

## Participation to avoid elite capture in communication policies.

### Lessons from Latin America

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#### Abstract

How did participatory state institutions of communication policies created in Argentina, Ecuador, Mexico, and Uruguay face capture by political and economic elites? In this article a comparative approach is used to answer this question. The research addresses regulation and its implementation based on the methodological guide provided by the concept of citizen participation. Diversity, implementation, incidence, autonomy, and transparency are the axes that organized the analysis, which includes qualitative and quantitative information built from documents, specific bibliography, and interviews.

The article concludes that participatory bodies have occasionally either limited the capture of policies or generated valuable experiences, at least temporarily. However, they have failed to prevent the capture of policies by economic and political elites. Therefore, the influence attained was not enough to produce changes in the communication system. Nevertheless, there have been a number of positive results, albeit unintended and difficult to measure, related to the enrichment of democratic and civic practices.

Keywords: participatory institutions, participation, communication policies, right to communicate, Latin America.

#### Introduction

Communication policies in Latin America have historically been captured by economic and political elites (Fox & Waisbord, 2002). Thus, the policy-making process was unequal (Segura & Waisbord, 2016). In addition, its results increased the unequal possibilities of access, diversity, pluralism, and participation in public communication (Becerra & Mastrini, 2017; Graziano, 1988; Segura et al., 2021).

The first decades of the 21st Century witnessed important state and social activism in communication. Between 2000 and 2020, 17 laws on broadcasting and telecommunications were passed in the region with social participation, as well as 11 on access to information, and 9 on freedom of expression (Segura & Waisbord, 2016). Furthermore, most of the new regulation enacted in Mexico, Ecuador, Argentina, and Uruguay - countries with diverse characteristics and political processes - created participatory state institutions for the proposal and monitoring of policies.

In fact, citizen participation is currently considered an imperative for the democratization of public policies in different governmental areas in Europe and Latin America (Avritzer, 2019). It is a value proclaimed by policy makers, but there is usually a wide gap between discursive claim and implementation.

This paper analyzes the ways in which the institutionalization of citizen participation in communication policies took place in four Latin American countries. It presents the results of a research carried out during 2020 and 2021.

The main question was: To what extent did the participatory state institutions created by the laws of audiovisual communication, telecommunications, and access to information sanctioned with social participation between 2000 and 2020 in Mexico, Ecuador, Argentina, and Uruguay, allow social organizations to have an impact on the policy-making processes in order to avoid or limit their capture by political and economic elites? Therefore, the objective was to evaluate the capacities, potentialities, and limitations of the participatory state entities of communication policies that were created in those countries in this century in order to generate changes that would allow the effective incidence of citizen organizations as well as to face or limit their capture by political and economic elites.

At the theoretical level, this proposal is part of a tradition of communication policies studies that address citizen participation as a central aspect in the democratization of communications (UNESCO, 1977; Mastrini & Mestman, 1995; Freedman, 2006; Loreti & Lozano, 2014; Linares, 2018; Rich et al., 2019, among others). In addition, the analysis of Latin American experiences of social participation in communication policy-making processes during the first decades of the 21st century allows the formulation of a theoretical model of citizen participation that would overcome the limitations of the multi-stakeholder paradigm.

In methodological terms, a comparative study was carried out. Besides, the concept of citizen participation was operationalized so as to guide the construction of data (UNESCO, 1977; Linares, 2018). Two complementary procedures were used: bibliographical and documentary analysis and interviews with state officials and social activists.

The present study argues that the participatory state institutions created by communication laws sanctioned with social participation in Mexico, Ecuador, Argentina, and Uruguay between 2000 and 2020 failed to ensure citizen impact on communication policies. Instead, they remained subsumed within partisan negotiation and/or political alliances, and dependent on general disputes, which prevented them from attaining a certain degree of autonomy in the development of a proactive dynamics to face the resistance of governments and business elites to the implementation of reforms. However, they did manage to carry out some initiatives that occasionally limited or held off the capture of communication policies by elites.

### **Theoretical framework**

Participation and the right to communicate are fundamental conditions to access and exercise all other civil, political, social, economic, and cultural rights. Similarly, certain levels of equality and social justice are essential for equitable social and communicational participation (Segura et al., 2021).

Communication policy-making is a dynamic process of interaction between different actors, whether institutional or not, with unequal capacity of influence and diverse interests, who use formal and informal mechanisms to impact on the public communication systems configuration (Califano, 2016). Conflict in the policy-making process is inseparable from the power relations in the global social process and is inserted in broader political and social disputes.

The capture of public policies is defined as "the exercise of abusive influence by (an) extractive elite(s) – in favor of its/their interests and priorities and to the detriment of the general interest – over the cycle of public policies and state agencies (or others of regional or international scope), with potential effects on inequality (economic, political or social) and on the correct performance of democracy" (Oxfam, 2018: 14). In communication policies, the actors carrying out the capture include the main infocommunication companies (and their owners), which have a key resource - media or telecommunications companies – enabling them not only to hide or account for the policy capture process but also to provide connectivity to the population and/or to offer compensation, such as favorable media treatment, to governments or officials who favor the capture. Other significant actors include civil servants, leaders, parties or political groups temporarily in power, who are able to use their position to protect their own interests.

Social organizations, on the other hand, promote the reform of communication policies. Civil society organizations have diverse organizational forms, activities, financing, and principles. They hold complex relationships of relative autonomy with state and market. Their objective is to achieve social transformation through collective actions of incidence, education and protest (Sorj, 2010). Participatory institutions were created in order to include citizen demands in national communication policies. Besides, they enable civil society to build alliances with the state so as to curb the power of economic elites that capture policies.

Citizen participation in the elaboration and implementation of communication policies "implies the intervention of the public in the production and administration of communication systems" (UNESCO, 1977: 4) and includes new actors and institutions (Rich et al., 2019). In particular, the participation of civil society in the state affects the quality of state institutions (Ippolito-O'Donnell, 2013). However, participating does not guarantee being able to exercise influence. Many people may participate, but decisions can be made by a few and in opaque circumstances (Freedman, 2006). Other factors that may limit the influence of participatory state institutions on policy-making processes include the budget, the legal traditions of each country, and the social or governmental origin of the institutional innovation, among others.

In addition to its direct benefits for the sector in question, participation in communication policies, as in any other public policy, has an impact on citizen training and on the democratization of state and society. Citizens are constituted in this participation and this allows them to even change their status and expand it as a result of the formulation of new demands and their struggle for them (Levin, 2004). Thus, the public sphere is built by citizen participation and it is in this area where citizenship can be expanded.

## Methodological approach

At the methodological level, a regional and comparative approach was taken in order to reach conclusions that could be applied to the region as a whole, but also to identify particularities from country to country. The comparative method was used to qualitatively study the similarities and differences between a certain number of cases, which required in-depth knowledge of each one (Ragin, 2007). Thus, it was possible to understand how parallel processes of change work differently according to the context (Collier, 1993). Within comparative studies, this research addressed the variant of transnational studies. Such approach was viable because the states in question share certain characteristics that make them comparable to one another. The context of globalization was also taken into account, since the meaning and power of national states are now questioned and new configurations between the national, the supranational, the transnational, the local, and the global are in place (Piovani & Krawczyk, 2017).

The methodological approach disaggregated variables, understood as segments of the analyzed process (Linares, 2018) which operationalized the concept of citizen participation (UNESCO, 1977). Then, eight dimensions were selected for the analysis of participatory state institutions, i.e., their composition and the actors represented, the effectiveness of mechanisms and operating rules, compliance with rules, criteria and obligations, the dynamics of operation and conflict resolution, the degrees of cooperation, complementarity and/or overlap between entities, the transparency and publicity of their activities, the modalities, times and formats of citizen participation, and the results of participatory processes. Starting from these dimensions, four evaluative axes were identified, i.e., diversity, incidence, autonomy, and transparency.

The following activities were triangulated during the research: (1) bibliographical review of the existing literature on communication policies captured by elites and on participatory state communication institutions in each country studied and in the region, (2) documentary analysis of regulations, reports, public communications, etc. about the analyzed institutions, and (3) 18 semi-structured interviews conducted with state officials and activists involved in the organizations studied.

## Results

### *Legal reforms*

Social mobilization for reforms in broadcasting, telecommunications, and access to information policies that guarantee the right to communicate has taken place in the four countries in question during the past decades (Segura & Waisbord, 2016). Despite the strong incidence of capture mechanisms by the elites, social organizations managed to exert a certain degree of influence on some laws sanctioned between 2004 and 2016. They were also able to include in several of these regulations the creation of participatory state organizations in order to institutionalize social participation.

Thus, in Argentina in 2009 the Ley de Servicios de Comunicación Audiovisual [Audiovisual Communication Services Law] included the Consejo Federal de Comunicación Audiovisual [Federal Audiovisual

Communications Council] (COFECA) - replaced in 2015 by the Consejo Federal de Comunicación [Federal Communications Council] (COFECO) - and the Consejo Asesor de la Comunicación Audiovisual y la Infancia [Advisory Council for Audiovisual Communication and Children] (CONACAI), which depended on the regulatory authority. It also established the Consejo Consultivo Honorario de los Medios Públicos [Honorary Advisory Council for Public Media] (CCHMP), dependent on the state media company. Besides, it created the Defensoría del Público de Servicios de Comunicación Audiovisual [Ombudsman's Office for Audiences of Audiovisual Communication Services], which depends on the National Congress. In 2014 the Ley Argentina Digital [Law for Digital Argentina] established the Consejo Federal de Tecnologías de la Información y la Comunicación [Federal Council on Information and Communication Technologies] (TIC Council). In 2013 in Ecuador the Ley Orgánica de Comunicación [Communications Organic Law] (LOC) incorporated the Consejo Consultivo del Consejo de Regulación y Desarrollo de la Información y Comunicación [Advisory Council for the Information and Communication Regulation and Development Council] (CORDICOM Council) and the Consejo Ciudadano de Medios Públicos No Oficiales [Citizen Council for Non-Official Public Media]. In México in 2014 the Ley Federal de Telecomunicaciones y Radiodifusión [Federal Telecommunications and Broadcasting Law] created the Consejo Consultivo del Instituto Federal de Telecomunicaciones [Advisory Council for the Federal Institute of Telecommunications] (IFT Council) and, in turn, the Ley del Sistema Público de Radiodifusión del Estado Mexicano [Public Broadcasting System of the Mexican State] created the Consejo Ciudadano del Sistema Público de Radiodifusión del Estado Mexicano [Citizen Council for the Public Broadcasting System of the Mexican State (SPR Council)]. In Uruguay in 2007 the Ley de Radiodifusión Comunitaria [Community Broadcasting Law] included the Consejo Honorario Asesor de Radios Comunitarias [Honorary Advisory Board for Community Radio] (CHARC). In 2014 the Ley de Medios. Regulación de la Prestación de Servicios de Radio, Televisión y otros Servicios de Comunicación Audiovisual [Media Law. Regulation of the Provision of Radio, Television and other Audiovisual Communication Services] (LdM) created the Comisión Honoraria Asesora de Servicios de Comunicación Audiovisual [Honorary Advisory Commission on Audiovisual Communication Services] (CHASCA), that replaced both the CHARC and the preexisting Comisión Honoraria Asesora Independiente [Independent Honorary Advisory Commission] (CHAI) that had been established by decree in 2008. Besides these entities created under the audiovisual communication regulatory authority, the LdM [Media Law] established the Comisión Asesora Honoraria Independiente del Sistema Nacional de Radio y Televisión Pública de Uruguay [Independent Honorary Advisory Commission for the National Public Radio and Television System of Uruguay] (CHAI - SPRTN) and a Relator Especial de Servicios de Comunicación Audiovisual [Special Rapporteur of Audiovisual Communication Services] under the Defensoría del Pueblo [Ombudsman's Office].

In 2008 in Uruguay the Ley de Acceso a la Información Pública [Access to Public Information Law] established the Consejo Consultivo de la Unidad de Acceso a la Información Pública [Advisory Council for the Access to Public Information Unit] (UAIP Council). In 2016 the Ley Federal de Transparencia y Acceso a la Información Pública de México [Federal Law of Transparency and Access to Public Information of Mexico] created the Consejo Consultivo del Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales [Advisory Council for the National Institute for Transparency, Access to Information and Protection of Personal Data] (INAI Council).

Table 1. Evaluation of the normative design<sup>1</sup>.

Type of organism	Organism and country	Diversity	Incidence	Autonomy
<b>Regulation authorities councils</b>	COFECA (ARG)	Very high	Very high	High
	COFECO (ARG)	Very high	Very high	High
	TIC Council (ARG)	Very high	Very high	High
	CHAI (UY)	High	High	High
	CHASCA (UY)	High	High	High
	IFT Council (MX)	Very low	Imprecise	Low
	CORDICOM Council (EC)	Low	Imprecise	Very Low
<b>Public media councils</b>	CCHMP (ARG)	High	High	Medium
	CHAI - SPRTN (UY)	High	Medium	Medium
	Citizen Council RTV (EC)	Very Low	Very Low	Low
	SPR Council (MX)	Imprecise	Very High	Low
<b>Audiences' ombudsman</b>	Ombudsman Office for Audiences (ARG)	-	Very High	High
	Special Rapporteur (UY)	-	High	High
<b>Access to information councils</b>	INAI Council (MX)	High	High	Low
	UAIP Council (UY)	Medium	Medium	Low
<b>Councils for media and childhood</b>	CONACAI (ARG)	Medium	Medium	Low
<b>Community media councils</b>	CHARC (UY)	High	High	Medium

Note: ARG: Argentina EC: Ecuador MX: Mexico UY: Uruguay

Source: own elaboration

Argentina and Uruguay were the countries where the most complex sets of participatory agencies for communication policies were approved. The institutions established in these countries were more varied, autonomous, financed, inclusive and competent than those in Mexico and Ecuador (see table 1). Argentine and Uruguayan civil society organizations and governments made alliances aimed both at furthering reforms based on the right to communicate and at opposing commercial media elites. In addition, the reforms drew on international standards promoted by the Inter-American Commission on Human Rights. In Mexico and Ecuador, a smaller number of participatory institutions was created with reduced or non-specific capacity for action. In Ecuador, the problem was compounded by the fact that there were many inaccuracies in the definition of staffing, financing, institutional dependence, and functions.

Although each experience possessed its own particular features, the fact that all these countries created certain types of participatory organizations points to an international consensus on the need to include these spaces in the institutional architecture, even when their fate may depend on various factors. The processes of social deliberation promoted by these institutions also contributed to the construction of their

<sup>1</sup> The tables inserted in this article express qualitative assessments arising from the empirical analysis. The evaluations have the following graduation: Very High - High - Medium - Low - Very Low – Imprecise. The spaces without evaluations indicate an institution without a participatory council.

legitimacy. On the other hand, the fact that organizations such as the Advisory Council for Children or the Council for Community Media were only created in Argentina and Uruguay respectively is evidence of differences in traditions, situations and local participatory processes in the debate on public policies. Participatory entities linked to regulatory authorities such as advisory councils and ombudsmen's offices were promoted by coalitions that included grassroots organizations, such as unions and community media groups. On the other hand, organizations linked to public media and access to information were predominantly driven by groups made up of technical and academic experts.

### *Autonomy, transparency, and diversity*

Instability is a recurrent characteristic of most of the implementation processes analyzed. The Mexican experiences are the only ones that do not follow this trend. Institutional fragility took on different forms in Argentina, Uruguay and Ecuador, such as delay in start-up, non-implementation, incomplete integration, or elimination by regulatory means. Almost a third of the planned institutions never started activities (5 of 17): the Special Rapporteur for Audiovisual Communication Services and the Independent Honorary Advisory Commission for the National Public Radio and Television System of Uruguay in Uruguay, the CORDICOM Council in Ecuador, the ICT Council and COFECA in Argentina. These included three of the seven advisory entities for regulatory authorities originally planned.

Most of the bodies were launched during the first year after the law that created them was enacted (5 out of 12). Another six institutions were activated between one and four years later. By February 2022, only seven of 17 institutions planned remained active. Some entities were absorbed by others, such as CHARC and CHAI by CHASCA in Uruguay. But in the Argentine case, the process was not completed, since COFECA was closed after seven years and never replaced by COFECA. Other organisms suffered interruptions or had their responsibilities reduced, but were able to carry on with their tasks, such as the Ombudsman's Office for Audiences and CONACAI of Argentina.

Uruguay and Argentina were the countries where the greater number of entities was created (six in each country), but only two of them remain active in each, although in Uruguay there was an effective merge. In Ecuador, two organisms were planned but neither is still active. In Mexico, all the organisms were maintained, although not always fully staffed.

The fate of these institutions was found to be highly dependent on the will of legislators or government officials. The administrative dependency operates as a conditioning factor for their activities, not only in terms of appointments and financing, but also because rotation in the Executive and Legislative Powers affects support for the institutions and, therefore their continuity. This was the case with COFECA, CCHMP and to a lesser extent with the Ombudsman's Office for Audiences and CONACAI in Argentina (D. Monje, P. Wiznia, P. Castello, personal communications; Aulet & Baccaro, 2014; Baccaro & Maglieri, 2020), the Citizen Council in RTV Ecuador (J. Mendoza y A. Tamarit, personal communications), and the SPR Council (P. Ortega, personal communication). The stability of the councils in Mexico is due to the fact that they depend on IFT and INAI, which enjoy constitutional autonomy.

Participation entails expenses if it is to guarantee that sectors with unequal possibilities can participate in an equitable way. Therefore, it is crucial that the organisms have their own budget so as to be able to

carry out their activities and fulfill their objectives. The only entity whose specific financing and autonomous management were guaranteed by law, that is, the Ombudsman's Office for Audiences of Argentina, was found to have carried out permanent and effective participatory activities. In contrast, the councils and commissions of the regulatory authority created in Uruguay, for example, faced serious limitations due to lack of institutional and budgetary support (Graña, 2013; Kaplún, 2014).

Many of the entities were able to fulfill their work thanks to their members' commitment, who often had to face the challenges of administrative dependence, lack of an autonomous budget and little institutional and political support. They participated in an honorary capacity, their work required dedication, and they received little recognition, and met significant obstacles. Although legislation and political issues strongly conditioned the operating dynamics of these institutions, they were not decisive factors. The involvement and capacity of their members proved capable of overcoming obstacles resulting from normative design, lack of support, or institutional persecution (G. Kaplún, D. Monje, A. Calleja, P. Ortega, J. Mendoza, L. Barbosa, personal communications; Aulet & Baccaro, 2014; Graña, 2013; CCHMP, 2017).

External disputes also have an impact on the functioning of participatory bodies. They include the mobilization capacity of social organizations, changes in the relations of party forces, and judiciary rulings. This external incidence was particularly evident in the cases of Argentina, Ecuador and Uruguay (P. Mogrovejo, A. Tamarit, G. Kaplún, personal communications; Becerra, 2021; Franco, 2021; Baccaro & Maglieri, 2020). Two external factors that condition the work of participatory entities stand out. Judiciary rulings appear as a mechanism of capture by government and/or business elites blocking participatory bodies. This was the case in Mexico, where a judicial claim was filed in 2017 by the government in relation with the operating of ombudsmen for audiences; in Uruguay and Argentina, judicialization carried out by actors or sectors of the opposition affected the implementation of participatory entities. As a consequence, the governments' delay in starting the implementation process contributed to weakening the incidence of these bodies. Similar cases were those of the Council for Public Media in Argentina and Ecuador and CHASCA in Uruguay (Linares, 2018; De Cola, 2018; A. Tamarit, personal communication). Lack of interest in appointing members on a timely basis is also an attempt by the political elites to block participatory institutions, which eventually benefits the economic elites.

These internal and external conditions, then, strongly affect the levels of autonomy achieved by organisms. Furthermore, regulatory designs limit their possibilities and undermine their members' commitment. These are factors to be taken into account in order to understand the types and scope of participation within these institutions and those that promote citizenship. Beyond regulation, the entities analyzed had to build an idea of participation around communication policies. Their members had to explain the meaning of their task and build ways to make participation effective (P. Castello, A. Tamarit, G. Sosa, G. Kaplún, F. Werner, P. Ortega, D. Monje, P. Wiznia, personal communications; Graña, 2013). The participatory mechanisms created by legislation must elaborate conceptually and in practice the characteristics of that participation. Defining what citizen participation is, its objectives, and the way in which it is carried out in the field of communication does not seem simple or obvious for legislators, officials, managers, journalists and citizens.

Participatory institutions achieve autonomy from political and economic elites through normative design, the conditions of their implementation, and their members' actions, though the outcome of the combination of these dimensions is not always predictable. There are bodies whose design implied high



administrative dependency but which nevertheless succeeded in distancing themselves from the government or the regulatory authority, for example, the Councils of the Mexican INAI and the Uruguayan UAIP, the Advisory Council for Public Media of Argentina, the CHARC and the CHAI of Uruguay. And there are entities with high levels of autonomy in their design that were nonetheless vulnerable to changes in governments, such as the Ombudsman's Office for Audiences or COFECA in Argentina.

A wider variety of approaches, greater plurality in debates and density of deliberation within these institutions is usually due to the existence of a larger number and diversity of members. (G. Sosa, J. Mendoza, E. Persky, P. Castello, G. Kaplún, personal communications). This affects the speed and efficiency in decision-making and in the carrying out of actions. Such tension is constitutive of this type of organisms. Although this drawback is brought up repeatedly, the entities showed a relevant level of activity. Diversity may be experienced as complex, but entities with a more diverse membership did not show lower performance than those with less diversity.

The Uruguayan experiences showed the greatest deficits in active transparency due to limitations in the generation of digital pages with accessible information. The Mexican ones proved great capacity in the presentation of all the documentation produced by the participatory bodies in an orderly manner. It is to be noted that digital mini sites with relevant public information about the entities' activities were deliberately eliminated, as was the case with the Citizen Council of Non-Official Public Media in Ecuador and the Argentine COFECA. This is evidence of a dispute about the handling and visibility of public information. It also implies concealment of a stage of institutional history as well as the blocking the access to information, which clearly contributes to weaken informed citizen participation.

### *Impacts*

The institutions analyzed were occasionally either able to limit – at least temporarily - the results of the capture of policies by economic and political elites or to generate valuable experiences to deal with such capture. They achieved such results despite the obstacles faced and the non-binding nature of recommendations. Some participatory agencies managed to pose partial limits to the interests of government and business elites or, at least, lessen the effect of their pressures.

In Argentina, the lists of events of public interest generated by COFECA allowed relevant sports broadcasts on the public channel, which otherwise would have remained for the exclusive use of subscription TV signals or pay-per-view models. In 2015, however, COFECA was dismantled and the lists disappeared. In Uruguay, CHAI was relatively successful in facing government pressures during the evaluation of proposals for digital TV in Montevideo. That body and CHARC generated unprecedented instances of transparency in the delivering of frequencies. In Mexico, advisory councils of IFT and INAI filed claims of unconstitutionality by directors of the organisms against regulations promoted by the ruling party at the moment. Both entities publicly rejected in 2020 the government proposal to limit the powers of their institutions. The government's initiative was unsuccessful.

In addition, it is possible to identify good participatory practices even when they did not have a visible impact on any public policy or when they were not enough to block capture mechanisms by elites, such as the public audiences organized by the Ombudsman's Office for Audiences and the Advisory Council for

Public Media in Argentina, and by CHARC and CHAI in Uruguay. The Argentine Ombudsman's Office for Audiences stands out for its valuable activities in the fields of education and mediation, achieved through unrelenting commitment and in depth work. These institutions contribute to turn a topic into an object of public debate, they create instances of social appropriation not only of rights but also of a given institution and/or policy, and they also warn about sectors and issues marginalized by captured policies. Furthermore, they are pedagogical mechanisms of citizen participation in the field of communication. Even with a partial, defective and unstable implementation, these entities worked as catalysts, guarantors and enablers of new and broader spaces for social participation. In the advisory councils of INAI, IFT and of Public Media of Mexico, the relevance of participatory institutions has to do with the generation of proposals, demands, arguments and perspectives of analysis arising from bodies of specialists who occasionally provided an alternative approach to the political and economic elites.

It has been proved that the work of the regulatory authorities of these countries was an essential factor in the elaboration of maps of concentrated audiovisual media and telecommunications. Either by action or by omission, their role was neither neutral nor non-existent. On the contrary, it was decisive for the organization of media and telecommunications systems (Gómez et al., 2017; Di Santi & Riera, 2016; Becerra, 2021; Kitzberger & Schuliaquer, 2021). However, although it would have been possible to give greater prominence or attention to the participatory councils of each authority in order to promote communicational democracy, the decision to do so was not made.

In public media of Ecuador, Argentina and Mexico, it was possible to confirm lack of autonomy and a strong tendency to follow official views, their growth was a novelty and it implied diversity (Linares, 2018; Palos Pons & Hallin, 2021; Panchana & Mena, 2020). However, the continuing governmentalization of the administration of these stations can be read as an expression of the low incidence of their citizen councils. In Argentina and Ecuador, the blocking of the activity of such organisms weakened the development of the public nature of the stations (Linares, 2018, D. Monje y A. Tamarit, personal communications).

Participatory councils linked to the regulation authorities connect policy-makers with the potential beneficiaries. In Argentina, community and indigenous media multiplied and became stronger through the approval of the Audiovisual Communication Services Law and its complementary policies. The difference in this case was made by the promotion mechanisms provided by the law, but also by the representation of the sector in COFECA and the inclusion of community media activists as officials and employees in the Ombudsman's Office for Audiences (RICCAP, 2019). In Uruguay and Mexico, CHARC and some members of the IFT council actively advocated for these community and indigenous media but were unable to achieve the desired results (A. Calleja, personal communication; Graña, 2013).

Table 2. Evaluation of organisms' performance

Type of organism	Organism and country	Degree of implementation	Incidence according to faculties	Autonomy	Transparency
Regulation authorities councils	COFECA (ARG)	High	Medium	Low	High
	COFECO (ARG)	Not created	Not created	Not created	Not created
	TIC Council (ARG)	Not created	Not created	Not created	Not created
	CHAI (UY)	Medium	High	Very high	Very low
	CHASCA (UY)	Medium	Medium	High	Very low
	IFT Council (MX)	Very high	Very Low	Medium	Very high

	CORDICOM Council (EC)	Not created	Not created	Not created	Not created
<b>Public media councils</b>	CCHMP (ARG)	Low	Low	High	Medium
	CHAI - SPRTN (UY)	Not created	Not created	Not created	Not created
	Citizen council RTV (EC)	Low	Very low	High	Medium
	SPR council (MX)	Very high	Low	Medium	Very high
<b>Audiences' ombudsman</b>	Ombudsman for Audiences (ARG)	Very high	Very high	Medium	Very high
	Special Rapporteur (UY)	Not created	Not created	Not created	Not created
<b>Access to information councils</b>	INAI Council (MX)	Very high	Medium	High	Very high
	UAIP Council (UY)	Very high	Medium	High	Low
<b>Councils for media and childhood</b>	CONACAI (ARG)	Medium	Low	High	Medium
<b>Community media councils</b>	CHARC (UY)	High	Very high	Very high	Very low

Source: own elaboration

## Discussion and conclusions

What does the fate of the participatory institutions created in the field of communications tell us about the incidence of citizen participation? What lessons can be learned from the analysis of their regulatory design, implementation, and results?

The creation of these organisms was proposed by social organizations as a way to institutionalize the participation and incidence that they had been able to achieve in the law-making processes. Institutional designs were diverse, but it is possible to identify two groups. One of them had broader and precise functions, greater incidence capacity, and the express objective of promoting social participation. The other had imprecise and general advisory functions or alternatively very limited prerogatives. Implementation showed that the definition of tasks must be as precise as possible and not necessarily very comprehensive, so as not to weaken the capacity for intervention. In these definitions, specific tasks can be included that may require a response from the authority that they depend on. Even without a sanctioning role or a binding opinion, the councils' demands or consultations may give rise to obligations. Honorary participation and the non-binding nature of the recommendations limited their activity.

Entities with broader and more precise functions and with the express objective of promoting participation showed a correlation with bodies that possessed a more diverse composition and represented social sectors and governmental areas. The same relationship could be observed between organisms with more limited or imprecise functions and regulatory designs that included handpicked members and did not predefine sectors that should be represented by law. The start-up of these institutions showed that in most cases those that included representatives of different civic actors and of the state were the ones that developed activities with greater capacity to influence and promoted more participation, education and public debate on the issue of the right to communication.

There is always a risk that the business lobby will exercise pressure through consultants, foundations, and non-governmental organizations to have commercial media indirectly occupy spaces assigned to the civil

society. Therefore, the regulations must define which sectors are to be represented in each space, specifying that different types of organizations should be included.

There is a huge gap between the stages of debate and design of regulations and that of implementation. Participatory entities face obstacles not only to their start-up but also to their continuity and growth. Instability characterizes almost all processes. The high administrative and budgetary dependency on the Executive and Legislative is a fundamental determining factor.

The development of participatory mechanisms and the achievement of autonomy depend to varying degrees on global political disputes in each instance, the organisms' degree of administrative dependency, ways of appointing members and the types of members proposed, the will and/or interest of governments, and the capacity of the organized social sectors to uphold their demands, the political opposition's cooperation or confrontation, and the strength of corporate resistance.

The creation of these entities required a special effort to publicize the institutions and their functions, and to build connections with others. It was necessary to specify the profile of each organism. Two models were defined. One of them showed trends to advisory or consultancy functions, staffed by specialists with personal participation who focused mainly on writing recommendations. The other had a more participatory or citizen profile, made up of representatives of social organizations, universities, communities or state areas. The institutions following the second model promoted diverse actions and had greater capacity for influence and presence in public debate. Both types presented varying incidence levels.

Most of these agencies showed low levels of transparency and access to active information. In some cases, government action against them included the removal of available public information. This was an attempt to erase institutional history and a deliberate violation of the citizens' right of access to information. Participatory bodies seemed to make policy officials uncomfortable, even during the administrations of the political parties that had created them. At best, they ignored them, but they tried to block them too, and they actively tried to dissolve them. In other cases they tried to co-opt them with members linked to government and/or business interests.

The pressures to avoid the organisms' start-up or to undermine them, delegitimize them, deprive them of recognition, or close them were more intense when they had greater capacity of incidence by law. The two types of participatory institutions where regulatory activity from regulatory authorities and public media was greater were the most blocked during implementation. If capture managed to be avoided during the laws' debates, it became much more effective during application. Faced with these limitations, it is to be noted that it was the commitment of councilors or commissioners that made possible not only supporting institutions that were underfunded or politically ignored but also the development of their activities.

Where participatory activity was consistent, it was able to limit capture by elites in some aspects or to develop productive practices in policy implementation. Where social mobilization or the individual commitment of commissioners did not reach a critical level, the incidence faded out or the organisms disappeared.

It is possible to find a certain relationship between the levels of autonomy and the capacity to influence. In this respect, the best results were found in the Uruguayan organisms associated to the regulatory authority, which were able to influence the limited processes defined by the laws and to reach reasonable degrees of autonomy. These are examples where regulations prescribed a high capacity for influence and

high autonomy. The high autonomy but the low incidence that characterized public media councils in Argentina, Ecuador and Mexico can be explained by the lack of interest of both governments and the boards of directors of state media in these organisms.

Bodies with a participatory or citizen profile were found to have high incidence, except when they were not provided with the necessary economic and institutional resources or when their existence was ephemeral. In contrast, those which adopted an advisory profile showed low real capacity for incidence. It has been proved that councils must have a guaranteed citizen component, plural participation, and pre-established selection mechanisms to raise a voice that can oppose capture attempts by the elites.

Social participation in these institutions achieved some unintended results, such as learning about public administration, project formulation, lobbying, advocacy and organization of public audiences, as well as more fluid relationships between activists and civil servants, who learned to deal with a plurality of social perspectives. There is renewed confirmation that institutionalized social participation achieves relevant results for democracy and citizen education even when these are not directly sought after.

Since its creation, these entities have taken part of a broader regulatory body within which they complete their own significance and articulate their capacity to influence. The weakening of these legislations and their associated policies also meant that participatory bodies were indirectly affected. Participatory spaces alone are unlikely to achieve major changes in media systems. But if they articulate with one another or complement other public policies, they can contribute to a more sustained and evident impact.

The analysis of Latin American experiences of social participation in communication policy formulation processes during the first decades of the 21st century allows the formulation of a theoretical model of citizen participation that, unlike the multi-stakeholder model, recognizes the inequality of power between states, global business corporations and civil society organizations. From this perspective, national states are identified as the main institution involved in formulating public policies and guaranteeing rights such as freedom of expression and access to information. Along these lines, the participation mechanisms created by the regulations were designed to enable the inclusion of citizen demands in national communication policies and, at the same time, find an ally in the state to curb the power of economic elites and international corporations to capture policies.

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### **Bibliographical references**

Aulet, M. & Baccaro, A. (2014, 8 de agosto). Conformación y primeras acciones del Consejo Asesor de la Comunicación Audiovisual y la Infancia (CONACAI) en Argentina (2009-2012) [ponencia]. Congreso ALAIC, Lima, Perú.

Avrtizer, L. (2019). The two faces of institutional innovation. Promises and limits of democratic participation in Latin America. Elgar Publishing, Massachusetts

- Baccaro, A. L. & Maglieri, A. S. (2020). Derechos de niños, niñas y adolescentes en comunicaciones audiovisuales y convergentes en la Argentina neoliberal (2015-2019). Situación del Consejo Asesor de la Comunicación Audiovisual y la Infancia y la Defensoría del Público de Servicios de Comunicación Audiovisual, XV Congreso de ALAIC., Medellín, noviembre.
- Becerra, M. (2021). Restauración transgresora. Las políticas de comunicación del gobierno de Macri. In Becerra, M. & Mastrini, G. (Eds.) *Restauración y cambio. Las políticas de comunicación de Macri (2015-2019)*. SIPreBA - ICEP.
- Becerra, M. & Mastrini, G. (2017). *La concentración infocomunicacional en América Latina (2000-2015): nuevos medios y tecnologías, menos actores*. Bernal, Argentina: Universidad Nacional de Quilmes.
- Califano, B. (2016). La relevancia del Estado en la elaboración de políticas públicas de comunicación. *Estado y Políticas Públicas*. 4(6). pp. 133–148.
- CCHMP (2017). *Informe de gestión y resumen ejecutivo de audiencia pública*, Buenos Aires.
- Collier, D. (1993). The comparative method. In A.W. Finifter (Ed.). *Political Science: The State of the Discipline II*. American Political Science Association. pp. 105–119.
- Corte IDH (1985). Opinión Consultiva 5/85. Corte Interamericana de Derechos Humanos. OEA: CIDH.
- Franco, F. (2021). *El tiempo es tirano. Políticas de medios públicos en los gobiernos frenteamplistas*. [Unpublished manuscript].
- De Cola (2018). *Que no se detenga*. In Gómez, G. (coord.). *Una Ley de Medios a medias*. FES.
- Di Santi, M. & Riera, A. (2016). Un mapa poco adecuado. In Marino, S. (coord.). *El Audiovisual Ampliado. Políticas públicas, innovaciones del mercado y tensiones regulatorias en la industria de la televisión argentina frente a la convergencia*. Ediciones Universidad del Salvador.
- Freedman, D. (2006). Las dinámicas del poder en la elaboración de políticas de medios en la actualidad. *Media, Culture & Society*, 26(6). pp. 907-923.
- Fox, E. y Waisbord, S. (eds.) (2002). *Latin politics, global media*. Austin University of Texas Press.
- Gómez, G., Franco, F., Gelves, F. & Thevenet, N. (2017). *En pocas manos. Mapa de la concentración de los medios de comunicación en Uruguay*. Montevideo: FES Uruguay.
- Graña, F.(2013). *Medios comunitarios: el fin de una larga noche. Avatares de la Ley de Radiodifusión Comunitaria*. Udelar/CSIC.
- Graziano, M. (1988) *Política o ley: debate sobre el debate*. Espacios.
- Ippolito-O'Donnell, G. (2013). Calidad institucional y sociedad civil en la Argentina. In Acuña, C. (comp.) *¿Cuánto importan las instituciones? Gobierno, estado y actores en la política argentina, Siglo XXI*, pp. 325–364.
- Kaplún, G. (2014). Diez años de (lentos) avances en la reforma de las comunicaciones en Uruguay. *Observatorio Latinoamericano 14*. Buenos Aires Instituto de Estudios de América Latina y el Caribe-FSoc-UBA. pp. 129–139.

- Kitzberger, P. & Schuliaquer, I. (2021). Media Policies in Latin America's Post-Left Turn: Legal (Counter-) Reforms in Argentina and Ecuador. In *Bulletin of Latin American Research. Journal of Society for Latin American Studies*. DOI:10.1111/blr.13292
- Linares, A. (2018). *Los medios del Estado nacional durante el kirchnerismo: protagonismo y limitaciones en un escenario audiovisual comercial y concentrado*. Tesis de doctorado en Ciencias Sociales, Facultad de Ciencias Sociales, UBA.
- Levín, S. (2004). Los debates en torno al concepto de ciudadanía en sociedades en transformación. *Mediações. Revista de Ciências Sociais* 9 (2) pp. 119-137.
- Loreti, D. & Lozano, L. (2014). El derecho a comunicar. Los conflictos en torno a la libertad de expresión en las sociedades contemporáneas. *Siglo XXI*.
- Mastrini, G., de Charras, D. & Fariña, C. (2012). Nuevas formas de regulación internacional y su impacto en el ámbito latinoamericano. In Mastrini, G., Bizberge, A. y de Charras, D. (eds.) *Las políticas de comunicación en el siglo XXI*. La Crujía.
- Oxfam Intermón (2018). *The capture phenomenon: unmasking power. Guidelines for the analysis of public policy capture and its effect on democracy*. [https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/Capture\\_Methodology\\_2018-en.pdf](https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/Capture_Methodology_2018-en.pdf)
- Palos Pons, M. & Hallin, D. (2021). Press Freedom and Media Reform in a Populist Regime: How Ecuadorian Journalists and Policy Actors See the Correa Era. In *International Journal of Communication*, pp. 1021–1038.
- Panchana, A., & Mena, L. (2020). El mapa de los medios públicos de Ecuador: entre el auge y la ambigüedad. *Global Media Journal México*, 17(32). pp. 42–59. <https://doi.org/10.29105/gmjmx17.32-3>
- Piovani, J. I. & Krawczyk, R. (2017). Los Estudios Comparativos: algunas notas históricas, epistemológicas y metodológicas. *Educação e Realidade*. 42(3), pp. 821–840. <https://www.redalyc.org/jatsRepo/3172/317253008002/html/index.html>
- Ragin, Ch (2007) *La construcción de la investigación social*. Siglo del Hombre Editores.
- RELE (2010). *Estándares de libertad de expresión para una radiodifusión libre e incluyente*. OEA: Relatoría Especial para la Libertad de Expresión
- RICCAP (2019). *Relevamiento de los servicios de comunicación audiovisual comunitarios, populares, alternativos, cooperativos y de pueblos originarios en argentina*. Buenos Aires Red Interuniversitaria de Comunicación Comunitaria, Alternativa y Popular.
- Rich, J., Mayka, L. & Montero, A (2019). Introduction. The Politics of Participation in Latin America: New Actors and Institutions. In *Special Issue 2 State Transformation and Participatory Politics in Latin America*, *Latin American Politics and Society*. 61 (2).
- Segura, M. S., Linares, A., Longo, V., Vinelli, N., Espada, A., Traversaro, N., & Hidalgo, A. (2021). *Alternativas. Condiciones y estrategias de las radios y los canales sin fines de lucro desde la sanción de la Ley Audiovisual*. Edunse.

Segura, M. S. & Waisbord, S. (2016). *Media movements. Civil society and media policy reforms in Latin America*. Zedbooks.

Sorj, B. (2010). *Usos, abusos y desafíos de la sociedad civil en América Latina. Siglo XXI*.

UNESCO (1977). *Informe final de la reunión sobre la autogestión, el acceso y la participación ciudadana en materia de comunicación*. Alonso-Muñoz, L., & Casero-Ripollés, A. (2018). Political agenda on Twitter during the 2016 Spanish elections: issues, strategies, and users' responses. *Communication & Society*, 3(3), 7–23. <http://hdl.handle.net/10234/176823>