

## Media Reform in Latin America: Communication Policies and Debate

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Latin American media policies are shaped by two historical facts. First, Latin American political systems started to open up in the late 1980s. Liberal democratic politics are thus a comparatively recent development (Smith, 2005). In the majority of countries, media systems had been controlled by corporate media groups with close ties to authoritarian regimes and dictatorships (Fox, 1989; Mastrini & Becerra, 2005). Most of the Communication Acts in the region were set in this context. Consequently, there were no national trajectories of public service broadcasting development.

To illustrate the panorama of Latin American media policy, I propose the following international coordinates of observation (Gómez, 2012). At one pole, some countries accord a central role to market logic, whereby light handed regulation favors powerful economic agents, and public authorities hold a referee status. This policy framework has been implemented since the late 80s (Schiller, 1990) and forms part of a larger process called marketization (Murdock & Wasko, 2007).

At the opposite pole are normative public policies which seek to reform national communication systems against the following principles: a) constitutionally entrenched rights of communication; b) legal support for the growth of third sector media (community and indigenous media, non-profit associations, etc.). Such support includes spectrum allowances and specific licensing arrangements; c) de-concentration of media ownership. Together these tendencies constitute a de-commodification of communication policies. In other words, the hegemony of the market logic over the media system is challenged by social and community actors. Of course, the different national processes of media reform in Latin America may incorporate a mixture of elements from the two poles.

Identifying these poles of development help provide answers to the following questions: How should the freedom of expression be guaranteed? What or whom is restricting the freedom of expression?

It is important here to recall a very important historical process within Latin America at the beginning of the century: the election to power of governments with diverse leftwing manifestos, including Venezuela (1999), Brazil (2002), Argentina (2003), Uruguay (2004), Bolivia (2006), and Ecuador (2007). On the other side of the political spectrum, we can clearly identify governments with authoritarian agendas and economically neoliberal views. Here, México, Chile, and Colombia are the most representative countries.

Regardless of the role, size, and power of the Media groups, it is possible to identify the following major players in the region: Televisa (México), Globo (Brazil), Clarín (Argentina), Venevisión (Venezuela), Caracol (Colombia), Chilevisión (Chile), TV Azteca (México), and RCN (Radio Cadena Nacional, Colombia). The first three of these media groups are listed in the global top 50 audiovisual industries in the world in terms of their total income (European Audiovisual

Observatory, 2011). They have horizontal and vertical cross ownership reach across all media industries and the telecommunications sector.

The identified media groups do not only possess economic dominance, they also control information and symbolic content in the political arena. Consequently, these economic actors exert a powerful influence throughout society and the political class.

At the same time, two other key players have appeared, following the liberalization and privatization of telecommunications in the region during the 1990s. They have regional size and operate Latin America's major markets (Argentina, Brazil, Chile, Colombia, and Mexico). These new players were Telmex (Mexico) and Telefónica (Spain) (Becerra & Mastrini, 2007).

Thanks to the processes of technological convergence, Telmex and Telefónica accumulated holdings across the telecom and media industries. Both are carriers of communication services and audiovisual content and have large financial muscle—rather than symbolic and political influence in the public area.

By contrast, it is important to note that Latin America has strong local and multilingual traditions of community radio which have evolved as educative agents for democratic reform. The mainstream media is not interested in those communities and cultures, because they cannot be thought of as profitable audiences. They communicate their languages and customs via alternative media outlets (Beltrán, 1993). These developments in the broader context of civil society, inevitably confront the established mainstream media moguls and authoritarian regimes.

This has occurred in Argentina, Uruguay, México, and Brazil (Becerra, Marino, & Mastrini, 2012; Moreira, 2011; Rodríguez, 2011, Sosa, 2012).

In other words, after many years of being in the shadows, oppositional groups within civil society now have the capacity to participate in the debate and design of public communication policies. Of course, the possibilities of participation depend on the political will of each government and the institutional democratic mechanisms of each national-state, but in general all the major countries of the region, at different velocities, are moving in this direction.

The World Association of Community Radio Broadcasters (AMARC), a global NGO, has advanced the recognition of the third sector in terms of the exercise of communication rights. In this regard they have advanced the need for a plurality of information sources, diversity in content, freedom of expression, and anti-monopoly practices.

At the regional political institutional level, the Organization of Americas States (OAS) the Inter-American Commission of Human Rights (IACHR), and the Special Rapporteurship for Freedom of Expression have helped to establish media–communication guidelines. In its text, “Freedom of expression standards for free and inclusive broadcasting”, it proposes the recognition of different actors:

68. The democratic scope of freedom of expression recognized in the American Convention includes not only the right of all individuals to freely express themselves, but also the right of the public to receive the maximum variety of information and ideas possible. This means, among other things, that the regulation of broadcasting should include setting aside space on the spectrum for a diverse system of media outlets that can together represent a society's diversity and plurality of ideas, opinions, and cultures.

69. In this sense, the different kinds of media (public and independent of the executive, private for-profit, and community or private non-profit) must be recognized

and have equitable access to all available transmission technology, including the new digital dividend..." (IACHR, 2009, p. 20)

This last statement of the IACHR points to a central technological development, which could serve to re-organize media systems across the region—namely digitization. As we know, this provides space in the radio electric spectrum for new players and outlets, thus superseding the old problem of scarcity within the analogue spectrum.

By contrast, Latin American television markets are too concentrated (Becerra & Mastrini, 2007; Huerta-Wong & Gómez, 2013; Trejo, 2010). In this regard, there is research suggesting that concentrated media structures do not facilitate the democratization of political culture in contemporary societies (Curran, 2002; Hallin & Mancini, 2004; Noam, 2009).

In this context, the Declaration of Principles on the Freedom of Expression, in the Special Rapporteurship for Freedom of Expression by the IACHR, states in its twelfth point:

12. Monopolies or oligopolies in the ownership and control of the communication media must be subject to anti-trust laws, as they conspire against democracy by limiting the plurality and diversity which ensure the full exercise of people's right to information. In no case should such laws apply exclusively to the media. The concession of radio and television broadcast frequencies should take into account democratic criteria that provide equal opportunity of access for all individuals<sup>1</sup>.

In regard to media concentration and access for different media actors, recent legislation in Latin American countries includes important reforms. For example, in its 2009 Audiovisual Communication Services Act (*Ley de Servicios de Comunicación Audiovisual*), Argentina reserved a portion of the spectrum for non-profit civil society organizations, established limits to concentration and broadcasting cross-ownership, and prohibited telephone companies from holding media licenses (Becerra et al., 2012).

In Bolivia, the new Act in Telecommunications (*Ley General de Telecomunicaciones, Tecnologías de Información y Comunicación*) reserves 17 percent of the spectrum to community or social actors and another 17 percent to original towns and Afro Bolivians.

In Uruguay, the legal instrument "Servicio Radiodifusión Comunitaria" (Act. 18.232), secured at least one-third of all possible services of broadcasting and telecommunications to the third sector radio electric spectrum (Gómez, 2010).

Brazil and Colombia, until March 2013, did not have any legal provision in this respect, however, both countries have encouraged the development of the third sector. For example, in 2012 Brazil started to offer many community radio licenses under the National Plan of Community Radio. By the end of 2013, this initiative hopes to have at least one community radio station in 1,425 municipalities. Colombia has around 650 community radio and 40 community television channels. Community radio licenses are awarded by public announcement and it is important to remark here that Colombia is a pioneer in the region. However, there are some controversial issues. In community radio broadcasting "there is only one community broadcaster allowed per town, while several commercial broadcasters are allowed; indigenous people may be considered for bids for public interest radio, but they cannot be given a community radio license; and community stations cannot link transmissions to create networks, while commercial stations can" (Zuluaga & Martínez, 2012, p. 86). In the case of Colombia, one must remember is that all the reforms regarding the media and telecoms have been established under rightwing administrations. Thus, it

could be argued that as an encapsulation of civil society, community radio acts as a counter balance to government power.

At the other extreme, Mexico and Chile have zero or minimal equal access provisions which would provide licenses and spectrum for community media. In fact, in Latin America, AMARC considered both countries as the most problematic in terms of the persecution and criminalization of community media (AMARC-ALC, 2011).

In the case of Mexico, although around 200 community radio stations are operated across the country, the majority are run without licenses because they do not have a legal presence in the Federal Radio and Television Act (1960) (Gómez, Sosa, Bravo, & Tellez, 2011). Thus, community radio is persecuted and criminalized every year; this is a standard constraint upon freedom of expression in Mexico (AMARC-Mx, 2012). The few indigenous groups that operate community radio stations have a permission license that is given to universities and government institutions. However, this permission does not allow for commercial content in their schedules.

Nevertheless, during the writing of this commentary (mid-March), the new Mexican government, with the support of the three major parties –PRI, PAN & PRD–, set out a decree which advocated the reform of telecommunications. In this document, a legal mandate allowed community media to have licenses<sup>2</sup>.

With regard to the issue of media concentration, the only country to have already implemented important measures is Argentina. The Act of 2009 includes the following: “For terrestrial TV and radio broadcasting services, there is a maximum limit of 10 licenses... A maximum of 24 licenses has been established for cable TV services. Cable TV licensees may not hold terrestrial TV licenses in the same coverage area” and “it determines that no individual operator may provide services for more than 35 percent of the population or of the market for a service covered” (Becerra et al., 2012, p. 69). The second half of 2013 will show us how these measures are applied and if the disinvestment of the major player “El Clarín” will happen.

In Venezuela, before the death of Chávez the major media issues were as follows a) the government used the “public service” as State media; b) much community media were unconditional and cheerleaders for the Chávez regime; and c) the private media and the political opposition regularly complained that freedom of expression was threatened. Nevertheless, it is true to say that community media regulation in 2002 opened the Venezuelan media system to the third sector (García, 2008). The problem here has been its implementation, and the polarized political context.

## Final Remarks

The Latin America arena of media reform is in process; this commentary gives a brief overview of the general situation. It is important to remark that every national course is different and has distinctive local implications. Generally speaking, I would argue that democratization of the media in Latin America depends on the following requirements: a) the reservation of spectrum and licenses to social and community actors; b) the building of public broadcasting systems with editorial autonomy and financial support; c) clear rules against monopolies, oligopolies and cross-media ownership; d) strong and autonomous regulatory institutions; e) active participation of civil society in government policymaking; and last, but not least, f) restrictions upon governmental and presidential control over media systems.

## Endnotes

1. Organization of American States (OAS). (2011). Declaration of principles on freedom of expression. Retrieved from <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=26&IID=1>
2. This mandate is the waybill for the New Act of Communications in Mexico. The changes to the constitution and federal telecommunication laws must now be approved by congress and half of Mexico's 32 state legislatures. The reforms would raise or eliminate limits on foreign investment: they would allow foreign firms now banned from radio and broadcast TV to have as much as a 49 percent stake, and would give blanket permission for total foreign ownership of all telecommunications and satellite TV services; create two new national television channels; give legal figure to community and social actors to operate convergent licenses and form a new independent regulatory commission along the lines of the U.S. Federal Communications Commission, with the power to unilaterally punish non-competitive practices, including withdrawing corporations' licenses. A second independent commission would be able to order firms to sell off assets in order to reduce their market dominance. Available at <http://www.presidencia.gob.mx/wp-content/uploads/2013/03/Iniciativa-Reforma-Constitucional-Telecom.pdf>

## Author Bio

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## References

- AMARC-ALC. (2011). Informe Anual 2010. Diversidad y pluralismo en la radiodifusión. Perú: AMARC-ALC.
- AMARC-Mx. (2012). Situación de las radios comunitarias en México. Informe 2011-Jul 2012. México: AMARC-Mx.
- Becerra, M., Marino, S., & Mastrini, G. (2012). *Mapping digital media: Argentina*. London, UK: Open Society Foundations-Media Program.
- Becerra, M., & Mastrini, G. (2007). *Los dueños de la palabra: acceso, estructura y concentración de los medios en América Latina del Siglo XXI*. Buenos Aires, Argentina: Prometeo.
- Beltrán, L. (1993). The quest for democracy in communication: Outstanding Latin American experiences. *Development*, (3), pp. 45–47.
- Curran, J. (2002). *Media and power*. London, UK: Routledge.

- European Audiovisual Observatory. (2011). *Yearbook 2011. Film, television and video in Europe. Vol. 2: Television and on-demand audiovisual services in Europe*. Strasbourg, France: European Audiovisual Observatory.
- Fox, E. (Ed.). (1989). *Medios de comunicación y política en América Latina*. Barcelona, Spain: Gustavo Gili.
- García, J. M. (2008). Marco de regulación para los medios comunitarios en Venezuela. In J. M. García, J. Calvi, F. Tucho, & M. Meda (Eds.), *Políticas de comunicación en España y Latinoamérica. Medios convencionales, Tercer Sector Audiovisual y alfabetización digital*. España: Universidad Rey Juan Carlos.
- Gómez, G. (2010). *Cómo garantizar la diversidad y el pluralismo en los medios: Aportes para la revisión y reforma de la Ley de Radiodifusión en Uruguay*. Uruguay: Friedrich Ebert Stiftung.
- Gómez, R. (2012). Media industries and policies in digital times. Notes and methods from a Latin American perspective. In I. Volkmer (Ed.), *Handbook of global media research*. Malden, MA: Wiley-Blackwell.
- Gómez, R., Sosa, G., Bravo, J., & Tellez, P. (2011). *Mapping digital media: México*. London, UK: Open Society Foundations-Media Program.
- Hallin, D., & Mancini, P. (2004). *Comparing media systems. Three models of media and politics*. Cambridge, UK: Cambridge University Press.
- Huerta-Wong, E., & Gómez, R. (2013). Concentración y diversidad de los medios de comunicación y telecomunicaciones en México. *Comunicación y Sociedad, 19*, 113–152.
- Mastrini, G., & Becerra, M. (2005). *Periodistas y Magnates. Estructura y concentración de las industrias culturales en América Latina*. Buenos Aires, Argentina: Prometeo.
- Morerira, G. (2011). *Las hormigas de Macondo: Contrahegemonía y políticas de comunicación comunitaria en Argentina, Brasil y Venezuela* [Unpublished doctoral thesis]. México: Flacso-México.
- Murdock, G., & Wasko, J. (Eds.). (2007). *Media in the age of marketization*. New York, NY: Hampton Press.
- Noam, E. (2009). *Media ownership and concentration in America*. New York, NY: Oxford University Press.
- Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights. (2009). *Freedom of expression standards for free and inclusive broadcasting*. Washington, DC: OAS.
- Rodríguez, L. (2011). *Hacia una Ley de servicios de comunicación audiovisual. Relatoría del proceso de participación y consulta*. Uruguay: Friedrich Ebert Stiftung.
- Schiller, D. (1990). Las comunicaciones en el mercado único Europeo. Una visión desde los Estados Unidos. *Revista Telos, 23*, 79–87.

- Smith, P. (2005). *Democracy in Latin America: Political change in comparative perspective*. Oxford, UK: Oxford University Press.
- Sosa, G (2012) #YoSoy132: jóvenes frente a las redes sociales y la democratización de los medios de comunicación. In Arango, C; Bañuelos, J; Ricaurte, P y Sosa, G (2012) *Esfera pública y tecnologías de la información y la comunicación*. México: IEDF.
- Trejo, R. (2010). Muchos medios en pocas manos: Concentración televisiva y democracia en América Latina. *Intercom. Revista Brasileira de Ciências da Comunicação*, enero-junio, 33(1), 17–51.
- Zuluaga, J., & Martínez, M. (2012). *Mapping digital media: Colombia*. London, UK: Open Society Foundations-Media Program.