

# Media Democratization in Ecuador

by  
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*A regulatory process of “democratizing the media” based on recent constitutional guarantees and a 2013 communications law is under way in Ecuador. The initiative comes from a demand for new forms of social accountability and participation in the mass media after the Latin American experience of media companies’ direct engagement in coups and the destabilization of progressive governments. Media democratization is seen as necessary for the construction of democratic societies. It is distinct in Latin America from recent Northern approaches, which tend to be technocratic, suggesting democratic transformation through new online media and enhanced consumer options. Ecuador’s process follows similar initiatives in Venezuela, Bolivia, Argentina, and Uruguay but is perhaps more articulate and systematic. It is instructive in that it builds on well-established public policy themes of the containment of monopoly power, redress of civil wrongs, and the promotion of participation and diversity. While media corporations mostly seek to disqualify debate on media regulation, Ecuador’s approach deserves closer examination.*

*Ecuador está llevando a cabo un proceso de “democratización de medios” basado en las recientes garantías constitucionales y la ley de comunicaciones de 2013. La iniciativa responde a una exigencia de nuevas formas de responsabilidad social y participación en los medios de comunicación masivos a raíz de experiencias latinoamericanas en las cuales ciertas compañías de medios han intervenido para desestabilizar o generar golpes de estado contra gobiernos progresistas. La democratización de los medios se considera necesaria para la construcción de sociedades democráticas, y esta aproximación se distingue de aquellas características del hemisferio norte con sus tendencias tecnocráticas, que sugieren que la transformación democrática se ha de llevar a cabo mediante nuevos medios en línea y opciones de consumo más amplias. El proceso ecuatoriano se suma a iniciativas similares en Venezuela, Bolivia, Argentina y Uruguay, pero es quizá más articulado y sistemático. Se basa en temas de política pública establecidos como la contención del poder monopólico, la rectificación de delitos civiles, y la promoción de la participación y la diversidad. Si bien las corporaciones de medios han buscado descalificar los debates en torno a la mencionada regulación, los esfuerzos ecuatorianos merecen ser examinados más de cerca.*

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A distinctive process of media regulation is under way in Ecuador under the broader theme of “democratizing the media.” It is perhaps the most articulate version of a wider Latin American regulatory trend that has begun to act on well-established themes of monopoly control, redress of abuses, and the fostering of diversity and participation. This “media democracy” is distinct from

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many of the suggested Northern variants, in which enhanced democracy is mostly seen in new technologies and expanded consumer rights. The Latin American trend has involved state confrontations with monopoly and oligopoly power, influenced by a social context in which powerful media companies have become political players directly involved in coups and the destabilization of progressive governments (called the “media wars” and “media terrorism” [Molina, 2016]). The regulatory trend in Ecuador—as also to varying degrees in Venezuela, Uruguay, and Argentina—carries an explicit rejection of corporate media claims of impunity, making use of claims for the absolute freedom necessary for the corporations’ supposed watchdog role.

This paper reviews these different approaches to media democratization before explaining the distinctive Latin American context and then the key elements of Ecuador’s regulatory process. Beyond the heat and polemics of the popular debate, the process in Ecuador is instructive precisely because it builds on well-established liberal public policy themes that, although widely approved, have in most cases not been seen through. These key regulatory areas address the containment of monopoly power, redress of civil wrongs, and the promotion of participation and diversity.

## DEMOCRATIZATION AND REGULATION

For peoples to be able to exercise their fundamental rights to self-determination, there must be mechanisms for a broad and participatory public debate, but this is impossible when elites capture the major channels of social information and discussion. Wide public debate has special social value, particularly among highly educated populations, and its degradation and commodification have serious consequences. The Spanish politician Maite Mola, in the context of the recent Ecuadorian process, said, “If there is no democratization of the communications media, there is no democracy in a country” (RNA, 2014). The question is how such democratization might occur.

Northern approaches to this question in recent years have tended to be technocratic. We have seen enthusiasm for the idea of a “transformation” in mass communications from a “one to many” to a “many to many” phenomenon, otherwise characterized as a move from a twentieth-century “mass communications” model to a twenty-first-century “social media” model (Flew, 2009: 87–88). This has been supposed to occur through new media technologies, principally the Internet, but also through enhanced consumer options in areas such as digital television (Bosland, Kenyon, and Thomas, 2010). Social media do indeed offer platforms to a potentially huge range of voices. If that “many to many” process were actually taking place, it might indeed suggest a democratization of the media. However, Flew (2009: 89–92) also points to divergent degrees of optimism and pessimism over the process. The “optimists” stress new forms of “unparalleled social creativity” (Leadbetter, 2008: 3–5) and cooperation leading to “collective action, all outside the framework of traditional institutions” (Shirky, 2008: 69). Those whom Flew calls the “pessimists” point to the limited mobilizing force of new social media and the successful adaptation to online technology by both

established and new commercial media monopolies (McChesney, 2007; Mosco, 2009).

The pessimism in question is almost always linked to the persistence and gradual expansion of monopoly power (Foster, McChesney, and Jonna, 2011; MRC, 2013: 1), along with a new capacity to exercise that power through online media technologies including search engines and social media (Dash, 2012). Online “news” is indeed dominated by large corporations. Further, as Bagdikian (2004: 136) says, the most significant aspect of the media monopolies has been their “dynamic interlocks” with the other large investor groups. “Ownership of media is now so integrated . . . with all of the largest industries . . . that they have become a coalition of power on a global scale.” Thus the corporate media are able to speak with greater confidence for investor interests as a whole rather than merely from some particular perspective. They can do so, in many cases, with greater authority than the state, and they can discipline the state at times of popular initiatives. McChesney (1999: 3) calls the corporate media a “poison pill for democracy,” requiring a “thorough restructure.” Despite the Internet potential of “a truly democratic media system” with a wide variety of independent sources of news, information, and culture and its content in diverse hands, digital networks have come to be dominated in key areas (search engines, social media portals, recognized “news”) by commercial forces armed with “aggressive digital marketing, interactive advertising, and personal data collection” (Chester, 2007). Ongoing “consolidation” of media power has gone on behind the promise of consumer power, with commercial giants such as Google, AOL, Yahoo, and Microsoft on the way to creating “supermedia monopolies” by controlling Internet provision, space, and content interactivity (Chester, 2007: 145, 167–170, 182–183). In short, global evidence does not support the idea that monopoly power is withering away in the face of new media technologies.

Nor has the social media regulation of the mass media advanced much in Northern countries. In Australia the regulation debate has revolved around variations of “self-regulation”: some sort of self-review by the media oligopolies and perhaps some use of consumer law (Pearson, 2012). In the United States, the Federal Trade Commission, after finding that Google had abused its monopoly power to the detriment of Internet users and rivals, decided simply to allow it to make some voluntary changes to its practice (Mullins, Winkler, and Kendall, 2015). Of course, any proposal to regulate media monopolies confronts a ferocious defense. The corporate media rely heavily on the idea that any such regulation constitutes an attack on essential human freedoms, the champions of which are said to be those same media corporations.

A similar response comes from the media corporations in Latin America, interlinked as they are with global conglomerates, but the state responses have been quite different. The handful of often family-linked Latin American media conglomerates has faced regulatory assaults from the governments of Venezuela, Ecuador, Argentina, Bolivia, and Uruguay in the name of “democratizing the media.” Hall (2012: 56) points out that there has been a trend toward “redefin[ing] the concept of communication from a commodity to a people’s right” by redistributing the airwaves, preventing discrimination, and supporting community media. This regional regulatory consensus seems to be motivated, in the first instance, by the direct and acute political intervention of the

media companies. It is most likely also linked to the heightened expectation and practice of post-neoliberal state initiatives in the face of corporate power (see Sader, 2008; 2011).

In Ecuador the media groups, linked to banks, commerce, and financial bodies, used their influence to “install and kick out presidents,” says that country’s superintendent of communications, Carlos Ochoa. “Here in Ecuador we had a media director who, the day after the election—of a democratic president, like him or not—ordered at the editorial desk the next day: ‘Let’s kick out this crazy person.’ [Those media companies say that they are not political bodies] but they make politics . . . against progressive governments” (Ochoa, quoted in Anderson, 2014).

Abuse of economic power is not new. Media attacks on popular governments have been politically influential through insistence and repetition. The late Salvador Allende of Chile characterized such attacks on Cuba back in 1960 as “immense, brutal . . . intentional propaganda that, day by day and minute by minute, attacks the Revolution. . . . Media agencies controlled by North American capital [constantly] misrepresent what is happening in Cuba” (Allende, 2003: 23). Examples abound of extreme, politicized bias. In Venezuela private television channels, presenting themselves as “the voice of a people,” joined in the 2002 coup aimed at overthrowing a popularly elected president (Castillo, 2003). The U.S. corporate media generally portrayed this attempted coup as a “pro-democracy” move (FAIR, 2002) and continued to brand elected President Chávez a dictator (Edwards, 2007). In June 2009 a military coup against Honduran President Manuel Zelaya was spoken of by the U.S. network CNN as a “forced succession” (Pearson, 2009) rather than a coup, since calling it a military coup would impute illegitimacy to the *de facto* regime and mandate sanctions from Washington.

Latin America’s media regulation initiatives cannot be seen as simple “populist” reactions, involving popular but false rhetoric that masks corporatist or elite agendas, because they often involve state-versus-oligarchy confrontations with the potential for significant conflict. John Dinges (2013: 65–66), former director of National Public Radio in the United States, observed that “popularly elected governments, with strong majorities,” see the private media as antidemocratic and “instruments of political and economic forces that have been displaced by the new regimes.” Nevertheless, he continued, those same media groups (with the backing of U.S. groups such as Freedom House, Human Rights Watch, and the Inter American Press Association) respond with the argument that “they defend freedoms and the new regimes themselves are antidemocratic.” U.S. criticism of Latin America’s regulatory trend has been fierce at times, referring to the new measures as part of a broader “authoritarian drift” from the “populist left” (Weyland, 2013). Yet independent analysis has also referred to the Latin American media as embodying the “shortcomings of liberalism” in that arguments in the name of “silencing individual voices” have been used to defend “media impresarios . . . which, more often than not, sided with repressive regimes” as their corporate influence expanded (Abraham-Hamanoiel, 2015).

While Ecuador’s media democratization has been the most clearly defined, there have been several others with similar features. One common theme has

been defining property in media as of three kinds—private, public, and community—and attempting proportional redistribution of licenses and capacity across those three sectors. Venezuela passed its Organic Telecommunications Law in 2000, guaranteeing access to the media and identifying private, state, and community sectors (Hall, 2012: 56). A number of television and radio stations did not have their licenses renewed because of violations of conditions (in one case, RCTV, for direct support of the attempted coup in 2002). The Venezuelan government directed gradual but significant changes over the next 14 years. In 1998 there were 331 commercial and 11 public access radio stations; by 2012 there were 499 private, 83 public access, and 247 community radio stations. In 1998 there were 36 private and 8 public television stations; in 2012 there were 67 commercial, 13 public, and 38 community (Hall, 2012: 56). In this case steady regulatory pressure did gradually increase media diversity.

Modest but significant attempts at regulatory reform have been made elsewhere. Argentina's 2009 Audiovisual Communications Services Law involves ideas of democratic participation along with cross-media ownership limits and a notional allocation of one-third of the broadcast spectrum to noncommercial media. This new regulatory regime has been said to be the result of a participatory process that "partly decommodifies the media market." It elicited strong resistance from the established media corporations (Mauersberger, 2016: 598–600). Uruguay passed its law on community broadcasting in 2007, and four years later there were more than 100 community stations in operation. Bolivia's 2009 constitution prohibits media monopolies and oligopolies, and its General Telecommunications, Information, and Technologies Law of 2011 provides for a three-way private-public-community split, but the community fraction is notionally 17 percent indigenous, peasant, or rural organizations and 17 percent urban civil society organizations (Hall, 2012: 57). At the same time, social organizations have condemned the recent Mexican television and radio legislation, saying that it does not address media concentration (Chinchilla Cerdas, 2013).

## ECUADOR'S MEDIA REGULATION

Ecuador's regulatory democratization has its mandate in the country's 2008 Constitution, two referenda in 2011, and the comprehensive Communications Law of 2013. In general, the political project has been one of radical liberal reform aimed not at the systematic expropriation of property but at a citizen-focused state. The historian Juan Paz y Miño says that "there is a focus not to dispossess private enterprise . . . [but] to subject it to the national interest" (interview, Quito, November 19, 2014). Nevertheless, the constitution bans monopolies and introduces the idea of democratization of the media. The private media groups deny that they have a monopoly, pointing out that the government has seven channels. However, according to Paz y Miño, "This number doesn't reflect the shape or dynamics of the private media"—in terms of audience reach—except in the print media, where the public press "has gained a lot of space and is now ahead of the others in circulation."

Ecuador's 2008 Constitution has a number of distinctive elements, such as the creation of a citizen-focused state with five distinct sectors (executive, legislative, judicial, transparency and social control, and electoral control), the prohibition of media monopolies (Article 17.3), expansion of public education, health, and social support, and labor and media reform. As regards the media, the new Magna Carta recognizes human rights but not corporate rights, so rights to freedom of expression are strong but pertain to natural persons, individual or collective (Articles 16, 18, 20). There are also universal access rights (Articles 16, 17), antidiscrimination measures, and a commitment to cultural support (e.g., support for minority languages) and the aim to create new media "spaces" with attention to public, private, and community sector shares (Article 17). Regulation of media content to promote informative, educational, and cultural content (Article 17.2) and to "foment plurality and diversity" in media (Article 17.1) is foreshadowed. Finally, the constitution aims to promote the right to participate in public affairs, including expressing opinions and presenting informative material (Articles 18, 61), affirmative action for disadvantaged and discriminated-against groups, and gender equity (Article 65). The new foundational law easily passed the elected constituent assembly and then gained 64 percent of the vote in the subsequent referendum (Ibarra, 2010: 95–99). The law, then, can be said to have a strong democratic basis.

The constitutional provisions on the media were further developed in two referenda in 2011 and given detailed shape in the Communications Law of 2013. The questions put to the public in May 2011 were a proposal to establish a media regulation council (for television, radio, and the press) to regulate messages of violence and explicit sex and to establish rules of responsibility and a proposal to amend Article 312 of the constitution to tighten the prohibitions on cross-ownership of financial institutions and media organizations (*El Universo*, February 16, 2011). A transitional provision required divestment within a year. The Communications Law passed in June 2013 declared communication to be a right of citizens and proceeded to set up a regulatory framework based on the broader notion of a citizens' state that corporations must not dominate (Juan Paz y Miño, interview, Quito, November 19, 2014).

Congressman Mauro Andino chaired a committee that evaluated a large number of amendments to the law, including proposals from local media bodies and journalists. The private media groups themselves, backed by some journalists, characterized it as a "gag law" (e.g., Brockwehl, 2013), arguing that "the best law is one that doesn't exist" (Carlos Ochoa, quoted in Anderson, 2014). Some international bodies also attacked the new regime. The U.S.-government-funded Freedom House (2015) claimed that the new law "enabled more intrusive regulation of the media [and] continued to threaten freedom of expression," while the similarly U.S.-government-funded Inter American Press Association (Source Watch, 2010) said that it would "reduce the free practice of journalism to its lowest expression" (IAPA, 2013). In view of the sponsors of these bodies, the debate was in some respects a proxy argument between the governments of Ecuador and the United States.

Blanket attacks on the law seemed to have the aim of shutting down the debate on the form of the new regulation or disqualifying the topic altogether. Nevertheless, the law attracted broad popular support through two referenda,

the debates in the legislature, and submissions to the review committee. More than a hundred amendments were considered, some of them substantial, leading to the creation of a regulatory council, a superintendency of information and communication, and some strong local content requirements (*El Telegrafo*, June 14, 2013). “No law has been debated and widely discussed as much as the Communications Law,” according to Andino (Telepacifico, 2013).

Ecuador’s law was celebrated by many on the left as “a great victory” in the battle for a democratic media (Borón, 2013). President Correa called the law “a contribution to democracy” and continued, “I hope this example will be followed by many countries, because we are now rebelling against the media dictatorship that has done so much damage to our countries, so much damage to our democracies.” While a good press is vital for democracy, “a bad press is fatal for that same democracy” (ANDES, 2013; Correa, 2013). Carlos Ochoa, who would become the first superintendent of communications, observed that the 2008 Constitution had created “a series of controls for a power that, until then, had not been controlled.” Previous media law had come from the military dictatorships, with direct censorship and closures. Many journalists had been trained under that regime, with little education even as independent journalists (quoted in Anderson, 2014).

To make sense of the array of new regulations it seems useful to employ three broad categories defining areas of social accountability: the control of monopoly power, mechanisms for ensuring citizens’ rights and redress, and the promotion of participation in the media. To some degree these overlap, as participatory regulation is linked to the widely recognized need to restrain monopoly power. As Chavero (2015) observes, Ecuador’s law is based on the idea of “government intervention in favor of the normalization of journalism and defense of citizens’ rights against the abuses of the big media companies.”

#### RESTRAINT OF MONOPOLY POWER

The 2008 Constitution notionally bans monopolies, but the government is said to have only really begun to act on this principle after the attempted coup of 2010 (Juan Paz y Miño, interview, Quito, November 19, 2014). Article 106 of the 2013 law says that “radioelectric frequencies” will be distributed equitably in three parts, “reserving 33 percent of these frequencies for the operation of public media, 33 percent for the operation of private media, and 34 percent for the operation of community media.” Licenses are granted by the Consejo Nacional de Telecomunicaciones with the advice of the Consejo de Regulación y Desarrollo de la Información y Comunicación. The Superintendency of Communication, in the event of competitive applications, verifies that conditions for the contest are equitable by requiring information from the participants and providing a report on the fairness of the application process (Ochoa, quoted in Anderson, 2014). Movement toward the three-sector proportional distribution of licenses has been slow, gradual, and supposedly accomplished through withdrawal, expiration, and redistribution of licenses. At the start of the process, 97 percent of licenses were privately held; by late 2014 that figure was down to 83 percent (Ochoa, quoted in Anderson, 2014). Withdrawal of licenses has occurred in several cases through breach of the new cross-ownership

rules. The Communications Law gives effect to the constitutional provision that owners “may be bankers or media owners but not both.” In other words, the law seeks to separate media companies from other economic groups.

Some of the beneficiaries of this license redistribution have included government critics. After years of struggle, six indigenous Ecuadorian journalists from the Movimiento Indígena y Campesino de Cotopaxi and the Confederación de Nacionalidades Indígenas del Ecuador managed to launch MICC TV, which is often critical of and backs electoral candidates against the Correa government. One of the MICC TV managers said, “We air documentaries other channels would not, alternative Latin American, European, and American cinema for people to think differently.” The station has two newscasts, one in Quechua and another in Spanish, covering topics such as food sovereignty but also music, sports, and organizational development. Its audience is estimated at 600,000 (Bellani, 2014).

## RIGHTS AND REDRESS

The Communications Law was cosponsored by some congressmen who said that they had been victims of a “media lynching” (character assassination), such as Maria Augusta Calle, whose life had been put at risk by the false accusation that she was a member of the Fuerzas Armadas Revolucionarias de Colombia (*El Telegrafo*, June 14, 2013). As a result of these pressures, provisions for redress of abuses, in particular the right of reply or correction, were included in the law and came under the direction of the Superintendency of Communication, which serves as an ombudsman but with some enforcement powers and an educational role. The law also has provisions for professional ethics (Article 10) and the rights of communications workers (Article 44). Ochoa (quoted in Anderson, 2014) says that the status of journalists has been raised, with limits on subcontracting and a minimum salary of US\$850 per month.

The Superintendency of Communication basically exercises a function of promotion, vigilance, monitoring, and some enforcement. Its report for 2014 cites its work in promoting “free access and exercise of communications and information rights,” monitoring, vigilance, and intervention, dissemination of information on public rights, and attention to citizens’ complaints (SUPERCOM, 2014a). Ochoa (quoted in Anderson, 2014) said that, in the past, media owners “could invent stories against people. . . . If there were a [right of reply] to a false story that had been [say] on page 1, with eight columns, there might be an apology on page 35.” That situation had changed, he said: “Now if you feel affected by the media you can make a complaint. . . . If it complies with basic requirements . . . we will require detail from the media and start a process. . . . If for example they don’t give a right of reply, in the end we will develop a solution.” The length and the prominence of that reply may be mandated.

A range of abuses is now monitored, including race and gender discrimination and intrusive sensationalism (called the “red press” or the “gutter press” in Latin America, the practice of showing such things as the mangled bodies of car accidents). Ochoa (quoted in Anderson, 2014) says, “It is unacceptable that the red press persists. . . . Normally ordinary people are targeted. They almost never use it on people with resources.” Also prohibited are the defamation of



TABLE 1  
**Complaints Processed by the Superintendency of Communication in  
 Its First Year**

	<i>Upheld</i>	<i>Dismissed</i>	<i>Insufficient Information</i>	<i>Not Applicable</i>	<i>Total</i>
Television	122	46	31	0	199
Radio	149	43	24	0	216
Press	471	317	774	27	1,589
Total	742	406	829	27	2,004

Source: SUPERCOM (2014b: 10).

children and adolescents and the identification of criminal suspects before their trials (Table 1). Corrections have been mandated for an *Expreso* story that called Ukraine “the land of death” after a fatal plane crash and one that vilified a disabled person.

The profile of the Superintendency has risen quite a bit, with a 46 percent rate of recognition of the Communications Law and/or the office by the end of 2014. The office says that its aim is to educate both the media and citizens and to prevent rather than to sanction abuses. Nevertheless, cultural resistance and attacks from corporations and U.S. bodies are reported. Paz y Miño says that the Superintendency is engaged more in verification of compliance with the law than in control but adds, “It’s a difficult thing because people see this as censorship” (interview, Quito, November 19, 2014).

#### PARTICIPATORY MEASURES

As with rights and redress, the objective of promoting participation in the media applies equally to public, private, and community media, separating the regulatory debate from the sphere of property relations. Further, while sanctions or mandated corrective measures may address extreme forms of antisocial media behavior, their ambit is limited. Participatory regulation, on the other hand, is said to empower media workers and the public while holding organizations to account. It may also serve to disentangle the views of journalists and owners and weaken the corporate claim of embodying popular freedoms, a matter that has attracted much attention (Carey, 1996; Deetz, 1992; Schiller, 1991). The initial form of participation promoted in Ecuador’s new media system is through the expansion of community media and the reallocation of licenses. When I asked Ochoa whether there was a right for media workers to participate in the management of their enterprises, he replied (quoted in Anderson, 2014), “No . . . but there does exist an antecedent. [In the case of] the media licenses that were confiscated, [e.g.] for being the property of bankers . . . an option was given to journalists to buy 15 percent of the shares, with loans from the national bank.” The idea of participatory management therefore exists but seems not well developed.

There are government credits for community media, for example, to purchase equipment. On the citizen side, the “socialization” of the new law is seen as necessary for ordinary people and professional groups to understand their

communication rights and responsibilities. Ochoa says that, before, people had little idea that the media law, or indeed any law, was about “guaranteeing rights.” Now they have recourse to a supervisory body if they feel that “any media channel has violated their rights.” This “socialization” process has feedback loops. After the discussions and monitoring, the Superintendency will report back to the media bodies, “This is the profile of your channel” (Ochoa, quoted in Anderson, 2014). While requiring levels of participation within media organizations is not yet a feature of the new Ecuadorian regulatory system, it may become so. Meanwhile the Superintendency maintains its educational activities (SUPERCOM, 2015). For its part, the media council has tried to raise the profile of gender equity in the media, campaigning against gender-based violence and for the goal of 50 percent women media workers (ANDES, 2015).

### DEMOCRATIZING THE MEDIA

It may be that much of the Northern debate on media democracy has engaged with technocratic optimism because of the paucity of regulatory initiatives taken by Northern governments or simply because of the intransigence of monopoly power. Yet media monopolies have not withered away in the face of new media technologies. Indeed, those same monopolies and their allies have attempted to disqualify debates and initiatives about media regulation and to characterize governments that attempt such moves as mounting an “assault on free speech” (HRW, 2013). With this in mind, we need to take corporate attacks on the Latin American initiatives in the name of media “freedoms” with a grain of salt. These responses are associated with a great deal of self-interest and conflict of interest as regards public policy.

Independent analysts have expressed more sober views. The Ecuadorian academic Isabel Ramos (2013) “recognizes the accomplishments” of her country’s media reforms while urging caution about possible government infringements. Canada’s Foundation for Democratic Advancement, for its part, says that Ecuador’s new media laws have been mischaracterized by U.S. criticism (FDA, 2013). The foundation does not accept that “public or private media should have free rein to print and broadcast whatever information and opinion they want” but argues that they should be subject to democratic norms, including those that control ownership concentration, “responsible media content,” and appropriate oversight guided by law. Ecuador’s regulatory initiatives take that a step farther by opening the door to greater participation in the media—moves toward diversified ownership, limited support for communications worker buyouts, and popular education campaigns through which citizens get to know their communication rights (Ochoa, cited in Anderson, 2014).

Ecuador’s 2013 media law continues to be attacked from outside and inside. Freedom House (2015) attacks it as responsible for a general decline in press freedom and suggests a link to the closure of several newspapers. Fuchs (2015) observes that those newspaper closures had wider economic causes and argues that the Communications Law has not meant democratization of TV and radio because of its limited application and the effective resistance of the powerful private media: “More than 80 percent of the radioelectric spectrum is still in

private hands.” Further, Ecuador’s private media have been adapting to the new regulatory environment. For example, the principal owner of *El Comercio*, the Mexican magnate Remigio Ángel González, has avoided the reach of ownership norms by transferring his shares to foreign subsidiaries, and the paper’s leading investigative journalist, Arturo Torres, conceded that the new law has conditioned journalists “to be more careful, but, more than that, in our paper we are taking advantage to strengthen the quality and elevate the agenda. We are not just focussing on ‘biting’ the government” (quoted in Fuchs, 2015). Private media figures are certainly attacking the new law, but some are also consolidating their positions under it.

What has been called the “media war” persists across Latin America, with the aim of “creating policies and strategies of communication in collaboration with political and social movements.” Freedom of communication is being linked to including previously excluded voices in the face of hegemonic corporate discourse (Molina, 2016). Of course, corporate power often backs conservative governments, which have no interest in dismantling monopoly power, and those governments are often swift to move against dissenting voices. The Argentine journalist Victor Hugo Morales, dismissed from his radio program by the Clarín Group (linked to conservative Argentine President Mauricio Macri), has spoken out in favor of the public accountability mechanisms provided by Ecuador’s new law, which can add “decency” to journalism including, where necessary, defending a progressive from constant attacks by private monopolies (ANDES, 2016). Over time, the law’s application has generated a more nuanced public debate.

The Ecuadorian media initiative merits attention because it builds on familiar liberal and social democratic principles: controlling monopoly power, clarifying, monitoring, and establishing some redress as regards rights and duties, and beginning to widen the ambit of a participatory media. It is not an isolated move, as we can see from the similar developments in Venezuela, Bolivia, Argentina, and Uruguay. New forms of social accountability with participatory elements seem necessary for the democratic media that must underpin democratic societies.

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