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## **Changing media landscapes in Latin America**

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*In a recent interview, Denis de Moraes, Associate Professor at the Cultural and Media Studies Department of the Universidad Federal Fluminense of Rio de Janeiro, Brazil, described Latin America as a continent which today represents “a laboratory of hope for the democratization of information and communication.” He added that this is so, “despite the fact that in the region there is a landscape still dominated by media conglomerates, almost always linked to family dynasties.”<sup>1</sup>*

A decade ago the description would have been impossible. Historically Latin America has been a continent where the media have been conceptualized strictly as private businesses, characterized by all powerful media monopolies and conglomerates.

It is a continent where a few families controlled press, radio and TV channels as well as advertising and the entertainment industry. Latin America was not a place where concepts such as democratization of the media and communication rights found a receptive audience among people in general and, in particular, among media houses and media owners. Freedom of expression was more often than not fully equated with private ownership of the media.

And yet in the last few years concepts such as communication rights and the need to democratize the media have become much more widespread and accepted not only by communication activists and groups working on alternative and popular communications, but also by a myriad of civil society groups and organizations.

Freedom of expression is increasingly being understood as “a universal right, a right of everybody and not only of the large corporations of the media... It is a society’s right to be well informed, it is a question of justice and citizenship, linked directly to the principle of media diversity. That is why media monopolies run counter to freedom of expression and the full exercise of citizenship.”<sup>2</sup>

### **How did we get here?**

In a way it is not surprising that the region has moved in the direction of a new way of understanding and conceptualizing the media and social communications. Despite the prevailing model which understood communications only from the commercial point of view, Latin America has a long tradition of alternative and popular communication.

Non-commercial and educational radio goes back to the early 1940s with the pioneer “miners’ radios” of Bolivia, which broadcasting in Quechua and soon came to be called the “people’s radio” when they went from being a work place radio to being in the schools, churches and even homes.<sup>3</sup>

During the 1990s and early into the new millennium, low cost radio technology facilitated community radio’s growth and it quickly spread throughout the continent. It allowed many

groups to develop radio skills and operate and maintain low-potency radios serving well defined groups of people and communities: Indigenous, women, people with disabilities, community associations, afro descendants in Latin America, etc.

The media literacy movement pioneered in Latin America was another dimension of the popular communication concept which was to contribute to widespread understanding of the important role played by the media. Despite the digital divide that still exists, the arrival of new information and communication technologies accelerated the appropriation of the communications sphere as a way of building more inclusive and democratic societies in the region.

The decades-long process of empowerment of Latin American peoples through communication was to prove a strong foundation. It allowed civil societies and social movements to begin to articulate their demands and entitlements in communications beyond the acquisition of radio licenses or the publication of community newspapers and magazines, or the setting up of Internet cafes and centres, or even alternative and popular communications.

Demands now centre on society's recognition of communication as a social right which requires reform of telecommunication laws as well as, in some cases, enshrining communication rights in legislation and even in national constitutions. The return to democratic rule in the region and the election of several progressive governments enabled a somewhat more constructive dialogue between media owners, politicians and society in general. At the same time, resistance to change has also become entrenched, as witnessed in the Argentinean case.

While countries have approached this need for reform in different ways and many are still discerning the way forward, two countries stand out as emblematic of the struggle for communication rights and the reform of legislation regulating communications.

### **Argentina and Bolivia**

In Argentina an all encompassing social movement, known as the Coalition for Democratic Broadcasting launched and maintained a struggle that lasted several years to reform the country's old broadcasting regulations approved when Argentina was living under military rule.<sup>4</sup> Formed by more than 300 organizations and social entities, the Coalition started work in 2004 by drafting a document which included a list of points that a new broadcasting law should contain in order to be democratic, representative and inclusive.

The document, known as the "21 Points for a Broadcasting Law for Democracy" (a reference to the 21 years since the country's return to democratic rule), was endorsed and enriched by contributions from a wide range of social organizations. Public consultations and regional for a – organized jointly with universities, trade unions, broadcasting associations and the public in general – all contributed to developing the 21 points further. Upwards of 45 encounters and activities to discuss the proposed law took place throughout the country.<sup>5</sup>

The starting point for the drafting of the 21 points was that broadcasting was an activity of "public interest" and as such a new communication model was needed, one that was plural and diverse, and one which recognized not only the existence of commercial media enterprises but also, as equally valid, the existence of community and public media. Furthermore the Coalition insisted in the need to establish anti-monopoly measures and the need for the state to guarantee the rights of all citizens in matters of communication.

The long road which the new Audiovisual Media Law 26.522 had to travel before Argentina's Supreme Court of Justice declared its constitutionality has been well documented elsewhere e.g. <http://www.scribd.com/doc/99631072/Argentina-Mapping-Digital-Media> ) As well as becoming a blueprint for other countries in the region, Law 26.522 has also highlighted the importance of wide and active engagement of cross-sections of the population when contesting people's communication rights.

In Bolivia, communication rights received unexpected recognition when the country's new Constitution recognized the right to communication and information. In addition the

Constitution stated that the mass media cannot set up, either directly or indirectly, monopolies or oligopolies.<sup>6</sup> While the law was finally ratified in 2009, Bolivian communicators indicate that necessary regulations for the law have not as yet been put in place. Despite this, the actual inclusion of communication as a right and the recognition that monopolies in the media sector should not be allowed, are big steps towards a new way of conceiving the media in the region.

### **Ecuador, Mexico and Uruguay**

These three countries have all in recent years approved new telecommunications laws which in some way or other reflect the democratizing trend which is being followed throughout Latin America with respect to communications.

In May 2013 the Uruguayan parliament received the proposed Law of Audiovisual Communication Service, which states that "It is the duty of the State to contribute to freedom of information, social inclusion and non-discrimination, promotion of cultural diversity, education and entertainment."<sup>7</sup> One of the most important and key changes introduced by this Law is the definition of mass communication as a public service that must be provided responsibly and with quality content.

After four years, in June 2013 Ecuador's National Assembly finally approved the Organic Communication Law mandated by the 2008 Constitution. The new Law has highlighted the definition of mass communication as a public service, prohibits prior censorship and emphasizes ultimate media liability for content published.

While criticism has been levelled at some aspects of the law, it contains important innovations and incorporates key proposals put forward by advocates of the democratization of communication. It establishes the redistribution of radio frequencies, allocating 33% each to private and public media and 34 % to community media while at the same time eliminating the monopolies of audiovisual media. It establishes an obligation for private advertisers to allocate at least 10% of their annual advertising budget to media with local or regional coverage so that they may share in advertising income.

Reaction to the Communication Law has been widespread. It has now reached the Constitutional Court of Ecuador where three groups have asked for the law be declared unconstitutional. The Court has convened a public audience and has allowed parties to put arguments for and against the law. It brings to mind the Argentinean case where the Clarín Group took its case to the Supreme Court in order to try and declare Law 26.522 unconstitutional.

In contrast with Argentina social organizations in Ecuador did not generally mobilize proactively in favour of the law. However, the proposals formulated by Ecuador's Communication Forum with contributions from communication networks and social and indigenous organizations have gained legitimacy in large sectors of Uruguayan society.

The same can be said of Mexico where a group of committed communicators, academics, communication activists and civil society groups has drafted "secondary legislation" to President Peña Nieto's reform of the country's telecommunications legislation. AMEDI (Mexican Association for the Right to Information) recognizes that the constitutional reform is an important achievement by a group of civil society organizations which for years has advocated normative reform. It also recognizes that the reform falls short of expectations and AMEDI is now advocating in favour of a secondary law aimed at bridging the gaps.

Ordinary Latin Americans are now becoming increasingly conscious of the fact that a handful of mega-corporations dominate the region's mass communications, including the entertainment industry. In a recent survey, 74% of Peruvians affirmed that media concentration affects freedom of the press. The survey was organized as a result of Peru's oldest and most economically and politically powerful media conglomerate Grupo Comercio taking over yet another newspaper. With this latest acquisition El Comercio now controls 78% of the newspapers in Peru.

Concentration of ownership has also become an issue in Mexico where Grupo Televisa, the country's largest network of open signal television, controls 70% of the TV market. In mid-March 2014 the Federal Institute of Telecommunications (ITF) identified the group as an economic agent in the broadcasting sector and for the first time ever, it imposed a number of regulatory measures on the group. While this is not the place to discuss the details of the measures, ITF's action has been welcomed not only in Mexico but throughout the region.

In Brazil, home to another powerful media conglomerate, O Globo, and where long-running discussions about the democratization of the media have been frequently been stopped by accusations levelled by media house owners, there has been a call to follow the Mexican example and to impose restrictions on media concentration.

In Honduras, El Salvador, Nicaragua and other Latin American countries the struggle for communication rights and the democratization of the media has also taken hold. In El Salvador civil society groups are working on a proposed regulation for a Community Radio Law. In Honduras there is a stated intention to reform the existing Telecommunications Law and in Nicaragua there is a proposal to regulate public media.

### **Trade unions and Indigenous people join the fray**

Interest in communication reform in Latin America is not the sole domain of communication activists and groups working in communication. Others such as trade unions and Indigenous people have also become part of the struggle for democratic communications. In February 2014 the largest regional workers' organization in the Americas, the Trade Union Confederation of the Americas (CSA-TUCA), organized a Conference on the Democratization of Communication. It took place in Montevideo, Uruguay, supported by the Friedrich Ebert Foundation-Uruguay, and brought together trade unionists from 12 Latin American countries. Participants called for laws and regulations to control media monopolies and to guarantee more plurality and diversity in the media, including broadcasting.<sup>8</sup>

Indigenous people throughout Latin America have taken steps to advocate for their own communication rights as well as for the democratization of the media in society. The II Continental Summit of Indigenous Communication called for legislative reforms and norms as well as for public policies which guarantee the sustainability, ownership and control of Indigenous media.

Brazil's Landless People's Movement (MST) has decided to invest in the training of popular communicators in a joint programme with the Federal University of Ceara. They too are calling for regulations to guarantee inclusion, plurality and the democratization of the media. The call is echoed by over 40 communicators meeting under the banner of "Democratizing communication for people's integration" in the Latin American Forum of Communication for Integration.

The communicators stated, "We must move towards the adoption and implementation of norms that establish communication as a right and guarantee its democratization within a framework of real equality of conditions and opportunities for public-state, private-commercial and non-profit-community sectors."<sup>9</sup>

Legislatory reform in order to create more inclusive, pluralistic and democratic media is not, the culmination of the process but rather merely a starting point. However, real democratization of the media can only be achieved if it is taken up by the citizens themselves – in particular, by marginalized and grassroots people exercising their right to be heard. In that sense, there is no doubt that Latin America is indeed "a laboratory of hope for the democratization of information and communication."

### **Notes**

1. <http://www.telam.com.ar/notas/201401/49878-america-latina-un-laboratorio-de-esperanza%20frente-%20a-los%20medios> (own translation).
2. <http://www.cartacapital.com.br/politica/um-direito-universal> Frank de la Rue, interview given to Leandro Fortes, Carta Especial 15/12/2012 (own translation)

3. Luis Ramiro Beltrán, *La Comunicación para el desarrollo en Latinoamérica: un recuento de medio siglo*, Buenos Aires, 2005, p.6.
4. Ley No 22.285, approved in 1980, during the dictatorship of General Jorge Rafael Videla.
5. Coalición por una Radiodifusión Democrática 2010. *Defender la democracia es defender sus leyes*, ALAI, 03/05/2010 <http://alainet.org/active/37808>
6. Capítulo 7, Artículos 106 y 107. *Nueva Constitución Política del Estado*. Versión oficial aprobada por la Asamblea Constituyente 2007 y compatibilizada en el Honorable Congreso Nacional – 2008, Capítulo 7.
7. Uruguay, *Proyecto de Ley de SCA*” <http://www.telam.com.ar/notas/201305/18357>
8. *Declaración de Montevideo*, <http://www.movimientos.org/es/content/declaraci%C3%B3n-de-montevideo-apunta-estrategias-para-democratizar-la-comunicaci%C3%B3n> April 4, 2014
9. Declaration of the Latin American Forum on Communication for Integration: Democratized communication to Further Integration, ALC, <http://alcnoticias.net/interior.php?codigo=24989&lsnh=688>

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