Reforms to Media Legislation in Mexico

Rodrigo Gómez García and Gabriel Sosa Plata

The principal aim of this article is to provide information on the reforms approved to the Federal Law on Radio and Television and the Federal Law on Telecommunications in Mexico. Before addressing the analysis of the most notable aspects of the reforms, we present the historical background about the development of broadcasting and telecommunications policies in the country. We also describe the actions of the different political actors who took part in the debates and the approval process developed in the legislative chambers.

Keywords

Legislation, Mexico, radio, television, politics, public service, telecommunications

Rodrigo Gómez García
Candidate to Doctor in Journalism and Communication Sciences at the Autonomous University of Barcelona and undergraduate and master's degrees from the National Autonomous University of Mexico

Gabriel Sosa Plata
undergraduate and master's degrees in Communication Sciences from the Faculty of Political and Social Sciences at the UNAM.

Introduction

On 12 April 2006, the President of Mexico, Vicente Fox Quezada, published in the Official Journal of the Mexican Federation the reforms to the Federal Law on Radio and Television and the Federal Law on Telecommunications. This act marked the culmination of a period of intense national debate about the current and future situation of the country's media, the argumentative wealth of which was not reflected in the modifications finally included in the legislation.

The evaluation and approval of the reforms were carried out under an electoral process whereby the party in power, the conservative National Action Party (PAN), the leftist Democratic Revolution Party (PRD) and the centrist Institutional Revolutionary Party (PRI) battled for the Office of the President of Mexico. After more than four months' discussion, the interests of the party leaders, legislators, federal government civil servants and television owners held sway over the arguments presented by diverse actors of society, in particular from the academic field and the public media.

Diverse issues were raised in the debate, including the democratisation and promotion of competition in the media, the social function versus the economic profitability of the electronic media, public media and their funding, technological convergence and the digitalisation of radio and television and the autonomy of the regulatory body. However, not a single comma was changed from the original proposal unexpectedly presented by an MP from the PRI.

The media reforms are considered to be amongst the most controversial in Mexican legal history because, in line with the opinions aired during these months, they violated a number of precepts of the Constitution, favoured the

dominant radio and TV companies, made it hard for new operators to enter the market and closed the door to indigenous people being able to access the airwaves. The protests were reflected not only through demonstrations, brochures in newspapers and the creation of web sites, but also in the legal sphere: an action of unconstitutionality was presented before the Supreme Court of Justice by 47 senators and around 200 appeals were launched by commercial and community radio stations and indigenous municipalities, among other legal actions.

Background

It is important to firstly establish that the structure of the TV industry in Mexico, since its beginnings, grew under a clear type of protectionism that sheltered one private business group (Televisa) and made it into one of the biggest emporiums in Latin America. In exchange, the PRI governments enjoyed the benefit of having the media group with the highest penetration in Mexico under its control and at its service, facilitating a situation of television aligned with different governments and aimed at entertainment (Toussaint, 1998; Orozco, 2002).

This situation was largely due to the anti-democratic logic of the Mexican political system, characterised by the omnipresence of the Executive Power over the other two powers in the Union (González Casanova, P: 1976:133). This was a result of the fact that a single party had been in power for seven decades (the PRI, which dominated the legislative chambers with an absolute majority between 1934 and 1988, and the Office of the President through to 2000).

With regards communication policies in relation to the television sector, we can say that the participation of the various Mexican governments from 1950 through to the 1980s oscillated between vigilance, regulation and direct participation with the operation of televisions stations (Gómez, 2002).

Over time, negotiations and discussions about laws, regulations and decrees in relation with the communications industries were held practically only between the Executive Power and business organisations, principally the Chamber of Industry of Radio and Television (CIRT), an organisation made up of the owners of Mexico's media conglomerates[1].

This situation produced important gaps and ambiguities in the different laws and regulations, as there was no vigilant opposition nor the democratic mechanisms needed to present counterweights to the initiatives of the Executive and the businessmen (Cremoux, 1982; Fernández, 1982; Bohann, 1988; Orozco, 2002).

We should also mention a clear lack of general continuity in the promotion of TV-related communication policies on the part of the different administrations from 1950 through to 1988. We could even say that the policies that were implemented concerned ad-hoc situations and/or ones of mutual benefit to the relationship woven between Televisa and the government of the day (Gómez, 2002).

On the other hand, since 1988 there has been a clear continuity in the lines of action that the most recent administrations have followed in terms of communication policies.

This situation should be located within the promotion of neoliberal policies that have been steadily incorporated since 1982 and which sped up with the negotiation and entry into force of the North American Free Trade Agreement (NAFTA) in 1994 (Crovi, 1997; Sánchez Ruiz, 2000), as different laws relating to the communications industries have been modified with the clear aim of thinking of them from the logic of a free market economy, i.e., to favour free competition; domestic and international investments flows; the opening up of tariff barriers and privatisation.

With regards these reforms, we agree with the researcher Delia Crovi when she says that the modifications to the laws

1 This chamber was founded in 1941 with the name of the National Chamber of the Radio Industry (CIR); its first president was Emilio Azcárraga Vidaurreta. The name was changed to the current one in 1971. Since then it has been an extremely important lobbyer before the political power.

in relation to the audiovisual and telecommunications industries[2] should be understood "within the framework of a general reform of the State. This reform has been slowly removing State interference in communication issues, whether by reducing its intervention or putting it only in an arbitral position with respect to the transformations the media is experiencing" (Crovi, 2001:140).

Furthermore, as a result of these structural reforms led by neoliberal policies, Mexican governments have taken an openly liberal position on the negotiation of audiovisuals goods and services, putting them at the level of other goods and sidestepping their cultural specificity.

For example, with NAFTA, Mexico does not side with Canada to support the 'cultural exception'[3], which means that between Mexico and the US audiovisual goods are considered like any other good. Also, in the economic cooperation agreement that Mexico has held with the European Union since 2001, audiovisual and cultural products in general are not included in the trade agreement, because the European negotiators also defend the figure of the cultural exception.

In the negotiation rounds about audiovisual goods and services within the World Trade Organization (WTO), the posture of the Mexican governments has been to align themselves with the US's position aimed at the liberation of tariffs and the elimination of protectionist measures in the audiovisual sphere.

However, within UNESCO, in the Declaration on Cultural Diversity and the Convention for the Safeguarding of Intangible Cultural Heritage, the Mexican position is contrary to the US one and is even very active in supporting these cultural policies.

This situation is contradictory as the resolutions, declarations and conventions that Mexico has signed in UNESCO are not reflected in the regulations on audiovisual industries, and so their importance to the promotion and dissemination of cultural diversity and culture itself is thus avoided or omitted.

As we know, the promotion of communication policies from a neoliberal position began to be actively developed in the international arena first in the telecommunications sector, given that it involved fewer pitfalls as there were no debates about the socio/cultural and political roles the services might play. The policies focused mainly on a) infrastructures, b) market conditions, c) regulation against monopolies and d) the transnationalisation of Western enterprises (Schiller, D, 1989).

Given this situation, we should say with regard to technological convergence that the communication policies agenda has followed two logics or traditions – on the one hand, a liberal line and, on the other, a regulatory line that seeks to meet very detailed socio/cultural functions aimed at the construction of citizenry, the promotion of cultural diversity and the economic growth of the domestic industry (Culemburg/ McQuail, 2003).

Television and Telecommunications Policies in Mexico 1988-2006

The main features that characterise the current model of communication policies were first outlined during the six-year mandate of Carlos Salinas (1988-1994), turning a nationalist tradition of protectionism and State control[4] (Lozano, 2002) towards neo-regulation and/or re-regulation aimed at liberalisation, privatisation and, in some sub-sectors, transnationalism or denationalisation.

The Salinas de Gortari administration in 1992 used a

2 Following the Catalan researcher Carmina Crusafon, we understand the audiovisual industry to be that which "produces goods and services that are the result of a set of activities that intervene in the production, distribution and exhibition of images on different supports. It involves an industry with three principal sectors: film, television and video…Also it is characterised by having a dual economic and cultural nature…"(Crusafon, 1999:105).

3 concept allows the Canadian government to fund, subsidize and protect matters in relation to its cultural industries.

4 We can establish that, until then, Mexican governments had promoted policies within the regulatory field in terms of communication.

public auction to sell off the assets of the Mexican Television Institute (Imevisión)[5], which had until then been the national television operator owned by the State. This was how the company TV Azteca[6] joined the Mexican broadcasting system.

The goals of the privatisation of Imevisión, according to the Salinas administration, were to: a) create a quality alternative to Televisa; b) promote competition in the field of free-to-air TV; c) offer more profitable markets for the dissemination of goods through advertising and; d) open up spaces for the increased plurality and diversity of television content.

It is important to point out that with this decision, public television was left without a national operator, as the Canal 11 signal (Canal 11 is the doyenne of cultural television in Mexico) only reaches 27% of the Mexican territory. This left the monopoly of the majority of Mexican audiences up to private initiative, along with the social responsibility "of contributing to the shoring up of national integration and improvement in the forms of human coexistence" (Article 5 of the 1960 Federal Law on Radio and Television).

Also in 1992 the government re-regulated the Law on the Film Industry. This had been a pressing matter, as it had not been changed since 1950. However, it focused on only three aspects: a) the retraction of the majority of the obligations awarded to the State with the industry; b) the elimination of audience share from 50% to 10%; and c) the liberalisation of ticket prices[7] (Galperin, 1999; Ugalde, 1998). It also opened up the possibility of the unrestricted participation of foreign capital in the three branches of production, distribution and exhibition. However, it ignored important issues such as the incorporation of tax incentives for private investment in production and a guiding plan for the funding of domestic productions.

This Law led to a new position of the State's role with regards the film industry, as until then Mexican governments had actively participated in the three branches of the industry (Gómez, 2005)[8].

The consequences of these reforms to the Law on the Film Industry, in combination with other circumstances of an economic nature (the economic crisis of 1995) resulted in the worst crisis in Mexican cinema (Gómez, 2005; Sánchez Ruiz, 2001).

In the face of this situation, the affected industry sectors promoted a reform of the Law through the Chamber of Deputies, which was able to correct a number of articles and chapters by approving another reform in 1998. However, the re-regulation did not go far enough and could not guarantee the support of public funds for film production or mechanisms to promote private production.

It is important to note that Mexican governments have not sought to understand the audiovisual industries as a whole, but rather see film, video and television separately, a situation which contrasts with the European vision.

For its part, the government of Ernestro Zedillo (1994-2000) consolidated the policies begun by President Salinas by reforming laws and regulations related with the sector of the communications industries.

5 The package of measures included: the national TV networks of channels 7 and 13 with their respective licences; the América film studios and the theatre operating company, COTSA.

6 For this bid, the Mexican government received a sum of $US645 million.

7 Until then the price of a cinema ticket was controlled by the government, as it was considered to be a product in the basic shopping basket. Cinema owners asked for it to be removed, arguing that the low price prevented the industry from growing.

8 The Argentinean researcher Octavio Getino characterised it as follows. "The Mexican State's policy of vertical integration led it to exercise leadership in the internal and international commercialisation of its films, also facilitating production activities of the private and trade-union sectors that had never been equalled in a capitalist country" (Getino, 1998:125).

To start with, it reformed Article 28 of the Constitution of the United Mexican States[9] in two aspects that concern us: the first was to specify the ban on monopolies and monopolistic practices in commercial and industrial activities alike, and the second was to remove satellite communications from paragraph 4 which characterised it within the strategic operations of the State (1995)[10]. This opened the door to privatisation and the participation of foreign capital in this branch of telecommunications.

The reasons the government gave for promoting the modifications to Article 28 with respect to satellite communications were basically a) the lack of resources for the State to modernise the infrastructure at the pace demanded by the new technologies used in telecommunications (under the light of what is known as the Information Society) (Gómez Mont, 1995:263) and b) pressure by the US to enter this market in Mexico via direct investment (Saxe-Fernández, 2002:443)[11].

With regards the Federal Law on Telecommunication decreed in 1995, we would characterise it as a clear example of the neo-regulation that was promoted from the neo-liberal logic, determined by its technical nature and without a social commitment of public service. The new Law was based on creating a legal framework appropriate to the operating reality established by technological convergence between telecommunications, IT and the broadcasting sphere (mainly pay-TV with its different platforms including cable, super high frequency and satellite) and, particularly, promoting domestic and foreign private investment in the sub-sector.

With respect to pay-TV in its variants of cable, satellite and super high frequency, the Federal Law on Telecommunications permitted foreign investment up to 49% (Article 12). The same logic was used to re-regulate the 1993 Law on Foreign Investment.

With respect to cable TV, we should point out that since the modifications made in the 1993 Regulation on Cable Television (during the Salinas administration), the figure of the cable licence-holder had been changed to that of the operator of public telecommunications networks[12] (a situation which makes it possible to expand telephone, telesales and Internet services, etc.). This figure was also established in the Federal Law on Telecommunications and the new Restricted Television and Audio Regulation (2000), expanding it for super high frequency and satellite communications.

In correlation with the previous administrations, the administration of Vicente Fox, in August 2001, through the Secretariat of Communications and Transports (SCT), awarded licenses to operate foreign satellites in Mexico to the companies Controladora Satelital de México, made up of the companies Panamsat (US) and Pegaso (Mexico); Sistemas Satelitales de México de GE Americom; Telesistema Mexicano, of Televisa, and Enlaces Satelitales de Satmex (*La Jornada*, 14 August 2001). The administration thus materialised on the one hand the opening up to

9 76 reforms were made to the Political Constitution of the United Mexican States during the Zedillo administration. The record was during the six-year Presidential term following the promulgation of the 1917 Constitution.

10 This precision was not made prior to this reform. Also, functions carried out by the State in strategic areas like radiotelegraphy and satellite communications were not considered monopolies.

11 The internationalist researcher John Saxe-Fernández says this modification was carried out following a commitment formalised in an Agreement of Understanding between the Zedillo and Clinton administrations as part of the 1995 rescue package, when the US government lent $40 billion to alleviate Mexico's economic crisis that had begun in late 1994 (Saxe-Fernández, 2002:443).

12 The Federal Law on Telecommunications understands a public telecommunications network to be "the telecommunications network by which telecommunications services are commercially operated. The network does not include the telecommunications terminal equipment of users or the telecommunications networks beyond the terminal connection point" (Article 3, part X).

private capital of satellite communications and on the other hand the possibility of operating satellite orbits corresponding to Mexico by foreign satellites.

In the framework of the discussion about the budgetary reform and the presentation of the income and expenditures bill of the Federation for 2004 (in November 2003), the Federal Executive presented before the Chamber of Deputies the proposal to sell, dispose of, merge or dissolve the film-industry-related State-owned institutions of the Mexican Film Institute (IMCINE), the Centre for Film Training (CCC) and Churrubusco Studios. The Chamber of Deputies rejected the proposal.

Before these initiatives, the Fox administration clearly showed its lack of interest in the development of the national film industry and confirmed its liberal position of ridding itself of the cultural institutions that belonged to the State.

Finally, we should point out that in the laws related to the audiovisual and telecommunications industries, there is a clear omission with regards concerns about cultural diversity and even a lack of harmonization about its sociocultural roles and importance in Mexican society. This demonstrates an even greater contradiction when compared to the multicultural characteristics of the Mexican Republic[13].

The Approval of the Reforms

The reforms were unanimously approved by 327 MPs from all the parties in an unusual procedure that lasted only seven minutes and with no discussion in the Chamber of Deputies, on 1 December 2005. The initiative had been presented 10 days earlier by the PRI MP Miguel Lucero Palma, a politician with no professional or academic background in matters relating to broadcasting or telecommunications. Months later it turned out that many MPs had not even read the document and approved it without knowing anything about it because they were ordered to by the coordinators of their parliamentary groups.

The proposal, which later became law, took the different politicians who had been working for years on the preparation of a draft bill to reform the Federal Law on Radio and Television in the other Chamber, i.e., the Senate, by surprise. This draft bill was presented by the NGOs that had taken part in a Dialogue Table on the Comprehensive Reform of the Media, called by the Home Ministry in 2001. This table, however, was undone by the also unscheduled issue of two agreements taken by President Vicente Fox on 11 October 2002 and which favoured, as would happen again later, radio and television owners. One of them brought down, after more than 33 years in place, a decree that made it compulsory to award the State 12.5% of the transmissions of each radio and television station, as payment in kind of a fiscal tax[14]. The second reform was done to the Regulation on the Federal Law on Radio and Television to facilitate the transmission of advertising, in particular infomercials, on the electronic media. As would happen later, there were at the time letters, demonstrations, articles and declarations against the reforms, but they were not enough to get the measure changed (Sosa, G, 2003).

Because of these presidential agreements, the NGOs presented a proposal for a Federal Law on Radio and Television to the State Reform Commissions in the Chamber of Deputies and the Senate. A group of senators presented it, now as a draft bill on 12 December 2002. The discussion about the draft was intense in the following years, but the people who later defended the “Televisa Law” (as it was known) were almost the same that had made the senators’ proposal fail. However, the document was extensively analysed and discussed, but never put to the vote in the commissions set up in the Senate to make a decision (*La Jornada*, 10 November 2005).

Public Audiences

When the issue of the draft bill was still up in the air, the approval of the initiative presented by Miguel Lucero Palma went through. That same day saw the emergence of the first

13 In the Mexican Republic there are six million people who speak one or more of the 60 different indigenous languages.

14 The tax time of 12.5% (equivalent to 180 minutes per day) that had been decreed in 1968 was replaced by a much lower percentage of 1.25% (18 minutes per day on TV and 35 minutes per day on radio), although in better transmission times.

questions about the document, which forced the Senate to organise a series of audiences to seek the opinions of institutions and specialists in order to correct (in a promise that was never kept) the omissions that had already been detected in the reforms.

The Senate carried out four pubic audiences (on 8, 15, 22 and 28 February 2006), which included the participation of 46 people such as academics, private consultants, businesspeople and representatives of institutions, unions and civil organisations. Most of them said the reforms did not go far enough and that instead of promoting competition they strengthened the dominant position of the commercial TV stations. Of the total number of opinions, 74% rejected the then 'draft', while 26% said they were in favour[15].

Under the tense climate of the political campaigns, the lobbying by representatives of Televisa and the leaders of the PAN and the PRI heated up. For Televisa in particular it was essential to get the reforms on its terms, while for the political parties it was necessary for the Televisa group to give their candidates (Felipe Calderón for the PAN and Roberto Madrazo for the PRI) favourable treatment, even more so when faced with polls that favoured the Left's candidate (Andrés Manuel López Obrador from the PRD)[16]. The details of these meetings and the agreements reached were published by the press[17]. The leaders of the PAN and the PRI met to convince the senators of their parliamentary factions to not make any change to the reforms, as it would benefit their candidates. Even still, various legislators kept up their position against the draft throughout the whole of the process (Villamil, J, 2006:30-31)[18].

The reforms were approved, in principle, in "united commissions" of Communications and Transports and Legislative Studies on 28 March (*La Jornada,* 29 March 2006). Two days later, on 30 March, the reforms were approved in a plenary session following an intense debate televised by the Congress's channel, Canal Congreso. The session, including the discussion of each of the contested articles, lasted more than 13 hours. The senators who opposed the reforms took the stand on 54 occasions; those who supported it only made three speeches during the discussion of the first article. They then abandoned the debate. After all, the voting was already decided upon - 81 in favour versus 40 against - with the agreement taken in the parliamentary factions of the PRI and the PAN. Raúl Trejo Delarbre wrote the following about it:

> *"Lacking in arguments, the defenders of the 'Televisa Law' in the Senate of the Republic left the forum up to the people who for six hours offered alternatives to each of the questioned articles…The votes won, of course. But in the field of diagnosis and proposal, the balance was in favour of the senators who opposed the counter-reform – and with them the institutions, social organisations and specialists who supplied them with arguments" (Trejo, R, 2006:48-52)."*

15 The people who spoke out against it were 7 academics, 6 academic organisations, 2 unions, 2 journalists, 11 radio licence holders and 4 representatives of public broadcasters, including the president of the Cultural and Educational TV and Radio Broadcasters' Network of Mexico. In favour were 4 representatives of the National Chamber of Industry for Radio and Television, 6 consultants contracted by Televisa to draw up the proposal and 2 former commissioners of the Federal Telecommunications Commission (Cfr. Solís, Beatriz, 2006: 29)

16 The candidates to the Presidency of Mexico made few statements with regards the media reforms. One of them, Andrés Manuel López Obrador, from the Democratic Revolution Party, called for a brake on the approval. "It shouldn't go through if it raises suspicions" he said, in an article entitled "Preocupa 'ley Televisa' a ONU; López Obrador pide frenarla" ("'Televisa Law' Concerns the UN: López Obrador Calls for Brake") (El Universal, 30 March 2006, front page)

17 Cortés, Nayeli, "Candidatos pactaron ley de radio y tv; Bartlett" ('Candidates Agree on Radio and TV Law: Bartlett'), El Universal, 11 January 2006, front page, and "PRI y AN van juntos para aprobar ley de radio y tv" ('PRI and AN Join Together to Approve Radio and TV Law'), El Universal, 24 March 2006, front page.

18 With regards what happened in the PAN parliamentary group, we recommend the article by Javier Corral Jurado entitled 'Neurosis de la escaramuza' ('Neurosis of the Skirmish') , El Universal, 24 March 2006, p. A11.

Televisa Law

From the start the reforms were called the 'Televisa Law' as the content responded to the ideas expressed by the station's representatives in the different forums, particularly with regards technological convergence and the provision of additional telecommunications services on the same band frequencies assigned to broadcasters as a way of developing new business niches. It was also given this name because it conserved the duopoly position of Televisa and Televisión Azteca on the Mexican TV market, making the entry of new operators more difficult.

Counting modifications and additions, reforms only appeared in five articles of the Federal Law on Telecommunications and in 14 articles of the Federal Law on Radio and Television[19]. They were not many articles, but the changes to the legal framework of radio and TV, and to a lesser extent telecommunications, were of enormous social, economic and political importance. The most important changes can be summarised as follows:

- **Technological Convergence**. Article 28 of the Federal Law on Radio and Television mentions the possibility of commercial radio and TV broadcasters being provided with additional telecommunications services on the same frequency bands they are awarded, simply by advising the Federal Telecommunications Commission (Cofetel). To that end, Cofetel 'can' receive the payment of compensation and a favourable verdict is not required from the Federal Competition Commission (Cofeco).
Using the argument of promoting technological convergence, the stations can develop new businesses in the 'mirror channels' aimed at the transmission of their digital signals[20]. For this to happen, licence holders should replace their licence for broadcasting services with one for public telecommunications-network services. There are a huge number of questions in this regard that were not taken up by the senators. In one of the technical reports prepared by the federal government itself, through the Secretariat of Communications and Transports and about which we will speak further on because it is a document that only came to light thanks to the Federal Institute of Access to Information, it was said that "although it is desirable that telecommunication services be provided, they should always provide the digital television service"[21]. It specifies: "As established, there are even two extreme ways of seeing it: 1. On the one hand there is the possibility that the spectrum (referring to the analogue television channel that should be returned once the transition period to digitalisation has concluded) is never returned to the State, as the party could argue that the Federal Law on Telecommunications applies to him and

19 Draft Decree that reforms, adds to and revokes various provisions of the Federal Law on Telecommunications and the Federal Law on Radio and Television, approved by the Chamber of Deputies on 1 December 2005.

20 The DTTV model in Mexico is similar to the one developed by the Federal Communications Commission (FCC) in the US: the assignation to the operator of each analogue TV station of a second 6-Mhz channel for digital transmission. The assignations of these channels are done with the aim of replicating the current coverage of the existing analogue stations. During the transition period that began on 3 April 1996 in the US and which will end on 17 February 2009 (13 years), analogue and digital broadcasters will operate at the same time, while consumers carry out the acquisition of digital TV receivers or digital system decoders to be used in today's analogue receivers. In Mexico, the 'Agreement Adopting the Digital Terrestrial Television Technological Standard and Establishing the Policy for the Transition to DTTV in Mexico', published in the Official Journal of the Federation on 2 July 2004, establishes something similar, although it is more flexible with regard to time: it began in 2004 and will culminate in 2021, in coverage periods with three-yearly goals. However, this date could be extended if the economic conditions or those of accessing the technology so require.

21 The 'Agreement Adopting the Digital Terrestrial Television Technological Standard and Establishing the Policy for the Transition to DTTV in Mexico' stipulates that DTTV transmissions should be of high definition (HDTV) or extended definition (EDTV) quality.

that no additional channel therefore should be removed[22] and 2. That the spectrum not awarded as yet cannot be awarded in the terms established in the policy (i.e., the assignation of an additional TV station to each licence holder which it can use for digital transmissions) or in the licences or permits, as the form established in these documents runs counter to the Federal Law on Telecommunications and should therefore be bid for and not assigned"[23].

The article was also questioned because the public broadcasters (non-profit cultural and educational stations) were excluded from the possibility of providing additional telecommunications services, which also runs counter to the matters contained in the 'Agreement Adopting the Digital Terrestrial Television Technological Standard and Establishing the Policy for the Transition to DTTV in Mexico'.

To make these new additional telecommunications services coherent, the reforms incorporated a new definition of 'radio and television industry' as something which 'comprises making the most of electromagnetic waves via the installation, functioning and operation of broadcasters by the systems of modulation, amplitude or frequency, television, facsimile or any other technical procedure possible, within the frequency bands of the radio spectrum attributed to the service'. In the opinion of the Secretariat of Communications and Transports (SCT), this article allows, without any type of bidding, radio and television licence holders to provide all types of services technically possible. 'It goes against every international practice in this field, as for additional services in other countries it is possible to make additional use for the State'.[24]

- **Bidding for Licences.** Article 16 establishes that radio and TV licences will be valid for 20 years (before, it was 30 years) and, unlike under the previous legislation, will be awarded via a public bid[25]. In other words, the bid that offers the most money wins. In this way, the questioned discretional nature that existed in the issue of licences under the former legislation gives way to bidding. Even still, it fails to fully guarantee that the bid winner will receive his licence, because the Secretary of

22 One of the issues that was most insistently brought up in the analyses and discussions about the reforms concerned the possibility of television operators keeping the analogue stations at the end of the transition towards digital television. This idea was supported by the matters established in the reform made to the Federal Law on Radio and Television, particularly article 28 which says that once Cofetel authorises the television operator to provide additional telecommunications services "it will award a licence to use, make use of or operate a frequency band in the national territory, and to install, operate or run public telecommunications networks". This licence will replace the licence it previously had for the provision of broadcasting services. In this way, once analogue transmissions have concluded, the stations would be able to expand their telecommunications services on both channels and argue that the analogue ones cannot be returned to the State because they already form part of a telecommunications network. The defenders of the reforms argued that this would not be possible as the abovementioned Agreement on Digital Policy clearly sets out that analogue channels will be returned to the State in the times stipulated therein. However, in Mexico's legal hierarchy, the law takes precedence over agreements issued by the Executive Power.

23 SCT Technical Report. Initiative that reforms, adds to and revokes various provisions of the Federal Law on Telecommunications and the Federal Law on Radio and Television, 4 April 2006.

24 SCT Technical Report. Initiative that reforms, adds to and revokes various provisions of the Federal Law on Telecommunications and the Federal Law on Radio and Television, 4 April 2006

25 It is important to stress that thanks to the 'Agreement Adopting the Digital Terrestrial Television Technological Standard and Establishing the Policy for the Transition to DTTV in Mexico', commercial television operators extended their licences through to the year 2021, the date originally anticipated for the analogue switch-off. In the US there was no modification to the duration of the licences assigned to television operators as a consequence of the implementation of the DTTV standard.

Communications and Transports has the final decision. The technical report prepared by this Secretariat also warns of this: "It is still up to the Secretary of Communications and Transports to sign the licences presented by Cofetel, making the latter the executor of signatures or in its default the person who vetoes proposals without any greater foundation or motivation"[26].

To bid for frequencies, it is necessary to meet diverse requirements: general data, business plan, production and programming project, guarantee ensuring the continuity of the procedures through to when the licence is awarded or denied, and 'favourable application presented to the Federal Competition Commission". This latter requisite was insistently questioned because an 'application' is not the same as a 'favourable authorisation' from the organisation that promotes competition.

The new legislation anticipates that among bidders, the SCT will consider "the radio and television purposes anticipated by article 5 of the present law" in relation to moral, cultural and civic principles that the State demands from licence holders. "Article 17A," writes Trejo Delarbre, "is drawn up in such a deliberately sly manner that it consigns only the authority's obligation to take these purposes into account but not the applicants' duty to include them in their programming proposals" (Trejo, R, 2006:50).

With the establishment of bidding for radio and television frequencies, a filter is created that hinders the entry of new operators onto the market. Not only that, but the parties that do manage it will be above all businessmen with strong financial resources. That is why the reforms favour the leading television operators that dominate the sector: Televisa, with 225 frequencies, and Televisión Azteca, with 169 channels, control 86% of the licences awarded in the country (Sánchez Ruiz, 2003).

Another aspect related with concentration and the favourable treatment meted out to the current commercial broadcasters is that the licences will be given again 'to the same licence holder' who 'will have preference over third parties'. The repeating of licences will not be subject to the abovementioned bidding procedure in line with the reforms. In the opinion of the SCT, this legal modification "will generate a system of exception within the market itself, as any other person who wants to obtain a licence should bid and pay for it while existing licence holders may continue to operate their frequencies at no additional cost"[27]. The same certainty in terms of repeating licences does not apply to public operators.

- **More Requirements for Public Service Broadcasters**. In the case of public service radio and TV, and unlike the legal situation prior to the modifications, the new provisions include more requisites for institutions that wish to obtain frequencies. Licence applicants must meet the same requirements as commercial operators (with the sole exception of the business plan) and must also present "the station's development and service programme' and be subjected to a more scrupulous review with regards the reasons why they want a licence. Article 20 says:

  "If considered necessary, the Secretariat may hold interviews with the interested parties that have met, where applicable, the required requisites, so they may contribute additional information in relation to their application. The above is without prejudice to other information the Secretariat considers necessary to request from other authorities and agencies for a complete knowledge of the characteristics of each application and applicant and their suitability for receiving the permit involved".

  "Of course the government has the obligation to know who it is giving a licence to," explains Trejo Delarbre.

26 SCT Technical Report. Initiative that reforms, adds to and revokes various provisions of the Federal Law on Telecommunications and the Federal Law on Radio and Television, 4 April 2006.

27 SCT Technical Report. Initiative that reforms, adds to and revokes various provisions of the Federal Law on Telecommunications and the Federal Law on Radio and Television, 4 April 2006.

"But the punctilious procedure described above is discriminatory because these types of procedures are not required from trading companies. It bears too many hallmarks with the police inquiries the SCT has requested on various occasions to oppose the legalisation of a number of community broadcasters" (Trejo, R, 2006:50).

The reforms specify that only federal dependencies, para-State organisations, state and municipal governments and institutes of higher education can access the permits. This excludes citizens and social organisations that aspire to radio and television frequencies, which means there will be no more community radio stations in Mexico. In turn, private universities will be subject to bids. But even for the abovementioned government entities and institutes of higher education the situation is not simple. One of the sections of article 21A establishes that to obtain a permit, a dependency must have established "within its faculties or purpose" the ability to "install and operate radio and television stations", which would force it to modify its legislation.

Of course the reforms do not provide for the possibility of non-commercial broadcasters obtaining resources through sponsored messages or the sale of services, as they have repeatedly requested for decades.

- **Increased Advertising Time**. Article 72A of the new legislation authorises a 5% rise in advertising time on radio and TV, so long as commercial operators earmark 20% of their spaces to domestic production. This means that advertising can represent 23% of total transmission time of each television station and 43% of radio time. During the debate carried out in the Senate, Senator Javier Corral explained this change as follows:

  "They want us to fall for the trick of independent production, which is nothing other than an additional business. If a report does not define what independent production is, if a report does not state the parameter with which it is measured, the only thing that is guaranteed is another business in addition to the television stations. Of course they are delighted with an extra 5% commercial programming time – they programme 20% of independent production through their subsidiaries, i.e., they meet the requirement through their affiliates"[28].

- **Modification of the Regulatory Body.** The Federal Telecommunications Commission (Cofetel) was created with 1995 issue of the Federal Law on Telecommunications, as a decentralised body of the Secretariat of Communications and Transports (SCT). Unlike other regulators across the world, Cofetel is, in practice, subordinate to the Executive Power.

  With the reform of the Federal Law on Telecommunications, Cofetel acquired a new composition and was awarded more attributions. The five Cofetel commissioners (previously four) are appointed by the President of the Republic and can be objected to and assessed by the Senate. The duration of their positions is eight years, renewable by an additional period. However, the technical report from the SCT and the action of unconstitutionality presented by the senators establishes that the 'right to object' which was awarded to the Senate is unconstitutional. They also consider it unconstitutional that the previous acting Commissioners could not be ratified in their positions[29].

  The Federal Law on Telecommunications awarded Cofetel powers in the regulation, use and operation of the broadcast spectrum, with telecommunications networks and satellite communication systems. With the reforms, it was also given attributions in broadcasting, specifically in matters relating to the awarding, extension and termination of licences and permits, and everything relating with technical operation. These responsibilities were previously the direct responsibility of the SCT through the Directorate General of Radio and Television Systems, whose staff and resources were moved to Cofetel.

28 "Meeting of United Commissions - Communications and Transports and Legislative Studies", in Etcétera, 28 March 2006; available at: http://www.etcetera.com.mx/pagsintesisne65.asp

29 The second transitory article of the reform to the Federal Law on Telecommunications says the following: "The people who occupy the positions of commissioners or President of the Commission when the present decree enters into force will.

According to the defenders of the reform, the changes put an end to the discretional nature of the Federal Executive in the awarding of licences and permits. They also say they shore up Cofetel's autonomy by attributing it greater regulatory powers. However, various institutions say the opposite. The plenary session of Cofetel – whose commissioners were turfed out with the approval of the reforms (as we will look at in more depth further on), said in an extensive document that with regards the regulatory body, the law "a) does not award it independence of decision, nor integral control of the procedures made in terms of licences, permits, assignations and sanctions, in the field of telecommunications and broadcasting, by keeping the regulator as an administrative unit subordinated to the Secretariat; b) it removes powers in the area of telecommunications from the regulatory body; c) it fails to update its faculties in the area of sanctions and awards it essential faculties to administer technological convergence, and d) it leads to confusion between the powers of the Secretariat and Cofetel in areas of telecommunications and broadcasting"[30].

It also warned that the law, "far from representing an improvement in the current situation of the regulator and the parties concerned, instead weakens the regulator and creates legal uncertainty for the parties with respect to acts of authority of the sector dependencies"[31].

- **Information on Electoral Expenses**. Article 79A establishes that "radio and television licence holders should inform the Federal Electoral Institute about propaganda contracted by political parties and candidates to any elected position, as well as income derived from said contracting". It also says, "the Federal Electoral Institute, during federal electoral processes, will be the authority responsible for paying the electoral advertising of the political parties with charge to their prerogatives, and will dictate the means needed for this". These reforms, a transitory article says, will enter into force on 1 January 2007.

  This article, questioned by the Federal Electoral Institute itself, was unnecessary and counterproductive if the aim was to reveal the money spent on political campaigns in the electronic media, as the electoral law already establishes a political party's duty to report media expenses. The problem is that the reforms open the door to candidates rather than just political parties directly contracting advertising on radio and TV, contravening the Federal Code of Electoral Institutions and Procedures which limits this attribution to parties. It also limits the attributions of the Federal Electoral Institute in terms of contracting this advertising and awards it simply the role of guarantor for the payments that political parties make to commercial operators.
- **Positions Against and Coverage.** There were numerous demonstrations against the reforms. Through brochures published in the press, radio ads, public forums, round tables, interviews, working documents and even marches and sit-ins at different sites across Mexico City, diverse institutions repeated the need to modify the reforms because of their shortfalls[32]. As well as the Secretariat of Communications and Transports, Cofetel and the Federal Competition Commission, which have already been mentioned, other organisations to demonstrate included the National Committee for the Development of Indigenous People (dependent on the federal government), the Network of Cultural and Educational Radio and Television Stations of Mexico, made up of around 50 radio and television systems, the

30 "Cofetel's Opinion on the Draft Decree that Reforms and Adds to the Federal Law on Telecommunications and the Federal Law on Radio and Television", approved by the Plenary at the 111th Cofetel Extraordinary Session of 15 March 2006, via agreement P/EXT/150306J9.

31 Ibid

32 One public protest was held on 30 March outside the Senate. A summary of the event was written by Liliana Alcántara, "Protesta pacífica acabó en jaloneos" ("Pacific Protest Ended in Tussles"), El Universal, 31 March 2006, p. A10.

World Association of Community Broadcasters (AMARC), the Office of the High Commissioner for Human Rights at the UN, the InterAmerican Press Society (SIP), over 200 commercial broadcasters belonging to Radio Independiente, the Federal Electoral Institute, the Mexican Association of Communication Researchers (AMIC), and an important number of civil and union organisations (*El Universal*, 23 March 2006). The reforms were also rejected by writers, poets, journalists, filmmakers, broadcasters, academics, researchers, analysis, industrialists and politicians.

A study by the Mexican Association of the Right to Information, through its Media Observatory Committee, revealed that during the period from the approval of the reforms in the Chamber of Deputies through to publication in the Official Journal of the Federation, the issue of the 'Televisa Law' appeared on the national public agenda thanks to extensive press coverage. Also, some commercial radio broadcasters, Canal Congreso and public broadcasters joined the debate and analysis "making sure the changes to these federal laws did not go unnoticed as the people who had tried to surreptitiously get them through wanted" (Solis, B, 2006a:26-28). Televisa organised two debates on the issue, shortly after the reforms were approved in the Chamber of Deputies, but in general the issue was not given much coverage by the commercial media.

According to the abovementioned study, from 1 December 2005 to 19 May 2006, 1,625 press releases, articles and editorials were published on the subject. Of these, 59% were against the reforms, 34% were neutral and only 7% were in favour. 90% of the documents appeared in nine newspapers published in the capital: *El Universal, Reforma, La Jornada, Milenio, El Financiero, El Sol de México, Excélsior, La Crónica* and *El Econo*mista (in Solis, B, 2006a:26-28)..

With regards the radio, there was a particularly notable protest by the Mexican Radio Institute, an organisation that depends on the National Council for Culture and the Arts. The day before the reforms were to be voted on in the Senate, the 17 broadcasters in the group transmitted only one song interspersed with ads with the following message: "A country without media plurality would be like listening to the same song all day long. Today, Wednesday 29 March, we will only air one song. The modifications to the Federal Law on Radio and Television reduce the possibility of creating options. The Mexican Radio Institute is against it. What do you think?" That same day, Radio Educación, a broadcaster that depends on the Secretariat of Public Education, through the National Council for Culture and the Arts, broadcast round tables in which the reforms were questioned. Canal 11 from the National Polytechnic Institute also gave extensive coverage to positions that criticised the reforms.

- **Contradictions and Pressures.** The records of the Mexican Association of the Right to Information also show brochures in favour of the reforms. A number of significant facts occurred around them. After the reforms were approved in the Chamber of Deputies, the National Chamber of the Radio and Television Industry (CIRT), the National Chamber of Industry, Electronics, Telecommunications and IT (CANIETI) and other broadcasters which had initially demonstrated against the reform, later changed their position due to pressure from Televisa.[33]

33 The magazine Proceso detailed some of the pressure mechanisms: "Televisa threatened the Radiorama chain (the most important group in the country in terms of number of broadcasters between inhouse stations and affiliates), owned by Javier Pérez de Anda, with removing the daisy chaining with the W Radio signal in nearly 50 of its 189 broadcasters across the country. To Multivisión, belonging to Joaquín Vargas, it suggested that if he kept up his opposition, Televisa would remove Canal 52 from the Sky satellite system". Vargas had said through a press release distributed on 8 December 2005 that the reforms did not consider "background issues". However, five days later, he supported the reforms: "We understand that the situation makes it necessary to consider the appropriateness of the matters already approved in the Chamber of Deputies, and it is in this context that we support the position of our Chamber" (referring to the National Chamber of the Radio and Television Industry). Villamil, Jenaro, "Consenso a fuerza" ("Forced Consensus"), in Proceso No. 1528, 12 February 2006, p. 25.

CIRT's change of position also generated an internal division between the licence holders that were members of the organisation[34]. One of the country's best-known radio entrepreneurs, the owner of Organización Radio Fórmula and uncle of the current president of Televisa, Emilio Azcárraga Jean, asked the Senate to defer the reforms because "they contain provisions which seriously affect the majority of licence holders in the country's radio industry" (*El Universal*, 9 December 2005). Joining him in this position were broadcasters belonging to Radio Independiente, whose president, Roque Chávez, on different occasions spoke out against the reforms in terms of the bidding for frequencies, the shoring up of oligopolies and the failure to guarantee the transition of AM commercial and public broadcasters to the FM band.

The case of the National Chamber of Industry, Electronics, Telecommunications and IT (CANIETI) was striking. In a brochure published in various national newspapers in January, it said it the reforms were 'hot air' that responded 'to individual interests that run counter to the public interest'. CANIETI lawyers even worked directly on the alternative proposal the senators opposing the reforms were preparing[35]. As the days went by, the organisation changed position. On 1 February it sent a letter to the president of the Senate, Enrique Jackson, calling the draft "an advance in the strengthening of the regulatory body and the search for convergence"[36]. *El Universal* reported on 1 March diverse phone recordings revealing how the Televisa legal advisor coerced CANIETI into modifying its posture in relation to the reforms. The conversations also revealed that various letters supporting the reforms were written, supervised or approved by Televisa (*El Universal*, 1 March 2006).

An equally contradictory position was that of the Executive Power. Shortly after President Fox published the reforms in the Official Journal of the Federation, a document turned up (the 'technical report' mentioned earlier) prepared by the Secretariat of Communications and Transports, in which it warned of the inconsistencies and constitutional breaches of the reforms. The document was obtained thanks to a request from Senator Javier Corral via the Federal Institute of Access to Information. The report was addressed to President Fox, but his spokesperson Rubén Aguilar said it did not

34 The brochure that modified CIRT's position was published in Reforma on 13 December 2005, page 6, and said among other things: "Despite the absence of a consultation with this trade-union association to enrich the content of the initiative at the time, along with the analyses and discussions carried out within the technical and legal committees, we conclude that the proposed reform represents a significant advance for the full integration of the Mexican broadcasting industry in the 'information society'". It later published a new brochure in which it called on President Fox to approve the reforms because "the new legislation is the first step towards a better regulated, more transparent broadcasting industry with incentives suitable for technological modernisation", El Norte, "Urge CIRT a Fox a promulgar ley" ("CIRT Urges Fox to Promulgate Law"), 3 April 2006, p. 5.

35 CANIETI brochure addressed to the Congress of the Union and Public Opinion, under the title "Lo que no debiera occurir con los legisladores en un país de transparencia y democracia" ("What Should Not Happen with Legislators in a Country of Transparency and Democracy") published in El Universal, 12 December 2005, p. A25.

36 Javier Lozano, ex-president of Cofetel, wrote the following about CANIETI: "The contradiction is so obvious, the time that has passed so short and the silence that followed the delivery of this latest letter so ominous that one can only think something bad. CANIETI president María Teresa Carrillo has the duty to explain her erratic behaviour before her members and public opinion, while the senators who are reviewing the draft reforms also have the duty to question her astonishing and official mutation. In doing so, the legislators may reveal the truth behind such a 'spontaneous' show of support. If they do not, they will be putting their personal stamp on a story which, from what it seems, will be written with sorrowful letters", El Universal, 13 February 2006, p. A11.

reach him because the President's legal consultant would regularly not send on these types of documents[37]. Beatriz Solís wrote the following about this issue:

"The revelation of the warning the Secretariat of Communications and Transports, the organisation responsible for the sector, gave President Fox to turn around the reforms adds nothing new to the debate that had been going on in the previous months; its only added value is the opinion of the group responsible for the sector which, although previously maintaining a passive position, could not, at the end, help but assume its responsibility by warning of the legal irregularities and constitutional breaches of a such an unexpectedly approved reform" (Solis, B, 2006:29).

- **Parallel Reforms.** To try to revert the omission in the reforms, some of the senators who supported the 'Televisa Law' prepared an initiative with the aim of emending the shortfalls of the modifications included in the Federal Law on Radio and Television. The initiative was called the 'parallel reform' and was approved on 20 April by 62 senators; 24 voted against. However, the draft was still in the Chamber of Deputies without being analysed or voted on[38]. The document included the participation of the Federal Competition Commission in the preparation of the bases for the radio and television frequency biddings. There is also an indication for the Federal Executive to issue a new Public Media Regulation and circulate lineaments "to promote the development of public operators, whether cultural or educational, which attend to specific communities, radio schools or any other type". It also included a modification to the article on the contracting of propaganda, removing this possibility from the candidates of political parties in order to not breach, as now happens, the electoral laws. The 'parallel reform' finally included a transitory article establishing that Cofetel would temporarily assign additional frequencies to broadcasters to carry out the 'introduction of new technologies'. This article was made to guarantee the awarding of additional stations to commercial and public radio broadcasters if required by the digital standard Mexico was adopting, without subjecting them to the frequency bid procedure defined in the reforms.

  In any case, the 'parallel reform' was not approved in the Chamber of Deputies because PRI leaders felt at the time that the electronic media had not treated its candidate for the presidency well following the first televised debate.
- **The New Commissioners.** After the entry into force of the reforms, the next step for its promoters consisted of lobbying President Fox to propose the commissioners who most closely met their interests. A preliminary shortlist was made up of Rafael del Villar, Gonzalo Martínez Pous, Julio Di Bella, José Luis Peralta Higuera and Fernando Lerdo de Tejada (*El Universal,* 23 May 2006, p. A8). Of them, only José Luis Peralta, a public servant at Cofetel, was ratified, another turned the position down (Fernando Lerdo) and two were protected (Rafael del Villar and Gonzalo Martínez) because the Senate did not have the power to object to them[39].

37 The legal consultant to the Office of the President of the Republic, Juan de Dios Castro, sent a letter to El Universal setting out his position on the technical report from the SCT: "The SCT at no time informed this Legal Consultancy that it had reached a favourable agreement with the President of the Republic, or presented to this dependency the formal document that contained the observations that should be presented to the Congress of the Union (the veto project). The Legal Consultancy therefore never proceeded to analyse the comments sent by the SCT", El Universal, 22 June 2006, p. A8.

38 Draft Decree which adds a final paragraph to article 17D; a second paragraph to article 17G; a final paragraph to article 28 and a fourth part of article 28A, and which reforms article 79A of the Federal Law on Radio and Television. Also see Torres, Alejandro, "Senada avala 'iniciativa paralela' de ley de medios" ("Senate Approves 'Parallel Initiative' to Media Law"), El Universal, 21 April 2006, p. 1.

39 Rafael del Villar and Gonzalo Martínez were protected, but the Judicial Power awarded a provisional suspension of their resources.

Later on, President Fox sent a new shortlist to the Senate, which, thanks to a new negotiation between the PAN and the PRI, was approved by both parties and rejected by the PRD. The appointees were: Senators Ernesto Gil Elorduy (PRI) and Héctor Osuna Jaime (PAN), who supported the approval of the reforms, the latter as the president of the Senate Communications and Transports Committee; the lawyer Eduardo Ruíz Vega, an academic and consultant contracted by Televisa to work to promote the reforms, and the engineer Francisco González Abarca, who had worked as an executive in different telecommunications companies (*El Universal*, 27 June 2006). This meant the positions were adequately filled as anticipated by the reforms' promoters.

- **Action of Unconstitutionality.** 47 senators who disagreed with the 'Televisa Law' presented an action of unconstitutionality before the Supreme Court of Justice to contest the reform. The legal resource documented 21 breaches in 27 articles of the Constitution. Two of the main allegations were based on the breach of articles 28 and 134. Article 28 bans monopolies, while article 134 establishes that the licences the State awards private parties should be bid for, something which does not happen with the use of the space left over from digitalisation. There was also the breach of article 41 of the Constitution and article 48 of the Electoral Law by allowing candidates and not political parties to directly contract advertising with TV stations.

Final Considerations

It is clear that the promoted reforms and the negotiation process in which they were developed were tailor-made to meet the interests of the major media conglomerates of Mexico, as they came out the winners of the different possibilities that technological convergence offers to boost their added services and develop new businesses.

Unlike the benefits awarded particularly to TV stations, we should warn that radio and public and community TV are downgraded, both by omission and in the matters included in the new provisions, a situation which runs counter to democratic plurality and cultural diversity.

As can be appreciated, there is no conceptualisation on the part of the government with regards broadcasting as part of the country's cultural apparatus and much less as a fundamental ingredient in the construction of the State. We consider there is an idea of seeing broadcasting as entertainment and even as an instrument for political negotiation at particular times - and that this is why there is only an orientation on technical, operative and control aspects in the reforms.

Mexico still has to continue to make headway in building sufficient democratic mechanisms so that the economic power of the media and telecommunications barons, in line with the political power, are not the only actors guiding the fate of broadcasting and telecommunications in the country. In this respect, we should not forget that the system of ownership of these companies is based on the awarding of licences for the temporary and regulated use of frequency bands. The broadcast spectrum, where the electromagnetic waves travel, is a finite good administered by the State in benefit of society and not just so that particular parties can exploit it for perpetuity without it translating into benefits for society as a whole.

Finally, we can characterise these reforms as ultraliberal, as there is a clear continuity of the policies that Mexican governments have been promoting since the start of the 1990s, through boosting the free market and private investment. The vision of the State has disappeared over the years. That is why private initiative can continue to flaunt privileges to maintain its concentrating and oligopolistic position without there being any real counterweight to date (in either the Executive, Legislative or Legal powers) to limit its expansion.

39 Rafael del Villar i Gonzalo Martínez van ser emparats, però el Poder Judicial va atorgar una suspensió provisional dels seus recursos.

Bibliography and News Articles

ALVA DE LA SELVA, A. "De la soberanía estatal a la convergencia". In: *Revista Mexicana de Comunicación.* Issue 99 June-July 2006, pp. 28-31.

BOHMANN, K. *Medios de comunicación y sistemas informativos en México.* Mexico: Alianza, 1998.

CREMOUX, R. *La legislación mexicana en radio y televisión,* Mexico, D.F.: Ediciones UAM-Xochimilco, 1982

CROVI, D. "El tratado de libre comercio de América del Norte ¿Hacia una nueva etapa? El proyecto Monarca". In: QUIRÓS Y SIERRA (Dir.) *Crítica de la Economía Política de la Comunicación y la Cultura,* Seville: Comunicación Social Ediciones y Publicaciones, 2001, pp. 135-152

CROVI, D. "Inequidades del NAFTA/TLCAN: un análisis del sector audiovisual". In: MASTRINI, G.; BOLAÑO, C. (Eds.) *Globalización y monopolios en la comunicación en América Latina. Hacia una Economía Política de la Comunicación,* Buenos Aires: Biblos. 1997, pp. 151-170

CUILENBURG, J.V.; MCQUAIL, D. "Media Policy Paradigm Shifts. Towards a New Communication Policy Paradigm". In: *European Journal of Communication,* London: Sage, Vol.18(2), 2003, pp. 181-207.

FERNÁNDEZ, F. *Los medios de difusión masiva en México.* Mexico, D.F: Editorial Juan Pablos, 1982

GALPERÍN, H. "Cultural Industries Policy in Regional Trade Agreements: the Case of NAFTA, the European Union and MERCOSUR". In: *Media, Culture and Society*, 21 (5), 1999, pp. 627-648.

GETINO, O. *Cine y Televisión en América Latina. Producción y Mercados.* Buenos Aires: Ciccus, 1998

GÓMEZ, R. "La industria Cinematográfica Mexicana. Estructura, desarrollo, políticas y tendencias 1992-2003". In: *Estudios de las Culturas Contemporáneas*, n. 22, December 2005. Mexico: University of Colima. 2005, pp. 249-274.

GÓMEZ, R. *Análisis de la industria audiovisual mexicana (1994-2000). Estructura, desarrollo y tendencias.* Thesis work, Autonomous University of Barcelona, Bellaterra, 2002

GÓMEZ MONT, C. "Liberalización de las telecomunicaciones en México". In: CROVI, D. (Coor) *Desarrollo de las industrias audiovisuales en México y Canadá.* Mexico, D.F.: Ediciones UNAM- FCPyS, 1995, pp. 257-277.

GONZÁLEZ CASANOVA, P. *La democracia en México.* Mexico, D.F.: Editorial Era, 1996

LOZANO, J.C. "Políticas de comunicación y telecomunicaciones en México: entre la liberalización y la intervención del estado en las estructuras de propiedad y control". In: *Revista Telos*, no. 55, Madrid: Fundación Telefónica, 2003

MORAGAS, M. DE, ET AL (eds.) *Televisión de Proximidad en Europa. Experiencias de descentralización en la era digital,* Autonomous University of Barcelona, University Jaume I and University of Valencia. 1999.

OROZCO, G. *Historias de La televisión en América Latina.* Barcelona: Gedisa, 2002.

SÁNCHEZ RUIZ, E. "El estado de los medios en Iberoamérica. Particularidades del mercado mexicano de la televisión". In: Revista *Telos*, no. 57, 2003.

SÁNCHEZ RUIZ, E. "Globalization, Cultural Industries, and Free Trade: The Mexican Audiovisual Sector in the NAFTA Age". In: MOSCO, V. ; SCHILLER, D. (eds.), *Continental Order? Integrating North America for Cybercapitalism.* Maryland: Rowman & Littlefield Publishers, Inc. 2001, pp. 86-119

SÁNCHEZ RUIZ, E. (2000). "La industria Audiovisual Mexicana ante el TLC. Radiografía de Flujos Desiguales", *Revista Mexicana de Comunicación* 12 (61), pp. 6-14.

SAXE-FERNÁNDEZ, J. *La compra-venta de México.* Mexico, D.F.: Plaza y Janés, 2002

SCHILLER, D. "Las comunicaciones en el Mercado Único Europeo. Una visión desde los Estados Unidos": In: *Revista Telos*, Madrid: Fundación Telefónica, n. 23, 1990, pp. 79-87.

SOLÍS, B. "Recuento de un debate inconcluso". In: *Zócalo*, July, 2006, p. 29.

SOLÍS, B. "Inédita cobertura de la prensa escrita a la Ley Televisa". In: *Zócalo*, July 2006, pp. 26-28

SOSA, G. "El engaño de las reformas paralelas". In: *El Universal, Primera Sección*, 11 April 2006, p. 8.

SOSA, G. "Radio agresiva". In: *Revista Mexicana de Comunicación.* núm. 80, March-April 2003, pp. 16-23.

TOUSSAINT, F. *Televisión sin fronteras.* Mexico, D.F.: Ediciones Siglo XXI, 1998.

TREJO, R. "*Ley Televisa*, pobre en argumentos y base social". In: *Revista Mexicana de Comunicación*. núm.98, April-May 2006, pp. 48-52.

VILLAMIL, J. "Los amarres". In: *Proceso.* núm. 1535, 2 April 2006, pp. 30-31.

UGALDE, V. "Panorama del cine en México: cifras y propuestas". In: *Estudios cinematográficos-UNAM*, Núm. 14, , 1998, pp. 45-59.

Consultative documents with regards the reform of the Federal Law on Radio and Television and the Federal Lay on Telecommunications:

Decree that reforms, adds to and revokes various provisions of the Federal Law on Telecommunications and the Federal Law on Radio and Television (OJF 11-04-2006).
http://www.diputados.gob.mx/LeyesBiblio/prolegis/2006/LFTelLFRT_11abr06.htm

Technical Report from the Secretariat of Communications and Transports
http://www.senadorcorral.org/article.php3?id_article=1556

Opinion of the Federal Competition Commission
http://www.cfc.gob.mx/contenedor.asp?P=Results.asp?txtDir=http://xeon2/cfc01/Documentos/Esp/Comunicación

Opinion of the Federal Communications Commission
http://www.etcetera.com.mx/pagcofetelne65.asp

Summary of the action of unconstitutionality that led 47 senators to oppose the Decree on the Federal Law on Radio and Television and the Federal Lay on Telecommunications
http://www.senadorcorral.org/article.php3?id_article=1456

Agreement Adopting the Digital Terrestrial Television Technological Standard and establishing the Policy for the Transition to DTTV in Mexico
http://normatividad.sct.gob.mx/index.php?id=441