three-tier media landscape (UNESCO, 2001). Both the European Parliament (in 2008) and the Council of Europe (in 2009) adopted declarations in which they highlighted the important role of community media in advancing social cohesion, media pluralism, and intercultural dialogue, and in which they called for the legal recognition of community media in national media law, access to licences, and public financial support (Council of Europe, 2009; European Parliament, 2008). Likewise, the Inter-American Commission on Human Rights has acknowledged the centrality of community media for freedom of expression and access to information, calling upon states in the region to “legally recognize and reserve parts of the spectrum for this type of media, as well as to establish equitable conditions for the access to licences that recognize the difference of non-commercial media” (Inter-American Commission on Human Rights, 2009, p. 392). Governments in several countries have started to put such calls into practice. The British regulator Ofcom, for example, has allocated licences to hundreds of community radio stations since 2004. The government of India plans to have legalized 4000 community radio stations by 2013 (AMARC, 2010).

The ideological, media-structural, and political context in Latin America

Various dimensions of the global political-ideological context of communication governance emerged in Latin America with particular force. For many decades the state was dominant in social and economic life, partly as socialist or social-democratic state, partly (and more often) in authoritarian forms and as military dictatorship. From the 1980s, the neo-liberal model was enforced more radically than elsewhere, promoted by international institutions such as the World Bank, the International Monetary Fund, and the World Trade Organization, as well as domestic elites. The telecommunications sector was privatized and media businesses became highly concentrated. However, following deep economic crises, as well as the (related) legitimacy crisis of the neo-liberal paradigm, left-wing governments were elected across the continent in the early 2000s. Their politics, rhetoric, and policies have differed, but they have largely stalled or reverted privatization processes and have put stronger emphasis on public services. Countries including Venezuela, Bolivia, and Ecuador have recently carried out re-nationalization processes in the telecommunications sector, and new media laws have radically changed the environment for community media.

Community radio is immensely popular in Latin America due to its embeddedness in local society. Often it represents the only media outlet offering local news, programs on local issues, and programs in local languages. The cost of a radio set is low, collective use is possible, literacy is not essential, the use of radio waves requires only limited investment, and it is thus the most accessible media platform (e.g., Girard, 2003). A large number of grass-roots radio stations have existed all across the continent, and the beginnings of community radio as such are often traced to radio initiatives in Bolivia and Colombia earlier in the 20th century (Rodríguez, 2001). However, community radio has largely been excluded from access to frequency licences due to discriminatory laws and regulatory practices. In several countries, it remains explicitly forbidden; in other coun-

tries, allocation procedures, such as discretionary handing out of licences by the government to specific “friendly” operators and auctioning off of licences to the highest bidder, have practically prevented its legal existence. Where it is legally allowed to exist, laws are often highly restrictive regarding range and funding, radio stations are relegated to the border areas of the spectrum and are subject to conditions such as bans on carrying advertising or on political content. This situation has long been criticized by activists and scholars as a violation of freedom of expression and an abuse of state power to silence diverse voices (Gómez, Aguerre, & Eliades, 2009).

For decades, the private sector dominated ownership structures, with 85% of radio broadcasters under private ownership in 1993 and a strong role played by media corporations that also controlled other media businesses (López Arjona, 1993). Several large transnational enterprises, connected with each other both horizontally and vertically, have been struggling for television market shares, including Globo from Brazil, Televisa from Mexico, the Venezuelan Grupo Cisneros, and the Argentinean corporations Clarín and Telefe (Míhr, 2005). The telecommunications sector is even further concentrated, with Spanish telephony giant Telefónica and the Mexican América Móvil approaching a virtual duopoly in the regional market (Mastrini & Aguerre, 2009).

A significant aspect of the media situation in the region is the contrast between the wealth and international strength of multimedia conglomerates and rural areas that are largely cut off from media access—“an intermixing of the First and Third Worlds” (Callaos, 1999, p. 252). Newspapers, in particular, are typically concentrated in the larger cities and oriented toward urban elites. Proximity to elites and close connections between governments and press organizations are thus further characteristics of the media context. Across the region, the political environment of media is traditionally characterized by “cozy relations between large media business and governments” (Waisbord, 2010, p. 134; see also Fox & Waisbord, 2002).

The recent political changes have started to weaken these long-lasting ties. Moreover, governmental and administrative change has been carried by a wave of social movements and protests against the predominant social and economic order and has thereby reflected the strengthened role of civil-society groups and social movements. The Zapatista uprising in Mexico in 1994 provided a starting point for regional mobilizations as well as global struggles against neo-liberalism and, eventually, for the alter-globalization movement and its protests against summits of major international institutions. Indigenous uprisings followed in many countries, such as Ecuador, Bolivia, Guatemala, and Brazil. The economic breakdown in Argentina in 2001 led to an outbreak of massive protests that took down several successive governments and carried the slogan “*que se vayan todos*”—“they all must go.” A year later in Venezuela, President Chavez was ousted by a coup that was supported by the commercial media, but he was brought back into power by a popular movement that included community and alternative media. These moments in the recent history of the region, and many others, led to a reactivation of social movements as “the social and organizational fabric, seriously affected by adjustment policies and new mechanisms for repressing and criminalizing social protest, began to gradually recover” (León, Burch, & Tamayo, 2005, p. 25).

Meanwhile, regional linkages between movements emerged and broad networks were created, such as the international network *Vía Campesina* and its regional grouping, the Latin American Coordination of Rural Organizations (CLOC). Common campaigns emerged, such as the Continental Campaign Against the Free Trade Area of the Americas and the Campaign Against Payment of the Foreign Debt. The intense convergence and co-ordination of movements has been highlighted, not least, by the World Social Forum, which originated in the region (León, Burch, & Tamayo, 2005, p. 29).

Communication infrastructure, media structures, and media messages have become vital concerns for these networks and campaigns. Larger movements such as *Movimento dos Trabalhadores Rurais Sem Terra* (MST) from Brazil have created their own media, including newspapers and radio stations. The right to create media has been a central piece of the communication agenda of social movements in the region, together with access to media and communication infrastructure, both “old” and “new,” and the democratization of the media. This agenda has been framed by a call for communication rights that regards communication as a social right, rather than a commodity, and as an interactive process, furthering the active participation of the citizenry in social and political deliberations and developments. These concerns thus respond directly to some of the core deficiencies of the Latin American media systems (Girard, Camacho, Vannini, & Roemersma, 2010).

Snapshots of community-media laws and regulations in Latin America

Argentina is an appropriate starting point for a little policy tour around South America because it illustrates the dramatic changes between, as well as continuities running through, the “old” and the “new” regimes. The basis for media policy has been a law that was passed during the military dictatorship that favours private commercial media and excludes community media. It was amended and reformed during the neo-liberal decade of the 1990s, allowing further privatization, cross-ownership, foreign ownership, and a significant increase in the maximum number of licences that a company can hold, thereby supporting media concentration. Traditionally, media policy in Argentina thus combined authoritarian and neo-liberal concepts (Marino, 2009).

Following economic breakdown and social unrest, the new Kirchner government began moderate revisions of the regulatory framework in the mid-2000s and allowed non-profit organizations to be licencees, thus legalizing community broadcasting. However, the allocation process provided significant bureaucratic obstacles, and the regulatory agency remained weak and dependent on the executive. In 2009 a new legal environment was created with the adoption of Law 26,522 on Audio-Visual Communication Services, which “transformed Argentina in [sic] one of the best references of regulatory frameworks to curtail media concentration and promote and guarantee diversity and pluralism” (AMARC, 2010, p. 10). In particular, the law recognizes three sectors of broadcasting—state, commercial, and not-for-profit—and guarantees a 33% share of the radio frequency spectrum for each sector, making it the most radical framework in support of community media yet. In 2010 the law was temporarily suspended by the Federal Appeal Court of Mendoza, following strong opposition to the

new law and a publicity campaign by the Clarín media group, the largest Argentine media corporation.

Historically, neighbouring Uruguay provided a good example of a dominant feature of the “old” policy regime across the region, that is, the arbitrariness of media licensing and the role of political–business alliances. Precise rules and criteria for granting, revoking, and renewing broadcasting permits did not exist until recently, licence periods were practically unlimited, supervision of the use or abuse of licences was absent, and typically the president handed out frequencies to political and business allies (Waisbord, 2010).

The election of the left-wing coalition Frente Amplio in 2005 represented a fundamental break with political traditions in the country, and the new government swiftly created two laws legalizing and regulating community media. The laws provide a clear definition of the sector, allocation criteria that are based on its social goals, and highly transparent and participatory allocation and renewal procedures. They also set principles for the administration of the radio-electric spectrum, stating that it “is a common heritage of humanity ... and, therefore, the equitable access to frequencies of the entire Uruguayan society is a general principle of its administration” (quoted in Lanza & López Goldaracena, 2009, p. 4). At least one third of the spectrum is to be allocated to community media. The state has also started to revoke licences that were used for fraud or otherwise violated the law.

Together with Argentina, Uruguay is seen as a model country for progressive policy change. Nevertheless, some legislation from the time of the military dictatorship continues to be in force and to provide wide discretion to the government in administering the radio-electric spectrum. As in Argentina (and most other cases reviewed here), the lack of independence of the regulator from the executive and the persistent power of the executive to hand out broadcast concessions, as well as the lack of a comprehensive response to existing media concentration, pose questions regarding the sustainability of the current changes.

Political change in Bolivia, with President Evo Morales taking office in 2005 and his Movement Toward Socialism (MAS) forming the government from 2006, proved to be an even greater landslide than in Uruguay. Community media were legalized by decree in 2004, 2005, and 2007, and the national telecommunications provider was re-nationalized. A new constitutional article on “social media” was introduced, calling for the state to support community media. The government moved beyond mere legalization by creating a national network of indigenous people’s radio stations in response to the particular diversity of social and ethnic origins and languages in the country (Aguirre Alvis, Torrico Villanueva, & Poma Ulo, 2009).

As in Uruguay, the new laws and decrees in Bolivia display a thorough understanding of the characteristics of community media, with a few shortcomings, however. Community media are largely seen as local media and are limited in geographic scope; they are not allowed to carry advertising, and no specific percentage of the spectrum has been reserved for them. The new indigenous stations that are the result of government intervention and are dependent on government support are called “community media,” which confuses the understanding of that term and concept. Furthermore, li-

cence allocation is exercised by a mix of several institutions, disturbing the transparency of the process, and overall the executive retains significant discretion in interpreting and applying the law (Aguirre Alvis, Torrico Villanueva, & Poma Ulo, 2009).

Venezuela provides a similar picture, unsurprisingly, due to close collaborations between the current Bolivian and Venezuelan governments. A new telecommunications law was adopted in 2000, just over a year after the new Chavez government had taken office. The law regularized spectrum allocation, after decades of arbitrary and political licence provision, and legalized community radio and television. Since then, the regulator has given out a large number of licences to community media. However, the complex allocation procedure provides numerous bureaucratic hurdles, community media are (as in Bolivia) restricted to a concept of local media, and while financial subsidies are available, they are widely seen as a double-edged sword, as they may jeopardize these media's independence (Urbina Serjant, 2009).

Regulatory inconsistencies persist, as the law and specific regulations are sometimes contradictory, and so do regulatory gaps—for example, regarding the renewal and termination of licences, for which few clear criteria and procedures exist. As a result, opportunities for discretion by the relevant institutions persist, as well as long procedures for allocating and renewing licences. The regulatory institutions remain heavily influenced by the government, and despite promising changes, Venezuelan media policy is still characterized by an “institutional weakness of the regulatory process” (Urbina Serjant, 2009, p. 8).

In all these countries, civil-society mobilizations have played an important role in creating policy change, and civil-society agendas could be transformed into policy through movement–government connections, either because of the existence of allies in power or because of individuals from the movements who took up government or regulatory positions. The Argentine media law was drafted by a communications professor and AMARC policy consultant, followed by extensive consultations with civil society and other sectors, and the final text was physically brought to parliament for adoption by a procession of 20,000 citizens, making it a “law of the people” (personal interview with Damian Loreti, Montréal, QC, February 11, 2011). The wording of the Uruguayan law was based on a draft submitted by civil-society groups, and besides its media-related content, it has opened institutional spaces for citizen participation in the administration of the spectrum. Its adoption was influenced by significant pressure from a broad civil-society coalition of media, labour, educational, and human rights organizations, and by the advocacy work of AMARC, with one AMARC expert becoming the head of the government's communications department (Waisbord, 2010). In Bolivia, AMARC participated temporarily in the process of allocating new licences to community media, and civil-society groups were involved in formulating the respective policies. Yet in that case, extended possibilities for participation only existed during a brief window after President Morales came to power and were later reduced or revoked.

Civil-society mobilizations and government change also occurred in Brazil, but not with the same outcome. Traditionally the country has had a fragmented, complex, and sometimes contradictory regulatory landscape, largely reflecting the traditionally

close connections between the business sector and political elites. The federal constitution of 1988 highlights the social aspects of communication but does not recognize community media. Several of its articles (e.g., the rejection of monopolies and oligopolies) have not been transferred into laws and concrete regulations. There is no systematic supervision of whether stations comply with legal and regulatory obligations, and sanctions are rarely applied: “The decision is always to renew, even with notorious violations by stations towards their legal obligations” (Moyses & Gindre, 2009, p. 19). Most new licence grants have to be processed first by the Department of Communications and then authorized by the National Congress. In theory, this may allow for parliamentary control and transparency; in practice, it leads to long delays and an overly complex process.

In Brazil, community media were legalized in 1998 and thus earlier than in the other examples. However, they face significant bureaucratic barriers in the application process, severe limitations in terms of transmission power and range, a lack of public funding, and restrictions to financing models such as advertising. As most community radio stations have to operate with few resources, sponsorship by political groups is common, and political dependency is a likely result. Meanwhile, thousands of community radio stations are broadcasting in Brazil without licences, making it one of the most vibrant grass-roots radio landscapes worldwide. However, and in contrast with the lack of supervision of commercial radio stations, unlicensed community radio stations are heavily repressed. According to some accounts, up to 10 radio stations are shut down every day, and up to several thousand per year (Moyses & Gindre, 2009).

The end of our tour brings us back to the southern end of Latin America, to Chile, where the links between the military dictatorship and neo-liberal policies can be traced even more clearly than where we started, in Argentina. The constitution, the General Telecommunications Law, and many regulations that are in existence today were adopted during the dictatorship. Radio frequency allocation follows strictly commercial principles: concessions are allocated by auction to the highest bidder and can be sold further, there is no limit to the number of frequencies that an owner can hold, most concessions are granted for 25 years, and renewal is comparably easy, all of which favours large media operations and, particularly, the incumbent stations. For TV, some anti-monopoly regulations are in place, but they have not prevented the Chilean media landscape from becoming highly concentrated. As elsewhere across the region, there are indications that this type of commercial allocation is intertwined with political favouritism (La Morada Women’s Development Corporation, 2009).

Community radio is only allowed as so-called “minimum-coverage” radio and is limited to 1 watt of transmission power, which usually restricts coverage to the immediate surroundings of the station. Concessions for community radio are given for only three years, and public funding is not provided. Furthermore, given the significant bureaucratic and financial hurdles, the current “minimum-coverage” option is not a feasible opportunity for most non-profit community and social groups. A new law on community radio, which may alleviate some of these problems, is currently being debated.

Conclusion

In many countries of the region, the last decade has seen dramatic changes in media policy. Whereas previously communication regulation had been characterized by a mix of authoritarian political traditions and neo-liberal ideologies and was geared toward political and business elites, new legislation in several jurisdictions has helped to expand citizens' access to communication infrastructure and has provided clearer licence allocation procedures. A key piece of policy change has been the legalization of community media and their integration into the national media mix as a legitimate and important sector within a three-tier media landscape.

However, community media are continuing to face serious obstacles. Little or no public funding is available, bureaucratic barriers often make the process of obtaining a legal licence a daunting exercise, and various restrictions on their operations persist, such as those regarding coverage and content. The weakness of regulatory agencies and their lack of independence from the state are visible across all the exemplary cases. While there have been promising new laws and regulations, structural change has not kept pace, and media authorities continue to depend on executive power. If (or rather, when) the current community media-friendly governments leave office, regulatory practices may be changed or revoked. From a community-media perspective, it seems desirable that the structural and institutional environment that frames policymaking be strengthened so that the current transformations become sustainable.

The snapshots of media laws and their implementation have highlighted the persistent role of national legislation and regulation in enabling or obstructing media operations. However, this brief overview has also shown that national policymaking has to be understood in the context of an international and multi-actor environment. Government constellations, intergovernmental co-operation, multinational norms and pressures, political traditions, ideological change, social mobilizations, and the strategic roles of civil-society organizations as well as individual experts, among many other factors, have framed policy change and created trajectories for understanding policy problems and needs. Further research on the scope and extent to which these various dimensions affect media policy change in Latin America and elsewhere may provide us with a clearer conception of how the legal and political frameworks within which media operate are constructed.

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