

## Chapter 2

### Media democracy and reform in South America: lessons for Europe

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#### Introduction

Official news management ensures that government newsmakers and sources are dominant. The public relations machinery of large corporations exerts significant power in newsmaking. Routine practices and the professional norms of journalism reinforce the power of official sources and newsmakers. Thus, the encroachment of states and markets poses major obstacles for the existence of plural and diversified press. Strengthening the presence of civic issues and voices in the news is a crucial challenge for democracy (Waisbord 2009a:106).

A string of well-publicised revelations in Britain from the Leveson Inquiry into the culture, practices and ethics of the media set up following the phone hacking scandal of 2011 has exposed in remarkable detail the tightly interconnected world of politics and media power. While criticism of the influence of media moguls such as Rupert Murdoch over British political life has gone on for decades, the degree of complicity between News International and senior politicians revealed by the Parliamentary Inquiry has led to renewed and urgent calls for tighter restrictions on media ownership laws and press standards (Miliband 2012; Major 2012). The focus of this chapter is on the political and policy lessons of recent media reform efforts in Latin America for Europe generally and for the United Kingdom, in particular, where the issue of concentrated media power has now moved centre stage (Curran 2012). Primarily this chapter presents a broad survey, rather than a theoretically grounded inquiry, into legislative and policy initiatives over the past decade across a number of South American countries and their effects on the media environment.

There are, clearly, dangers in trying to generalise about media developments in any continent and substantially different approaches to, and levels of progress in, media reform can be found from nation to nation in South and Central America. For Lugo-Ocando (2008) national contexts still provide by far the most crucial explanatory frameworks for media systems throughout Latin America - a point he is at pains to stress when criticising politicians, academics and the general public alike for treating Latin America as 'a single region with a common culture' (ibid :211). Nevertheless, he argues that that once such national specificities have been taken into account certain general characteristics in relation to media systems can be observed. These include the influence of intellectual trends and policy debates in the West (see also Waisbord 2000).

However, it would be fair to say that the trade in ideas about media legislation and reform has, until now, been imbalanced with North American and European nations presuming to instruct South America in the need for the kinds of reforms (often neo-liberal in character) that it believes the continent requires (Viale et al. 2008). This assumption of 'unidirectional policy change' (Hintz 2011:149) and lack of interest in lessons that the region might teach 'the west' has persisted, not least because of limited and often biased academic and media coverage of Latin America in the US and in Europe, particularly beyond the Iberian peninsula (see Porto and Hallin 2009).

This is certainly true of the UK, where Anglo-centric views of media and politics persist. Despite the end of Empire and our fall in the league table of world economies behind so-called 'emerging nations' such as Brazil, the British media manage to retain an inflated sense of the nation's

international importance. The consequence of this Anglo-centricism, for non-specialists at least, is the conspicuous absence of reporting of South America issues. Until relatively recently then, it has been very difficult to learn any policy lessons from the continent simply because it has been virtually ignored by the British media (Coffey 2004).

It is not just South America, however, that has been poorly covered. While elite politics in the US does gain attention, the British media is guilty of systematic under-representation of Africa, Latin America and parts of Asia, except at times of crisis (see Institute of Development Studies 2012). This structured absence in media coverage also applies to entertainment culture – film, television productions, music, the arts and so on.

However, there are encouraging signs that this is beginning to change with a modest increase in the UK's media coverage of nations in the Global South as their growing economic power becomes apparent. This is especially true of China, which now receives considerable media interest and, to a lesser extent, Brazil which has risen to become the world's sixth largest economy - overtaking the UK in the process (Financial Times 2012). Other countries have gained more attention since the economic crisis of 2007 began because the parallels between earlier IMF 'restructuring' of economies in South America and 'austerity measures' in Europe have been too stark to ignore (Sheinin 2006; Santiso 2006). In particular, observers have noted how the economic and social outcomes of the failed 'structural adjustments' imposed on Greece, Spain and other European nations echo the traumatic results of Argentina's neoliberal shock therapy at the beginning of the millennium (Fiorentini 2012a; Biglieri 2012).

For many western observers crushing austerity has also made it more difficult to ignore South America's economic progress and rising self-confidence as Europe and the United States have struggled to control or find solutions to a series of damaging political, economic and military crises. Furthermore, the political lessons of the continent's popular 'pink revolution' (Sheinin 2006:218) have been picked up, with some success, by political parties in Europe. The newly formed *Front de Gauche* (Left Front) in France attracted rallies far beyond the expectations of its organisers and was at one point threatening to outperform the powerful National Front. In the end, the *Front Gauche* polled 11% and helped propel Francois Hollande to power in the second round of voting on the 6<sup>th</sup> May.

What is interesting is where this French political movement came from. In an interview with Al Jazeera a Front de Gauche activist and longtime ally of Melenchon, Raquel Garrido, claimed the origins of the Left Front lay in the Latin American experience. She says:

We first started questioning our strategy when we started seeing Latin America left-wing governments coming into power, but not with your traditional Social Democrat party. To the contrary, most of those experiences - in Argentina, Brazil, Venezuela, Ecuador, Bolivia - were being triggered by new parties. New political instruments that were organised outside of Social Democratic, left-wing, traditional parties.

And the methods they were employing were radical, whether it be in their fight against the IMF, or whether it be in the means of remobilising their societies through constitutional assemblies (cited Al Jazeera 2012: 1).

Similarly, Alexis Tsipras the leader of Greece's newly-formed anti-austerity party Syriza which came second in the June 2012 elections has pointed to nations in South America for successful models of challenging a crippling national debt burden. Tsipras cites Ecuador's debt audit

commission which found much of the country's debt was illegal and illegitimate. This finding was used by the country's President Correa to justify a default that ultimately reduced debts by 65% (Jones 2012).

European ignorance of Latin America therefore is slowly changing, bringing a new interest in political developments across the continent. There was, for instance, extensive coverage in the UK of the 2012 Summit of the Americas in which Latin American leaders, across the political spectrum, unified in outspoken opposition to the United States' refusal to meet with the Cuban government. While President Kirchner's anger over the issue of the Malvinas/Falkland islands gave the item a special interest to the British media, it was the continent's rebuff to President Obama that propelled the story into the headlines. The isolation of the US and Canada on Cuban relations and disagreement over strategies for dealing with drugs revealed shifting power relations and underscored increasingly assertive acts of independence by South American nations that are of 'historical importance' (Chomsky 2012).

Through such films as John Pilger's film *The War on Democracy* (2007), *The Revolution Will Not be Televised* (2008) and Oliver Stone's 2009 documentary *South of the Border*, there has been wider public awareness of how hostile media coverage both within and beyond the region has posed a threat to democratically elected governments, in some cases actively contributing to political instability and coups attempts. The problem of media monopoly power is emerging as a key issue in both continents with one study claiming that more than 82% of communication and information markets in Latin America and the Iberian peninsula are controlled by just four media groups (Becerra & Mastrini 2009, cited Cohen 2011:1).

The struggle to reign in media monopolies by leftist governments in South America has not gone unnoticed, particularly amongst those active in the media reform movement in Europe. However, reactions to the reform efforts has often been shaped by hostile media coverage (Stoneman 2008; Salter and Weltman 2012), and elements of the challenge to private media are undoubtedly controversial and contested. For while the Left turn in Latin American politics has propelled the region into the news headlines, reactions to elected leftist presidents in Europe has been mixed. As Porto and Hallin have remarked, for some, 'these new leaders are revolutionaries or reformists who have contributed to deepening democracy. For others, they are neopopulist demagogues who seek to impose authoritarian regimes' (2009:291). Yet whatever the view of these individuals, the remarkable political efforts to address the region's social inequality and poverty have helped transform the context for addressing questions about the political role of the media (Ibid).

These questions include the following: – how to challenge media monopoly, how to promote citizen engagement, how to fund and promote community media, how to license and regulate the media and how to ensure freedom of expression and encourage a diverse and pluralistic media? They are the same questions Europeans and people around the world are wrestling with and in many ways South America is setting a progressive example in answering these questions.

But unfortunately the example is not always positive. The media in many areas of South America remains held back by sophisticated mechanisms of control, with repressive elements of the dictatorship periods still in place. Media owners and political elites continue to use the media's increasingly prominent role in politics to pursue their own agendas and interests, sometimes forming alliances to protect their own markets and interests (Lugo-Ocando 2008:2). Organised crime, drug trafficking and violence still blight large areas of South America, corrupting politics and the public

sphere and muzzling the media through fear, or by force, with ten journalists and media staff killed in 2013 alone (International Federation of Journalists 2014).

The *Economist Intelligence Unit's* Democracy Index for 2010 indicates that, following Latin America's period of rapid democratisation in the 1980s and 1990s, the advance of democracy in the region as a whole has 'deteriorated slightly' since 2008. The report points to a steady advance in democracy in the region offset by deterioration in basic security and the curbing of media freedoms in some countries.

Although the deterioration in the average score for the region between 2008 and 2010 was minimal, there was more significant erosion in democracy in a number of countries in the index with three countries in the region Bolivia, Honduras and Nicaragua being downgraded from 'flawed democracy' to 'hybrid regime' <sup>1</sup>. Evidence of fragile democratic institutions in the region have been reinforced by the 'institutional coup' that removed President Fernando Lugo from power in Paraguay in June 2012 with evidence of US agribusiness involvement linked to Grupo Zuciollio owner of one of the major Paraguayan newspapers *ABC Color* (Fiorentini 2012b).

The *Economist Intelligence Unit* report identifies a deterioration of media freedoms in some Latin American nations, resulting largely from the increased conflict between government and the private media in some countries, such as Venezuela and Bolivia. While assessment from a monitoring group with clear neo-liberal sympathies must be regarded with suspicion, their findings are echoed by The Inter American Press Association (IAPA) and The Committee to Protect Journalists (CPJ) amongst other groups. The IAPA (2011) picks up the concern around authoritarian tendencies in some nations, pointing to government moves against the work of the press, often legal and constitutional, which have worried observers. These concerns have been echoed in interviews and private discussions with academics, journalists, media workers and activists from Ecuador, Argentina, Peru and Colombia.

Nevertheless, it is important to put some of these concerns in a wider context. The Reporters without Borders Press Freedom Index (2012) places several Latin American countries above many European countries. Belarus languishes near the bottom of the list at 168<sup>th</sup>. Following a wave of arrests of journalists Turkey fell ten places to 148<sup>th</sup>. Within the European Union there remain huge gaps between countries such as Finland and Netherlands at the top of the list and countries such as Bulgaria (80<sup>th</sup>), Greece (70<sup>th</sup>) and Italy (61<sup>st</sup>) that 'fail to address the issue of their media freedom violations, above all because of a lack of political will' (Ibid). As the report makes clear media freedom cannot be assumed because a country has a certain reputation. Britain has fallen to 28<sup>th</sup> place way behind Costa Rica and Namibia, whilst the USA (47<sup>th</sup> and tied with Argentina) lies ten places behind El Salvador.

These rankings leave no room for complacency, either for Europe or the Americas. And as Lugo-Ocando (2008) remarks, after less than two decades of democracy, some Latin American nations still struggle to cope with an inescapable characteristic of free speech, which is 'the persistent clash of elites' interests' (ibid:3). Meanwhile weak institutions, political confrontation and extreme poverty create a volatile environment in which the requirement for rational and peaceful debate is regarded by some as a political inconvenience or even as a threat to democracy itself. Hence:

Explicit censorship and strict media-state control are still the norm in many cases, even in those nations where democratic values such as freedom of speech are constitutionally guaranteed. In reality the institutions entrusted to safeguard these rights are still too frail,

or are unwilling to do so. Faced with this scenario, newly elected governments have opted to perpetuate the censorship mechanisms created by the former military regimes, a phenomenon that still defines the normative and legal framework of the media in many places (ibid: 3).

Developments in Ecuador illustrate some of these questions around censorship mechanisms and state efforts to control the media.

## **Ecuador**

Following Rafael Correa 's election as President in 2007 on a popular platform of rejecting parties dominated by traditional elites and their discredited 'Washington-consensus' ideology, voter approval was given for a special assembly to rewrite the constitution. Many of the provisions in this constitution are amongst the most progressive in the world - including advancing the rights of indigenous people, civil unions for gay couples, increased state regulation and involvement in the economy, recognition of the rights of nature, and the human right to an education and healthcare (see Becker 2011). Article 19 introduced the concept of government intervention in news media, with the aim of regulating 'the prevalence of informational, educational, and cultural content in the media's programming' (CPJ 2011: 5) as well as promoting 'the creation of spaces for national and independent producers.' (ibid).

The **new** Communications Law also includes positive measures, such as improving transparency for those organisations administering public money (Human Rights Watch 2009). The law explicitly prohibits monopolies and oligopolies in media ownership, which remains a serious problem for freedom of expression in the country with just eight groups<sup>ii</sup> dominating Ecuador's media landscape (UNESCO 2011). The draft legislation also promotes use of subtitles or sign language to facilitate more equal access for those with hearing disabilities, an important step toward ensuring equality under the law and ending discrimination (Human Rights Watch 2011). Crucially, Ecuador, taking heed of a UNESCO report recommendation and following Uruguay and Argentina's lead will devote one third of broadcast spectrum to community and non-profit media that is independent of the state (2011:89). As Reilly argues, dividing spectrum resources between the public, private and community serves to repair the relationship between state and citizen in four significant ways:

First, they reduce the power of private media, forcing it to abandon its role as a powerful interlocutor between state and citizen. Second, they help enable the state to assume a more powerful role in directing the development of the national economy. In particular, access to media allows developmental states to advance agendas that may be unpopular with entrenched elites. Third, new media laws give citizens access to the media so that they are better able to inform government about their needs and desires. Finally, new media laws wrest control from international media interests, which often work in tandem with elite owners of domestic media (Reilly 2012: 2).

The Communications Law (2013) was passed in a context in which Ecuador's media environment has already changed significantly since 2007. Historically, Ecuadoran broadcast media was controlled by powerful banking groups with close ties to politicians and political power bases (Correa 2012). Some broadcasters were criticized, even within the profession, for not vigorously investigating the banking crisis that caused the collapse of several financial institutions in 2000 and which cost taxpayers hundreds of millions of dollars (CPJ 2011). In 2007 several public media outlets were created including Ecuador TV (ECTV), Public Radio of Ecuador (RPE) and *El Telégrafo*

newspaper. These last two were renamed following their confiscation by the Deposit Guarantee Agency (AGD) from its owner, a former banker.

In 2008, further media assets of ex-bankers were seized and, according to the Radio and Television Frequency Audit Commission, confiscated media include three television channels (Gama TV, TC and Cablenoticias), two magazines (*El Agro* and *La Onda*) and two radio stations (Carrusel and Súper K). A new constitutional provision prohibiting bankers from owning stock in media forced some organisations to sell their stocks (UNESCO 2011: 14-16).

Those sympathetic to the government reforms note that the majority of Ecuador's mass media, to varying degrees, have shared the opposition's agenda and in many cases appears willing to present an overly pessimistic or even catastrophic scenario in order to help advance their cause (Weisbrot 2009). There are also be real grounds for alarm about the role of powerful media groups in the region following the coup attempt against Chavez in 2002, the overthrow of elected President Manuel Zelaya in 2009 (Weisbrot 2011) and an apparent coup attempt against Rafael Correa in 2010 (Reuters 2010).

However, there are other observers who note authoritarian elements in the government's media reform program that have polarized Ecuadorian society against a backdrop of sporadic attacks on journalists (Human Rights Watch 2011). A recent Inter American Press Association (IAPA 2011) report points to a number of measures in the proposed Communication Law that would enable strict controls and effective censorship of news media so they would be unable to play their role as watchdogs over the government. The IAPA is concerned that there has been an attempt to reinstate obligatory membership by journalists in a guild in Ecuador (and also Brazil and Panama) a practice that was being reversed in Latin America since the Inter-American Human Rights Court recommended its elimination in a 1985 advisory opinion. The Committee to Protect Journalists (CPJ) is also highly critical of Rafael Correa's administration, accusing it of 'widespread repression by pre-empting private news broadcasts, enacting restrictive legal measures, smearing critics and filing debilitating defamation lawsuits' (2011:1).

Article 18 of the new constitution states that all individuals have the right to 'find, receive, exchange, produce, and release truthful, verified, timely, contextualized, and plural information without censorship.' The text's emphasis on 'truthful, verified' information opens the door to official restrictions on information that the government disputes (Ibid: 5). The independence of a regulatory council charged with controlling radio, television and print content in relation to violence, sex and discrimination is also called into question as five of its seven members would either be appointed by the executive branch or be chosen from groups with close ties to the executive (Ibid:4).

In 2010, this battle over regulation of the media reached the front pages of the Ecuadorian press with a leading daily, *El Comercio*, referring to the fight as one for 'defence of human rights and the free practice of journalism.' This was in response to the government's closing down of a major TV station, *Teleamazonas*, for three days beginning December 22 (Weibrot 2010). There is some dispute over the details of why *Teleamazonas*' broadcasting was suspended. The government found that it had, for the second time in a year, violated a rule that prohibits the broadcast of false information that can lead to social disturbances. In the first offense of this type, for which the station was fined \$40, it questioned the legality of a vote-counting facility in the coastal city of Guayaquil (CPJ 2009). The second offense, committed in May, was a report claiming that proposed exploration for natural gas on the island of Puná would have devastated fish stocks. Since many on the island makes their living from fishing the report lead to social unrest (Weibrot 2010).

While the facts over this case are disputed, Correa's hostility to some environmental groups, such as Acción Ecológica, who are opposed to the government's oil and mining policies is not (see Dangl 2010). The President has used state media to call those who oppose his mining law 'childish,' 'nobodies,' and 'allies of the right'. These attacks have deepened the rift between Correa and the social movements that supported the Ecuadoran constitution and who are now concerned that aspects of Ecuador's economic policy represent a continuation of neoliberalism (Dosh and Kligerman 2010). The failure of the international community to back Correa's Yasuni-ITT Initiative which would compensate the Ecuadorian government for ending oil prospecting in the Yasuni National Park (a UNESCO biosphere reserve) has not helped break the country's dependency on its fossil fuel resources (Bernier 2012: 12).

The most high-profile and controversial case of media intimidation was the sentencing of three newspaper executives of the news daily, *El Universo*, and its former opinion editor to three years imprisonment in 2011 (interview with Diego Cornejo 2012). The judgement given on July 20<sup>th</sup> by District Criminal Court of Guayaquil also ordered them to pay US \$40 million in damages as the result of a personal libel suit filed by President Rafael Correa in response to a February 6th opinion column which called Correa a 'dictator' (World Movement for Democracy 2011).

Set against the positive and progressive media reform moves, these incidents demonstrate a lack of respect for diversity of opinion in Ecuador, threatening to set back media freedoms and legitimate challenges to corporate media that are slowly being won across the region. However, if those framing the new Communication Law could follow the recommendations of the 2011 UNESCO report which followed detailed consultations with a wide range of actors, Ecuador's media and civil society could flourish and a genuinely free press encourage the democratic exchange of ideas, enshrined and protected in law, which would help reduce the tensions that have been building in recent years.

## **Argentina**

Some of the same challenges and questions exist in Argentina, whereby privatisation was imposed on the national communications system in the 1990s and on all information media enterprises previously controlled by the state. Lack of media diversity was entrenched by a dictatorship-era law, which put the Federal Broadcasting Committee (COMFER) under the control of the State Intelligence Agency. The law essentially allowed only private media conglomerates, the Intelligence Agency, and the military to control and regulate the media. As Trigona (2009) points out, non-profit groups, universities, cooperatives, or community associations did not have the right to apply for a broadcast license. For community radio and television stations, this law was a holdover from the days of authoritarian rule that 'literally blocked any possibility of gaining legal permission to broadcast' (:2).

The rise, in particular, of two media conglomerates: Clarín and CEI-Telefónica meant that those who already dominated the print market also had access to the biggest share in cable and satellite television whilst also controlling a large part of internet provision in Argentina (Viale et al. 2008). By the end of the decade 70% of the communications networks in the country were controlled by just four telecommunications holdings. In many cases these groups acted as partners as well as competitors and through the dominance of news provision, were capable of shaping and defining the topics for public debate (Ibid), 'not so much telling people what to think, but what to think about' (Lugo-Ocando 2008: 26).

Generally good relations between President Néstor Kirchner's leftist government (2003-7), the Clarín Group and the handful of other media conglomerates were bolstered by a Resolution in 2005 extending their domination of the airwaves and effectively eliminating any vestiges of media diversity, especially in TV programming (Trigona 2009). However, following Grupo Clarín's opposition to a farm exports tax increase by Néstor's successor Cristina Fernández de Kirchner in 2008, the relationship between state and the Clarín Group, in particular, soured dramatically. In October 2009, President Kirchner's government passed a new media law '26.522' (described as 'Ley K' by the Grupo Clarín) which overturned military dictatorship-era laws and stipulated that broadcasting cables be apportioned equally between the private sector, the government, and community organisations. The law also established limits on the number of broadcasting cables any one company could hold and the number of cities where they can operate (Cohen 2011). The world of Argentine journalism has subsequently polarised between 'journalists K' (for the Kirchners) and 'journalists anti-K' (Waisbord 2010a).

The law has its vocal supporters, who regard such a move against the 'towering presence' of the Clarín Group as long overdue, and equally vocal opponents who see a 'thinly veiled attempt by Kirchner to silence her critics and gain more control over the media for the government' (Cohen 2011:1). Congress also passed a law that declared newsprint to be of 'public interest,' implying, according to an Inter American Press Association (IAPA) report (2011), that the production and sale of this commodity for newspapers will be regulated by the government and 'who will be able to use it as a means of applying pressure'. There have also been expressions of unease about the Argentine government's use of advertising revenues to curry favour and promote uncritical community media outlets.

One result of these steps is a highly polarized media climate that is harmful for professional, balanced journalism (Waisbord 2010a), although, ironically, the very public row may force readers and viewers to be more 'mindful of the forces influencing their news' (Cohen 2011:1). Who can say how much the tensions between Clarín Group and the Kirchner administration have created the context for media reform which its opponents say has been used to reduce the power of the government's critics? However, positive outcomes for media diversity have emerged in the Audiovisual Communication Services law passed in 2009, setting limits to media concentration (Biglieri 2012). Two-thirds of the Radio and TV spectrum has been reserved for non-commercial stations and it requires TV companies to carry channels operated by universities, union, indigenous groups and other non-governmental organizations. Furthermore, 70 percent of radio and 60 percent of TV content must be produced in Argentina thus protecting local media industries and restricting the flow of US and European programming that is dumped at low prices to achieve economies of scale. Political interference in the licensing process is theoretically protected by a seven member commission to oversee licensing made up of two designated by the executive branch, three by congress, and two by a Federal body representing provincial governments. According to Hintz (2011) the law was initially drafted by a communications professor and AMARC policy consultant, followed by extensive consultations with civil society and other sectors, and the final text was physically brought to parliament for adoption by a procession of 20,000 citizens, making it a 'law of the people' (ibid:154)

What other positive developments in media reform have occurred across the continent? The last decade has seen significant social and political change, leading to radical policy transformations which have enabled a range of important media developments. Even the highly critical Inter American



Press Association report (IAPA 2011) observes advances on the legal front in several countries, such as in Brazil, where President Dilma Rousseff enacted a progressive law on public access to information. And some of the most encouraging developments have been in relation to citizen and community media and in scaling back the dominance of corporate media monopolies (interviews with Isabel Ramos, Paula Biglieri). There is a long history of grass-roots media across South America despite limited opportunities possibilities for such media to operate legally. Nevertheless, some of the most progressive examples of community media policy innovations in recent years have emerged in the region. In several countries, non-profit community media have not only been legalized, but have been moved out of niche positions and elevated to a leading force in social communication (Hintz 2011:147).

Policy change has coincided with increased academic interest in non-mainstream, alternative, community, radical, citizens', or civil society-based media practices, partly enabled by the emergence of new media technologies. Yet with the growth of the sector, policy questions have become more prominent. According to the World Association of Community Broadcasters (AMARC), 'the lack of proper enabling legislation is the single principal barrier to [community media's] social impact' (AMARC, 2007: 5 – cited Hintz:147). Arne Hintz traces uneven but encouraging advances in community media legislation often driven by civic-society mobilisation across the continent from Argentina to Bolivia which have helped to expand citizen's access to communications infrastructure (2011: 152-156). There is no space to review these different developments here but the case of Uruguay is worth exploring briefly as it is sometimes held up as model for progressive change.

## Uruguay

In Uruguay, the coming to power in 2005 of the progressive Frente Amplio (FA), which did not have close ties to traditional media, allowed a broad coalition of media activists, business groups, journalists, labour, educational, civic, human rights and women's groups to successfully lobby for media reform on a platform of media democracy as a human rights issue. This process of coalition-building and advocacy culminated in the passing of legislation on community radio in 2007 (Waisbord 2010b). The law assigns one-third of radio frequencies to community, non-profit stations. The coalition also successfully pushed through a press law in 2008 authorizing public access to government information. As Waisbord notes:

[...] civic mobilization was crucial in the processes that resulted in legal reforms. Civic groups jump-started public dialogue around the issues and drew attention to the need for change among key political, business, and civic actors. They also maintained a central role during the drafting of the bills and the process of consultation and debate in Congress. Both the coalition for the legalization of community radio and the GAIP [Uruguay's right-to-know movement] intelligently sought to expand the social support for their proposals, took advantage of political opportunities, and found allies in the Vazquez administration (ibid:139).

The level of direct involvement by citizens in drafting the media reforms in Uruguay call to mind the 'radical and maximalist forms of participation' discussed by Nico Carpentier (2011:42) which are opposed to the token 'consultative' processes which so often characterise political decision making. Carpentier draws on Arnstein's ladder of social engagement (1969) and Mouffe and Laclau's 'agonistic model of democracy' which is opposed to 'antagonistic' relations between enemies and is based on an explicit model of 'radical pluralism' to interrogate and develop the concept of participation (Carpentier 2011: 38). This elaboration of the notion of 'participation' in developing democratic media systems represents an important

intervention, relevant to Europe, Latin America and other regions interested in implementing media reform.

Despite the continuing power of the executive to hand out broadcast concessions, questions about the independence of the regulator and persistent media concentration (Hintz 2011) Uruguay has risen to 32<sup>nd</sup> place in the Reporters without Border's press freedom ranking above France, Spain and the United States. The success of civic groups in changing media structures and the enabling role of the state shows that governments can play a key role in guaranteeing media democracy through appropriate policies.

For Waisbord, the reforms in Uruguay show that in a globalised world, key decisions enabling an independent and democratic media are 'intimately linked to the state, the nature of the political regime, the ideological platforms of governing parties, the relations between the government and the press and so on' (2011: 150). The model of citizen participation in drafting media laws and equal bandwidth allocation according to state, private and civic groups is a model of reform which is now being taken up with some success across the continent, yet remains little discussed across Europe.

### **Europe and Media Monopolies**

The grass roots influence on Paraguay's media reform efforts can be contrasted with highly effective lobbying of the European Union and member state governments by media corporations which have played a key role in directing and restricting the scope of media policy (Williams 2004). The European Union is an association of democratic liberal states in which freedom of the press is enshrined in Chapter 2 of the Union's Charter of Fundamental Rights, which refers specifically to 'freedom of expression and information' (cited Hutchison 2009: 57). However, despite a strong tradition of public service broadcasting Europe's democracies are increasingly dominated by a growing concentration of private media power which political leaders appear unwilling to resist. Kaitatzi-Whitlock (2008) shows how the EU's self-regulating media market system favours the pathology of concentrated ownership, leading to media baronies and *de facto* unfair competition. For example, in Germany the Axel Springer company has over 20 per cent of the daily market and in Britain the Murdoch dominated NewsCorp has over 30 per cent of that market by circulation (Hutchison 2009:54) with revenues of \$2.7 billion in 2011 (NewsCorp 2011:84). The situation is similar in France, Italy and elsewhere in western Europe. In the former eastern Bloc countries the growth of concentration in the newspaper market is startling with the two largest groups in the Czech Republic and Hungary increasing their shares of the national dailies from around 30 per cent to over 70 per cent Gulyas 2006, cited Hutchison 2009: 54). Cross media involvement is another common feature of ownership patterns throughout Europe and companies with interests in media often have interests in non-media business.

The course of the EU's communications policy was set by the 1989 Television without Frontiers Directive (TWFD) which exclusively emphasised the economic role of communication and enabled a wave of mergers and takeovers across Europe and the 'transnationalisation of media ownership which made company conduct inscrutable' (Kaitatzi-Whitlock 2008: 31). Despite pressure from the European Parliament, the European Commission has decided, in the face of intense lobbying from media businesses, that no action on the question of ownership need be taken at the EU level (Hutchison 2009). This reluctance to tackle the issue of concentrated media power corrodes the right

of citizens to information and participation, curtails plurality of expression and has a detrimental effect on the political process. For Kaitatzi-Whitlock:

‘[...] the EU gave away the entire field of communication to private, deregulated, global capital forces. Such a political economy locks citizens and democratic politics out as irrelevant. The self-regulating media market system thrives on the depoliticisation and the pervasive commodification of all political agency.’ (2008:42)

The democratic deficit such a policy produces can perhaps best be illustrated by the extreme phenomenon of the Berlusconi period in Italy, which was ‘just the most embarrassing case’ (Hutchison 2008:33). Yet Britain also provides a warning of ceding control of communication policy to corporate interests. As Des Freedman (2008) has shown, media policy is often presented in the UK and the US as a technical, administrative matter free of political influence, where in fact it is a profoundly ideological exercise that has been shaped in recent years by so-called ‘free market’ principles and intense lobbying by powerful corporate interests. Here we see clear parallels between Latin America and the UK with inappropriate levels of collaboration between politicians and the media posing a threat to democracy (Lugo-Ocando 2008). As the recent revelations in the Leveson Inquiry in London revealed in spectacular fashion, media empires such as News Corp (currently led by Rupert Murdoch) have the power to corrupt police, politicians and the wider public sphere in ways that must be urgently checked.

An alarming paradox illustrated recently by Tambini (2012) is that while in countries like Russia licenses to broadcast tend to be given out to friends of the ruling party in exchange for favourable coverage; in Britain favourable coverage is dispensed by powerful media organisations in exchange for regulatory favours, such as rolling back the few laws protecting the media from monopoly control. This, in his view, amounts to ‘capture of the state by the media’ (1) the inverse problem to that exercising free speech advocates and critics of the ‘left turn’ in Latin America.

If, in the UK, private corporate interests can have such a malign influence on our political institutions then how can the South American model of media reform help us build a more democratic and representative media system? Tambini identifies the control of telecommunications networks, network neutrality, content and competition regulation as key issues and calls for a ‘longer term plan and design for media systems that maintains an appropriate balance between public, private and third sector media [in which] the different models keep one another honest’ (ibid:2). Here the equal division of spectrum allocation being rolled out in Uruguay, Argentina and Ecuador strikes me as an excellent starting point.

## **Conclusion**

The apparent dissimilarity of European and Latin American media systems masks important parallels around questions of the state’s relations to communication systems, the scope and concentration of private media power and the role of citizens in developing genuinely participative, democratic media institutions. Where Europe has the most to learn from Latin American media reforms, I would suggest, is in the bold regional efforts to challenge media monopoly and create a media ecology that equally balances the provision of public, private and community media.

Such efforts have the potential to end the historic collusion between state and market interests that ‘continues to undermine the possibilities for media democracy’ (Waisbord 2009b: 393). Similar

moves in Europe would help support the diversification of media ownership, strengthen the capacity of civic organisations and expand the range of views and information sources available to the public. Legislation to reduce the influence of large corporations in the press and broadcasting; the promotion and financial support for community radio and other ‘small media’; freedom of information and transparency in the use of public and private resources; and strong, independent and representative regulatory bodies kept at arms length from the state are measures which could strengthen the vital organs of democracy, in Europe, the Americas and other regions around the world.

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<sup>i</sup> The democracy index categorises regimes as full democracies, flawed democracies, hybrid regimes, and authoritarian regimes.

<sup>ii</sup> Eljuri Group, Isaías Group, Vivanco Group, Egas Group, Alvarado Group, Mantilla Group, Pérez Group and Martínez Group (Radio and Television Frequency Audit Commission cited UNESCO 2011).