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The Southern Dimension of TRIPS and GATS

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**Commercial Markets or Communication Rights?
International Norms and the Democratisation of Media
Markets in Argentina and Brazil**

I. Introduction¹

As Habermas argues, the public sphere in any modern society is structured and constrained by the mass media (Habermas 1992: 437). From a normative perspective, the media sector should therefore reflect pluralist perspectives and offer equal access conditions to enable meaningful public debates in a democracy. In the real world, however, access is restricted at the level of consumption (Who can buy/read a newspaper? Who can watch television?) and at the level of dissemination (Whose perspective gets cited in a newspaper? Whose voice gets on air at a radio station? Who counts as an expert?). Restrictions of both kinds can originate not only from governments (e.g., through censorship, political distribution of advertisements, discretionary provision of public information), but also from market mechanisms. In Latin America, governmental restrictions do exist and are the concern of several (international) NGOs and the international press. However, the effect of market mechanisms usually attract scant attention as they are less visible, although media markets in all Latin American countries are, and almost always have been, predominantly commercially structured (Becerra/Mastrini 2009; Lugo-Ocando 2008). Social movements and communication scholars in the continent thus describe the media sector as undemocratic, since it impedes equal opportunities of access, prohibits the existence of plural perspectives and instead favours the perspectives of the (economic) elite. The ‘informed citizen’ and democratic debate are, in the best of all cases, only a positive external effect of commercial media driven by market mechanisms. In this regard,

the democratisation of communication represents an interesting case of the decommodification of knowledge, affecting its modes of production and dissemination.

This paper is concerned with the restrictions on freedom of expression through market mechanisms in the media sector and examines the role of international regimes, both in current national regulation and in ongoing debates about reforms. Although media policy is usually characterised as a domestic policy domain (Straubhaar 2001), there do exist competing international norms. While in Europe and North America the World Trade Organization (WTO) and UNESCO are considered the international ‘antagonists’ in this field, in South America this observation has to be qualified. Although the WTO is a major driving force for liberalisation, its impact on the regulation of the continent’s audiovisual sectors has so far been limited. UNESCO, on the other hand, has lost its relevance for the debate on the democratisation of media structures after it dropped the issue in the late 1980s; however, it has recently turned to related questions of cultural diversity and trade. Interestingly, in Latin America, human and communication rights, as a third set of norms, play an increasingly pivotal role in the debate on media reforms, legitimating calls for decommodification and leaving their mark on recent reforms.

In this paper, I analyse the impact of these three international regimes to show how and under which conditions international norms influence national regulation and are used by domestic political movements in debates calling for reforms. I argue that the relevance of international regimes depends on the domestic context in terms of existing legislation and the structure of advocacy coalitions. As media regulation is a predominantly national policy domain, international norms can be particularly relevant for the framing of the demands.

I chose Argentina and Brazil as case studies because they show similar market structures and because both have active communication movements; however, they differ with regard to the role international regimes play in the debate and with regard to policy reform. These differences allow for a better understanding of the conditions for the relevance of international regimes in media policies in Latin America. Empirical data is obtained from available publications and from about 60 interviews conducted with communication activists, representatives of commercial media, local researchers and govern-

mental representatives. In the following section, I discuss the potential influence of three competing international regimes (WTO/GATS, UNESCO, Inter-American Commission on Human Rights). Following this, the two case studies are discussed. I conclude with a comparative summary of the major findings.

2. International norms for media regulation

2.1 GATS and the audiovisual sector

The audiovisual sector has been part of trade conflicts and negotiations since the 1920s (Graber 2004). The line of conflict remained quite stable until recent years. On the one hand, the US maintains that audiovisual goods and services are, like any other commodity, primarily a commercial good. Thus, the relevance of cultural goods is to be determined by consumer choice (e.g., markets); governmental interference in altering these choices is considered protectionist and paternalistic. On the other hand, Europe, led by France, and Canada emphasise that the value of culture goes beyond market criteria. Cultural and media policies must thus protect diversity in order to strengthen democratic societies.

During the Uruguay Round (1986–1994), Europe and Canada failed in their intent to establish a general ‘cultural exception’ clause within GATS. The audiovisual sector, confirming the strong shift towards liberalising trade in services, is fully included in GATS and thus subject to its dynamics of liberalisation (Pauwels/Loisen 2003: 294ff). Commitments in section 2.D on ‘audiovisual services’ would prevent states from employing several measures that until now have been part of media policies in many countries: limits on dubbing of foreign audiovisual content, other support programmes for local content production, limits on foreign investments in the media, quota regulations, discriminatory licensing in broadcasting, or even subsidising public broadcasting (for more detail, see Beviglia-Zampetti 2005: 263f; Puppis 2008).

Despite the fact that audiovisual services fall fully under GATS, actual liberalisation has been limited so far due to the scarce amount of commitments submitted. Contrary to GATT (the WTO treaty for goods), GATS (its equivalent for services) has a ‘positive list’-approach. Market access and

national treatment are only to be granted after a country has submitted a legally binding commitment for specific (sub-)sectors. At the end of the Uruguay Round, only 13 countries made such a commitment for section 2.D. This number only rose slowly to 30 as of February 2013, still making it one of the sectors with the fewest commitments and with the highest number of exceptions. No South American country filed commitments, including Brazil and Argentina. Although service negotiations have intensified since 2011, they have led to little progress in the audiovisual sector. Most countries continue to express “their cultural and political sensitivities in the sector” (WTO 2011: 3). According to the WTO, however, the lack of commitments does not reflect the market realities (e.g., the state of liberalisation) of many countries.

Even if liberalisation has, so far, advanced rather slowly, there seems to be a consensus among scholars that “the ‘commodification of culture’ is irreversible” (including within the broadcasting sector), with the WTO regime being the major driving force (Pauwels/Loisen 2003: 306). Firstly, the audiovisual sector is fully included in GATS; there is no “cultural exception clause” and thus a “momentum towards market access in audiovisual services” (Magder 2004: 390). Secondly, liberalisation through GATS is a one-way road. Once commitments are made, there is no way to take them back. Although some authors maintain that GATS “allows ample room to pursue specific domestic policies and regulation” (Beviglia-Zampetti 2005: 264), this is misleading. The door to that ‘room’ is closed once a government has filed commitments. Thirdly, the US has a strong interest in further liberalisation, and their negotiating power is particularly powerful in one-to-one negotiations. One example is South Korea, which, in order to sign the Bilateral Investment Treaty with the US, had to reduce screen quota for national movies even against the backdrop of local mass demonstrations and hunger strikes (Magder 2004: 391). Liberalisation might also be pursued via TRIPS, the WTO Dispute Settlement Body or GATT, e.g. by redefining certain services as electronic goods (Pauwels/Loisen 2003: 301). Fourthly, technological development in the form of media convergence is used as an argument to describe media specific regulation as obsolete (*ibid.*: 300). However, recent debates in Latin America show that regulation for social and political objectives remains highly relevant.

2.2 UNESCO: From democratisation to cultural diversity

In the last decade, European States and Canada have brought back UNESCO to the stage of global media governance in an attempted “countermanoeuvre to the free trade doctrine of the WTO” (Puppis 2008: 416). Back in the 1970s and 1980s, the UNESCO was the leading actor in the debate on the New World Information and Communication Order, with the *MacBride Report* (UNESCO 1980) being considered its culmination point. The official report questioned the hegemonic liberal concept of free communication flows and called for a ‘democratization of communication’, taking up the concept of the ‘right to communicate’, first proposed by Jean D’Arcy in 1969 (ibid.: 166, 172). These considerations provoked powerful opposition from the US and the UK, which both left UNESCO, which subsequently dropped the topic at the end of the 1980s.

Then, in 2000, UNESCO again took up communication policies and demanded to be included in the dialogue regarding the trade of audiovisual services and cultural goods (Pauwels/Loisen 2003: 309). It has since worked to establish the concept of ‘Cultural Diversity’, the implicit justification of which is the limitation of trade. In 2005, UNESCO adopted the legally binding Convention on the Protection and Promotion of the Diversity of Cultural Expressions (CCD). Only the US, which returned to the UNESCO in 2003, and Israel voted against it, four others abstained. The CCD entered into force in March 2007 and the number of member states rose to 125 by February 2013, thus marking the fastest ratification process in UNESCO’s history. Brazil ratified the CCD in 2007, Argentina doing so in 2008. The CCD is considered relevant for the debate on trade as it acknowledges the importance of culture in development and explicitly legitimises governmental regulation of electronic media (Puppis 2008: 416f).

However, there are two central caveats to be made. Firstly, scholars seem to agree that the CCD is too weak to oppose GATS. It is criticised for being too ‘fuzzy’ and for not including enforceable obligations. Further, UNESCO lacks the institutional strength of the WTO. The impact of the CCD is thus rather political as it might influence the debate about classifications within the WTO and in bilateral FTAs (Burri-Nenova 2008: 28ff; Puppis 2008: 418ff). Secondly, the concept of cultural diversity is often considered to be a Western one. It focuses exclusively on the rights of states, not on those of indigenous groups, minorities or media organisations (Burri-Nenova 2008:

24ff), and also ignores the state of the debate surrounding human rights in Latin America. Thus, as we will see, the UNESCO is not perceived as an influential actor in the Latin American debate on media democratisation, except for the historical references to the MacBride report (Interview 010, 041, 043, 048).

2.3 Communication rights and the Special Rapporteurs for Freedom of Expression

An additional set of international norms relevant for communication policies in the Western hemisphere emerges from the Inter-American System and particularly the Commission on Human Rights, part of the Organization of American States (OAS). To stimulate the respect for the freedom of expression, considered crucial for consolidating democracies, the Commission in 1998 founded the Office of the Special Rapporteur for Freedom of Expression (SRFE) (Bertoni 2007: xiv). The SRFE publishes detailed annual reports about the state of freedom of expression in the hemisphere, but also develops recommendations for regulatory policies. Contrary to the WTO doctrine of liberalisation, but also different to the UNESCO approach, the SRFE is concerned with citizens' rights and translates them into state obligations.

The recent work of the SRFE not only addresses traditional violations such as the murder of journalists or direct impediments to journalists' work, but also highlights the need for specific communication policies, the dangers of media concentration and the positive potential of community radio stations (Schönsteiner et al. 2011: 365ff). For the OAS, Freedom of Expression is defined (and has been since 1985) as encompassing both the "expression and dissemination of ideas and information as indivisible concepts" (CtIADH 1985: para. 31). To guide the work of the SRFE, in 2000 the Commission approved the Declaration of Principles on Freedom of Expression, which serves as a "legal framework to regulate the effective protection of freedom of expression in the hemisphere" (Grossman 2000: 456). In its 2002 report, the SRFE explicitly addresses the deficiencies of traditional (i.e., commercial) mass media in the Latin American context of social inequalities. As these media "are not always accessible for disseminating the needs and claims of society's most impoverished or vulnerable sectors", the importance of non-discriminatory measures towards community media is

stressed (OAS 2003: cxxvii). In sum, it is concluded that “it is the *state’s duty* to guarantee equal opportunities for all for with respect to the discrimination-free receiving, seeking out, and sharing of information through any communication channel whatsoever, eliminating all measures that discriminate” (OAS 2003: cxx, emphasis added). The SRFE of the UN (currently Frank La Rue), whose full title is Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, shares a similar perspective (see, for example UN 2010: 11f).

3. Argentina: The fencing of commercial markets

Argentina’s current media system is marked by the neoliberal restructuring that intensified during the 1990s. Under the presidency of Carlos Menem (1989–1999), television and radio stations and even the management of frequencies were privatised. Regulatory limitations were reduced (e.g., concerning cross media ownership and the maximum number of broadcasting licenses to be held), which led to the emergence of powerful private media conglomerates. Argentina’s status as a neoliberal model student in the 1990s is also reflected in the fact that it filed an unusually large number of GATS commitments, including 37% of all negotiable items (232 out of 620). The Argentinean government used the GATS commitments to ‘lock-in’ liberalisation reforms, and to send “a strong signal of commitment to economic reform and to ‘increase the costs’ of future policy reversals” (Bouzas/Soltz 2005: 50). However, the audiovisual sector was not among the commitments and thus constitutes an ambiguous case. Although the media sector was largely liberalised and developed an almost exclusively commercial character during the 1990s, no GATS commitments were filed here.

While the centre-left presidency of Néstor Kirchner (2003–2007) marked a watershed in many aspects, it did not do so in media policy. Concentration in the media market increased further, promoted by favourable decrees attributed to the close relationship between the President and the leading Clarín Group. One example is the Law for the Protection of Cultural Goods, approved in 2003 and popularly known as the ‘Clarín Law’, that limits the participation of foreign capital in culturally relevant compa-

nies and exempts them – read: Clarín itself – from the bankruptcy law. In 2005, a decree unconditionally extended all broadcasting licenses for 10 years.

To bring together those groups that have fought for the democratisation of communication since the return to democracy in 1983, in 2004 the Coalition for Democratic Broadcasting was founded and immediately passed “21 Basic Points for a Right to Communicate”. At this stage, any attempt to reform the broadcasting law sanctioned in 1980 by the military dictatorship was frustrated due to the close relationship between the dominant media and the political elite. The Coalition consisted of movements and activists from the human rights area, academia, community radio organisations and journalism. Between 2004 and 2008, they popularised the topic and tried to put it on the governmental agenda. However, it was only in 2008 that a window of opportunity opened up, when newly elected President Fernández de Kirchner (2007–today) found herself in a violent conflict about agro-taxes, a conflict in which Clarín took an explicit political stance against the government. The Clarín Group is the single most powerful media conglomerate, publishing the most important newspaper Clarín, owning several radio stations and controlling the cable TV market (Viale et al. 2008: 13). Now conscious of the political dangers of a media oligopoly, or, depending on the political view, just to punish ‘disloyal’ Clarín, Fernández drew upon the 21 Points of the Coalition to reform the broadcasting law.

The new Law on Audiovisual Services (Ley 26.522) was sanctioned in October 2009 (detailed in Mauersberger 2012). Central features of the new regulation include stricter ownership limits and the necessity of a balance between *non-commercial* private media (for which one-third of all frequencies are reserved), commercial, and public media. The regulation acknowledges the necessity of governmental communication policies to guarantee freedom of expression as a citizen’s right. No content regulation is established beyond consensual measures, e.g. to protect minors from harmful content. The law was published as a commented norm with ample references and included a broad number of cited legal and academic texts. However, while the legislative process and the content of the law can be considered very democratic, its implementation by the current government is somewhat ambivalent.

Although the political process of the new regulation was strongly determined by national politics, three assertions can be made regarding the role of international regimes. Firstly, at the level of regulation itself, the purport of the law deviates from liberal rationales and thus, by decommodifying media markets, contradicts WTO logic. Rather, the social and political importance of communication in democratic societies is emphasised, translating into the need for governmental regulation to guarantee the freedom of expression. Although the intent to break (media) oligopolies is consistent also with liberal calls for competitive markets, the rationale was explicitly *not* to create competitive *markets*, but to guarantee equal access to means of communication. The quotas of nationally produced content (60% for TV, 70% for radio stations, cf. Art. 65) did not come under attack, neither from the opposition nor from private media. Participants of the group that edited the new law reported that GATS was, due to the absence of Argentinean commitments, perceived not as an actual limitation but rather as a potential threat that had to be reckoned with (Interview 017).

Secondly, the reform is largely compatible with the recommendations of the SRFE. These norms played a central role for the policy debate. While the SRFE of the UN, Frank La Rue, endorsed the law in public acts together with the President (Télam 2009), the SRFE of the OAS, Catalina Botero, remained more on the sidelines in the political conflict but supported specific aspects of the law (Interview 021, 041). During the actual process of editing the new law, the SRFE were only one source amongst others. However, during the preceding years, their presence at many different forums guaranteed that regulation is talked about from a communication rights perspective and thus helped to discredit the accusation that any public regulation means censorship (Interview 021). The SRFEs thus supported, at different stages, a reframing of media policy from market requirements towards those of human rights.

Thirdly, the driving forces for change and for the integration of international regimes were social movements and political activists from academia. In particular, the world association of community radios Amarc, whose Latin American regional coordination operated in Buenos Aires from 2003–2011, and academics highlighted the importance of regional exchange. Indeed, from 2002 on, Amarc intensified contact with the SRFE of the OAS. Personal interventions of Amarc activists from Argentina and Uruguay

(where the working group on comparative legislation was located) helped to put community radio and legislation at the centre of the SRFE's agenda and thus facilitated their support at later stages of the debate. Currently, Amarc is also directly cooperating with the SRFE of the UN (UN 2010: 12). Commercial media are less organised at the regional level, as the Interamerican Press Association (SIP) and similarly the Latin American International Association of Broadcasting (AIR-IAB) are largely concerned with governmental violations of press freedom, but hardly with other aspects of communication policies. While large national commercial media organisations have an interest in market liberalisation, their owners also fear a loss of political control if foreign capital were given an equal stance and thus do not ever refer to free trade norms to support their claims (Interview 037, 074). The 'Clarín Law' mentioned above exemplifies this ambivalence.

4. Brazil: No country is an island

In Brazil, television has been a central tool since the 1950s for the state to promote nation building within the vast territory. The last military dictatorship (1964–1985) intensified this strategy, but also restricted media through censorship and persecution. Television was used explicitly for “the creation of a consumer culture” (Straubhaar 2001: 137ff). After the return to democracy, the close relationship between the political elite and large media groups remained widely intact.

Today, the Brazilian media sector is characterised by three distinctive features (Pieranti 2006; Amaral 2002; Brant 2008). Firstly, the O Globo Group is the dominant actor. O Globo controls the most important national TV and radio networks, owns several newspapers and participates in cable TV. In 2008, its TV network controlled almost 50% of the audience and 75% of the total advertising budget (Moyses/Gindre 2009: 133). Secondly, there is an intimate relationship between broadcasting and local politics, called *coronelismo eletrônico*. Licenses are exchanged for political favours and many legislators are license-holders themselves (Brant 2008: 114). A presidential decree from 1995 made the granting of frequencies somewhat more transparent, but the discretionary political use of licenses is still widespread and their non-renewal remains virtually impossible (De Lima 2011: 50). Thirdly,

many constitutional and legal provisions have still not been implemented. The Brazilian Constitution from 1988 is comparatively democratic, as its chapter on communication guarantees the freedom of expression, foresees a balance between private, public, and state media, prohibits politicians from owning broadcasting licenses, foresees a Council of Social Communication, and bans oligopolistic structures. However, none of these provisions have been implemented, with the exception of the Council, which met only between 2002 and 2006 and again since September 2012. These three features translate into a hostile environment for alternative media. The number of community radio stations (broadly defined) is estimated to be around 10–20,000, but only around 4,000 have a license. While many of them fulfil important functions at the community level, operating within restrictive boundaries and on a very precarious basis, others are in fact rather evangelical, political or even local commercial radio stations. Thus, despite their large numbers, community radio stations in Brazil hardly constitute a powerful political movement.

The résumé of the two popular governments of Lula (2003–2010) and the first two years of Dilma Rousseff's term is, from the movement's perspective, at best mixed. Reform efforts have hardly been successful and have not addressed the structural problems. Still, the Lula government decentralised and diversified the use of the official advertisement budget (De Lima 2011: 57). It also reorganised and strengthened the state-public broadcasting system by founding the public Brazilian Communication Enterprise (EBC) in 1997. Yet, the EBC is still comparatively weak and its TV signal cannot even be received by terrestrial airwaves in São Paulo. Importantly, in 2009 Lula's government sponsored the First National Communication Conference (Confecom) which brought together actors from all sectors and from across the country and strengthened the public debate on media regulation. However, three years later, activists still await policy reforms.

Brazil has seen a movement for the democratisation of communication since the 1980s as a corollary of the demand for political democratisation. The group that in 1991 founded the National Forum for the Democratization of Communication (FNDC) had already participated in the formulation of the 1988 Constitution. The FNDC, dominated until 2011 by the Journalist's Federation FENAJ, lost visibility during the 1990s, but regained new impetus through the Confecom, its largest success so far. In

2011, several new organisations joined the FNDC, now under the leadership of the central union CUT.

International norms played a different role in Brazil than in Argentina. By analogy, again, three assertions can be made. Firstly, the WTO is quite absent from the current debate, as most political activists involved barely know of its potential relevance. However, Brazil is a strong exporter of audiovisual services in the region and in lusophone Africa. Unsurprisingly thus, the country was more involved in the debate within the WTO. During the Uruguay Round, it supported the EU's position. Later, in an official statement from 1999 (WTO 2001), Brazil stressed the potential for economic growth and suggested that countries file commitments. Still, it also proposed instruments to safeguard national autonomy on cultural policies. Resembling a classic mercantilist approach, Brazil was concerned to promote the export capabilities of emerging economies. At least since Lula took office, however, the audiovisual sector was "adamantly opposed to any market opening", according to a cable from the US embassy from 2005 (US Embassy 2005).

Secondly, due to the long history of the Brazilian communication movement, many activists still name UNESCO's MacBride Commission as a theoretical reference. The 1980s debate is still present and also had an impact on the 1988 Constitution. Today, however, the UNESCO is not perceived as an important actor. Additionally, the SRFE are less present in Brazil than in Argentina, which has to do with the structure of the movement (see below) but also with the lack of attention the SRFE have historically dedicated to the complex situation in Brazil (Interview 020, 058, 075). At the discursive level, the central legitimisation for the demand to democratise communication involves the lack of implementation of the National Constitution, rather than a reference to international norms. As a consequence, the term 'freedom of expression' still largely connotes, in public debate, a defence of the status quo ('freedom from state intervention') and is not framed to justify regulatory interventions ('a right that needs protection by the state').

Thirdly, the movement in Brazil is older and has a stronger institutional base than in Argentina. However, the dominant organisations have historically been unions and professional organisations, which focussed more on the defence of their base's interests and the traditions of participatory politics than on international norms or even specific regulatory politics. The

role of academics, who are regionally well integrated, is comparatively less pronounced in the movement (Interview 048). Still, events in neighbouring countries are closely observed and facilitate learning opportunities for Brazilian activists. Identifying the 21 Points formulated in 2004 as pivotal for the movement's success in Argentina, the Brazilian movement broke down the roughly 600 propositions that emerged from the Confecom and in 2011 adopted "20 Points to Democratize Communication" (Interview 043, 058; Plataforma 2011). The role of international communication rights is likely to increase in the debate as the more internationally connected NGOs *Inter-vozes* and the Brazilian chapter of Article 19 became more involved within the FNDC in the aftermath of the Confecom. *Amarc Brasil* also plans to take a case of community radio repression to the Interamerican Court of Human Rights – a move learned from activists in Argentina and Uruguay (Interview 044).

5. Conclusions

Although media regulation is generally considered a domestic policy domain, international regimes and transnational links do matter for domestic regulation and policy debates. From the discussion of the two cases of Argentina and Brazil, three conclusions can be drawn. Firstly, at the level of actual regulation, both countries have not (yet) filed any commitments to GATS' audiovisual sector, although media regulation is (in the case of Argentina, was) inspired by liberal-commercial values. The WTO, however, remains a potentially powerful driving force for liberalisation, although possibly not in the current political context of the two countries. Thus, the neglect of the WTO might be treacherous for social movements, as they may underestimate its potential in limiting public media policy once a future government files commitments that cannot be taken back. So far, even large media companies seem not to wholeheartedly embrace the WTO's approach, as the liberalisation beyond the national border would come with a potential loss of domestic political influence.

Secondly, at the discursive level, internationally codified communication rights are increasingly part of domestic media policy debates (and in Argentina have already found their expression in a comprehensive reform law).

In particular, the Special Rapporteurs on Freedom of Expression (SRFE) of the OAS and the UN play an important supportive role in attempting to legitimate media regulation aimed at the democratisation of broadcasting. They argue that, particularly in unequal societies, freedom of expression can not be left to market mechanisms but must rather be guaranteed by the state through an adequate regulatory framework that promotes alternative media. As part of this agenda, the SRFE helped to reframe community radio stations from 'illegal pirate radio stations' to legitimate expressions of communication rights. The cases also show that the UNESCO, in the academic literature on media policy in Europe and North America the sole counterforce to the WTO, does not provide an adequate argumentative framework with which to address the restrictions on freedom of expression by market mechanisms. Media regulation in Latin America is not so much discussed in terms of cultural diversity and sovereignty of the states (as the UNESCO defends), but rather as a question of citizen rights.

Thirdly, the higher pertinence of international human rights norms in Argentina can be explained by two factors. On the one hand, the Brazilian movement can refer to unimplemented articles of their national constitution in order to legitimate several of their demands. On the other hand, the compositions of the movements differ. In opposition to Argentina, in Brazil the movement relies more on unions and professional organisations, which still relate to the UNESCO debate of the 1970s/80s, and less so on (transnational) media activists and academics. The latter, however, were largely responsible in Argentina for the integration of international human rights norms. Also, the community radio stations in Brazil are, despite their large number, not as consolidated as in Argentina and thus less able to spend resources on political debates. Both the movement's composition and the relevance of international norms are slowly changing in Brazil, as activists learn from the example of neighbouring countries.

In summary, while the WTO still lurks in the background calling for the liberalisation of media markets, alternative norms are gaining strength that identify media policy's responsibility in enhancing communication rights. Movements and activists are, in both cases, the driving force for change and for the integration of international norms in national debates and, ultimately, in regulation. Through personal links, social forums and conferences, civil society is much more regionally integrated in terms of policy

debates than are market actors and governments. In particular, the two cases show that in a context of commercially structured and concentrated media markets, alternatives are deduced from human rights norms. The framing of media regulation in terms of communication rights has proved to be essential and is backed by the corresponding international regimes. Thus, while the commodification of culture and media is often said to be irreversible due to the power of liberal regimes such as the WTO, Latin American social movements show how this trend can be successfully countered.

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List of Interviews

- Interview 010: Professor for Communication Studies, Universidad Nacional de Quilmes. 8.12.2012, Buenos Aires.
- Interview 017: Representative of Argentine regulatory agency. 16.1.2012, Buenos Aires.
- Interview 020: Former official at the Office of the Special Rapporteur for Freedom of Expression of the OAS. 19.1.2012, Buenos Aires.
- Interview 021: Former Regional Coordinator of Amarc. 20.1.2012, Buenos Aires.
- Interview 037: Representative of commercial broadcasters association in Uruguay. 13.2.2012, telephone interview.
- Interview 041: Professor for Communication Studies, Universidad de Buenos Aires. 17.2.2012, Buenos Aires.
- Interview 043: Professor for Communication Studies, Universidade Federal Fluminense. 1.3.2012, Rio de Janeiro.
- Interview 044: Leading representative of Amarc Brazil. 5.3.2012, Rio de Janeiro.
- Interview 048: Professor for Communication Studies, Universidade Federal do Rio de Janeiro. 7.3.2012, Rio de Janeiro.
- Interview 058: Activist from Intervozes. 28.3.2012, São Paulo.

Interview 074: Representative from commercial broadcasting. 12.4.2012, Brasília.
Interview 075: Representative of Brazilian Communication Ministry. 12.4.2012,
Brasília.

Abstracts

Media markets in Latin America are generally concentrated and commercially structured. This has negative consequences for democratic debates as it constrains pluralist representations within the public sphere, particularly in unequal societies. Social movements and activists in the continent are thus demanding a democratisation of communication, for example through public regulation. At the international level, media policies are contested by different international regimes dealing with trade, culture and human rights. This article examines the debates in Argentina and Brazil to analyse the role of these international regimes and to show how and under which conditions they affect the political debate and current regulation.

Medienmärkte in Lateinamerika sind in der Regel oligopolistisch konzentriert und kommerziell ausgerichtet. Dies wirkt sich negativ auf die Möglichkeiten demokratischer Debatten aus, da es eine pluralistische Repräsentation innerhalb der öffentlichen Sphäre besonders in ungleichen Gesellschaften einschränkt. Soziale Bewegungen und Aktivisten verlangen daher eine Demokratisierung der Kommunikation, unter anderem durch gezielte Regulierung. Auf internationaler Ebene wird Medienpolitik in unterschiedlichen Regimen zu Handel, Kultur und Menschenrechten verhandelt. Vor dem Hintergrund der Diskussionen in Argentinien und Brasilien analysiert der Artikel die Rolle dieser internationalen Regime und zeigt, wie und unter welchen Bedingungen sie für die nationalen Debatten und die Regulierung relevant sind.

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