Discussion and methodological proposal for comparative analysis of general audiovisual legislation at national level

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Abstract

Despite plenty of literature on public communication policies and the need for regulation in the audiovisual sector to promote the development of pluralistic and democratic societies, it becomes evident that there is a certain lack of precision from the methodological point of view. For the purpose of contributing to the improvement of the elaboration processes of new public policies in this field, and starting on the basis of other authors' previous models, this paper aims to propose a valid methodological tool in order to analyze general audiovisual legislation at national level in a compared and systematic manner.

Keywords: audiovisual regulation. public communication policies. Methodology. comparative analysis.

Introduction

Assuming that communication is a strategic framework to debate on the reconfiguration of the world, in general, and social transformations, in particular, resulted in an initial boost of communication policies from macro economics and political sciences arena to later on move to the cultural sector under the influence of cultural studies. In this field, and from a media-centered perspective, government intervention was considered a necessity in order to guarantee the democratization of communication systems and the participation of social actors.

However, despite the increasing general interest, determination on how to study public communication policies has been ambiguous, with different authors having different approaches. This has consequently hampered the evaluation of the public policies already in force and the identification of factors affecting their evolution. It is therefore essential to try to design methodological tools for a systematic policy study. The objective of this paper is to propose a valid methodology for systematic study of general audiovisual legislation at national level.

Public Communication Politics and Policymaking

In order to approach this issue and considering the complexity of the concept, it is necessary to clarify the difference between the two English terms "politics" and "policy", non-existent in Spanish language. The former ('politics') refers to the customary government action (translated into Spanish as 'la política'). In other words, the government action in the traditional representation and election domains. The latter ('policies') refers to the specific government action (translated into Spanish as 'las políticas'), that is to say, all the actors and mechanisms to formulate and implement public policies and social regulation processes (SUBIRATS; KNOEPFEL; LARRUE; VARONE, 2008). Therefore, when approaching the study of politics ('la política'), the object of study is the political forces and government and parliamentarian institutions. On the contrary, the analysis of policies ('políticas públicas') focuses on the programmatic role of the government in a specific area of public action (KAUFFER, 2002).

Public policy analysis as a social science discipline has grown focusing on two fields of research. One of them is instrumental or prescriptive, while the other one is more analytic, targeting the causes and consequences of public policies, rather than exploring better options and policymaking. The first one has two dimensions: (a) the descriptive dimension to study the performance of actors and organizations; (b) the prescriptive dimension aimed at not only searching for good alternatives of public action but also to analysing its feasibility allowing policymakers to choose the best public policy available (DROR, 1971; LASSWELL, 1951; MELTSNER, 1972). In the words of Meltsner (1972), it is about "bridging the gap between the desirable and the possible," not only helping to define which is the best option available but also to guarantee that the government chooses and implements this option.

In the second field of research, closer to the object of study of this paper, the aim is to understand and explain – by using theoretical-methodological approaches from social science – the activity of public and private actors. From this perspective, public policies can be regarded mostly as dependent variables, as a result of the adjustment and balance of forces within the system (DUNN, 1994; DYE, 1976; MAJONE, 2001). Unquestionably, the distinctive features of political regimes and systems become a key element. Their configuration determines how formal and informal rules are structured, how different groups have access to resources, their interests and loyalties, symmetric or asymmetric relations, as well as their role and influence on policymaking and implementation.

In public policy-oriented research, multiple definitions of the concept have been proposed. In 1951, Lasswell used the term 'policy' to refer to "the *most important* choices *made* either in*organized* or in *private life*," stating that we could speak of "*government policy*," "*business policy*," or "*my own policy*" (LASSWELL, 1951, p.8 - Our translation).

Two other classical definitions frequently quoted are the one by Dye (1976, p.1 - Our translation), who defined public policies as "whatever governments choose to do or not to do" and whose research study aims to "explain as well as describe the actions and consequences of government." The one by Thoening (1985) indicates that it is about "what governments choose to do or not to do" (cited in KAUFFER, 2002, p.3 - Our translation). These two definitions pose a problem, since public policies are not limited to (explicit) regulations, they also cover government inaction in a given area.

As Lindblom (1991) argues, any decision made by the State cannot be explained without taking into consideration the policies implemented by other actors. In other words, although the State may start addressing a particular problem on its own, the decisions made afterwards regarding implementation and change of contents will be influenced by the potential response of other actors and the stances taken by them during action. Thus, different stakeholders will take a stance regarding this social process, changing the map of social relations and the set of problems in the political arena in a particular historical moment (OSZLAK; O'DONNELL, 1981).

In its influential work on the subject, Freedman (2006) concludes that the greatest threat to transparency in policymaking comes from the constant and tight relationship between sectoral interests and government policymakers. The idea that contemporary media policymaking is a model of transparency and accountability is mistaken, he states. Government participation and parliamentarian debate are neglected by the relationship between industry and government, a relationship characterised by intimacy, lack of transparency and common goals. Therefore, it could be argued that public policy structure is determined by the following factors: how governments make use of government resources and cultural practices to achieve the desired results; the extent to which power distribution gets distorted in bureaucracy, and the extent to which government relations become or not a conveyor of the decisions and actions of those governing and those governed (MARINO, no date).

Within the debate on National Communication Policies in Latin America from 1970s onwards, there are some remarkable contributions in the revision of the audiovisual sector (BOLAÑO; MASTRINI, 2001; CAPRILES, 1996; GRIFEU, 1986). In the first place, the need of government and civil society intervention to define audiovisual policies in pursue of the democratization of communication systems, which implies that political action and communicative action are directly interconnected. In the second place, placing the concept of "communication system" at the core of the debate eases the integration of NCP in all processes and circuits related to production and symbolic reproduction in a given historical society. Similarly, the debate brought lessons learnt such as appreciating that social communication processes are capital for the cultural identity of the peoples and social groups. Besides, it allowed the integration of the concept of national information and communication development in the framework of international problems arising in

the context of NWICO claims. The debate led to a discussion on important concepts such as access, participation and public service. What is more, it highlighted the key political role of communication in policymaking and communication planification, especially after the emergence of the new information and communication technologies. It is precisely this emphasis what renders this work meaningful.

This raises the question of how traditional public communication policies are being transformed and which rationale they are following. Should the same regulatory model be applied to the new media? Many voices point out that traditional communication policies are not needed because there is no longer spectrum scarcity – formerly used to justify those policies – and that in fact the greater offer would render public media unnecessary to guarantee diversity (GOLDBERG et al, 1998, p.16). The globalization of capitalism (CHAKRAVARTTY; SARIKAKIS, 2006) or the rise of neoliberalism (MCCHESNEY, 1999) have been identified by the most relevant actors as drivers of the contemporary changes in public communication policies (FREEDMAN, 2008). In such a highly deregulatory context, the concept of the role of public communication policies in some Latin American countries is changing. The objective is, therefore, to design methodological tools for a systematic policy study of general audiovisual legislation at national level in order to identify the rationale behind each case and debate on its coherence and its implementation. The intention is to contribute to improving the design of general audiovisual legislation elaborated by Nation States.

A methodological approach to the study of communication policies

As previously explained, this proposal aims at contributing to the design of an operative analysis model of audiovisual legislation based on indicators for comparative evaluation of different regulatory frameworks. Our proposal of a methodological design is described below, having considered previous proposals and recommendations by other authors and adapted them to the object of study, namely, general audiovisual legislation at national level.

One of the methodological challenges faced by social science are the dilemmas to confront, due to the specific characteristics of the object of study. Social phenomena cannot be constructed by researchers by way of an experiment; on the contrary, real historical moments in which phenomena under consideration really occurred should be the basis for study. In this sense, comparative analysis is another tool in social research that allows to state sensibilities regarding differences and similarities, consequently contributing to concept formation.

Certain important aspects of media systems in every country are very often taken for "natural" or in some cases are so familiar to the researcher that go unnoticed, not drawing his/her attention. As Blumler y Gurevitch (1975, p.76 – Our translation) point

out, comparative analysis has the "capacity to render the invisible visible.", to draw our attention to certain media system aspects which could be taken for granted and are difficult to be detected when the focus is on just one country.

This methodological tool is nowadays highly used in social science, mostly in those research studies aimed at analysing social phenomena at system level, where a research study of just one country would not reflect certain differences. Research studies such as those by Hallin and Mancini (2008, 2012), Humphrey (1996) or Levy (1999) highlight how useful this method is to shed light on the existing relationship between media systems and their social and political frameworks.

Additionally, it seems appropriate to operationalize the analysis considering public policies as a process, a set of decisions made and actions implemented by both public and private actors, being those actions aimed at addressing a public problem clearly defined. The focus is therefore on the analysis of the performance of stakeholders in the different stages of a public policy. Graph 1 illustrates the cycle of public policies, from the moment the issue to be addressed by public action arises until the time to evaluate the implications of a given public policy. It is understood that the content and institutional characteristics of a public action (dependent variable) are the result of the interactions between the political and administrative authorities and social groups causing and/or facing the negative effects of a given collective problem (independent variable).

Graph 1 – Public policy cycle
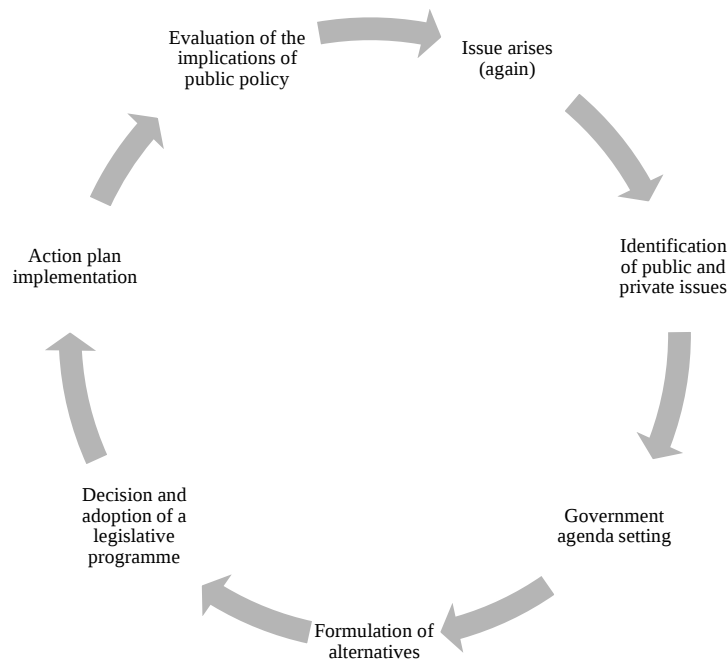
Source: free adaptation of the book by Parsons (1995, p.78-79 apud SUBIRATS et al, 2008).

It is necessary to make clear that this cyclical process is not designed to be a fixed sequence of the different stages of a policy, but an indicative framework to gather knowledge and reflection to be used in the analysis. In this way, the first question that arises is the inclusion of a problem or potential problem on the political agenda. Being the first stage in the life of a public policy, it is the time to make a first selection of those problematic questions or situations – as of now or potentially – that could be considered as objects of intervention, issues to be covered by a policy. But what are the reasons to include or not certain questions on the government agenda? Specialists agree on the idea that "the capacity of citizens or groups to include questions in the political agenda is not evenly distributed" (PALLARÉS, 1988, p.152 – Our translation). Political agendas are, consequently, the result of the mobilization of demands and advocacy rather than of a rational assessment of needs, values and objectives. Therefore, deeper knowledge of this issue should be gained by studying activities and the influence of groups of concern, political parties, top politicians and media representatives in each case, in order to conduct a comparative analysis.

Besides, analysts must study the context in which public policies are formulated, considering context as "the set of extrinsic factors of the most specific object of study (government policies) which is essential to understand, describe and explain the object and its effects on other variables" (OSZLAK; O'DONNELL, 1981, p.21). Thus, the authors establish three different levels of context to be analysed: a first level related to the social process around the emergence, treatment and solution of the problem; a second level including "the agenda of issues", that is to say, the number of situations considered as a problem by society in a given moment in history; and a third level which implies knowing the social structure which would allow analysts to predefine, for example, who the potential actors in a specific issue are and which resources could be mobilized.

Political, social and media contexts

Hallin and Mancini (2008) conclude their research on media systems proposing three theoretical models which explain the relationship between media and political forces. In order to allocate each one of the 18 countries under consideration to one of these three models, they use a series of indicators resulted from combining theories of political and media studies with empirical observations. They introduce four main media system variables: the development of the media market, focusing on mass-circulation press; political parallelism, in the broad sense of the extent to which the media are partisan and reflect the major political positions; the development of journalistic professionalization and the degree of government intervention in the media system. They propose three analytical models of media and politics: the Mediterranean model or "Polarized pluralist model", "Democratic Corporatist model" and the "Liberal model."

The aspects on which Hallin and Mancini (2008) focus are: the degree of neutrality or partiality of the media ("political parallelism"), the degree of professionalization (degree of autonomy, ethical principles and practical routines, public service orientation) or in reverse, the degree of media instrumentalization, and the impact related to the degree of government intervention in the media system. Unquestionably these are important issues, but comparative analysis must involve as well the study of the degree of media freedom and pluralism in different systems, carefully exploring the different historical, political, legal conditions, both regulatory and economic, for media freedom in every country (CZEPEK; HELLWIG; NOWAK, 2009).

Following Humphrey (2012), Comparing Media Systems undoubtedly provides an excellent basis for discussion about future comparative research. However, the broad-brush inclusiveness of the Hallin and Mancini (2008) model is problematic, given the market heterogeneity of liberal-democratic media systems (HUMPHREY, 2012, p.164). This author makes a thorough review of the study methodology of Hallin and Mancini (2008) commenting on some of the errors identified. He makes his own proposal on the variables to be evaluated in the analysis of a given media system, which could also serve as a matrix for comparative analysis-based research. Humphrey (2012) argues that comparative analysis could explore interesting topics of media policies, besides the already mentioned, such as national regulatory styles and models and their implications on democratic representativity and accountability.

Table 1 – Key variables of national policy and economic policy related to media system

Variables		Levels	
Political history	Continuity		Disjunction
Market size	Large	Intermediate	Small
Concentration (in different markets: national, regional etc and press, television, cross-media etc)	High	Intermediate	Low
Ethnic/Linguistic structure	Homogeneous	Regionalized	Sub-State (nationalisms)
Ideological Polarization	High Polarization	Moderately Polarized	Low Polarization
Majoritarian or Consensual on Federal Unitary Dimension	Unitariy (majoritarian)	Descentralized	Federal (consensus)
Majoritarian or Consensual on Party/Government Dimension	Government Alternation/Party System Dualism/Single-Party Governments (majoritarian)	Moderate Power Sharing/ Intermediate	Governmental Power Sharing Multi-partyism/ Grand Coalitions/ (consensus)

Variables		Levels		
Majoritarian or Consensual on Interest Intermediation	Pluralism (majoritarian)	Clientelism	Corporatism (consensus)	
State Tradition	Strong (dirigism)	Intermediate	Weak (liberal)	
Influence of Judicial Law Making/ Constitutional-Legal Rulings	Strong	Intermediate	Weak	
Legal Tradition	Common Law		Civil (code) Law	

Source: Humphrey (2012, p.167).

In fact, the point is that Hallin and Mancini (2008) proposal underplayed the importance of the analysis of public policies, focusing instead on the relationship between politics and journalism, mostly written press. That is why, while the general structure used in their comparative study to analyse general audiovisual legislation at national level could be the starting point, Humphrey (2012) proposal seems more appropriate for a complete analysis of the political, social and media systems in each case.

Policies characterisation:

As a prerequisite for comparative analysis, and with the aim to fulfil the requirement that "comparison is invalid unless made between facts of the same type, with a similar structure." (DUVERGER, 1976, p.413), we propose to analyse the cases under consideration taking as a reference an adaptation of the multivariable typology by Exeni (1998) for public communication policies. The purpose is to verify the validity of the comparative study proposed.

In order to adapt the analysis to this characterisation, we propose to use the following criteria in policy analysis: identification of the scope of the policy, or level of government issuing the policy, identification of the policymaker and the implementing body, identification of the specific denomination of the policy, if applicable, identification of the political or technical content covered by the policy and which reflects the interest on the issue, identification of the policy tools – all those norms, organizations, mechanisms, plans, programmes, projects and the corresponding budgets, allowing to gauge the priority and institutional efforts made by the State when implementing a policy – and the stage at which the policy is: design, formulation, enactment, implementation, evaluation or adjustment.

Actors characterisation

According to the proposal by Oszlak and O'Donell (1981), a complete *a posteriori* analysis of public policies implies tracing back the steps taken by public authorities. The idea is to examine relationships, alliances and conflicts among stakeholders in the political process under consideration, and the different representation forms and procedures agreed upon. It is about identifying who intervenes in each specific policy and the outcomes of this intervention.

Thus, the actors are not observed or analysed from a general perspective on their activity or their belonging to one trend or social stance or the other, but in relation to their specific performance in developing and implementing a given action plan (LINDBLOM, 1991).

At this point, it seems relevant to use the adaptation of the Analysis of Policy Networks. "Network" is a concept to refer to a set of elements organised to reach a goal. As Díaz Moure (no date – Our translation) points out

> to get organised implies the institutionalization of a structure in which several actors – public and private – with unequal resources interact in order to attain common interests. That is to say, the 'network' portrays a map of power distribution representing the stakeholders and the resource distribution among them.

For actor's characterisation, it could also be convenient to apply the methodology proposed by Mitchell, Agle and Wood (1997). It presents a theory to identify stakeholders based on the assessment of their relative importance, regarding not only the media system but also other actors within power structures and relations in a particular social context. This methodology offers two main advantages. On the one hand, it consists in a political analysis, since both policies and actions by the stakeholders are considered to be the result of the interaction of unequal and controversial forces and interests. On the other hand, it is variable, not a steady state, because it considers that the result of a conflict of interests varies according to the social space and time, depending on the praxis of the actors.

Why and how to regulate media

McQuail (2010) concludes that six are the reasons to regulate media, as follows: (1) management of what is arguably the key economic resource in the emerging `information society'; (2) protection of public order and support for government and justice tools; (3) protection of individual rights and interests; (4) promotion of the efficiency and development of the communication system, by way of technical standardization, innovation, connectivity and universal provision; (5) promotion of access, freedom to communicate, diversity and universal provision and (6) maintaining conditions for effective operation of free markets in media services, especially consumer competition, access and protection.

Having said that, once the decision to regulate is taken, how is it articulated? What type of factors are considered in policymaking? In this section, we analyse a series of different parameters, considering the interest sparked during the fruitful period of communication policies analysis in Latin America in mid-1970s, following the principles of the European Convention on Human Rights and the InterAmerican Commission of Human Rights, and taking into account the key aspects defined by UNESCO (2008) in favour of freedom of expression, pluralistic and independent media.

First, the fundamental principles on which audiovisual law is based are freedom of expression, information and communication, fundamental human rights recognised by international treaties, and to be safeguarded by all democratic states. These rights, including fair and equal access to the media, must be preserved and extended to the context of rapid changes in information and communications technologies. That is why regulation in this field nowadays should provide for audiovisual communication services on a broad sense, beyond the traditional concept of radio spectrum.

Besides, it is worth to analyse how a law provides for different typologies of service depending on the diversity of operators: public services, commercial services, community services and third sector services. In principle, it would seem advisable in terms of pluralism and diversity to have an audiovisual law providing for three different types of operators and entrusting specific tasks to public operators, as well as limits and conditions to commercial operators. Eventually, there should be a specific section for non-profit private operators, third sector operators and community operators, basically, operators serving the specific cultural and social needs of certain social groups.

It is similarly important to study the access requirements to fall under the category of operator. Being granted a licence or authorization is a pre-condition for broadcasting, since it is a prerogative of public authorities to regulate the activities of the private sector in case of limited or scarce resources. Considering the area covered by the licence (the exercise of fundamental freedoms of democracy) it is easier to understand why this power has been vested in independent authorities in some European Union Member States.

Licence allocation via a system guaranteeing advertising and competition (that is to say, transparency in allocation criteria and competitiveness of the process) leads to attaching importance to the proposals submitted by applicants. Later on, operators granted a licence are bound by the proposals submitted by themselves, which become agreements or obligations, being binding and having to be respected. Accordingly, the regulatory authority must be endowed with the power of ensuring compliance of these agreements. These agreements normally include more obligations than those set by the legislator, related not only to the shareholder structure but also to certain contents (from a qualitative and quantitative perspective, children's programme, in-house production, type of news bulletin, contribution to cultural industry, genres, among others). Similarly, the temporary nature of the licence and the conditions for its renewal should be guaranteed, being a necessary condition with a view to preserve the openness of the public space.

A specific strategy for effective guarantee of pluralism consists in limiting the level of concentration, irrespective of the norms set by competition law (MASTRINI; BECERRA, 2006). Cultural diversity is assured by establishing the obligation to produce or finance regional, national, local or independent works. Besides, it is important to analyse whose is the responsibility of guaranteeing the observance of the rules, principles and obligations regulating

public communication space in a democratic society. In the case of Europe, as private operators emerged in the wake of the disappearance of public broadcasting monopolies, authorities were created to be independent from the government ruling powers and media and economic powers.

Considering the specificities of the sector, the authority to be created should be one in which all decision makers turn to a collegiate body (RALLO LOMBARTE, 2000), composed of renowned people with relevant and proven professional experience in media sector. This collegiate body should be diverse in terms of expertise, political and social pluralism and gender equality; a body to be gradually renewed and whose members are subject to a regime of incompatibilities and have a limited mandate. A body which meets in plenary session in the case of adjudicative competencies, regardless of whether there are other commissions which can previously study and analyse the decisions to make. An authority with competencies to guarantee pluralism, monitor the mission of public service of public operators, and eventually those competencies required to ensure compliance of the game rules, to guarantee an open and plural public space. That is to say, regulatory powers – instructions –, licence allocation powers – to set specific requirements, open tenders and allocate licences – and renewal, monitoring powers of the private activity – cease orders for prohibited activities, power of inspection and penalty –, powers to control concentration, capacity to coregulate and promote self-regulation.

Additionally, in public audiovisual space, freedom of expression and freedom of information are in constant confrontation with another group of rights and freedoms. Balance in this case implies limiting the scope of both to prevent and solve potential controversies. In this respect, there are certain aspects to be included in any audiovisual law such as limits on content, in general; prohibition of incitement to hatred on the basis of race, religion, ethnic origin, national origin; duty to provide truthful information; safeguarding fundamental rights to privacy and intellectual property; protection of consumers by limiting advertising, compelling to separate editorial content from advertising, setting conditions for product placement, prohibiting sponsorship of certain programmes. Regarding protection of children from advertising, pornography and gratuitous acts of violence should be explicitly prohibited and programme rating or time slots for other types of programmes should be established.

With a view to assess all variables mentioned in the possible case studies, it is advisable to use the proposal of Media Development Indicators (MDIs), published by UNESCO (2008). By indicator, one should understand a quantitative or qualitative factor or variable, measured over time, that provides a simple and reliable basis for assessing achievements, change or performance in a country's media landscape. For each indicator, the MDI framework suggests various means of verification as well as potential data sources.

Taken as a whole, the indicators provide an aspirational picture of the media ecology in order to ensure freedom of expression, pluralism and diversity of the media. Taking into account that the issue under consideration of this paper is general audiovisual legislation at

national level, only indicators applicable to national rules were considered. In this connection, the analysis matrix to be used could include the following variables and dimensions:

Table 2 – Matrix proposed for comparative analysis

Variable	Dimensions	Case no.1	Case no.2
Context	Country		
	Political system		
	Promulgation date		
General aspects	Activity covered by the law		
	Type of activity (public service, public interest, general interest)		
	Objectives of the activity covered		
	Official language		
Spectrum reservation	Requirements for potential providers (transparency and limits on foreign participants)		
	Obligations of the licensees and authorized		
	Spectrum reservation		
	Allocation mechanism (contest, bid, economic bid, public tender…)		
	Denomination of the allocation (licence, concession, authorization)		
	Period		
	Renewal		
	Licence limits per borrower		
	Licence transfer		
	Broadcasting		
	Penalties		
	Types of penalties		
Regulatory body	Denomination		
	Selection method		
	Member requirements		
	Composition		
	Financing method		
	Competencies and attributions		
	Obligations (accountability)		
	Mandate duration		
Monitoring	Mechanisms (public hearings, accountability…)		
	Specific bodies		

Variable	Dimensions			Case no.1	Case no.2
Concentration	Legal limits on concentration				
	Disinvestment mechanisms				
	Actors recognition (small and big)				
Contents	Content regulation	Programme quota	By sex		
			By origin (national/foreign)		
			Children		
		Access	Regulation		
		Advertising	Regulation		
			Time slots/limits		
			Official advertisements		
		Obligations			
		Relevant content			
	Content restrictions	Schedule classification			
		Prohibitions			
	Measures to support production (national, local, regional, independent)				
	Penalties				
	Types of penalties				
Community media	Legal recognition				
	Promotion methods	Capacity-building			
		Production and distribution			
		Direct financing			
	Limits	Technical			
		Finantial			

Source: prepared by the authors.

The cases included in the matrix in Table 2 are countries eligible for comparative analysis, provided that as each country has a specific audiovisual media legislation. In any case, we consider that adapting the matrix is easy if there is more than one law related to audiovisual services in countries under consideration. Comparative analysis methodology is aimed at, first of all, making an exploratory research of the national audiovisual rules in order to compare both countries. Additionally, we propose applying two analysis matrices in key structures in any media system: public broadcasting systems and specific monitoring bodies provided by each legal framework.

Table 3 – Matrix proposed for regulatory body analysis

		Case no.1	Case no.2
Public broadcasting bodies	Legal recognition		
	Objectives		
	Obligations		
	Financing method		

		Case no.1	Case no.2
Specific monitoring bodies	Denomination		
	Election process		
	Membership requirements		
	Composition		
	Financing method		
	Competencies and attributions		
	Obligations		
	Mandate duration		

Source: prepared by the authors.

Subsequently, it is appropriate to approach the implementation process of legislation in each country in order to obtain, as far as possible, a deeper understanding and a global picture of the public policy cycle. The general objective of this section is drawing conclusions on the analysis conducted and putting forward recommendations in order to improve the design and implementation of public communication policies.

Ultimately, what we propose is a thorough study of each case, following a systematic protocol for analysis, in order to conduct the comparative analysis. With that purpose, the study should be conducted in six phases: (1) analysis of the political and social systems of the countries under consideration, as well as a thorough study of the media systems following Humphrey' (2012) proposal; (2) identification in each case of the factors intervening in the formulation of a new law; (3) characterisation of laws; (4) characterisation and deliberation of stakeholders in policymaking; (5) legal analysis of the general audiovisual laws, using an adaptation of the key variables compiled by UNESCO (2008) in its Media Development Indicators and (6) assessment of the implementation process of legislations and their consequences in the media systems within each country. The proposal made in this paper is aimed at serving as a guideline for researchers who would like to conduct a comparative analysis in the field and further study government intervention through different actions

in a key are of public space. We understand that moving forward in this line of research is essential for the development of new public policies in the mid-term.

Technological changes, increase in distribution channels, intellectual property and creation of governance institutions appear as key aspects having an influence on public policymaking in audiovisual media sector. One of the clearest consequences is the reluctancy to regulate, based on the argument that nowadays there are alternative media, including those on the Internet. Other arguments are that there is no threat to information diversity, provided that market freedom and innovation can coexist. It is to be noted that rules restricting media (on public interest grounds) are being weakened or deconstructed. In general terms, since mid-1980s, the aim of politics has been to encourage media for self-regulation and accountability on a voluntary basis. This is directly related to how media conglomerates systematically have recourse to the right of freedom of expression and the right to communicate, in favour of the concept of business freedom, in order to avoid by all means any regulation in the sector hindering their interests. Thus, it is necessary to claim once more the importance of the State role to safeguard – having set the mechanisms guaranteeing transparency in decision making – the right to communicate and the balance between commercial interests and citizens' interests, not always matching.

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