

# Reporters Without Borders

<http://www.rsf.org/chile-next-president-must-grasp-the-15-11-2013,45461.html>

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Americas - Chile

Setback

## New media legislation needed after president vetoes digital TV law

26 November 2013

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Chile's outgoing president has vetoed the Digital Television Act, a law that would have opened the way to modest progress in broadcasting in Chile despite being criticized for not going far enough to redistribute frequencies.

Reporters Without Borders regards the arguments deployed by the president's office in a 19 November paper defending the veto as a misuse of the concept of "pluralism" to defend the economic interests of a few at the expense of real pluralism.

New broadcast media legislation must be a priority for Chile's next president, who will be chosen during the second round of the presidential elections that is scheduled for 15 December.

Those most affected by the presidential veto are community media because the proposed law would have reserved a portion of the country's broadcast frequencies for them and for local and regional media. It would also have prevented religious broadcasters from being treated as community media.

"This is a disaster for real community media," said Maria Pia Matta (photo), head of the World Association of Community Radio Broadcasters (AMARC). "Evangelical groups will be able to use the 'community broadcaster' label even if they provide no information. This is a setback both for pluralism and for our status."

The veto also puts paid to a reform under which state-owned *Televisión Nacional de Chile* (TVN) would have been given a second frequency at the regional level, which it could have used to broadcast not only its own programming but also content produced locally by those who do not have the resources to broadcast it themselves.

As a result, TVN will continue to have just one frequency in the name of "pluralism," meaning "for the sake of the interests of leading commercial media close to the current government that did not want any reinforcement of the already weak state broadcast sector," one observer commented.

Another controversial effect of the veto will be its limitation of cultural programming to four hours instead of "at least four hours" under the proposed law.

"For a vote to override the presidential veto and reinstate the original law, the constitution says you need a quorum of two thirds of the deputies and senators at the moment of voting in each house," Pia Matta said. "In the face of such an obstacle, the only option is a new law."

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### 26.11.2013: Next president must grasp the nettle of media democratisation

On the eve of Chile's presidential election on 17 November, Reporters Without Borders urges the candidates to give a firm commitment to democratising information and communications. We appeal especially to the two main contenders Michelle Bachelet, who served previously as president from 2006 to 2010, and Evelyn Matthei.

Unlike neighbouring countries such as [Argentina](#) and [Uruguay](#), Chile never repealed the regulation framework established under the 1973-1990 military dictatorship. In the 21 years since the return to democracy, governments run by the Concert of Parties for Democracy, including the one headed by Bachelet, have not reformed the system based on [concentrated](#)

[private ownership](#), which is anathema to pluralism.

The mechanisms that perpetuate such a system must be dismantled urgently. In first place is the government subsidies paid to the print media, of which the duopoly *El Mercurio* and *Copesa* – owners of 95 percent of print titles – are the sole beneficiaries. Second is the 1982 general law on communications, passed during the Pinochet era, and its section 36B, which was added later and provides for a custodial sentence for broadcasting on an illegal frequency. This legislation has turned broadcasting into a closed shop, at the expense of small, independent and community-based radio and television stations, which have been waiting for years to be granted official status.

The law passed in May 2010, providing for the establishment of community and citizens' radio broadcasting services, must be applied. The transfer or reallocation of frequencies must also be imposed, since the consortium Iberoamericana Radio Chile, which holds 60 percent of them, refuses to abide by the 2012 agreement between broadcasters and the telecoms regulator Subtel.

Reporters Without Borders has submitted these recommendations, as well as the decriminalisation of press offences which is still in abeyance, to the United Nations Human Rights Council, which is due to discuss Chile at its [Universal Periodic Review](#) session in January and February next year. Will they be taken into consideration? The circumstances do not necessarily point in that direction.

### Lost illusions

On 13 August this year, the UN Committee on the Elimination of Racial Discrimination heard testimony from **Mireya Manquepillan**, the head of *Kimche Mapu*, a radio station of the indigenous Mapuche community. She spoke of the plight endured by her people, including in the field of [news and information](#).

Immediately after she spoke out, the government announced a plan for indigenous radio stations for 2014-2016. "We were promised 30 new stations, a budget of 10 million pesos (about 15,000 euros) and a pilot project at the end of October which *Kimche Mapu* was to have undertaken," Manquepillan told Reporters Without Borders. "Since then, there's been nothing. It was all talk."

During a recent visit to Chile by Reporters Without Borders, **Tomas Mosciatti**, the manager and co-owner of the radio station *Bío Bío*, also expressed his concerns: "The 2010 law opened up community radio only slightly and just for those who put out municipal propaganda or preach the Gospel, who are 'community' in name only.

"In general terms, the radio audience has declined significantly and there is little hope that digital television, which will generate very few new channels, will be its salvation."

The Digital Terrestrial Television Act received final approval by the Senate on 15 October but its enactment has been halted by the president. The main broadcasting groups aside, its critics have been harsh. The legislation theoretically allocates 40 percent of the new capacity to regional or local broadcasters. However, observers point out that these have no real autonomy.

"Most are appendages of the main national broadcasters," said Mosciatti. "The market will decide."

In the view of officials of the alternative television station *Señal 3 La Victoria*: "This law is designed only to extend the existing media establishment. There is no redistribution."

Chile's media oligopoly, which was the target of [social protests](#) in 2011, has yet to be overhauled. This will entail the abolition of [Pinochet's legacy](#), which still haunts the country and its journalists.

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