

**The relevance of public policies for the sustainability of community media:  
Lessons from Argentina**

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**Abstract**

Since 2004 and for the first time in the history of broadcasting in the region, a dozen Latin American countries have acknowledged community radio and television stations as legal providers of audiovisual communication services. In Argentina, a law passed in 2009 not only awarded legal recognition to the sector, it also provided a promotion mechanism for community media. In this respect, it was one of the most ambitious ones in the region. The driving question is: How relevant are public policies for the sustainability of community media in Argentina? The argument is: even though the sector of community media has developed and persisted for decades in illegal conditions imposed by the state, the legalization and promotion policies carried out by the state from the perspective of human rights in a context of extreme media ownership concentration have been critical to the growth and sustainability of non-profit media.

**Keywords**

Community media, sustainability, legalisation policy, promotion policy, human rights.

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## **Introduction<sup>1</sup>**

Since 2004 and for the first time in the history of broadcasting in the region, a dozen Latin American countries have acknowledged community, alternative, and popular radio and television stations as legal providers of audiovisual communication services. This change in state policies and regulations took place at the same time as technical modifications were made due to increased possibilities for the provision of converging services. In Argentina, the Law No 26,522 on Audiovisual Communication Services [Ley de Servicios de Comunicación Audiovisual] (LSCA) not only awarded legal recognition to the sector, it also provided a promotion mechanism and reserved part of the available broadcasting spectrum for community media use. In this respect, the law passed in 2009 was one of the most ambitious ones in the region, according to international human rights standards. For this reason, Argentina is considered 'a laboratory, as far as doctrine is concerned', and it can serve as a leading case for the debate of public policy reforms in other countries (Loreti, 2013).

A decade after the passing of the Argentine law, few studies have been made of its impact on community broadcasting stations (Beltrán & Becerra, 2017; Burgos, 2015; Segura & Weckesser, 2016; Vinelli, 2011). However, no studies have been undertaken that were aimed at offering the kind of comprehensive view of the phenomenon as is proposed here. It must also be noted that there was a considerable void of systematised information on this sector of communication: neither the state nor the universities nor the networks that group community radio and television stations together possessed any data concerning the total number of existing broadcasting stations, number of workers in the sector, or production volumes of such stations.<sup>2</sup> Therefore, this paper offers an original contribution that will be relevant for proposals regarding regulations and public policies in Argentina, Latin America and other regions of the world.

The driving question in this article is as follows: how relevant are public policies for the sustainability of community media in Argentina? In order to answer such question, this article analyses the impact of legalisation and of promotion policies for the sustainability of community media in this country between 2008 – at the start of the public debate on the proposed bill – and 2018. Sustainability is dealt with conceptually, taking into account not only its economic dimension but also its institutional, social and productive aspects.

The argument is as follows: even though the sector of community, alternative, and popular media has developed and persisted for decades in illegal conditions imposed by the state, the legalisation as well as the promotional actions carried out by the state, from the perspective of communication as a human right in a context of extreme concentration of private ownership of the media, have been critical to the growth and sustainability of non-profit media.

## **Theoretical approach**

The argument of this paper is based on the perspective of communication as a human right, equal to health and education rights, and opposite to the perspective of communication as a commodity. The right to communicate has two dimensions: the individual dimension of freedom of expression and the collective dimension of the right to access to information. It is a universal right, not only for media owners and for professional journalists, but for the whole population. It is based in the principles of access to media consumption and also to media production; not only pluralism, but also diversity of contents in each media institution (internal level) and diversity of participants in the media system (external level); participation in media production, in media management and in the formulation of communication policies; and equity in the circulation of information among nations, regions of a country, political powers, cultural communities, economic entities and social groups. It is considered a necessary condition for the democracy and the development of communities. Thus, state intervention is needed to guarantee this right for everybody. This approach acknowledges the international public order on communication rights (MacBride, 1980).

Communication policies based on human rights framework should curb the power of market and state in public communication to guarantee a diverse and pluralistic media system. Thus, they should limit private media property concentration; legalise community and indigenous media; strengthen public and non-governmental media; promote national, regional, local and independent production; guarantee open access to public information; avoid censorship and measures that induce self-censorship; decriminalise slander and defamation; and take positive measures to protect journalists. In particular, they should legalise and promote community media without any restriction of funding or coverage, and with equal conditions of access to licenses and spectrum.

Various international organisations point out the key role of community, alternative, and popular media in guaranteeing the right to communication in democratic societies since they contribute to the formation of more pluralistic media systems and create spaces of citizen participation (European Parliament Committee on Culture and Education, 2008; OAS, 2010; and UN, OAS, OSCE & ACHPR, 2007, among others). Such media are communicative projects characterised by standing up to the agenda of both large media conglomerates (Sel, 2009) and the states that make this media system possible (Kejval, 2009), as well as by their mission to empower the citizenship and community organizations so that they can participate in the sustainable development of local communities (Villamayor & Lamas, 1998).

According to the human rights standards recommended by the abovementioned organisations, providing the conditions for the sustainability of community media is a public matter that must be guaranteed by the state. This is a consequence of the key role that community media play in ensuring pluralism in media systems, widening the possibilities of exercising the right to communicate and therefore making it possible for society's diverse social, political, cultural, and ethnic groups to claim other rights.

State policy is understood as 'the set of actions or omissions that show a certain mode of state intervention as regards a matter that attracts the attention or the interest of other actors in civil society, or that leads to their mobilization' (Ozslak & O'Donnell, 1984: 113). These authors also understand that 'it is possible to infer that such intervention bears a certain directionality, a normative orientation that will most likely affect the future course of the social process developed until then with regard to this matter' (113). Consequently, the argument starts from the idea that 'governments' decisions to act or not to act when faced with a certain problem may in itself constitute a public policy, which is not the same as to affirm that "not acting" on a given subject implies a public policy' (Califano, 2012: 40). Therefore, public policies regarding communication cannot be conceived as isolated measures but, on the contrary, as decisions that must be understood as related to their historical context, the power relations they reveal, and the conflicts of interest they make visible, as it is done below (see 'Policies towards the sector'). This approach allows conceiving the state in action and in its relationship with the sectors of society. Since public policies appear in specific conditions, there are many variables that have an impact on their results. That is why the study discussed in this article included ten media cases with different characteristics (see 'Methodology'). In fact, similar policies have different effects in different contexts. For that reason, it is necessary to investigate how, when, and why they succeeded or failed in each particular case (Segura & Waisbord, 2016).

State policies are one of the conditions that may foster or restrict the possibilities of carrying out practices. However, they do not define them. That is why it is possible to establish strong correlations that allow us to argue the probability of the incidence of a particular policy on a certain result. Still, it is not possible to determine that such policy was the main cause of that consequence. It is also possible to recover the perceptions and evaluations of their impact made by actors targeted by such public policies. This article assumes that the study of public policies, including a study which focuses on their impact, must cover the different stages in their

development. Consequently, the stages of debate, formulation, and implementation are part of the study of such impacts. This theoretical and methodological perspective is essential in order to understand the process as a whole, and to include in the analysis the consequences of the state's stand on a certain 'matter' – in this case, community communication – as of the initial moment that enabled the debate on the problem and made it visible (Segura & Waisbord, 2016). Thus, the analysis includes not only the policy implementation, the third and last stage of policy formulation, but also the first phase: the public debate, and the second one: the parliamentary discussion.

The sustainability of community media, as well as that of any social initiative, 'allows and foresees its permanence in time, its structural strengthening, and the possibility of making necessary adjustments and changes by means of mechanisms and instruments suitable for its continuity and projection into the future' (Escobar, Salgado & Dávila, 2008: 10). Similarly, Binder, Fisher, and Godinez Galay understand sustainability as the ability of media to persist in time, keeping an adequate balance between their different aspects (2017: 21). From this perspective, sustainability is conceptualised as a complex category that goes beyond (a) the merely economic dimension (sources of income, allocation of funds, assets, decision making processes regarding economic management, etc.), to include dimensions such as (b) the institutional dimension (legal status, organisational structure, participation strategies, decision making, workers, etc.), (c) the social dimension (links with the state, other media, social organisations, and their publics), and (d) the production dimension (programming logics, productive routines, contents, aesthetics, etc.). It is also implied that there is an intrinsic articulation between these four dimensions. Starting from this definition, the categories used to carry out the field work were operationalised (Segura et al., 2017a). As explained in the following section, most of these dimensions have been considered to evaluate the impact of legalisation and promotion policies on the sustainability of community media in Argentina between 2008 and 2018: legalisation (institutional dimension); improvements in equipment and infrastructure (economic dimension); and increase in in-house production (production dimension). The rise in the number of experiences was added as a fourth relevant result to be taken into account.

## Methodology

This study is based on wide empirical research carried out over two years (2016–2018) across the country. It focused in particular on case studies of seven radio stations and three television stations in the City of Buenos Aires: *Radio Gráfica*, *Radio Sur*, and *Barricada TV*; in the province of Córdoba: *Radio Curva*, *Una Radio*, and *Canal 9 Proa Centro*; and in the provinces of San Luis and Mendoza: *Radio La Bulla*, *Radio Masi*, *Radio Rebelde*, and *Giramundo TV*. In order to consider – as mentioned above ('Theoretical approach') – the specific conditions in which public policies appear and the many variables that have an impact on their results, these stations were chosen based on their characteristics, which differed from one another in the following dimensions:

- Geographic: The research was carried out in three of the six geographic regions of Argentina: Metropolitan (Autonomous City of Buenos Aires (CABA), Buenos Aires Province); Center (Córdoba, Entre Ríos, Santa Fe); Cuyo (San Luis, San Juan, Mendoza); Northwestern (Jujuy, Salta, Catamarca, Santiago del Estero, Tucumán, La Rioja); Northeastern (Chaco, Formosa, Corrientes, Misiones); Patagonia (Neuquén, La Pampa, Río Negro, Chubut, Santa Cruz, Tierra del Fuego);
- Demographic: The stations analysed are located in the country capital (Autonomous City of Buenos Aires, CABA); in cities that are the capitals of their provinces (Córdoba, Mendoza, and San Luis); or in small cities in the interior of each province, located near rural areas (Capilla del Monte, Santa Rosa, and Salsipuedes);

- Legal: The radios and television stations had a license, a precarious permit, an authorisation to broadcast in low frequency, a record of registration, or no kind of legalisation or state recognition;
- Organisational: The station's relationship with the community of immigrants, union, or territorial movement; its entity as a civil society organisation, work cooperative, foundation, or its lack of legal entity;
- Technical: The stations studied broadcast their programs through open digital television, over-the-air channels and/or by Internet;
- Initial date of transmission: The stations started airing their programs between 2001 and 2013;
- Membership in national and/or regional networks: The stations are part of the Argentine Forum of Community Radios (FARCO), the World Association of Community Radios-Argentina (AMARC), the National Network of Alternative Media (RNMA), the National Association of Alternative TV Stations (CONTA), *Red Colmena*, the Collective of Community Media of Cuyo (COMECUCO), the Network of Communicators of Sierras Chicas in Córdoba, and/or the Network of Popular Communicators of Valle de Punilla and the Northwest of Córdoba (RECORRE).

It is, therefore, a limited but diverse enough empirical basis, which allows us to identify general trends that are independent of the variables considered. We have compared these tendencies with historical studies on community media.

The research includes both qualitative on quantitative approaches. Thus, the information is reconstructed on the basis of:

- 1 the study of documents on national and local public policies, the media market, and the history of the non-profit sector in each one of the regions considered;
- 2 10 interviews with workers and activists of the media analyzed; and
- 3 the analysis of internal documents of such media.

The information obtained using these tools is triangulated in order to reach conclusions that interpret qualitative and quantitative information. On the one hand, quantitative data on public policies toward the sector and on the media market is analysed. This is combined with the perceptions of the members of the stations.

Thus, correlations are established between the policies in general and a set of documented situations in the country's stations that are interpreted as consequences or global results of such policies. Moreover, an in-depth study of the cases analysed is carried out: the objective conditions in which these initiatives take place and the voice of their workers. That is, the research is carried out at the macro level on the public policies oriented to the sector of community stations and their results across the country; and at the micro level, on its impact on some specific cases that were studied in depth.

After elaborating a historical diagnosis of the policies towards the sector, a study is made of four dimensions of the impact of legalisation and promotion policies on the sustainability of community media in Argentina between 2008 and 2018: rise in the number of experiences; legalisation; improvements in equipment and infrastructure; and increase in in-house production. In the section entitled 'Impact of the implementation of the LSCA on community broadcasting stations', the specific methods and information sources used to study each dimension are exposed.

These dimensions are analysed in the following periods (which are explained in the section entitled, 'Policies towards the sector'):

- 1 the debate, passing, and implementation of the LSCA during Cristina Fernandez's presidential terms of (2008 - 2015), which includes two phases:

- 1.1 the debate (2008 - 2009);
- 1.2 the partial application (2010 - 2015); and
- 2 the reformulation of the Law (without prior debate) and its implementation during Mauricio Macri's administration (2016 - 2018).

The setting of the time span for the study is due to: (a) the conceptualisation of public policy and its different phases, which generates externalities as of the beginning of the debate, and not only in its implementation phase; and (b) the particular relevance of the public debates on the bill of the Law of Audiovisual Communication Services, which included all three powers of the state (executive, legislative and judiciary) as well as civil society organisations from all over the country (Segura, 2011).

This methodological approach allows the rebuilding of the conditions generated by public policies, in specific contexts, for the sustainability of non-profit media in its different dimensions. The focus on the different policy steps allows recognition of the modes of linkage between the state and these media. At the same time, it shows indications of the capacity of the state to favour the role of community media to ensuring pluralism in media systems. In other words, this methodology allows the reconstruction of elements of the capacity of state policies to generate scenarios of diversity and pluralism, and to favour citizen participation. In addition, the interviews and the cases addressed seek to fill the gap between policies and their consequences.

It is necessary to note the difficulty implied by the information void about the period prior to the stage analysed here when it comes to making the necessary comparisons aimed at evaluating the impact of public policies. This is due to the fact that the historic marginalisation of the non-profit sector by public policies was also shown, as we already stated, in the lack of official information on such sector. In spite of this, the research builds solid and abundant empirical evidence that allows it to reach valid and valuable conclusions starting from the driving question. Hypotheses are formulated on the basis of tendencies identified in the cases studied. Such hypotheses will be confirmed as the on-going research proceeds.

### **Policies towards the sector**

Communication policies in Latin American countries have historically fostered the formation of media systems characterised by a predominance of the commercial model and by their links to the interests of the leadership of political parties (Becerra & Mastrini, 2006). Meanwhile, existing public media were limited to a subsidiary role, and community, alternative, and popular media were confined to illegality or to restrictive limitations. Thus, communication policies in the region and in Argentina in particular helped consolidate these stations' economic and legal weakness, and created a gap between them and the private and public media (Linares et al., 2017).

In Argentina, as of 2009 in particular, policies and programs were created that fostered the development of non-profit media. Law No 26,522 on Audiovisual Communications Services (LSCA), passed in October 2009 and enacted in 2010, acknowledged all non-profit entities as providers of audiovisual communication services. The law reserved one third of the broadcasting spectrum for them, set up a promotion fund with guaranteed resources, and granted them representation in participative state agencies created for the definition of communication policies. Prior to this, Law No 26,053 passed by Congress in 2005 had allowed non-profit legal entities to hold broadcasting licenses, but on that occasion public services cooperatives had been excluded.

The LSCA states that the sector of non-profit media includes any private organisation with non-profit purposes, with the exception of public universities and public educational institutions, the Catholic Church, and indigenous peoples, which are considered public law entities and therefore do not belong to the non-profit sector. Within the sector of non-profit media, community media are defined in article 4 of the law as private actors which serve a social purpose and are managed by any kind of non-profit organisation with community participation. They are described

as independent and non-governmental media that should by no means be understood as services with restricted geographic coverage. However, this definition does not appear in the remaining articles that regulate the entire non-profit sector; these do not take into account the special characteristics of the community sector. As we shall see, this will be one of the limitations during the implementation process of the LSCA.

As regards legalisation, 68 licenses were awarded to non-profit radio and television stations during the implementation process, between March and October 2015. The radio and television stations to which licenses were awarded or authorisations granted are not located in the so-called 'conflict zones', that is, cities or regions where there is no available broadcasting spectrum to hold tenders and legalise the non-profit stations. The technical plan to survey the condition of the broadcasting spectrum in the country – which would help solve this situation as stated by Law No 26,522 – is still pending. On the other hand, the enforcement agency, the Federal Authority of Audiovisual Communication Services [Autoridad Federal de Servicios de Comunicación Audiovisual] (AFSCA) granted recognition in 2015 to 140 different radio stations in the country that are located in conflict zones.

In compliance with the provisions of the LSCA, the AFSCA implemented the Competitive Fund for the Promotion of Audiovisual Communication [Fondo de Fomento Concursable de Comunicación Audiovisual] (FOMECA) for community, indigenous peoples' and border media, with funding lines destined to equipment, content production, and management, among others. As from that moment and until December 2015, when the new administration took over, 1013 FOMECA awards were granted in its 24 closed funding lines (Espada, 2017b).

At the same time, other areas of the national government also implemented programs to foster popular, peasant, and indigenous radio stations: the Secretary (now Undersecretary) of Family Agriculture, the National Institute of Agricultural Technology (INTA), the National Commission of Public Libraries (Conabip), the Ministry of Culture, the National Fund for the Arts, and the Ministry of Work, Employment, and Social Security, among others (Segura et al., 2017b).

Another agency implemented in 2009 in accordance with the provisions of Law 26,522 was the Federal Council for Audiovisual Communication [Consejo Federal de Comunicación Audiovisual] (COFECA), which included representatives of the state and the provinces, the business chambers of the sector, and the network of non-profit stations. Besides, significant members of these stations formed work commissions with different areas of AFSCA to formulate suitable policies for radio and television stations of the sector. The first president of COFECA was the head of FARCO. Such appointment is proof of the political relevance given to the sector. Likewise, Law 26522 created another agency, the Office of the Ombudsman for the Public of Audiovisual Communication Services [Defensoría del Público de Servicios de Comunicación Audiovisual], whose purpose was to provide the sector with areas for participation, formation, exchange, and guidance (Segura, 2013).

The administration which took office in December 2015 substantially modified communication policies, once again in accordance with the commercial paradigm (Mastrini & Becerra, 2018). Even though the legality of the social sector media as providers of audiovisual communication services was still acknowledged, and the provision of promotion funds is still in force, there have been in fact important delays in the implementation of such policies. From January 2016 to July 2017, as of the creation of the National Agency of Communications [Ente Nacional de Comunicaciones] (ENACOM), the new enforcement agency that replaces AFSCA, 28 licenses for FM radios were awarded to non-profit stations, nine of which correspond to tenders held in 2014 and 2015 (Espada, 2017b). Meanwhile, no new tenders for licenses for the non-profit sector have been launched since 2015. Tenders for television licenses that had been launched by the previous administration were paralysed, injunctions were issued, and searches and confiscations were carried out in radio stations that were operating illegally as a result of state

inaction (Kejval et al., 2017). The licenses and authorisations granted since 2010 still do not cover all stations in the sector.

FOMECA – the promotion mechanism – was not in force during most of 2016, that is, ENACOM’s first year in operation. The debts corresponding to funds tendered and awarded in 2015 were not paid off until November 2016, and then only some of them were paid off. The new tenders corresponding to 2016 were only held in October of that year, so results were announced and payments began to be made the following year. Until August 2017, out of a total of 617 outstanding awards, only 335 had been paid off (Espada, 2017a). Finally, the tenders for 2017 were only launched in February and April 2018. There is no certainty on the launching of tenders for 2018. Programs of other public agencies that promoted the creation and/or development of community and indigenous peoples’ media, particularly in towns and small cities, were terminated.

On top of this, there was a campaign to publicly discredit the FOMECA, the stations that had won tenders, and the administration that implemented them. Since its implementation the ENACOM has issued injunctions to the stations for alleged irregularities in the accounting for awards obtained in tenders of the FOMECA. Even though the state must control the use of public funds, the inconsistencies in many of the critical remarks received by the stations do not reveal a rational and fair control but rather a strategy of delay and discredit that hinders the access to the funds as foreseen in the Law (Kejval et al., 2017).

In the years since the implementation of the LSCA, there has been no compliance with it as regards the granting of resources for the promotion of the non-profit sector. This can be seen if we compare the budgets of the Office of the Ombudsman for the Public as from 2013 with the amounts tendered by FOMECA since that year, which allows a valid estimate of the resources the fund should have offered in the last five years. It is possible to obtain such data because articles 94 and 97 of the LSCA state that the FOMECA must be composed of 10% of the total amount collected as taxes paid by holders of audiovisual communication services on the basis of their gross billing, whereas according to the same law, the Office of the Ombudsman for the Public finances its operations with 5% of such total amount collected. Thus, if the budgets of the Office of the Ombudsman for the Public are taken into account, in the last five years ENACOM should have held tenders for a total amount of approximately 25,933,238 US dollars (645,737,626 Argentine pesos). However, auctions were held for around 17,522,695 dollars (436,315,105 pesos) during those years, if the funding lines corresponding to 2017 but tendered in 2018 are included. Therefore, the sector is in a position to claim nearly 8,410,543 dollars (209,422,520 pesos)<sup>3</sup> (Linares, 2018).

**Table 1 – Funds estimated, tendered, and paid by FOMECA (US dollars)**

Year	Office of the Ombudsman (5%)	10% of estimated collection (Art. 97)	Fomeca (Amounts tendered)	Fomeca (Amounts paid)
2013	889,551	1,779,102	188,755	180,968
2014	1,656,166	3,312,333	1,656,597	1,238,812
2015	2,517,837	5,035,675	4,195,055	1,647,237
2016	3,789,737	7,579,474	5,065,461	381,080
2017	4,113,326	8,226,654	6,416,827	2,742,048

Source: Linares (2018)



The institutional participation of the networks of community stations was also reduced as of 2015. The COFECA and its sister agency in telecommunications were dissolved by Executive Order 267 and replaced by the Federal Communications Council [Consejo Federal de Comunicaciones] (COFECO), where the participation of significant members of the community sector was reduced. Only one meeting has been held in these two years. The representative appointed by the networks of non-profit radio and television stations was not invited (Segura et al., 2017b).

### **Impact of the implementation of the LSCA on community broadcasting stations**

This section is concerned with analysing the extent to which state policies have an impact on the increase in the number of community, alternative and popular media, their legalisation, the improvements in their equipment and infrastructure, the increase in in-house production, the increase in staff, and the strengthening of their networks.

#### ***Increase in number of media***

To what extent did communication policies have a multiplying effect on the number of non-profit radio and television stations in the country? To answer this question, research was conducted on the number of community, alternative, and popular radio and television stations that are actually operating – whether they have been legalised or not – and were created: while the prior Broadcasting Law No 22285 passed in 1980 during the civic-military dictatorship was in force; during the period ranging from the process of debates on the LSCA in 2008 until the end of Cristina Fernández's administration in 2015; and during Mauricio Macri's administration.

For the purposes of this paper, community media are defined as they are by the LSCA in the abovementioned article 4. Therefore, this list does not include stations operated by indigenous peoples, the Catholic Church, schools or youth activity centres, which, according to the LSCA, fall within the category of the public and non-state sector. Stations belonging to other churches, foundations or public services, as is the case for cable TV stations belonging to cooperatives were not considered either, because although the law includes them in the non-profit sector, they do not possess the features of community radio and television stations.

Since there is no record or official map of the sector of non-profit media, this survey had to draw on various sources with different characteristics:

- 1 State sources: access to public information was requested at ENACOM and at the Office of the Ombudsman for the Public. Further, the official information provided by the enforcement agency through ordinances published both in the Federal Register [Boletín Oficial] and in the agency's website, as well as semi-official data obtained from a census of providers of audiovisual services carried out by AFSCA in 2010 but not published, was surveyed in order to obtain data on legalised and acknowledged stations.
- 2 Academic sources: colleagues who carry out field work provided the data on operating stations: Cecilia Vila (National University of San Juan); Ernesto Picco (National University of Santiago del Estero); María Millán and Marina Casales (National University of Misiones); Felipe Navarro (CONICET); and Joaquín Urioste and Alejandro Linares (National University of La Pampa and CONICET).
- 3 Sources from civil society: we used lists of stations included in all the national networks of community media. In particular, Claudio Deluca, from FM *Aire Libre*, provided information. The list compiled by the organization Radio X Radio was also consulted.

Cross-referencing of data and information was crucial to elaborate the list presented here, because there were differences in criteria as well as information gaps in both the official and the unofficial lists. Therefore, the information gathered was not enough to elaborate a fully conclusive record.

However, it does offer a clear panorama of the trends in the creation of non-profit media in the last four decades.

Out of the 215 community stations counted across the country until June 2018, 67 (all radio stations) were created between 1980 and 2007, while the Broadcasting Law No 22,285 was in force. Between 2008 and 2015, the period during which the Audiovisual Law was debated, formulated, and implemented, 131 media were created (seven television stations and 124 radio stations) and are still operating. Finally, 14 radio stations and one TV have been founded during the present administration (2016–2018). Consequently, 68% of the operating media surveyed until June 2018 were created during the debate, passing and implementation of the LSCA, out of which 61% corresponds to the Kirchners' administration and 7% to the administration of Cambiemos, the ruling political party. There are two radios in operation that could not verify their starting date.

**Table 2: Number of radio and television stations in Argentina, according to their date of creation**

Region	Province	1980-2007		2008-2015		2015-2017	
		TV	Radio	TV	Radio	TV	Radio
Metropolitan	Autonomous City of Buenos Aires (CABA)		9	2	10		
	Buenos Aires Province		16	3	21		1
Center	Córdoba		4	1	20		4
	Entre Ríos		1		3		1
	Santa Fe		5		8		2
Cuyo	San Luis				3		
	San Juan				5		
	Mendoza		4	1	5		1
Northwestern	Jujuy		1		7		1
	Salta				4		
	Catamarca				4		
	Santiago del Estero		5		4		
	Tucumán		2		3		
	La Rioja				8		1
Northeastern	Chaco						
	Formosa		1		1		
	Corrientes				2		
	Misiones		1		1		1
Patagonia	Neuquén		7		4		
	La Pampa		1		2		
	Río Negro		7		5	1	
	Chubut		2		4		2
	Santa Cruz						
	Tierra del Fuego		1				
	TOTAL	0	67	7	124	1	14

Source: Compilation by authors

Out of the nine media that were analysed in depth, with the exception of *Radio Gráfica*, which started operating in 2005, all the other radio and television stations came into being during the public debates on the bill of Law 26,522 in 2008 and 2009 or after it was passed from 2010 to 2013. Therefore, the process of debate, formulation, and implementation of the Law of Audiovisual Communication Services, together with the other promotion policies toward the sector that have already been mentioned had an impact on the exponential increase in the number of radio and television stations of the social sector across the country.

### **Legalisation**

To what extent did communication policies contribute to the legalisation of community, alternative, and popular media in the country? Is it possible to state that legalisation helped ensure the sustainability of such stations?

As of the passing of the LSCA, the enforcement agencies, AFSCA first and then ENACOM, granted 96 licenses<sup>4</sup> for radio and television stations to non-profit organisations. 56 of them were awarded directly,<sup>5</sup> while the others were awarded through public tenders. Between January 2010 and December 2015, AFSCA granted, on average, 0.9 licenses per month to the non-profit sector. Between January 2016 and June 2017, ENACOM handed out, on average, 1.2 licenses per month. If we analyse the type of service these awarded licenses correspond to, we find only two for AM radio stations and eight for digital television, while the remaining 86 were for FM radio stations. Only one province did not receive licenses for non-profit sector. This is proof the community media are actually spread throughout the country. On the other hand, digital television channels from the non-profit sector were awarded in areas of high demographic (and media) concentration, such as CABA. That was possible due to a technical plan which was developed for digital television. Finally, on 24 November 2015 AFSCA resolved to acknowledge 140 community radio stations. All of them were granted extra scores for tenders and for the FOMECA funding lines, while some of them were also granted a reserve of the occupied frequency band.

Only three of the nine media analysed in this study have full legal status. Except for *La Bulla*, which – as some sort of vindication – broadcasts on an ‘occupied frequency band’, none of the stations have succeeded in having the state grant them legal status, in spite of their requests. In 2007 the operation of *Radio Gráfica* was declared clandestine because transmissions were broadcast illegally, and there was an attempted confiscation by the enforcement agency. *Radio Massi* was left with no broadcasting equipment after the confiscation that took place in 2016 because of an interference. The station’s director pointed out that there had been indirect restrictions by means of administrative procedures and discriminatory conditions that led to unjustified closures (Longo & Hidalgo, 2018).

Illegality not only exposed the stations to confiscations and interference, it was also an obstacle to access FOMECA funds during 2013. After a request from the non-profit media networks, in 2014 the AFSCA allowed organisations that were not recognised, or lacked licenses or permits to enter tenders. In *Giramundo TV*, the difficulties to enter promotion tenders resulting from the lack of legal recognition were stated as follows:

There is a particular aspect that has to do with the legal situation of the channel: we participate in the FOMECA as a producer and not as a television station. As we were never granted any kind of recognition by AFSCA, we cannot access, for example, the financing line for equipment. The recognition was a requisite. Therefore, we have only been able to enter tenders for the line for productions as producers (Interview with Silvana Iovanna, 2017).

The examples presented here show that most of the media have tried to carry out their activities within the boundaries of the law, and it was the state itself that was not able to respond adequately to their requests. This is due, in part, to the absence of a technical plan of frequencies

that allows organising of the broadcasting spectrum and the launching of tenders which are especially necessary in the most populated areas of the country. At the same time, there are delays in administrative processes together with a long tradition of ignorance and marginalisation of the non-profit sector. In spite of this, there is evidence that the passing of the LSCA allowed a partial advance as regards legalisations in the sector. Similarly, the study of these cases shows that legality is a key factor to guarantee media sustainability in that it allows them to access a larger and more diverse number of sources of financing, and protects them from possible confiscations on the part of the state as well as from interferences from other broadcasting stations.

### **Improvements in equipment and infrastructure**

To what extent did communication policies contribute to the improvement of equipment and infrastructure in community, alternative, and popular broadcasting stations across the country? Is it possible to claim that such improvements helped ensure the stations' sustainability?

The FOMECA directed more than 1,855,421 US dollars to improvements in equipment and infrastructure (21% of the total amount of funds between 2013 and 2016).<sup>6</sup> As of the first year of enforcement (2013), the subsidy lines for equipment were part of the annual tender plan. It should also be pointed out that since 2015 subsidies for equipment have included expenses for improvements in facilities. The cases analysed in this article make it possible to verify the results of the promotion program. Six of the nine stations analysed entered tenders and obtained funding for some project in the line of subsidies for equipment and infrastructure. The broadcasting equipment owned by the three broadcasting stations in Córdoba of the Center region were purchased through FOMECA. The three stations analysed in the Argentine capital have been able to make substantial improvements in their technical equipment with funds granted by FOMECA. In the Metropolitan region this is especially noticeable in the case of *Barricada TV*, where such funds account for most of the financing; the station was able to carry out a technological update which was essential in order to broadcast on the digital platform. FOMECA funds allowed *Radio Sur* and *Radio Gráfica* to update and improve their infrastructure, which resulted in better conditions for production and broadcasting. This promotion mechanism became the main source of income to buy equipment or to have it repaired, manage resources, and pay taxes (this applies to *Barricada TV* of CABA as well). In the Cuyo region, *Giramundo TV* was the only station that won FOMECA tenders, but has not cashed them so far. The stations studied that did not receive any resources through this program have been off the air since 2016, which is also related to financial difficulties. This would confirm the relevance of state support for the sustainability of community media.

Besides the FOMECA, other programs sponsored by various state agencies mentioned in the previous section ('Policies towards the sector') also contributed to the improvements in equipment and infrastructure. The *Viarava* cooperative (Córdoba, Center region), for example, was the winner of both a project of the National Fund for the Arts in 2016, which allowed it to build the station's studio, and of the Points of Culture Program of the National Ministry of Culture [Puntos de Cultura del Ministerio de Cultura de la Nación], which was directed to the financing of infrastructure.

The stations analysed in the province of Córdoba were aware that public policies towards the sector in the years 2010 and 2015 allowed them to become established as radio and television stations, and they stressed the relevance of the FOMECA for the process (Villagra, Traversaro & Segura, 2017). It has become clear that the enactment of promotion policies towards the non-profit sector as prescribed by the LSCA substantially contributed to the improvement of infrastructure and equipment in the cases analysed. This contribution was so relevant that it allowed some media to finally become established as broadcasting stations with the necessary technology. For that reason, the promotion policy was a relevant factor in the sustainability of these stations, even if the impact of FOMECA on this contribution is not the same in every case.

### **Increase in in-house productions**

To what extent have communication policies contributed to the improvement of in-house production of community, alternative, and popular broadcasting stations in Argentina? Is it possible to claim that the increase in in-house production was an important factor in ensuring their sustainability?

To support radio production, the FOMECA distributed 1,971,887 USD from 2013 to 2016 (22% of the total amount). In all, 499 subsidies for radio production were granted to 297 organisations. The subsidised formats were daily programs (875,502 USD), weekly programs (791,164 USD), news programs (148,594 USD), and community campaigns (96,385 USD). There is, in addition, 33,935 USD from the first tender, without any format specification. As regards audiovisual production, FOMECA directed 3,670,682 USD (40% of the total amount) in 348 subsidies. The sponsored formats were weekly program (1,152,610 USD), micro-TV program (1,285,140 USD), television spot (148,594 USD), and daily news program (570,281 USD). Further, 36,144 USD for unspecified formats in the first tender and 465,863 USD in the line for licensed stations must be added to the total amount.

In fact, both the community media analysed in Córdoba of the Center region as well as those in the Argentine capital used the funds directed by the state policy in question to enhance the production of contents in their programming. In some cases, the resources were combined with or complemented by funds supplied by other programs or financing mechanisms of state agencies. On the other hand, there is no evidence that the media consulted in the Cuyo region used resources provided by the state in specific programs to generate in-house contents. However, actors in *Giramundo TV* stated that there was some degree of relationship with other public actors that made some improvements possible in their in-house production. In the Center region, *Radio Curva* of Córdoba entered six tenders and won on four occasions between 2013 and 2015. Therefore, even though the administration of these resources varies according to circumstantial needs, all of these projects resulted in a strengthening of in-house radio production. This was also the case of the *Viarava* cooperative, which received FOMECA funds in 2013 and 2015. Further, the cooperative formalised an agreement with the National Secretariat of Family Agriculture to foster the RECORRE news program, a project that integrates other stations in the Córdoba hills and is produced by *Viarava*. In the Metropolitan region of Argentina, the in-house production of *Barricada TV* has improved substantially with the FOMECA funds received for that purpose. Similarly, *Radio Sur* was able to finance already existing weekly or daily programs and thus afford the payment of salaries, which helped improve the station's financial situation. In *Radio Gráfica* in-house production was greatly enhanced as several of its programs entered the records of the Law of Neighborhood Media of the City of Buenos Aires.<sup>7</sup>

This confirms that FOMECA played an outstanding role, but it was not the only program that fostered in-house production in broadcasting stations. The various policies mentioned in this section proved to be relevant contributions to the improvement of sustainability.

### **Concluding remarks**

The objective of this article was to verify the incidence of public policies on the sustainability of community media in Argentina between 2008 and 2018. The most visible evidence is the positive impact of legalisation and support policies for the creation, development, and consolidation of community, alternative, and popular media, even though there were noticeable limitations in the application of such policies. The results obtained point out that in the economic and productive dimensions the impact of public policies can be seen as more relevant and evident, while in the institutional aspect it is possible to see more indirect consequences of the public policies analysed, which are, however, no less verifiable.

Firstly, there has been a visible correlation between the dramatic increase in the number of community broadcasting stations created, and the implementation of policies of legalisation and promotion, as compared with prior periods during which such policies did not exist, and with later periods, when such policies are still in force but their implementation is increasingly slower. Besides, the evident growth in the number of stations as of the implementation of these policies also meant a federalisation of the possibilities to participate in the new spaces. That is to say that the new community media that have appeared since 2008 have been created beyond the main urban centers of the country.

Secondly, it has also been proved that the various state initiatives of economic support for the sector are essential and effective tools to achieve objectives such as greater levels of diversity and pluralism in the media arena as well as social participation in the media. Both objectives are specified in the Law of Audiovisual Communication Services. This is especially so in the context of highly concentrated markets such as those in Latin America. Promotion policies are a crucial factor to improve infrastructure and equipment, and the increase in in-house production of radios and television stations.

However, it became clear that state initiatives regarding non-profit media showed limitations in their conception and implementation which undermined their effect. Standing out among such deficiencies are the lacking institutionalisation of state mechanisms and the scarce knowledge on the particular characteristics of these communicative experiences. In order to be efficient and effective, the application of policies concerning the non-profit sector requires the creation of an implementing authority which is familiar with its characteristics. This demands institutional deployment at both national and local levels.

In spite of these limitations, the policies of legalisation and support of community, alternative, and popular radio and television stations debated by the three powers of the state and the civil society, written in accordance with recommendations of the international system of human rights, and applied in Argentina between 2008 and 2018 contributed substantially to the creation and consolidation of infrastructure, equipment, and in-house production.

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## Interviews

- Interview in Guaymallén, Mendoza. Silvana Iovanna and El Cuervo, members of *Giramundo TV*. 2 June 2017.
- Interview in San Luis. Two members of the *La Bulla* collective. 11 May 2017.
- Interview in San Luis. Daniel Paz, director of *Radio Masi*. 22 May 2017.
- Interview in Avellaneda, Province of Buenos Aires. Vivian Elem and Omar Zanarini, members of *Radio Gráfica*. 27 April 2017.
- Interview. Sebastián Sesar and Inés Fadrina, members of *Radio Sur*. 22 May 2017.
- Interview in Salsipuedes, Córdoba. Aída Maldonado, member of *Radio Curva*. 24 May 2017.
- Interview in CABA. Marcos Maldonado and Carla Pelliza, members of *Radio Gráfica*. 31 May 2017.
- Interview in San Luis. Marcos Olguín, member of *Radio Rebelde*. 28 November 2017.

## Notes

- 1 This article is based on a study carried out by the abovementioned authors together with Natalia Vinelli (February 2016 to the present), Larisa Kejval (February 2016 to July 2017), and Emilia Villagra (January 2017 to December 2017), as part of the project *Community radios and television stations as of the passing of Law 26522. Conditions, strategies, challenges*. It was financed by the National Council of Scientific and Technical Research [Consejo Nacional de Investigaciones Científicas y Técnicas] (CONICET) and by the Office of the Ombudsman for the Public of Audiovisual Communication Services Research [Defensoría del Público de Servicios de Comunicación Audiovisual] of Argentina.
- 2 A recent paper (Segura et al, 2018) and a report (RICCAP, 2019), published after this article was finished, start a general data systematisation.
- 3 The conversion rate into US dollars for this article is based on the Argentine official exchange rate for 18 May 2018.
- 4 The granting of a license does not necessarily imply that these stations are operational. There are licensed organisations that are not broadcasting; others are operating but have no license.
- 5 Article 49 of the Law of Audiovisual Services states that in zones where there is available broadcasting spectrum non-profit organisations can obtain licenses for low emission power stations by simply presenting the corresponding requests, without entering a tender. Besides, more than half the licenses granted through direct award corresponded to filings made prior to the passing of Law 26,522: starting mainly in 2006, presentations had been made as a result of the Supreme Court of Justice's acknowledgement of the right of non-profit organisations to access broadcasting licenses and the subsequent modification of the law that prevented it.
- 6 It must be noted that the FOMECA funds were destined both to community media and to media run by indigenous peoples. The data mentioned in this article correspond to the FOMECA as a whole.



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- 7 This law allows free local media in the City of Buenos Aires (those that are registered and fulfill certain requisites) to receive a percentage of official municipal publicity. In fact, the mechanism implies at present a very important source of income for the station's finances.