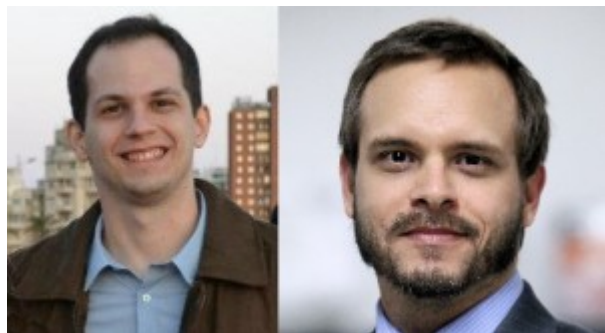


Argentine Law Highlights Tension Between Government and Media



*Courts in Argentina recently upheld a major law to regulate the size of media companies in the country. However, many are concerned that this law has merely been a way for the government to exert power over a media group that has been critical of its policies. This concern is sometimes reversed in the UK, where many media plurality debates question whether powerful media conglomerates have too much sway over politicians and government. **João Carlos***

***Magalhães and Júlio Lubianco**, both MSc students in Media and Communications at the LSE, examine the law, its history, and argue that this form of media censorship is part of a regional trend in South America.*

It seems we're nearing the end of a four-year legal and political battle over the Argentine **Ley de Medios** (Media Act), which mainly limits media ownership and impacts Grupo Clarín, the country's major media group and a huge player in print, TV, radio, cable, and Internet services. Following the Argentinian Supreme Court's decision last month, which declared the legislation constitutional, Clarín has proposed a plan to split itself into six different companies in order to comply with the law. The proposal does not clarify who will own each of the companies, but, for now, it prevents the government from deciding how the company will be divided.

Passed in 2009 by the Argentine Congress, the Ley de Medios specifies the rules by which media should operate in the country with great specificity. The article of the law that has raised the biggest controversy states that no media outlet should reach more than 35% of the audience and it also restrains the number of licenses one company can hold. According to the law, nationwide, a single company cannot own more than ten TV or radio licenses, plus 24 cable licenses. Clarín owns six TV stations, nine radio and 237 cable licenses, and the latter represents 89.9% of the group's revenue.

The history of Argentina's government v. media battle

The stated purpose of the Ley de Medios is to avoid monopoly and encourage media plurality in order to preserve freedom of expression and promote a variety of voices. However, there are concerns that the main goal of the law was to tackle Clarín, since some of their reporting has been adversarial to the government. Since 2008, several government decisions have damaged Clarín's political influence and economic power.

Before 2008, Clarín seemed to enjoy a close relationship with the then president Néstor Kirchner (2003-2007) and his wife (now widow), successor and current president Cristina Fernández de Kirchner. As reported by the **Committee to Protect Journalists**, "the relationship changed when the government increased farming export taxes and Clarín's coverage sided with the farmers striking in protest. The government accused the group of being biased because of its own economic interests in the agricultural sector". Since then the government has increasingly criticized Clarín, while the media group has become equally critical of the President. Today, media outlets in Argentina tend to be quite biased either in favour or in opposition of the government.

A regional trend

What is happening in Argentina is also part of a regional trend. The emergence of a new leftist movement in South America in the past decade has led to increasingly tense relationships

between media companies and governments. Some top government officials see media as monopolistic, ideologically homogeneous groups that resist reforms due to economic interests. To many media companies, government leaders are populist, corrupt, authoritarian figures that do not care for democratic rules. Generally, governments are trying to fight media by passing stricter regulation laws and to put more money into public media.

- **Venezuela** is a dramatic example as the government can censor and sanction any media company that does not comply with its rigid laws. For example, Venezuelan media is prohibited from reporting any news that may “**foment anxiety in the public**”.
- In **Ecuador**, Rafael Correa, the president since 2006, has had a long and open battle with the media and has referred to several newspapers as “informative mafias”. He has filed a suit against a journalist over a 2007 editorial criticizing him, and his government expropriated two TV channels in 2008.
- In **Brazil** the tensions are milder, but the Workers Party has tried to pass a generic media regulation bill. The party was once supportive of investigative journalism, until the former president and party member Luiz Inácio Lula da Silva’s chief of staff was accused of being the leader of a massive congressional bribing scheme. Today Lula is still a ferocious critic of the press, but has not worked to establish any kind of censorship in the country.

Looking to the past to improve the future

In our opinion, the recent media and government clashes in South America can be understood as a late outcome of the military dictatorships that have ruled most of the countries from the 1960’s to the 1980’s. In the context of the Cold War, many news organizations were supporters of the new regimes. It is true, though, that, later on some of these organizations become critical of the dictatorial governments and, for that, suffered from severe censorship. However, many people are still sceptical of the media and some leaders are able to use this distrust to their advantage in regulating the media. Media organizations should reconcile with their past, acknowledge their mistakes and propose a new pact with the public, the best ally they will ever have fighting this battle.

This article gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

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