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# **The politics of pleasing: A critical analysis of multistakeholderism in public service media policies in Flanders**

Karen Donders, Hilde Van den Bulck and Tim Raats

## **Abstract**

This article focuses on contributions and pitfalls of multistakeholder approaches to Public Service Media policymaking. It asks whether the inclusion of stakeholders effectively leads to more coherent and sustainable policies, or whether it mainly serves as window dressing and as additional inroad for the private sector to lobby against Public Service Media. First, we discuss multistakeholderism on the basis of deliberative democracy research and scholarly insights on the inclusion of stakeholders in media policy. Subsequently, we present results from Public Service Media policymaking in Flanders since 2010, examining seven instances of multistakeholder policymaking. Findings show that the reality of multistakeholderism is not necessarily inclusive, seems concerned predominantly with the interests of legacy media and does not prevent continued informal lobbying from commercial media. Even when the process is led by academics, politicians instrumentalize results and rarely with a view to improve Public Service Media as democratic policy project.

## **Key words**

Deliberative democracy, media policy, media politics, multistakeholderism, public service media

## **Introduction**

Both the level of Member States and the European Union increasingly emphasize participation from stakeholders in the development of media and communication policies. The revision of the EU Audiovisual Media Services directive, the Electronic Communications Package and the Satcab Directive are some recent and well-known examples of regulatory frameworks subjected to so-called multistakeholder consultations. National governments, too, are involving stakeholders in policymaking. It is considered more inclusive, closer to the reality of companies, civil society and citizens and, hence, should result in more sustainable policymaking. Deliberation based in stakeholder participation is regarded as essential in making democracy work (Gutmann and Thompson, 2004). One core assumption here is that systematic attempts to include those affected by government policies in defining problems, collecting data and identifying possible solutions, results in more responsive and sustainable policymaking, furthering academic knowledge in the process (Walter, 2009). Several media policy scholars (Hintz and Milan, 2009; Padovani and Pavan, 2011; Raboy, 1995) have observed this trend towards multistakeholderism and often consider it a positive development that relates to the ideal of inclusive policymaking processes.

The move towards multistakeholderism at the national level, admittedly, has been helped along by the European Commission (EC) forcing Member States to evolve from top-down to bottom-up policymaking in several domains, including Public Service Media (PSM). In its Broadcasting Communication, the EC (2009) considers stakeholder involvement in the renewal of management contracts between governments and public broadcasters as a best practice. This was inspired by the Commission's own practices and by consultations carried out in the United Kingdom where media and electronic communications regulator Ofcom has been at the forefront of including stakeholders in policymaking. In 2017 alone, it launched over 50 consultations, among others relating to the regulation of the BBC, spectrum policies and the acquisition of Sky by Twenty-First Century Fox and its public interest implications.<sup>i</sup> These

consultation processes are quite intense and require resources and knowledge, hampering access for certain stakeholders. Therefore, a formal consultation culture can play out differently in practice and may be perceived differently by stakeholders. Eight years after adoption of the EU Broadcasting Communication, many member states have aligned PSM policy with European requirements (Donders, 2015). As a result, institutionalized stakeholders and citizens increasingly are included in policymaking processes.

Several years and multistakeholder exercises later, it seems fitting to evaluate the actual practice of multistakeholderism in media policymaking and to ask: to what extent has multistakeholderism in PSM policymaking resulted in policy processes that are more inclusive, that are closer to the reality of companies and other stakeholders, and that result in more coherent and sustainable policies, and to what extent is it a tool for window dressing for policymaking that remains un-transparent and an additional inroad for the private sector to lobby against (the funding of) PSM?

To identify contributions and pitfalls of a multistakeholder approach to PSM policymaking, this contribution first develops a theoretical framework regarding multistakeholderism's objectives, relying on scholarly insights on deliberative democracy. Where relevant, it includes existing assessments of multistakeholderism in media policy, especially Internet governance (Pohle, 2015; Antanova, 2011; Chakravartty, 2006). Subsequently, the theory of multistakeholderism is confronted with implementations in PSM policymaking. We adopt a case study approach, focusing on seven cases of PSM policymaking in Flanders (the Northern, Dutch-speaking part of Belgium), covering a range of stakeholder consultations from institutionalised to ad hoc involvement (for elaboration on cases, see further). Findings are based on document analysis (all submissions from stakeholders, eventual management contracts, parliamentary documents, etc.) and are supported by the authors' involvement in the cases (see below). Findings show that multistakeholderism does not necessarily make media

policymaking more inclusive but, instead, reinforces (certain) commercial competitors' interests, and that consensus-based approaches instigate political cherry-picking and enforce the status quo rather than policy transition when insufficiently tied to policy choices and clear objectives. Even when multistakeholderism is implemented by academics, politicians are seen to instrumentalize the results and rarely with a view to improve PSM as a democratic project.

### **Multistakeholderism as a means to further deliberative democracy**

Multistakeholderism as a concept relates to 'stakeholding', a notion that, from the 1960s, was used in management and economics literature to argue for the widening of companies' shareholder approach to a stakeholder strategy. The latter essentially refers to communicating to those actors impacted by companies' strategies and involving them where appropriate (Freeman, 1984). This idea soon spread to public policy. In their review of relevant literature, Stoney and Winstanley (2001) argue that 'stakeholding' is used in a wide variety of ways and often without adequate operationalization. They emphasize a distinction between the descriptive and normative aspects of stakeholding as the former implies analyzing whether conditions of stakeholding are fulfilled, whereas, complementary, the latter assumes that stakeholding is a preferable type of policy: "consists of the belief that stakeholder groups have legitimate interests which are of intrinsic value" (Stoney and Winstanley, 2001: 607).

The stakeholding notion is at the core of deliberative democracy theory. In a digital, converged media landscape and multi-level governance setting, no actor has complete knowledge of increasingly complex policy problems (Padovani and Pavan, 2011: 564-547). Such a context warrants more inclusive and structured debates in which policymakers, companies, civil society and other stakeholders participate. The process of wider participation in democracy through deliberation is referred to as deliberative democracy. It is seen as a solution to deal with the failures of representative democracy, i.e. decision-making based solely on the

interaction between the legislative and executive powers in democracy (Steffek, 2014; Chambers, 2003).

Essentially, deliberative democracy refers to institutionalizing a level of openness to exchange ideas and a willingness to listen to arguments of others. Furthermore, deliberation potentially should allow participants to change position on certain societal problems – something that has become difficult in highly mediatized representative systems (Florida, 2013). Cohen (2011) identifies five key features of deliberative democracy:

1. Deliberation is ongoing and guided in an independent way or by an independent institution. It is not captured by government or any other stakeholder's control.
2. All members participating in the process of deliberation accept its terms and see it as a means to achieve consensus (see also Dryzek and List, 2003).
3. The deliberative democracy ideal sets out from pluralism. Participants have diverging aims and ideas concerning a particular issue. Deliberation intends to generate new insights. So, results do not emerge solely from pre-existing preferences, but even more so from the deliberation of diverging ideas.
4. Deliberative democracy is successful only if consultation or deliberative processes in general are firmly linked to actual outputs.
5. Participants in deliberative democracy processes accept each other as equal partners, competent to exchange ideas. This implies that not only dominant stakeholders such as commercial media can have a decisive say in PSM policies (as observed by Jakubowicz, 2011), but that other stakeholders like cultural organisations, educational institutions, civil society groups, citizens, etc. can play a role and, potentially, have a decisive impact on the outcome of the process.

Deliberative democracy theory has been criticized for being too naïve, failing to solve the issues of representative democracy and not resulting in more legitimacy of democracy,

amongst other elements (Geenens, 2007; Mansbridge, 2009; Dryzek, 2012). Participation in policymaking remains highly problematic. Scholars like Cornwall (2008) and Sorochan (2016) point at the different objectives of creating participatory policy processes (from purely instrumental to self-mobilizing stakeholders), the varying levels of participation required, the extent of inclusion of stakeholders and ‘participation fatigue’, amongst others. Stoney and Winstanley (2001: 610ff) identify both leftist and right-wing criticism regarding the inclusion of stakeholders. From a leftist point of view, multistakeholderism takes an overly pluralist perspective on policy as it assumes that all stakeholders have a similar interest and something to gain from an inclusive policymaking process. Marxists criticisms point out the dialectically opposed interests of capital and labour. From a right-wing perspective, multistakeholderism often appears unmanageable, inefficient and highly utopian. Market functioning should guide decision making. Despite these criticisms, the paradigm of deliberative democracy has inspired literature on multistakeholderism. Even if somewhat utopian, its main added value is the underlying, normative idea that more actors should be included in policymaking to make it more sustainable and the expression of multiple interests.

Multistakeholderism advances the idea and practice of including stakeholders in policy development. As said by Cammaerts (2011: 133): “Multistakeholderism has been championed by many as a way to bring ‘the citizen’ closer to decision-making processes at an international level and making such processes more democratic, legitimate and accountable”. To some extent, it embodies the objective of ‘full participation’, for example by civil society organizations that, ideally, talk to governments on equal footing. Such a scenario of policy dialogue treats the private sector, civil society and governmental actors as partners (Raboy and Padovani, 2010). For Antanova (2011: 428), such partner-based multistakeholderism, “contributes to the capacity building efforts of national governments, the private sector, civil society and international organizations not only by accelerating learning and network building,

but by helping a global consciousness to evolve and crystallize in common vocabulary, concepts and innovative solutions.” The World Summit on the Information Society (WSIS) was one of the first communication policy gatherings that aimed for multistakeholderism (Hintz, 2007). Analyzing the practice of multistakeholderism in Internet governance, Hofmann (2016) argues that its implementation will always be imperfect, but that does not make it any less important to pursue (see Chakravartty, 2006). Pohle (2015) further points at issues like the remaining lack of transparency of policy processes, of a genuine bottom-up approach and of full inclusion of all stakeholders.

In the past decade, multistakeholderism has grown in prominence in the European policy arena. Confronted with the failure of Europe’s democratic legitimacy, there is a definite trend to experiment with tools of representative, participative and deliberative democracy. The aim is to overcome the democratic deficit and to side-track criticism of European policies being captured by corporate lobbying and hence industry interests (Klüver, 2013). Strengthening the role of the European Parliament has been one way to achieve more debate and less technocrat-driven policymaking (Hix, 2008). Adopting stakeholder consultations that give civil society organizations a voice, is another means to further participation and deliberation, and to offset criticism of industry interests’ dominance (Steffek and Nanz, 2008).

The EC is a notable advocate of multistakeholderism. With regards to media policymaking, it has used stakeholder consultations in its review of copyright rules, the revision of the Audiovisual Media Services directive, a study publishers in the copyright value chain, and an inquiry into the position of platforms in the European digital single market, amongst others. In areas like PSM policies, the EC has imposed stakeholder consultations on Member States to offset concerns regarding the market distortive nature of PSM entering new media markets. In its Broadcasting Communication, the EC (2009: §87) argues for a test evaluating public broadcasters’ new media services and this, among others, on the basis of a stakeholder



consultation: “In the interest of transparency and of obtaining all relevant information necessary to arrive at a balanced decision”, so it says, “interested stakeholders shall have the opportunity to give their views on the envisaged significant new service in the context of an open consultation.” This approach suggests that multistakeholderism in national PSM policies might not necessarily be the expression of an interest to include institutionalized stakeholders and citizens per se, but a means to comply with European rules on PSM funding (Donders et al., 2012).

### **A comparative case study approach studying multistakeholderism in Flanders**

Analysing the actual practice of multistakeholderism in media policymaking should allow us to answer the question: To what extent has multistakeholderism resulted in more inclusive PSM policymaking, in an even more powerful position of corporate interests and, following the theoretical discussion, to what extent in a formality to comply with European rules and to legitimate policymaking processes? To analyse this, we adopt a case study approach, which allows for thick description and is highly relevant when investigating the implementation of complex concepts such as multistakeholderism (Vennesson, 2008). The focus is on PSM policies in Flanders and case selection aimed to include various actors and levels of institutionalism, i.e. cases of ad hoc and more institutionalized or permanent multistakeholderism; cases handled by the independent media regulator and other actors and stakeholders; and cases with a broad versus narrow scope. We study seven cases (for an overview, see the table below). Cases 1 and 2 are stakeholder consultations preceding the 2012-2016 and 2016-2020 management contracts between the public broadcaster VRT and the Flemish Government. Cases 3 and 4 are audience consultations used as input for the same management contracts. These four consultations were carried out by academics, and commissioned by the Sectorial Council for Media (hereafter ‘Sectorial Council’). Case 5

concerns a stakeholder consultation by the Flemish Regulator for the Media (VRM) in early 2017 to assess VRT's proposal to launch a pre-school children's channel, Ketnet Jr. Case 6 looks at 2015 parliamentary hearings concerning wider PSM policies (thus before the 2016-2020 management contract was signed), organized by members of parliament to ensure inclusion of stakeholders' insights in parliamentary debates. Case 7 analyses the functioning of the Sectorial Council, a stakeholder-composed board with a legal mandate to advise the Flemish Government on media policy (regulation).

Note that the three authors of this article were all involved in some form of structured multistakeholderism. One author was a member of the Sectorial Council between 2007 and 2015. All authors were involved in or in charge of stakeholder and audience consultations. One author acted as advisor for the Flemish Government and the VRT for several of the abovementioned cases, and one author was consulted during parliamentary hearings. This involvement has the advantage of access to, otherwise hidden, information but can make it difficult to distance oneself from the case in which one was involved. The latter is solved by the fact that every case was assessed by each of the authors. For all cases, all three were part of the multi-stakeholder process in a different capacity, ensuring multiple perspectives and were often part of larger research teams. Given the authors' involvement and their personal communications with many stakeholders, there was no added value in including additional expert interviews.

[INSERT TABLE HERE]

For each case, we analysed whether, as a form of multistakeholderism, they furthered the idea of deliberative democracy. To this end, we translated the theoretical framework into five evaluative criteria:

1. Is deliberation guided by an *independent institution*, i.e. actors not steered by government or other specific stakeholder?
2. Is deliberation oriented at achieving *consensus* and do all participants agree that this should be the outcome of the deliberative process?
3. Are *multiple* and *diverging* opinions represented?
4. Is there a clear *relationship between the input and output of the deliberative process*?
5. Are stakeholders *equal* in terms of their ability to influence the outcome of the process?

The evaluative criteria served as a framework for qualitative document analysis (Schreier, 2014; Mayring, 2007). Findings are based on desk research, analysis of relevant documents, including all submissions from stakeholders, the eventual management contracts, parliamentary questions, and the like. Findings are triangulated by the authors' involvement in the policy process (see above).

## **Research findings**

### ***How independent is independent?***

The stakeholder and audience consultations preceding the management contract renewals between the VRT and the Flemish government, are carried out in an independent manner. The Sectorial Council, together with the Flemish administration for media, invites bids and selects research groups to perform these consultations. In fact, it is the administration (rather than the Council) that follows a formalised procedure to awarded the assignment. This ensures selection

of the best research proposal over selection of people with a particular stance towards PSM. Research reports are submitted to the administration and the Sectorial Council and, subsequently, are made available to the media cabinet, government, parliament and the Flemish citizens through publication on the Sectorial Council's website (the latter is an EC requirement). However, the results first and foremost serve as input for the advice of the Sectorial Council, the members (stakeholders) of which are expected to use the data when drafting their advice to government (see below).

The stakeholder consultation regarding VRT's preschool channel was the responsibility of the VRM. As part of a wider trend to agentization of power and activity to strengthen accountability (Van den Bulck, 2015), the regulator is considered independent from government. The VRM assessed VRT's proposal on five parameters: economic impact, effects on media services offered in the Flemish market, technological evolutions, international trends and the protection and promotion of Flemish identity. These are the parameters stipulated in the media decree as factors to consider in an ex ante procedure, itself the result of negotiations with the EC pushing for a multistakeholder approach to PSM policymaking (see Donders and Moe, 2011). Instead of a real impact assessment, the regulator opted for a consultation, collecting and evaluated claims from stakeholders. This resulted in the regulator giving a neutral assessment to three parameters (media offer, technical evolutions and international trends), a positive assessment of one indicator (impact of the channel on Flemish identity) and a negative assessment of market impact (VRM, 2017). However, the criteria used to come to this evaluation are unclear. For instance, the neutral assessment of international trends appears to ignore demonstrated internationalisation/Americanisation of the children's TV market (Ene, 2017), while the negative evaluation of market impact is surprising as the regulator's report dismisses most arguments of the commercial media against the preschool channel. The

regulator does not provide outright final advice but leaves the decision up to the Flemish government:

“In case the Flemish government judges that the aspect “protection and promotion of the Flemish culture and identity” is more important than “changes in the economic situation in the Flemish media landscape”, the regulator’s advice is positive. In case the Flemish government judges, in contrast, that the aspect “changes in the economic situation in the Flemish media landscape” is more important than “protection and promotion of the Flemish culture and identity”, the regulator’s advice is negative.” (VRM, 2017: 73, translated from Dutch)

Such explicit handing-back of its decision-making power to government suggest a self-felt vulnerability of the regulator, if not outright political intervention in its activities. The stalemate created by three neutral, one positive and one negative score warrants the hypothesis of a regulator not feeling courageous enough to formulate a genuine advice, leaving it up to the Flemish government to decide.

Parliament, by its very nature, is not an independent actor and, thus, its inclusion of stakeholders in the policymaking process, mainly through parliamentary hearings, cannot be regarded as an independent process. This is reflected in the line-up of speakers in the analyzed parliamentary hearings. Compared to a theoretical listing of all potential stakeholders, the hearings show a disproportionately large section of commercial media industry stakeholders (12) to the detriment of representatives from civil society organizations and education (9) – some of which were invited only after civil society organizations criticized not being involved in the hearings (Van den Bulck and Donders, 2016). A similar observation can be made for the Sectorial Council, which consists of a limited number (4) of independent experts (mainly

academics) and a wide range of representatives of all main stakeholders in the field of media, including the VRT, private television stations, private radio stations, daily and periodical press, professional journalists, electronic communication networks (providers), the independent audio-visual production sector, rights organisations and advertisers, while media users are represented indirectly through a consumer rights and a family welfare organisation (see Van den Bulck and Donders, 2014a). In principle, its composition ensures the Sectorial Council cannot be captured by singular interests and members are considered to be operating independently from their organization or company (Flemish Community, 2007, Article 7§1). However, one of the author's participation reveals that, in practice, most of the preparatory work is done by the independent academic members, while industry stakeholders weigh heavily on the eventual advice. This results from the fact that industry stakeholders outnumber other stakeholders and from a lack of expertise in media laws, management contracts and technical procedures of civil society stakeholders, reducing their voice in the decision-making process.

All in all, analysis suggests that independence is a relative concept in the Flemish implementation of multistakeholderism. Whereas some processes are managed in an independent manner, many others are more contentious.

### ***Who cares about consensus?***

The only locus of multistakeholder policymaking where consensus is a central aim, is the Sectorial Council. Its main task is to advise the Flemish government on media policy, either on its own initiative or when asked by government. Its legal framework does not require consensus, yet several politicians and other stakeholders argue that consensus raises the impact of its advice (based on personal communications of one of the authors as member of the Sectorial Council with various stakeholders). However, given the differences in and gravity of

stakes in much media decision-making, document analysis and experience of the author-member shows that the Sectorial Council tends to reach consensus only when providing highly generic advice. Members tend to hold highly opposing views when it comes to PSM policy making, a result of the fact that the council is composed of VRT and its strongest competitors (see Van den Bulck and Donders, 2014a). Publishers and commercial broadcasters have a vested interest in limiting the PSM institution's remit while production companies prefer a well-funded, holistic public broadcaster that is obliged to invest in independent – *de facto* television – production and is thus more critical towards prioritizing online initiatives. Organisations representing users and independent experts often take a less economic and more society-driven perspective, arguing for a public broadcaster that collaborates with other public organizations, that devotes more attention to vulnerable groups in society and that sees the task of education on a par with information and entertainment. Aligning these stakes/views is difficult and results either in vague and little substantive arguments (as in the 2016-2020 contract advice) or in standpoints being accompanied by 'minority viewpoints' (the 2012-2016 contract advice), undermining the advice's strength. An example of the former is the claim for VRT to work in a "market strengthening and balanced way with other commercial players" (Sectorial Council, 2015: 21). An example of the latter is the disagreement regarding the opportunity for VRT to establish a third channel or the possibility for VRT to generate additional revenue from previews of shows prior to linear broadcasting (Sectorial Council, 2010: 8a.f.) Moreover, on several occasions some stakeholders made explicit they disagreed with the Council's advice.

In all other selected cases, consensus was not an explicit or implicit aim. Instead, the main objective of multistakeholderism in Flemish PSM policies appears to be the description or synthesis of diverging opinions. Often, industry players' views already are known to policy-makers as the result of direct lobby work, but a multistakeholder approach can provide insight

into positions with regards to PSM policies of other less visible, vocal or powerful stakeholders. Knowledge of these can help policymakers understand issues and policy options but does not guarantee consensus. In the case of parliament, different political parties, by definition, will not aim for consensus, except maybe for government coalition partners or opposition parties. The regulator, in the case of the public value test of Ketnet Jr., from the outset, appeared driven by finding opposing views as its questionnaire only provided opinions in favour or against the preschool channel. There were no questions asking stakeholders what conditions or modifications would make the VRT's proposal more or less desirable (VRM, 2017: annex 2). The cases of the stakeholder and audience consultations preceding the management contract renewals are also about finding different views held by stakeholders, although the involvement of academics such as the authors allows for a critical assessment of opinions, a more analytical perspective and some recommendations for policy-makers. The academics involved in these cases made an attempt to find common ground on the basis of their data, even though that was not an explicit question from the Flemish government and Sectorial Council.

### *Are multiple views necessarily opposing views?*

All researched cases allow stakeholders to express their varying and opposed opinions. There are no limits to stakeholders' freedom of speech. This becomes evident from the lengthy reports summarizing the results from stakeholder and citizen consultations, showing consensus on some but considerable disagreement on other issues, as can be expected for PSM policies. For example, almost all stakeholders "defend the continued public broadcasting, both from a democratic and societal point of view." (translated citation, Raats et al., 2017: 157). However, there is less agreement on the actual size of government intervention to further that ideal. Even more disagree on what PSM can and should not be allowed to do in online markets, advertising, sports broadcasting, etc. Similarly, most citizens highly value PSM and, overall, are fairly



satisfied with what VRT offers them on a daily basis. However, when questions become more specific, relating people's preferences to particular types of content like information, culture, sports or entertainment, opinions get more dispersed. For instance, in the area of sports programming, there is a returning divide between respondents consistently arguing for more/less sports programming along gender lines, and for more/less cultural programmes along sociocultural status (Paulussen et al., 2015). While the aim of these reports is to show the diversity of opinions, another objective is to discern where opinions converge or might align in the future. In the stakeholder consultation preceding the 2016-2020 management contract, researchers for example highlighted envisaged specific domains where VRT's online activities should be more proportionate and other activities where VRT should not be limited at all, as a compromise to diverging opinions between civil society and market stakeholders (Raats et al., 2015). The 2012-2016 consultation identified different scenarios for PSM policymaking, including one scenario according to which PSM policymaking should embrace the new media activities of public broadcasters while stimulating more collaborative practices between the public broadcaster and commercial media companies as a possible and plausible consensus scenario.

Other cases demonstrate a dominant assumption in PSM policy-making that opinions are not multiple, nuanced and multi-layered, but dichotomous in nature. Flemish Parliament, but also the VRM, demonstrate a tendency to divide opinions in those opposing or supporting PSM. This was the most obvious in the VRM's public value test regarding Ketnet Jr (VRM, 2017). The regulator reduced its questions to whether respondents agreed with the launch of Ketnet Jr. or not. No question was added asking respondents whether they could identify particular changes or modifications that would make the service more or less acceptable. Flemish Parliament and subsequent press coverage discussions similarly focused mainly on discovering

(or even highlighting) conflict, particularly with regard to concerns of VRT becoming too dominant in the children's television market.

The Sectorial Council is difficult to classify. Whereas its structure aims for a multiplicity of views, diversity is not encouraged but conceived as an obstacle to achieving consensus. Its composition is fairly limited, with an over-representation of economic actors, making it more difficult for other stakeholders to make their voice heard. This is not only due to their more limited technical and legal knowledge of PSM policies (cf. supra). The consistent dominance of commercial players in the Council has resulted in societally rather than business-oriented voices being perceived as deviating from the mainstream (commercial).

Importantly, the role of the Sectorial Council should not be exaggerated. The Flemish Government is obliged by law to ask the Council's advice for any new or change in media regulation, yet this advice is not legally binding. In many cases, there is not even a requirement for government to reflect on the Council's advice or to provide justification why it did (not) follow the main lines of an advice. As such, the existence of the Sectorial Council serves as 'proof' that there is a formal policymaking structure that includes a variety of stakeholders is included while its weak legal status prevents it being an effective tool for deliberate democracy through multistakeholderism.

Essentially, then, the cases reveal that there is no real debate culture in Flemish PSM policy making, as discussion tends to be reduced to binary opposition rather than diversity of views. Views are expressed from a strategic more than a substantive point of view and, thus, do not contribute much to the quality of PSM policy-making.

***What does output have to do with input?***

Performed by academics, the stakeholder and audience consultations preceding the management VRT contract renewals followed methodologically sound approaches and the reports stipulated data collection and analysis procedures, ensuring transparency. However, while the main aim of these studies is to inform the Sectorial Council's advice, it is far less transparent if and how these studies actually impact the advice. The advice of the Sectorial Council towards the 2011-2016 PSM management contract (Sectorial Council for Media, 2010) provided little to no reference to the actual studies, making it hard to see to what extent they were a factor in the discussions leading to the advice. Instead, the advice seemed dominated by the viewpoints of PSM's commercial competitors which were often opposite to what came out of the audience consultation. The Sectorial Council's advice towards the 2016-2020 PSM management contract makes explicit reference to the fact that it "decided to make the consultations a conceptual part of its advice and to take its results into account as much as possible" (Sectorial Council for Media, 2015: 4-5). The latter advice makes more regular and explicit mention of the consultations, yet here, too, the viewpoints of commercial players dominated and the quotes from the reports used in the advice suggest strategic cherry-picking to legitimate a stance rather than the results of the consultations having guided the advice (see also Van den Bulck and Donders, 2014a). Beyond this, for the 2011-2016 contract, then socialist and pro-PSM media minister Ingrid Lieten (2010) published a vision text that extensively quoted results from the audience consultation, as the minister's and audiences' views overlapped on many issues, while the liberal media minister Sven Gatz, in charge of the 2016-2020 contract negotiations, showed little interest in the academic studies. In answer to a parliamentary question regarding what he planned to do with the outcome of the studies, Gatz stated he'd take them into account (Van den Bulck and Donders, 2014a). Admittedly, acting also as Vice-President of the Flemish Government, Ingrid Lieten had more clout to push her

viewpoints, as compared to Sven Gatz who is in charge of low budget competences such as media, culture, youth and Brussels.

Our findings suggest a tendency to functional participation, i.e. stakeholders are involved but after or independent from the actual decision-making (Cornwall, 2008). Furthermore, it became clear that parliamentarians, while referring to the reports to support their claims, ignored the reports' conclusions as the balanced synthesis conducted by independent research in favour of specific viewpoints or quotes to help prove their own point. This is legitimized by the fact that there is no obligation that binds policymakers to the outcome of studies and consultations. As such, policymakers' limited use of evidence and their tendency to cherry pick research findings that fit their own ideological agenda do not come as a surprise. It is difficult to identify returning patterns in terms of which politicians or political parties use what types of evidence. Generalizing to some extent, it appears that leftist parties refer more to audience research whereas parties on the right rely more on (some) findings from market research.

### *Are some more equal than others?*

Looking at the outcomes of the policymaking processes and comparing these to the viewpoints of various stakeholders, all seven cases suggest the dominance of a limited number of stakeholders over others. While the exact stakeholders differed somewhat from case to case, commercial stakeholders clearly outweigh cultural, civil society and audience voices. The 2016-2020 management agreement's statement that VRT's second biggest priority must be to support the Flemish media market (Flemish Community, 2015) or the Ketnet Jr. consultation (VRM, 2017) illustrate the dominance of commercial broadcasters. In other cases, like the 2016-2020 management agreement's statement that VRT must externally commission 15% in 2016 (going up to 20% in 2020) of its total revenue (Flemish Community, 2015), the independent commercial production sector dominated. Citizens' ideas, even when made

explicit in audience consultations, are often ignored. For instance, audiences' emphasis on entertainment as VRT's first priority, revealed in the survey before the 2016-2020 management contract, was ignored or, rather, pushed back to fourth place (after information, culture and education), following pressure from commercial broadcasters that consider entertainment their stronghold (see Van den Bulck and Donders, 2014a).

While the parliamentary hearings invited a wide range of stakeholders and researchers in charge of the consultations, there was a clear dominance - in numbers and time allotted as well as in media attention – of commercial players over cultural, education and civil society representatives (Van den Bulck and Donders, 2016). The latter experience difficulties in coping with the workload that comes with multistakeholderism and are ill equipped to immerse themselves in processes that exceed their media-related technical and legal expertise, as limited resources force these organizations to work with all-rounders. Multistakeholderism is too time-consuming and often too specialist for them to have a meaningful impact.

## **Conclusions**

The implementation of multistakeholderism in Flemish PSM policies shows many imperfections. Its effectiveness is limited. A first obstacle is the specific relationship between the multistakeholderism-driven input of policy processes and the outcome of these processes, which is highly unclear at best and non-existent at worst. If considered at all, input from stakeholders is often subject to cherry picking by politicians, with multistakeholder input mainly serving a position already adopted before. The audience surveys preceding the management contract renewals between VRT and the Flemish government consistently point at high support for PSM. However, that support is not necessarily reflected in decision-making. If 66% of the audience considers a wide mandate for VRT as more important than market distortion (Paulussen et al., 2015: 39), this is dismissed as irrelevant; if 29,3% think VRT news

websites may distort the online news market (Paulussen et al., 2015: 58), it is considered meaningful. We do not claim that the audience always is or should be right but that policymakers have a strong tendency to use the ideas and arguments of stakeholders selectively.

Second, the lack of impact of multistakeholderism on the actual PSM policies results in consultation fatigue. For example, multiple stakeholders no longer actively participate in nor delegate high level staff to the Sectorial Council. This confirms that “If people have been consulted umpteen times and seen nothing happen as a result, self-exclusion may be a pragmatic choice to avoid wasting time once again” (Cornwall, 2008: 280). Stakeholders find their opinions either not or under-represented in the actual public discussions of policymakers (which often deal with minor ‘symbolic’ issues). Additionally, stakeholders often report they do not actively lobby or voice their concerns directly to the government, because they already participated in forms of multistakeholderism, thereby relying on the multistakeholder process to channel their concerns, whereas these are often only representing a synthesis of opinions.

Third, the existence of multistakeholderism procedures in itself is (ab)used as a transparency argument. The number (and range) of stakeholders consulted serves as legitimation for policy decisions, even if the latter does not relate to most stakeholders positions. The VRM provides a list of nearly 50 stakeholders that submitted an answer to its questionnaire on Ketnet Jr. However, less than half of them are referred to or quoted in its eventual advice. In particular, arguments of educational organizations and individual professionals working with children are rarely mentioned in the VRM’s assessment of the VRT’s children channel, while arguments of a few commercial competitors of VRT are referred to disproportionately often. Similarly, Flemish Parliament invites many stakeholders to talk about PSM policies but the majority

hereof are commercial media, even giving time to various subsidiaries of integrated groups to state their similar (to identical) opinion on PSM. No evidence suggests that stakeholders' input changes or modifies parliamentarians' opinions. What happens in between a manifestation of multistakeholderism and the actual PSM policymaking remains a black box. Dany observed similar processes in her analysis of civil society involvement in WSIS. Organizations reported "they were a fig leaf put in place to legitimate policy outcome without having any real power to influence it" (Dany, 2008: 54).

Fourth, as argued by Van den Bulck and Donders (2014b), there is no political will to seize the opportunities offered by multistakeholderism. Instead, there is a strong inclination to old-style politics of pleasing one stakeholder and then the other. This, in turn, results in policies lacking long-term vision and consistency. Indeed, it could be said that multistakeholderism has influenced the way management contracts between VRT and Flemish Government are drawn up, clearly representing various 'softer' claims of different stakeholder groups. Issues and domains that are considered of less symbolic or political importance, or claims that meet with little or no refusal in discussions, or that can be implemented without fundamentally affecting budget, autonomy and structure of VRT, tend to be more clearly spelled out in the management contract. This explains the contracts' ever-increasing numbers of measurable check-box obligations, such as the obligation to "organize dialogue with the music industry on a regular basis" or the obligation to "invest in the development of a participatory corporate culture" (translated citation, Flemish Community, 2015: 20, 35).

Finally, multistakeholderism appears to reinforce the position of commercial media companies. This is due to the fact that they have the resources to participate in formal procedures and the capacity to engage in informal lobbying. So, whereas all stakeholders are equal from a legal

point of view, some appear more equal than others in multistakeholderism. Illustrations are the composition of stakeholder panels in the hearings of Flemish Parliament, that mainly invited commercial media, and the bigger weight that the VRM gave to arguments provided by commercial media in the Ketnet jr. public value test. To some extent, this follows logically from the limited resources of civil society and other societal organizations that often deal with many topics other than media, while industry stakeholders are part of the media policymaking core and are able to develop and use personal networks and individual relations. Their economic positions, furthermore, allows reference to employment, growth, domestic production, etc. as key factors to be taken into consideration by policymakers. As Steemers (2017) shows in her analysis of British policy discussions on children's television, economic weight strengthens stakeholders' position in both formal policy and informal lobbying procedures, more so than rational and/or society-oriented arguments. Exclusive reliance on formal procedures and trusting these procedures to result in more balanced policy outcomes thus is shown to be misplaced.

In sum, the implementation of multistakeholderism in PSM policy-making does not live up to the standards of deliberative democracy. In fact, it fails on each of the evaluative criteria identified on the basis of the literature. The main reason for this is a lack of political willingness to consider multistakeholderism a genuine and essential part of PSM policymaking. Ironically, by explicitly referring to the outcome of multistakeholder consultations or discussions, policymakers create the impression that policies are supported by a larger number of stakeholders. As such, it legitimizes, on the one hand, the continued lack of involvement of certain stakeholders in the policy process and, on the other hand, policymakers refusal to develop a coherent long-term vision-based policy by referring to policies as being balanced and based on broad consultation.



One possible remedy is the requirement for politicians to show how they have or have not used the input from stakeholders in reaching a policy outcome. A second requirement could be to communicate more proactively to the policy community regarding the use and limits of input provided by stakeholders, and how the multistakeholder initiative fits within the broader policymaking process. Third, it is vital to better coordinate different steps of multistakeholder involvement in a longer multistakeholder process. For example, the stakeholder and public consultations for the VRT management contract would have benefited from being commissioned much earlier, in order to start the conversation and broaden the scope and perspective of public discussions. To date, the consultations only served to fuel debates already reduced to a select number of heated topics (independent production, mixed financing, radio offerings and online activities). Fourth, academics can play a role in strengthening non-industry stakeholders' position in multistakeholderism procedures by adopting more inclusive procedures for stakeholder consultations (Donders and Raats, 2012b). Finally, given the likelihood of multistakeholderism remaining difficult to transpose into policy practice and of PSM policymaking continuing to be dominated by power play and symbolism, researchers have a responsibility to persist in critical examinations of policymaking processes. That way, at least, malfunctions can be laid bare.

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Table 1: overview of selected cases by stakeholders, process, responsible agency, envisaged outcome and other features

<b>Case</b>	<b>Stakeholders included</b>	<b>Basics of the process</b>	<b>Responsible</b>	<b>Envisaged outcome</b>	<b>Other features</b>
<i>Stakeholder consultation</i>	84 stakeholders, (broadcasters, producers, TV	Consultation on the basis of PSM related	Academics selected by the	Research report to be taken into	Returning ad hoc event,

<i>on managemen t agreement 2012- 2016</i>	distributors, advertisers, publishers, journalists, cultural sector, political parties, educational field, civil society organizations)	parameters (core tasks, competition, financing, etc.) Interviews and focus groups	Flemish administrat ion for media	account by the Sectorial C ouncil for Media in its advise to the Flemish government	foreseen by the Media Decree
<i>Stakeholde r consultati on manage ment agreement 2016- 2020</i>	Idem, with 143 stakeholders	Idem, with written submissions, expert interviews and roundtables		, which has to take this advise i nto account	
<i>Audience consultati on managemen t agreement 2012- 2016</i>	Representative stratified sample of the Flemish population (N= 1565), collected from a commercially run panel	Survey questionnaire combining state ment questions with 7-point scale answers, trade off questions and a			

<i>Audience consultation management agreement 2016-2020</i>	Idem, with (N= 1710)	few open questions, dealing with PSM remit, digital role, relationship to outside world, financing			
<i>Public value test preschool channel Ketnet Jr.</i>	45 stakeholders Majority industry stakeholders (broadcasters, TV distributors, production companies, advertisers), few individuals, educational field, 2 academics	Open consultation, communicated via e-mail and social media Rather technical questionnaire, setting out from the exact wording in the Media decree	Flemish Regulator for Media	Advise to the Flemish government on the proposed service by the VRT	Ad hoc, test procedure foreseen by the media decree
<i>Sectorial Council for Media PSM advisory work</i>	19 members Majority industry stakeholders (radio and TV broadcasters, production	Closed meetings on a regular basis, on legislative proposals of the	Majority of industry representatives, and academics and civil	Advises to the Flemish government on changes in media legislation,	Instituted and permanent form

	companies, advertisers, publishers, distributors), 2 academics, civil society	Flemish government	society representation	including PSM rules	of consultation
<i>Parliamentary hearings on PSM (May-June 2015)</i>	VRT, 9 media scholars, 5 media-related organizations, 12 private media stakeholders, 9 civil society organizations	7 open hearings in Parliamentary Commission for Media, Culture, Sports and Youth	Members of the Flemish Parliament	No required outcome Often a resolution of the government parties	Ad hoc, choice by members of Parliament

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<sup>i</sup> <https://www.ofcom.org.uk/consultations-and-statements/>