MEDIA, PLURALISM AND DEMOCRATIC ACCOUNTABILITY

The fit of public media and its role in the communication ecosystem in the Internet age: analysis of the situation from Catalonia

Joan M. Corbella



The Audiovisual Communication Law of Catalonia of 2005 sets a general mission and goal in order to define the provision of the public radio and television service, as well as its functions, along with the same general orientation as the Spanish regulation and those of all the states of the European union. It basically assigns the obligation to encourage through the programming of its channels and services the support and promotion of basic democratic values. Among the main ones, we can find freedom of expression and information, the right of participation, the pluralism of voices in the service of citizenship and social cohesion. There is also the protection and development of one's own language and culture, and in another level, to act in favor of the country's audiovisual industry. Subsequent regulations have confirmed these principles, in the amendments to this law and the one of the Catalan Audiovisual Media Corporation (CCMA), in the public service

framework mandates for 2010-2016 and 2020-2026 and in the CCMA program contracts.

These basic approaches have been present throughout the legislative and regulatory development and in the public debate on the means of public management in Catalonia, as in the rest of the European Union and the states that have maintained the tradition of public service in the field of radio and television. However, the conflict about its scope and concrete interpretation in the transfer to the schedules of programs and in the production of the contents, has also been constant until now. Especially, in an environment of coexistence between public and private providers. In the foreseeable future, this conflict is exacerbated by the emergence of the current plead of audiovisual proposals of all kinds supported on the Internet.

With this article I aim to summarize the keys of the process that has led to the structuring of the entire audiovisual landscape in a framework that can be studied as an “ecosystem” and the role of public providers, based on the interest they can continue to play the primary role of protecting democratic values.

I think it is important to adopt the perspective of “ecosystem”, as the study of the interrelationships between the agents that make up the “system” and the legal and economic rules that underpin it adds the need to also address the relationships with the social environment in which they develop. That is, with the broad political, ideological, economic, cultural, and social factors that condition its development.

Which factors forced the entry of private competition?

The importance of a broad definition of the public service of radio and television service became fundamental in the 1980s, when the regime of provision of the activity in this group of countries was modified. Practically from the beginnings, this set of services was developed under a monopolistic regime stemming from the public sector, given its characteristics regarding capacity in order to intervene in public opinion. Also, it is relevant to point out the scarcity of technical resources (e.g. terrestrial waves) to distribute programming, and above all to cover the whole state as a unit and to facilitate national cohesion, with exceptions such as the Federal Republic of Germany.

The public monopoly regime of radio and television also corresponded to the period guided by the policies of the “welfare state” after the Second World War, in which the state was entrusted with the provision of essential services [1].

However, since the late 1970s, and especially in the following decade, several factors have come together that will force the revision of the original paradigm with respect to these media. On the one hand, the improvement in telecommunications technology allows to expand the use of the radio spectrum, and thus to expand the number of channels and transmitters and to diversify the territorial spaces of coverage: they can act in the local, regional, and state space. On the other hand, the main executives and stakeholders in the press sector and non-communicators demand the exercise of the right to create private

media in the field of television, given the favorable prospects to the business based on advertising in commercial chains; in Spain, the Godó group was the first to ask for it, for instance. Lastly, but with no less relevance, the ideological-political context in Western countries leaned toward the rise of neoliberalism, regardless of whether social democratic forces ruled in many countries.

> The predominant regulation framework in Europe during the 1980s was based on maintaining every radio and television channel as a public service, but also opening the door to the granting of operating licenses to private companies

In this context, the debate on public policies for television (and radio, to a lesser extent, for lower business expectations and because in countries such as Spain there were already commercial channels) focused on the possibility of opening the management of the medium to private concurrence, or the strict maintenance of the public monopoly with multiple channels. The predominant regulation framework in Europe during the 1980s was based on maintaining every radio and television channel as a public service, but also with the consideration to open the door to the granting of operating licenses to private companies. In the United Kingdom, they had already done so in 1956 with ITV.

Spanish legislation, unlike the majority approach, was conducted in two stages: initially, it was established that the rupture of the monopoly of RTVE came from public bodies dependent on the autonomous communities (e.g. RTV statute of 1980). Not until 1988 the Private Television Act was passed, which maintained the legal status of a public service for radio and television services while allowing their management by private companies.

Conflicts of public-private competition

With the onset of competition to provide wave television service, the main problems that have characterized the last thirty years of communication policies in Europe emerged. They were aggravated, first of all, by the establishment of technologies not based on public goods (the waves), such as cable and satellite. Additionally, in recent years, the Internet could finally provide all kinds of audiovisual services.

The main conflicts in the initial period stemmed from the indefiniteness of the public service assignment for some providers and others, and on the financing of the respective activities. The impossibility of finding a solution forced the European Union to include a protocol annexed to the 1997 Amsterdam Treaty on Public Broadcasting [2] which authorized states to finance public service with public resources, according to the definition of its meaning and organization of the service that each established. However, public resources could only be used to strictly finance public service activity without disrupting the market.

The insistence of the European authorities on the states to define the public service order and, consequently, the actions with the possibility of being financed with public resources generated legislative reform everywhere, but in all cases, it went on very generic formulas, as I pointed out at the beginning of the article. Essentially, these are formulas that establish the task of producing and broadcasting a set of quality programming that can meet the democratic needs of the citizenry, with information, culture, and entertainment content for all types of people.

This indefiniteness allowed the public service providers to maintain their previous performance, without changes in content or funding. Thus, the conflict with the commercial providers of the service focused on the fact that most public corporations received revenues through the public budget as well as advertising sources, creating an issue of unequal competition between them.

Faced with this impasse, and given the evolution of the television system as a whole, with public and private open television and pay-tv platforms that began to monopolize sports content and became the third player in the market, the main perspective for the solution to the conflict in European countries was to determine that the public service is all that the public service provider does. For instance, as in the case of Spain with the audiovisual law of 2010. The rest of the television proposals consist in the right to provide communication services, if necessary, with a license when there is scarcity of resources (e.g. terrestrial waves). At the same time, in some states, access to the dual system of public and advertising funding was restricted or prohibited. For instance, in Spain, but only in the case of the state-wide provider, RTVE; in exchange for the contribution of other agents of the audiovisual system to bear the costs of the huge structures of the old public monopolies.

During this period where the competition is already beginning to have three well-identified stakeholders (public corporations, private companies in open channels and payment platforms), the economic income of the television market is consolidated in almost all countries by approximately three thirds. This has continued to the present day, according to data from the European Audiovisual Observatory, with public funding, advertising and payment of subscriptions by users.

> The economic crises generated a new situation: public lenders had relatively secured financing while open commercial ones depended on the evolution of advertising, directly related to the ups and downs of the economic context

This situation does not alleviate the crossroad, and both the economic crisis of the period 2000-2003 and the one that began in 2008 generated a new situation. Public lenders had relatively secured financing while open commercial ones depended on the evolution of advertising, directly related to the ups and downs of the economic situation. Earlier, however, some of these private operators were still warning of the conflict with the public

service and advocating the abolition of corporations, arguing that democratic needs and values were already guaranteed by a plural market of private agents. Among the most notable cases we can find the United Kingdom, where Rupert Murdoch's business group (press and pay-tv) led the battle to delegitimize BBC [3], which later found an effective echo in the Conservative Party's positions and, even today, is under pressure in order to weaken the entire public television system in the country.

European defense of the role of public media

However, most states and European authorities have repeatedly maintained and reiterated the defense of the need for the dual public-private model, as a fundamental policy to protect pluralism in the audiovisual field and, by extension of the communicative system. Especially before the forecasts to the concentration of the property of the private [4] means and the merely commercial character of its programming proposals.

However, in recent years the conflict over the existence and size of public television providers has not ceased, and in the context of the economic crisis since 2008 many of the states began to cut or freeze the economic resources of public corporations and also replacing them with new smaller structures (Greece, for example).

The most extreme case occurred in Switzerland, when a referendum was held in 2018 in order to question the mandatory contribution (canon) of households for the financing of the public body SSR, which, in case of succeeding, would have forced its closure. The consultation approved its maintenance but with a reduced budget and opened the way to successively review other communication policy actions in the country. The basic approach was to question the need to contribute to the costly maintenance of the entity in an ecosystem that has already many audiovisual alternatives for the public (pay-tv, video-on-demand services), although mostly from abroad. Thus, the need for a public body to guarantee the original goals of public services was questioned.

The need to define policies in the 21st century audiovisual ecosystem

The cases listed are the most symbolically relevant, but there is a debate across Europe about the need for public service providers to rethink the basics of what the public service mission should be. The open fronts are many, some already pointed out, inherited from the era of exclusively television competition, but the emergence of video-on-demand services (national and especially those with a global vocation) and social networks, along with the entry of U.S. capital companies in the audiovisual landscapes of all countries and the social response to these proposals (dramatic drop in traditional television audience especially, but not only, among young people), have completely changed the balance among the components of the communicative ecosystem.

In this situation, it becomes even more urgent to address these problems, delimiting better

than before what are the issues that appertain to industrial economics from those that correspond to what we can call the “audiovisual welfare” of the citizens.

Among the first ones, the effects of the growing competition between agents and the inequality of development possibilities of each other can lead them to positions of irrelevance in the use by society. Therefore, making difficult the mission and functions of protection and promotion of democratic values in the case of public lenders. Furthermore, many problems derive from its extension to other activities such as production for third companies, commissions to producers for its own programming and function of “engine” of the industry, proposal of new services, distribution via privately owned platforms, etc. Also, there is another crucial element: public bodies must be concurrent in the provision of the service with the private initiative. They are currently multiplied (open television, pay, a la carte) or complementary (considering what it does not want to do) in the face to establish its singularity. The BBC used the concept distinctiveness in order to define the key to its function.

The usual tool in most countries to assess the suitability for their public sector’s own function will need to be adapted to a new complex reality, the audiovisual ecosystem; generically, we are talking about the “public value test” of initiatives, Public Value Test. Nevertheless, this adaptation must be anchored above all in the perspective of the policies for the audiovisual-communicative well-being of the population.

> The emergence of social networks and video-on-demand services, especially those with a global vocation, have completely changed the balance among the components of the communicative ecosystem

This entails, on the one hand, reviewing the application of the classical foundations on which they are based and, on the other hand, associating them with the democratic values that communication policies must guarantee, whether with the public media or in relation to the private media. Among the categories proposed by Picard and Pickard [5], aimed to protect democratic values, a review of the mechanisms for promoting and protecting pluralism (plurality and diversity) in property and content should be taken into consideration. Thus, ensuring citizen access to the media and freedom of expression and participation. Additionally, more and more measures to protect the prominence of one’s own languages and cultures with the diversity of content must be added.

The case of Catalonia

In the case of Catalonia, the consolidation of the audiovisual and communication ecosystem that we are witnessing in the second decade of the current century forces us to rethink industrial and communication policies due to several imbalances that have not stopped

growing. The proposals from Catalonia in the field of television have remained mainly in the hands of the Catalan Audiovisual Media Corporation (CCMA), and the production segment has had to accept that the monopsony situation that existed in which many companies had lived has been weakened. Concretely, it has increased the cooperation with Spanish or international service providers. This has many industrial implications, and an important one is that it reinforces powerful audiovisual spaces to the detriment of the Catalan one.

At the same time, the open markets of the international audiovisual industry and the changes in consumption within the audiovisual ecosystem weaken the room for maneuver of the only service provider that coexists with Spanish providers and the Video on Demand (VOD) proposals. In this circumstance, the Catalan Audiovisual Media Corporation must maintain, on the one hand, its obligation –by law and mandate of the Parliament– to promote the industry, but at the same time, with diminished economic resources that affect its editorial proposal, the corporation must guarantee that their performance fulfills the task of a public service. That is to say, the promotion of democratic values, language and culture, and pluralism, among others.

In this new situation, the role of the Catalan Audiovisual Media Corporation in the audiovisual ecosystem must fit. The industrial function must be at the center of this fit, but we need to concretely review the meaning of the corporation's contribution to pluralism, with a perspective that must place the satisfaction of the rights of citizens at the center of communication policies.

Public media (here and everywhere) have traditionally been required to meet the objectives of plurality and diversity within them, as befits a limited supply of services to the population, in the origin of radio and television, and in the period of limited competition with commercial lenders. With today's opulence of services, however, progress needs to be made towards identifying democratic values with the pluralism of the audiovisual ecosystem to ensure the communicative well-being of society. This means assessing the plurality and diversity of voices, sources, topics, and information treatment in the set of proposals that people receive and not within each medium. And, in this way, the existence of public providers is legitimized as singular agents that balance the offer that reaches the public without the interference of commercial interests. Hence, being able to ensure the presence of voices, sources, themes, and information treatment that in the whole of the specific ecosystem of each society lack visibility. In the case of Catalonia, the public provider, the Catalan Audiovisual Media Corporation, must have this primary mission to protect democratic values, given the abundance and strength of proposals that come from everywhere.

REFERENCES

1 — Van Cuilenburg, Jan & McQuail, Denis (2003): *Media Policy Paradigm Shifts. Towards a New Communications Policy Paradigm.* Included in the *European Journal of Communication*, vol 18(2): 181–207. London, Sage. In this article, the authors summarize the changes in the paradigm of communication policies due to the conditions of the socio-political, economic, technological and cultural environment.

2 — 1997 Amsterdam Treaty [available online].
3 — Murdoch, James (2009): The absence of trust. Conference MacTaggart Lecture in the Edinburgh International Television Festival [available online].
4 — Among the many pronouncements, for its exhaustiveness of arguments and proposals, stands out the Resolution of the European Parliament of 25 September 2008 on the concentration and pluralism of the media in the European Union (*2007/2253(INI)*).
5 — Robert G. Picard & Victor Pickard (2017): *Essential Principles for Contemporary Media and Communications Policymaking*. Oxford, Reuters Institute for the Study of Journalism.



Joan M. Corbella
Joan M. Corbella is professor at the Communication Department from the Pompeu Fabra University in Barcelona. He specialized in media structures, markets transformations and communication policies, as well as the media transformations in Catalonia, Spain and the whole world. He is Co-Head of the Audiovisual Production Observatory, within the Pompeu Fabra University research group UNICA. He authored several articles, studies and books. He was also part of the team that developed the White Book of the Audiovisual in Catalonia, commissioned by the Catalan Parliament to the Catalan Audiovisual Council (CAC).