

New Media Law, New Voices in Argentina

Written by Marcela Valente

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(IPS) - “We don’t need other people to speak for us any more. We have our own voice now,” Armando Kipse of Queta, a Kolla indigenous community, said enthusiastically at the Pachakuti radio station high on the puna plateau in the northwestern Argentine province of Jujuy.

Radio Pachakuti is the first indigenous station to be licensed under the media law that was passed by the Argentine Congress three years ago and which is designed to guarantee access to the media by all segments of society and fight the growing concentration of media ownership by limiting the number of broadcasting licenses in the hands of media giants.

Frank La Rue, the United Nations Special Rapporteur on the right to freedom of opinion and expression, commented on his recent visit to Buenos Aires that the law “is a model for the continent and other regions of the world.”

But the new law was staunchly opposed by conservative opposition parties and mainstream media outlets like Clarín, which has a monopoly over subscription television in the Buenos Aires metropolitan area. The justice system has set a deadline of Dec. 7 for Clarín to present a disinvestment plan.

The new law regards communication as a public service, and provides for the distribution of licences in three equal parts: to state, private and not-for-profit broadcasters.

In particular, new actors are to be incorporated, such as native communities and national universities and other educational bodies, the law says.

In the case of not-for-profit organisations, the law does not require a competitive tendering process, but merely an application for authorisation to use the frequency.

Kispe already had some experience in radio, but he took a course given in 2011 by the Higher Institute of Radio Studies (ISER) in Abra Pampa, in the Puna highlands in Jujuy. Now he is one of Radio Pachakuti's 12 operators and presenters.

"We're on the air 16 hours a day, with community news programmes, education and indigenous people's history programmes and also music – mostly Andean music but also other genres that people enjoy," he told IPS.

"Having a radio station of our own means we no longer need other people to speak for us. In other media outlets, we were censored. Now we have our own voice, and we can fight for our territory and for the environment," Kispe said.

Training new voices

Cecilia Aguilar, a professor at ISER, told IPS what it was like to teach the introductory seminar on radio broadcasting in Abra Pampa and other indigenous communities. "We emphasised the importance of organising and managing the radio station on the basis of their own identity, language and culture," she said.

The same seminar was offered this year in El Huecú, a village of 1,000 people in the southwestern province of Neuquén, 1,200 metres above sea level and 600 kilometres from the provincial capital. In El Huecú a heterogeneous group of representatives of the Mapuche Mañke community took an interest in training to work at the radio station authorised by the new law, Aguilar said.

The Buenos Aires-based coordinator of the courses, Sebastián Peiretti, who is director of education at ISER, told IPS that the workshops were part of a training agreement that arose as a result of the new law.

The agreement is with the new Federal Authority of Audiovisual Communication Services

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(AFSCA), created under the law to regulate broadcasting, promote decentralisation and open up the media to different voices. The director of AFSCA is Martín Sabbatella, the leader of the leftwing Nuevo Encuentro party.

Peiretti said the goal of the training seminars for native people was to “provide them with tools to create their own programmes and content.”

In addition to workshops for indigenous communities, he said, ISER has also taught courses in the rural areas of Argentina since the law went into force three years ago, to empower presenters and operators.

“It was unfair and inequitable that many people who had worked in radio broadcasting for years lacked the proper qualifications, so we provided a minimum amount of training and granted them their permits,” he said.

Resistance from media companies

In Sabbatella’s view, the new law, which replaced legislation dating from the 1976-1983 dictatorship, “guarantees greater diversity and plurality, restores the right to information and furthers democracy.”

This statement was at the heart of his address to a press conference with foreign correspondents called to explain details of the law in the midst of the growing confrontation between the Clarín Group and the centre-left government of President Cristina Fernández.

Since the law passed, 365 new radio stations have come into being, as well as over 40 new content producers, which are small and medium independent businesses that are creating fictional TV programming, Sabbatella said.

“In order to guarantee the right to information and freedom of expression, the tendency towards

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monopolies and the concentration of the media must be opposed, which is why the law sets limits on licences,” he said.

Sabbatella said that at present there are about 5,000 radio and television licences, 4,500 of which are in the hands of 2,500 licencees whose holdings are within the permitted limits. The other 500 licences are controlled by some 20 media groups that exceed the limits.

One of these consortiums is Clarín. “It is the group that is most in excess” of the limits, he said.

In fact, the law has not yet fully entered into force because of legal action brought by Clarín to avoid having to give up a large part of the over 240 radio and television licences it owns around the country.

The law, long demanded by civil society organisations and approved by a broad majority in Congress, stipulated that no group or individual could hold more than 10 open-air radio and TV licenses or 24 cable television licenses.

The various appeals accepted by lower court judges at the request of the group, which owns the flagship Clarín newspaper, have extended the deadlines for it to comply with the law, which the consortium alleges violates its right to free expression.

But the Supreme Court has now ruled that Dec. 7 is the final date for the companies to submit their disinvestment plans, making further legal manoeuvring impossible. The ruling also indicates that there is nothing in the law that affects freedom of expression.

Sabbatella said Clarín is the only group operating a large number of licences that has not shown a willingness to comply with the law by the deadline set by the Supreme Court.

If it fails to comply, the government “will not expropriate, nationalise or confiscate it,” but may auction off the licenses, while guaranteeing continuity of service and employment, he said.