11-15-2013

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Andrés Gaudán

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High Court Ruling, Secret Document Discovery Overshadow Argentina's Midterm Elections Results

by Andrés Gaudín
Category/Department: Argentina
Published: 2013-11-15

Argentina’s governing coalition lost ground and yet held on to its congressional majority in midterm elections held Oct. 27. At stake were half the deputies (129) and one-third of the senators (24) who will accompany Presidential Cristina Fernández de Kirchner (CFK) during the last two years of her second and presumably final term in office (NotiSur, Sept. 20, 2013).

The governing coalition—just as it did four years ago, in the 2009 midterms (NotiSur, July 10, 2009)—lost the country’s five largest districts, areas that together represent nearly 63% of the electorate. The winners in all five cases were political parties aligned only in their opposition to a model of government that for the past decade—starting in 2003, when President Néstor Kirchner (2003-2007), CFK’s husband, took charge of a country in flames (NotiSur, May 23, 2003)—has produced wide-reaching political, economic, and social changes.

For reasons of electoral arithmetic, the government—despite those key losses—maintained a narrow advantage in both houses of Congress and is thus assured continuing legislative support. For the governing Frente para la Victoria (FPV), the results offer something of a calm before the pending storm that awaits in 2015, when Argentina holds its next presidential election. Having already served consecutive terms, CFK will not be allowed to run again. Her pending departure is creating a power vacuum within the FPV, which is likely to produce a swarm of would-be contenders vying for the chance to succeed her. Complicating matters for the FPV is that for now, at least, there are no truly viable candidates on the horizon.

As was also the case with past midterm elections, the results have generated a lot of premature media buzz regarding potential opposition presidential candidates. In 2009, the emergent figure—created and propelled by the daily newspapers Clarín and La Nación—was businessman Francisco de Narváez, who won a formidable 34.5% of the votes cast in the province of Buenos Aires, Argentina’s largest electoral district. His popularity has since evaporated. De Narváez lost his deputy seat in last month’s election, winning just 5.5% of the vote.

This time around, the person looking to occupy De Narváez’s place as the post-election media darling is Sergio Massa, a political leader from the same rightist Peronist faction that gave rise to the FPV. Massa emerged during the final two months leading up to the vote thanks, as always, to Grupo Clarín and La Nación. Like his fellow opposition figures, he lacks a proper political platform. During his campaign for Congress, Massa promised to crack down on crime, a strategy that always seems to pay electoral dividends. "It would be epic if we could make that dream come true," he said over and over.

Experts say that to really improve public safety, Argentina needs to tackle the problem of social exclusion, undergo an education revolution, assemble honest police forces, and have a just legal system, four things that appear nowhere either in Massa’s discourse or ideology.
Media law upheld

Within days of the vote, Argentina’s political scene was shaken by a pair of noteworthy incidents that quickly turned the public’s attention away from the election results. First, on Oct. 29, the Corte Suprema de Justicia (CSJ) ruled that Ley 26.522—the media law, as it is more commonly known—is constitutional and thus immediately applicable to all media outlets. Less than a week later, on Nov. 4, Defense Minister Agustín Rossi publicly announced the discovery of a complete and perfectly preserved archive of secret documents produced over the course of Argentina’s final civil-military government (1976-1983).

Both incidents challenge the interests of Grupo Clarín, the country’s largest media conglomerate, and of the political opposition parties that the communications giant promotes and protects. The government, in contrast, appears to be benefiting from the back-to-back events.

The media law democratizes access to information by limiting monopolies and allowing for a greater number of broadcast operators. It was submitted by CFK and approved by Congress four years ago (NotiSur, Nov. 13, 2009). The law—which replaced a set of dictatorship-era media norms enacted in 1980—imposes, for the first time, precise operating limits on radio and television broadcasters. It does not affect print media.

The media law holds that no single operator can serve more than 35% of the total population or, in the case of cable television, of total subscription holders. It prohibits companies from owning both a network television channel and a cable-television provider in the same locale. Telephone companies are no longer allowed to offer cable-television services. The law also establishes that one-third of all broadcast licenses be reserved for indigenous communities, religious groups, labor unions, and social or educational organizations.

During the past several years, Grupo Clarín has used various legal maneuvers to sidestep the new regulations, which are supposed to apply to all of the country’s media conglomerations. Now that Ley 26.522 has been upheld by the CSJ, Clarín will be forced to cooperate. In particular, it will have to relinquish control of some 300 licenses—pertaining to different outlets—which will then be reassigned to other operators.

Dictatorship documents

Clarín also stands to lose from the discovery of the dictatorship archives, which could prove decisive in various legal cases, including one involving the company itself. During the past three years, the government has backed an investigation into the 1977 transfer of Papel Prensa—which has a monopoly on the production of newsprint—from business mogul David Graiver and his family to the newspapers Clarín and La Nación (NotiSur, Oct. 1, 2010).

The deal gave the two dailies a 51% stake in Papel Prensa. The other 49% is held by the state. Graiver was allegedly murdered in Mexico several months after the sale. His widow claims Papel Prensa was snatched from the family—without any compensation whatsoever—while Graiver was missing and while she was being held hostage and threatened with death.

Among the documents that Rossi presented on Nov. 4 are eight acts signed by the three members of the Junta Militar: Gen. Jorge Rafael Videla, Adm. Emilio Massera, and Brig, Gen. Ramón Agosti. The documents pertain specifically to the "sale" of the paper company. They will now be handed over...
to the judge handling the case. Sources who have had a chance to look over the documents say they could be a real blow to Clarín and La Nación, the two dailies pumping life and ideological support into the political opposition.

**Dueling columnists**

The two incidents clearly disrupted the post-electoral strategy that the two media companies and the opposition—especially given that CFK has been convalescing since Oct. 8 from a delicate brain surgery—imagined would do away with the constitutional government and, if possible, as they insinuated, replace it.

On Nov. 3—after the CSJ ruling but before the dictatorship documents were revealed—Joaquín Morales Solá, La Nación’s principal political columnist, penned a long piece in which he openly questioned the timing of the high court decision. In the article, titled "From a noteworthy defeat to an enormous victory" and featured on the paper’s front page, the columnist noted that the elections and CSJ ruling "happened just 48 hours apart." The ruling, he went on to say, "rescued CFK from the governing coalition’s worst electoral defeat in 10 years." After taking four years to reach a decision, the CSJ "could well have waited 10 or 15 more days," according to Morales Solá, who suggested the judges "were aware of the favor they were doing the president by pushing the triumphant opposition leaders off the political center stage."

Although many still present themselves as objective, it has been quite a while since Argentina had any properly "independent" journalists—perhaps since 2008, when rural business leaders launched an all-out attack on CFK’s government *(NotiSur, Oct. 24, 2008).* The agribusiness leaders eventually got the then vice president to break his alliance with the president, thus pushing the country toward the brink of an institutional breakdown.

It hardly comes as a surprise, therefore, that the editorial by "activist" Morales Solá would prompt an immediate response from another "activist" writer, Página 12 columnist Eduardo Aliverti. "Not even the most imaginative person could have foreseen that the effluvia of the election would evaporate in less than 48 hours," Aliverti wrote. The Página 12 columnist challenged Morales Solá’s suggestion that "the judges did the president a favor" and dismissed the idea that the CSJ would "reach a judicial decision for the exclusive purpose of political speculation rather than based on technical analysis and democratic values."

Suggesting that the opposition lacks both personality and a proper platform, Aliverti also criticized it for relying—in both ideology and publicity—on the large media corporations and their radio and television channels. "How ‘noteworthy’ is the governing coalition’s defeat, and just how powerful are the triumphant ‘leaders’ if they’re not able to endure an adverse judicial ruling?" he wrote.

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