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Chapter: *Media reform in Latin America revisited: where do we go from here?*

Introduction

Latin America countries are immersed going through controversial debates on the need to revisit media laws and implement regulation policies in favour of the public interest in a political and historical context of pressures being placed by sectors of civil society, academics and citizens for a deepening of the democratic project of the past three decades. The problems facing media in the transition to democracy in developing countries are most often part of the challenges to the democratization of that society in general (Raboy, 1995; Voltmer, 2006), including the reduction of inequality between groups and wider social inclusion. Thus the debate on media democratization in countries like Brazil, Argentina, Chile and Venezuela, has occurred amid accusations from sectors of the market of attempts of “censoring the media” (i.e. Matos, 2012; Waisbord, 2011; Lugo-Ocando, 2006). While the case of media reform in Argentina emerges for many as an epitome of what should be done regarding the democratisation of communications, the slowness of implementing wider media reform, and some of the resolutions of the 2009 *Confecom* debates in Brazil, appears as a symbol of the resistance of certain sectors of the market of boosting political pluralism and promoting wider competition in the media sector.

Despite the increasing commercialisation of the media and de-regulation policies which have seen the expansion of transnational media across borders and the rise of multi cable and satellite channels, the argument that the state does have a role in communication policy still holds force in many European countries. The recent 2013 report *A free and pluralistic media to sustain European democracy*¹ argued that the state should intervene whenever there is a market failure and when aim is to reinforce media pluralism, considered a public good. The fact of the matter is that many Latin American countries have not had a tradition of use of public communications for the public interest. Rather, what has prevailed has been a tradition of politicisation of broadcasting and legislation, which has co-existed alongside an authoritarian political and social culture.

Some academics (i.e. Waisbord, 2011) have argued that the populist tradition of Latin American governments has had implications for the lack of accountability that has followed the implementation of many of these reforms. It could be argued that it would be naïve to expect otherwise. After all, these are countries which still carry within their institutions a legacy of

authoritarianism. That said, the diversity of each nation, and the nature of the historical relationship established between political actors with the media, must be taken into account. Calls for media regulation for the public interest in Brazil for instance are different from the context of Argentina, and differ again from the political instability that currently overwhelms Venezuela. Lugo-Ocando and Canizalez (2006) have pointed to the high pitched situation of political confrontation between the dictatorship government of the deceased president Hugo Chavez (1999-2013) with the media, which culminated in the 2002 coup, a politically different scenario than the one found in either Brazil or Argentina.

It is thus crucial to move away from stances that can seek to divide more than unite, such as underlining how “populist left wing governments” (i.e. the case of Colombia goes against this) are attempting to censor the press, and instead move towards a more mature, and even apolitical discussion, of *how* to better implement regulatory practices genuinely committed to the public interest. These can be capable of ensuring a healthier, more pluralist and competitive media environment that can pave the way for a more advanced democracy.

Latin American media systems: an examination of a rapidly changing environment

Latin America’s transition to democracy failed to address many problems of governance, from the ingrained tradition of political elitism to socio-economic inequalities, bureaucratic administrations and the existence of *clientelistic* social relationships amongst social and political actors. After years of dictatorship in many countries, the shift to democracy has resulted in a revisiting of the role of the state, with various countries of the region adopting welfare programmes (i.e. *Bolsa Familia*) and other policies for social inclusion, including debates on how to best implement media reform. The current challenges faced by media systems throughout the continent are rooted within particular historical and political contexts. Traditionally, Latin American media systems have been characterised by limited reach, as well as censorship, because the ruling elites throughout the 19th and 20th centuries were careful to create communication structures which prevented access, permitting them to control these better (Canizelez and Lugo-Ocando, 2006).

Hallin and Papathanassopoulos (2002; 3) have underlined the similarities that exist between Latin American media systems with those in Southern European countries, having compared and

contrasted countries like Brazil, Colombia and Mexico to Greece, Italy, Spain and Portugal. Some of the common characteristics which they identified included the low circulation of newspapers, addressed to a small elite and not developed within the democratic tradition of Northern Europe, where a mass circulation press began to grow from the 18th century onwards in parallel with the emergence of the modern democratic state. Other common elements have included a tradition of advocacy reporting and a limited development of journalism autonomy; *instrumentalization* (or political use) of privately-owned media; and the politicization of broadcasting and regulation. Historically Latin American countries have neglected public communication structures, with a tradition of misuse of radio and television “public” (state) channels by politicians for their own interests.

The state in many of the countries of the region during the dictatorship years was traditionally assigned a role of political control and censorship. State intervention in South America had the further aim of reinforcing governmental powers rather than promoting democratic communications (Waisbord, 2000; Matos, 2008). In most Latin American countries, the state performed both an arbitrary authoritarian role as well as serving as an investor in the construction of the telecommunication infrastructure and a supporter of the private media. The broadcasting model that developed in many Latin American nations consisted of mainly privately owned television and radio stations, and in the case of the printed press, of private newspapers financed by both private and public (state) advertising. However, if in countries like Brazil there has been a tradition of heavy media concentration, this has not been the case of Venezuela for instance, as we shall see.

The process of fortification of the democratic project demands the reversal of precisely these regressive elements that undermine the existence of a more democratic and complex media system, which can be composed of state, public, market and alternative and civic communication systems that serve the diversity of the needs of complex populations (Curran, 2002). This is taking place in a context where most of these countries, albeit their particularities and differences, are caught up in a legacy of weak institutions, (still) high inequalities levels between groups and a tradition of exclusion of large sectors of the population from decision-making and political debates in the political and mediated public sphere. Without a doubt one of the paradoxes of media democratization in Latin America is precisely the fact that communication structures are intersected with state dynamics, as well as being skewed towards the market. At the same time, it has been subject to the influence of key international trends, such as policies of de-regulation.

As Fox and Waisbord (2002, xxii) have underlined, the whole Latin American region has had a weak anti-trust tradition of legislation and a culture of promiscuous relationships established

between governmental officials and the media. These have undermined or made aspirations for democratic media change highly problematic. The governments that have come to power since the 2000s throughout Latin America, some populists, on the left or in the centre, such as Nestor and Cristina Kirchner in Argentina (2003-7 and 2007 onwards); Luis Inacio Lula da Silva in 2002 and Dilma Rousseff in 2010 in Brazil; Evo Morales (2006 onwards) in Bolivia; Rafeal Correa in Ecuador (2007 onwards); Daniel Ortega (2007 onwards) in Nicaragua; and Hugo Chavez (1999-2013) and Nicholas Maduro (2013 onwards) in Venezuela; Michele Bachelet in Chile (2014, 2006-2010); Juan Manuel Santons in Colombia (2014, with media reforms and telecommunications having been implemented by right wing governments); and Jose Mujica in Uruguay (2010 onwards) all have adopted a new approach to media policy. Many of these governments have seen communications as having a role in social and economic development (Moraes, 2009). There has been some genuine concerns in reverting high media concentration levels in order to boost media pluralism, despite some populist measures and other politically-motivated interests.

Civil society representatives, academics and journalists have taken the opportunity to pressure for change in media policies and laws, many which date back to years before the military dictatorship. They have placed increasing demands and lobbied for a better and more quality and accurate media system, a stronger and more democratic public service broadcasting service. It seems evident that wider sectors of the population need to participate more in not just consuming more knowledge and quality debate, but also in its creation. The first media legislation in the continent was implemented during the period known as the national development and industrialisation phase, between 1930 and 1960, with principles defining the radio-electric spectrum as a public space and one which needed to function as a concession regime to the private interest (Lugo-Ocando, 2006).

The recognition of the historical arbitrary role that the state has had in many Latin American countries should not serve to dismiss or undermine the possibility that the state can still have a role in media policy supported on a non-ideological basis, and on commitments to the public interest. The example of the successes of PSB systems in European countries, as well as media policy initiatives in nations such as Germany or the UK attest to this. The case of the UK's *Leveson Inquiry*, conducted by the Conservative UK government in alliance with the other major parties (Labour and Liberal Democrats) in March 2013, agreed to set up a new press watchdog through Royal Charter with the powers to impose million pound fines on UK publishers for ethical misconduct. This followed from the reactions to the Murdoch phone-hacking scandal. A new style of regulator for the press, independent of editors, government and business, would impose fines of up to 1 million. Despite criticisms from UK

publishers and difficulties of implementation, the measures remain an epitome of how regulation in favour of the public interest should be, and which has moved beyond a simple left/right debate. When it comes to regulation, a more rational debate needs to take place, moving beyond ideological jargon to a more nuanced one where parties across the political spectrum sit together to discuss what we wish for in a democratic society, and how the media can attempt to better live up to democratic ideals.

The media environment in most Latin American countries has changed significantly since the 1990s due to the entrance and competition from foreign companies, the expansion of cable and satellite services and the introduction of new technologies, from the Internet to current television digitalization. Political liberalisation and the growth of multiple public spheres was followed by the ascent of the market forces, the implementation of neo-liberal state reform programmes by governments and the reinforcement of deregulation policies. These served to significantly shake up the previous more static, nationalistic and family-owned media industries, paving the way for media globalization in the region.

Liberalisation policies throughout Latin America have also facilitated the creation of giant media conglomerates in Latin America, including duopolies in Argentina, *Grupo Clarin* and *Telefonica*, *Grupo Santo Domingo* and *Grupo Ardilla* in Colombia and *Grupo Phillips* and *Cisneros* in Venezuela. Latin American media systems have become linked to global networks of telecommunications, media and advertising (Rose and Waisbord, 2002 in Lugo-Ocando and Canizelez, 2006, 10). Notably, the key major players include *Televisa* (Mexico); *Globo Organisations* (Brazil); *Venevision* (Venezuela); *Ceracol* (Colombia); *Chilevision* (Chile); *TV Azteca* (Mexico) and *RCN* (Radio Cadena Nacional, Colombia).

Moreover, the US has been seen as having shaped many commercial broadcasting systems in the countries in the region, influencing the adoption of the American liberal journalism format in countries like Brazil, and are considered to still exercise influence, albeit more subtle and indirect (i.e. Straubhaar, 2000; Lugo-Ocando, 2006). As Sparks (2011) has underlined, there have been quite a few links between local broadcasters and US companies, from technology to training. Writing in the context of the cultural imperialism debates, various theorists emphasised the predominance of American programming throughout the region in the 1970's (Nordenstreng and Varis, 1974). Analysing Latin America in a more contemporary context, Canizelez and Lugo-Ocando (2006) argue that the American presence in areas such as telecommunications has diminished, being displaced by European companies such as the Spanish *Telefonica*.

Thus media systems in the region have seen a transition away from family-owned to more internationalised corporations. The globalization of communications has imposed competitive

threats to media owners in the continent. The second generation of the Marinhos ‘ of *TV Globo* for instance has had to adapt to the competition from international media in the cable market (Matos, 2008; Fox and Waisbord, 2002) by forging alliances with Rupert Murdoch’s News Corporation for satellite television as well as deals with AT&T for cellular phones.

Political liberalisation without a doubt opened the avenue in the continent to revisit debates on media reform in a changed atmosphere. It is possible to assert that the timing is a much better one, although political tensions have not disappeared. A shift in thinking towards the media has nonetheless definitely occurred, and is the result of a complex set of factors, which included the increasing levels of education of wider segments of the population; bigger and more demanding middle classes; more influential civil society players; and social movements who have strengthened their voice in the post-dictatorship years. This is not to mention more critical positions within society towards the media and awareness of its role in democratization and national development. The success of the approval of the *Marco Civil* of the Internet in Brazil is but an example, as are other initiatives which are being put forward across the continent.

Argentina, Venezuela, Ecuador and Bolivia: advancements and challenges

New media policy measures aimed at stimulating diversity and the public sphere have thus begun to be slowly implemented throughout the region, having slowly reached centre stage of the public agenda, with some countries having pushed for reform faster than others. Some see this as attempts of populist presidents to control the press. Others see this as legitimate discussions which were bound to emerge in the context of various debates which are part of the democratisation process in the continent, from political governance, to more economic and social equality and better public services. Maringoni and Glass (2012) underlined how new laws have been approved to regulate communication activity in countries like Venezuela, Argentina and Bolivia. In 2011, Ecuador examined new rules for the sector in the National Assembly. Debates on media reform reached centre stage in Brazil during the 2009 *Confecom* gathering, but currently it is being seen as by far the most problematic country in the region, advancing at a slower pace than its neighbours, despite the recent success of its Internet draft bill.

Argentina has been seen as a successful case, but not without its controversies and accusations made against the Kirchner government. The Law of Audio-visual Communication Services, which was presented by President Cristina Kirchner and approved on September the 17th

2009 by the Chamber of Deputies, proposed limits on the power of media conglomerates. The law impedes that any private television has more than 35% of the media, demands that official publicity be publicly regulated, and licenses to be renewed every ten years and not 20. No single firm can have more than 10 radio and television concessions, and a third of the electronic radio spectrum has been allocated to non-profit organisations.

Furthermore, it prohibits horizontal and vertical concentration, establishing minimum quotas for national productions. The law is being seen by experts as ground-breaking, and as a sign that the whole region might follow this example soon afterwards (i.e. Moraes, 2009). This measure has angered however the *Clarín* group, which controls around 80% of the cable TV concessions in Buenos Aires. There has been a perception by some that there has been an open confrontation with the media conglomerate *Clarín* group. Scholars such as Mariana Baranchuk and Javier Use have argued that the creation of the law was only possible in Argentina due to the alliance established between the government and social actors. Sectors of the public were consulted to help draft it through the installation of forums throughout the country (in Mendes, 2012). Notably, Argentina has had a troubled history with governmental censorship. As Sinclair (1999, 84) affirmed, the history of military intervention and populism in the country has” prevented the development of a supportive relationship between the state and private TV owners“, similar to what has happened in countries like Brazil.

Waisbord (2011) has emphasised the importance of boosting the influence of civil society in Latin America as a means of impeding the reduction of communications to market dynamics and state authoritarianism. He also underlines that Latin America has had a long tradition of both political populism *and* civic mobilization aimed at democratising media systems. Notwithstanding the fact that the re-democratization phase has witnessed the growth in influence of civil society actors and social movements throughout the continent, in setting, defining and implementing policies on media reform and broadcasting, it is crucial not to idealise civil society and see it solely as a space of rational citizens engaged in debating the public good. Rather, civil society players are composed of multiple groups with different interests, some of which can be self-serving and rooted in an authoritarian or populist tradition, whilst others are more genuinely committed to a stronger democratic media.

The cases I have included here can be seen as positive steps towards democratization, albeit with problems in their implementation in some countries, including the need for a better debate with wider sectors of society as well as more negotiation with the market. In December 2013, the Chamber of Deputies in Uruguay approved the new legislation on Audio-visual Communication

Services, with 183 articles as a result of an initiative that was put forward by the government of Jose Mujica. The text stresses that communications is a human right which should be granted to all citizens of the country. It aims to reduce media concentration by giving more transparency to the process of concession and permissions of public broadcasting licenses. It also creates minimum quotas for national production and prohibits telephone companies of exploring radio and television waves (Bianchi, 2013). Its radio broadcasting law (act 18.232) is being considered one of the most advanced in the world, having secured at least one-third of all possible services of broadcasting and telecommunications to the third sector radio electric spectrum (Gomez, 2010 in Garcia, 2013).

As Maringoni and Glass (2012) have underlined, the new legislation in Bolivia, created in August 2011, envisions a new regulatory framework for the private property of radio and television and is embedded in the idea that the radio-electronic spectrum should be seen and understood as a public good. The biggest innovation of the new Act in Telecommunications (*Ley General de Telecomunicaciones, Tecnologias de Informacion y Comunicacion*), which involves 113 articles, has been the distribution of frequencies across sectors, with the State having the maximum of 33% of the share, the market 33%, and social communities and indigenous people being allowed up to 17% of the spectrum. Another important point is the recognition of the importance of citizens' participation in defining communication policy.

In Venezuela, as Garcia (2013) has noted, community media regulation in 2002 opened the country's media system to the third sector. Lugo-Ocando and Canizelez (2006) note that, compared with other countries in the region, there are more users and subscribers for TV and radio per capita than in nations like Brazil or Mexico. Most of the media in Venezuela is also owned by national entrepreneurs and international groups (Canizalez, 1990 in Lugo-Ocando, 2006) and contrary to other countries in the region like Brazil, it is not concentrated in the hands of a few and has historically been divided into the pro and against Chavez camp.

Academics have also pointed out how the government of Hugo Chavez used the public media as if it were a state one (Lugo-Ocando, 2006; Painter, 2008). Much of the community media was a cheerleader for the regime and the private media consistently complained of threats to press freedom incited by the government. A famous incident was the decision not to renew the RCTV license. Painter (2008) has correctly argued also that even the project of creating a "public media" that would be capable of integrating the region of Latin America and strengthening the public sphere through the TV station *Telesur* has not been entirely successful due to the persistence still of a culture of politicisation of broadcasting and attempts of the state to influence it.

Other countries are only now starting to take the discussion seriously, such as Peru. There are isolated cases of successes in the midst of a lot of resistance, as is the case of Brazil, as discussed below. Peru has started to engage in an intense debate on media concentration in 2014, which has involved the president of the country, Ollanta Humala. The latter criticised *Grupo El Comercio's* acquisition of the majority of shares of the *Empresa Periodistica Nacional S.A*, claiming the expansion poses a threat to press freedom (Terra, 2014). Thus problems with politicisation of broadcasting, heavy media concentration and *clientelistic* relationships between the media and the state are also very much embedded in the cultural and political tradition of Brazil, a country that is being pointed out by critics as being the most resistant in the region when it comes to media democratization.

The case of Brazil: between Internet democracy and further media reforms

Brazil is lagging behind other Latin American countries when it comes to media reform and the revisiting of outdated laws that were created before the dictatorship, such as the Code of Telecommunications in 1962. The adaption of these laws, on technical as well as rational grounds, to the current digital media environment, is crucial. During a conference in Brazil in 2013, Frank La Rue, the United Nations *Special Rapporteur on Freedom of Expression and Opinion*, criticised the levels of media concentration, stating that these are the biggest threats to press freedomⁱⁱ. In a country of nearly 200 million people, the 7th largest economy behind the UK, there are still approximately ten families who own the main newspapers, television and magazines, including the Marinhos of *Globo Organisations*, Frias of the *Folha Group* and Civita's Editora Abril, of the weekly *Veja*.

A major push for media democratization in Brazil has been the approval in April 2014, by the Senate and by president Dilma Rousseff, of the "Marco Civil" draft lawⁱⁱⁱ. The bill is being seen as an international reference on Internet legislation with the participation of civil society. In the last four years in which it was open to public participation, it received 2.300 suggestions from web users. The bill guarantees net neutrality in article 9 of the document, defining equal treatment for all web content and impeding the discrimination of users. This was one of the major points of dispute between civil society and telecommunications lobbyists. Net neutrality refers to the protection of individual data of Internet users, limiting censorship. Thus requests made by

authorities can no longer prevent information from being broadcast or posted online when it is in the public interest.

Some of the key issues presented for public debate in 2014 will be the *Lei da Midia Democratica* (i.e. the Law on Democratic Media). The draft bill wants to prohibit cross-media ownership^{iv}; encourage wider participation of public and community communications; widen the insertion of regional content in broadcasting; prohibit politicians and religious groups of holding public concessions and as well as granting more space to independent productions. The bill is being presented by civil society representatives and by MPs of the *Freedom of Expression* front and needs the support and signature of 1% of the national electorate (1.3 million people). It establishes a division between the private, state and public systems, with 33% reserved for the latter, although half of this must be used by community actors. Another proposal includes the creation of the *Fundo Nacional de Comunicacao Publica*, a fund to help sustain the public system, which raises funds differently from the private sector. The document also includes a chapter on concentration, monopoly and oligopoly, stating that no group should have more than five stations in national territory (Marinoni, 2014).

Other advancements of the last years in Brazil regarding media reform have included the creation of the new public media, EBC, responsible for *TV Brasil*, and the Law of Public Access to Information. Many academics (i.e. Bolano, 2007 in Matos, 2012) argue however that the ratification of the key articles of the 1988 Brazilian Constitution on the theme would be already a big step forward. This includes the articles 220 on media monopoly; the complementary existence in broadcasting of the public, private and state systems (article 223); the preference given to educational, artistic and cultural programming in broadcasting (article 221, i) and the encouragement of independent production (article 221, ii). Civil society groups are defending the ratification of the articles which deal with regional programming, and the preference for cultural and educational outputs.

Brazil has a series of laws which change in accordance to political mood and pressures from the market (Santos 71 and Silveira, 2007, 50), including the creation of the cable law in 1997 to attend to the expansion of satellite and cable channels. The former Lula (2002-2010) government has been accused by critics as not having done enough to change media concentration in Brazil (i.e. Moraes, 2009) beyond the realization of the *Confecom* debates and the creation of *TV Brasil* in 2008. Notably, broadcasting has been largely built on a combination of political control and limited regulation. Educational and state channels are mainly owned by sectors of the Church and oligarchic

politicians, and there is need to better skew the public media platform towards the public interest (Matos, 2012).

Political commitments in the area of democratic communications were announced by the former government. In the last six months of its administration, a series of proposals for the communication sector, including the idea of creating a new regulatory agency, the National Agency of Communications (ANC), to regulate the content of radio and TV, were put forward. Dilma Rousseff's (2010-2014) administration opened the project to public consultation. Critics have argued that the Dilma government has initially stepped back in advancing these debates. However, there has been progress with the approval of the *Marco Civil* Internet draft bill, which is been seen as a positive step towards uniting efforts for further media democratization, including the new democratic media law.

Media democratization for the public interest and communication rights: where to now?

If there is a key apolitical and neutral argument in favour of the need to update media laws and communication policies, it is the one that points out the technical necessity of doing so in an age of globalization, increasing media concentration and the decline of the public service broadcasting tradition, closely tied to the core development of European democratic states. Similarly to other parts of the world, Latin America has also seen wider convergence of media platforms and Internet expansion. In such a scenario, the approval of Brazil's *Marco Civil* emerges as a right step in the right direction.

The Latin American media environment has been shaped by internationalisation as well as by political democracy. The shadow of censorship practiced by military dictatorships throughout Latin America until the 1980's, the authoritarian culture and promiscuous relationships that have existed between public structures and various politicians, and the current attempts of implementing new media laws, have raised fears amongst various sectors of the market and some citizens.

A crucial challenge here is to go beyond, or try to reconcile, the different "discourses" that are articulated around media reform, many which are currently aligned with ideological positions in Latin America, with sectors of the market emphasising the media's role as a free marketplace of ideas against the universal notion of citizens' access to information and communication rights. As Saravia (2008, 72) reminds us, the whole notion of communication rights by itself is a relatively new phenomena in countries like Brazil. In order to address this debate, it is necessary to

give a brief critical overview of the arguments constructed in favour of regulation and those that emphasise the free marketplace of ideas.

Conservative theorists like Kelley and Donway (1990, 71) have criticised liberals and the tradition of regulation of broadcasting in the US as well as the Fairness Doctrine, claiming that the media is owned by private persons who should do as they see fit. According to them, the First Amendment tradition has guaranteed that the printed press should not be regulated by government, except in the cases for national security and obscenity. The electromagnetic spectrum is for them also not owned by the public, but by private owners. Lichtenberg (1990, 104) on the other hand lists various factors which can function as restraints on free speech due to economic pressures, including the fact that news organisations belong to large corporations where interests influence what gets said. As Lichtenberg (1990, 104) further notes, the press in modern societies can either enhance the flow of ideas or inhibit them. Government regulation is thus deemed necessary by many liberals and democracy theorists to ensure that the media provide the kind of information and debate required for an informed electorate (Lichtenberg, 1990).

Public sphere liberals argue that robust debate can be achieved more fairly through government regulation, with the state being sometimes required to interfere and install measures so as to enrich public discussion and guarantee pluralism. Iyer (2006, 140) makes the case for defining regulation as being either 'negative' or 'positive', with the former involving the restriction of certain types of content. When looking at the more problematic cases in Latin America, it is clear that the situation is not totally bleak and there is still promise of further advancements despite setbacks, state populism, market hysteria and clashes between political actors and the media. However, this will demand the intensification of pressures from civil society actors, a wider commitment of the political class and a willingness on the part of the mainstream media to sit down and debate rationally the need to create more updated regulation policies and publicly committed reforms, which will boost a more competitive (and democratic) media market, capable of serving a diversity of publics.

1.6. Conclusion

There are obviously differences between a democratic public service model from one of direct government control and interference, which is more associated to authoritarian regimes. The former requires the placement of regulatory structures that institutionally guarantee balance, fairness and quality in programming and information, safeguarding public communications from

both political and economic pressures. As Santos and Silveira (2007, 76) note, the reasons why the state should still have a role in creating and implementing communication policies include its capacity to organize the use of limited resources, stimulate (and attend to) technical advancements in the field, seek in consultation with various groups the means of guaranteeing fair competition as well as being the key epitome for national development.

I would further add that the Latin American tradition of sharp inequalities between groups is reason in itself to argue for public regulation and intervention as a means of creating limits to the abuse of power by more wealthy groups at the expense of the more vulnerable, impeding the skewing of information towards solely vested interests and one-sided discourses. This is more necessary for complex countries that are still fragile democracies, as is the case of Latin America, and where the population needs more than ever to receive a diversity of viewpoints in order to make up its own mind about social and political issues. Dissent and a diversity of opinion and perspectives are necessary for any advanced democracy, and these ideas have been very much embedded in the Enlightenment project and defended since the days of John Stuart Mill.

Thus the debate regarding public communications in Latin America needs to move beyond the simplistic dichotomy of “to regulate” or “not to regulate”, or to be understood as being either a form of censorship, to rather *how* to design a model of regulation capable of favouring the “public interest”, in all its complexities in order to get closer to what the public interest could be. The public consultation with sectors of the public on media reform is essential, and is already starting to happen throughout the continent, from the Forums in Argentina to the debates on the *Marco Civil* in Brazil. It should be a model that does not privilege small private, political or certain groups but rather be addressed to *all* sectors of the population independently of ideology (left, right), income, class, race and gender. The weaknesses still of civil society in its power and capacity to influence; the culture of authoritarianism and misuse of public structures for private interests, and the still conservative psyche of sectors of the media, resistant to change and fear of wider political plurality and media competition, are all factors that tend to undermine a more public-committed approach to communication policy. It is these challenges that need to be overcome in order to further develop the democratic project throughout the region.

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ⁱ See references.

ⁱⁱ See “Relator da ONU para a Liberdade de Expressao critica concentracao de midia no Brasil” in *Reporter Brasil* (08/03/2013).

ⁱⁱⁱ See “Vitoria historica: Brasil tem Marco Civil da Internet” in *Forum Nacional pela Democratizacao da Comunicacao* (23/04/2014).

^{iv} This is when the same group explores more than one service of electronic communications in the same market, or has a firm in this sector and a newspaper.