

Mapping Digital Media Series: Public Interest and Commercial Media – Digital Trends



*After nearly 3 years of intensive research across 56 countries the Open Society Foundation released the cross cutting, global findings from its **Mapping Digital Media Project** last week. In the latest post in our series on this project, Carlos Cortés, digital policy advisor for the Program on Independent Journalism, offers some analysis and recommendations based on the report.*

The digitization of the media landscape is neither the Holy Grail nor the demise of a robust and healthy public debate. “*New communications technology is not inherently pro-democratic; it can be just as effective at sustaining propaganda and authoritarian regimes*”, says Petros Iosifidis.^[1] It all comes down to the implementation of such technologies, which reflect policy arrangements that impact the public interest in different ways.

A recent report of the Open Society Foundations’ Mapping Digital Media Project attempts an overview of key policy issues addressed in 56 country reports (the ‘MDM countries’). Among others, the report touches on general public interest provisions, public service media’s role in digitization, and public interest regulation applicable to commercial media. What follows is a brief reference to the findings and some recommendations that can be outlined based on them.

Public interest and public service media

Most digital policy processes in the MDM countries didn’t foresee civil society participation. Reasons for this vary: the topic was too sophisticated for general audiences; the governments didn’t undertake awareness campaigns; the industry kept the discussion in closed circles. For one or more of the latter reasons, civil society did not have a say in digital switch-over policy-making in countries such as Albania, Bulgaria, China, Colombia, Czech Republic, Lebanon, Malaysia, Mexico, Moldova, Montenegro, Peru, Poland, Russia, and Spain. Even when participation took place, civil society’s influence in policy seems weak or at least arguable. In Hungary, for example, input gathered from public consultations was disregarded in parliamentary discussions.

The lack of participation explains, at least in part, why the notion of public interest is absent in many policy frameworks. There are exceptions such as France, Brazil, Uruguay and South Africa, where public interest is addressed by means of guiding principles or overarching objectives – inclusion, diversity and access.

Public service media were nonetheless encouraged in some digitization processes by way of financial support, free licensing, content development schemes or must-carry provisions. The first was the case in Germany, Estonia, Montenegro, Romania, Slovenia and Kenya. On the other hand, public service media in Brazil and Japan, for example, received digital frequencies without bidding, while they were awarded one multiplex in Bosnia and Herzegovina. (Commercial broadcasters got this same benefit in many cases). Finally, content databases or hubs for public broadcasters were drafted in Argentina, South Africa and the United States.

Commercial media

Must-carry obligations for commercial media were included in some digital policies in order for public service broadcasters to secure their place in private platforms. Different forms of must-carry provisions are present in France, Germany, Lithuania, Netherlands, Poland, and the United Kingdom.

Similarly, recent policies in some of the MDM countries have provisions for commercial media to produce and disseminate public service content. While they are relevant in terms of public interest, in many cases this regulation was unrelated to the digitization process. Slovenia, Estonia, Colombia, Peru and Argentina, among others, include rules on national content quotas.

The digitization process didn't trigger big changes in ownership rules for commercial media – despite the fact that private players argued on behalf of rules relaxation while civil society called for stronger controls against concentration. Still, Albania and Montenegro tightened licensing ownership in 2010, and countries, like South Africa, Croatia and Czech Republic, established cross-ownership prohibitions in broadcasting. Likewise, several countries drafted controls on foreign capital in the media sector. All and all, as previously hinted, in many countries (Mexico, Italy, Brazil, Colombia) incumbents were granted digital frequencies without bidding, giving them a head start in the digital-switchover and consolidating their position in some cases.

Some recommendations

Although the overview report doesn't devote a specific chapter to recommendations, some can be extracted from the analysis. Just a couple to start with:

- Effective civil society participation needs adequate information. Bearing in mind digitization is a technical subject, public engagement requires awareness campaigns, training and capacity building.
- The absence of a public interest definition or reference strips the digitization process of a key principle, useful both to interpret the framework and to impact policy down the road. Where reform isn't possible, litigation might open judicial interpretations on behalf of the public interest.
- Public interest media have faced financial and structural challenges before, through and after digitization. In that context, some of the digital policy reforms were well intended, but excessive responsibilities or changes can end up thwarting public broadcasters.
- Automatic renewal of commercial licenses seems to make sense in practical –and financial– terms: incumbents need appropriate incentives to face digitization. However, such measures can concentrate further media markets that are already weak in terms of diversity.
- Digital switch-over policy was carried out in many countries isolated from other media policy reforms. Where legislation is already in place, policy dialogue should be carried out to build bridges; where regulatory discussions are still in place, an effort should be done to integrate media policy reforms.

It's difficult to extract a general conclusion for policy makers. Each process had its own successes and pitfalls within their own media landscape. Nonetheless, the absences of public interest regulation, and the failure of exclusive commercial approaches, are warning signs of how future processes should be conducted, or how they could be reviewed. Digitization is not a forward-path only. Going back to improve regulation is by no means a setback of technological development.

[1] Iosifidis, P. 'Digital Television, the Public Interest, and European Regulation', Mapping Digital Media Reference Series No. 17, p. 11.

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

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