

# GLOBAL INFORMATION SOCIETY WATCH 2007

*Focus on Participation*



# Global Information Society Watch

## 2007



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MONOCROMO

Printed in Uruguay

Edición hecha al amparo del Art. 79 de la Ley 13.349

Dep. Legal 338336

Global Information Society Watch

Published by APC and ITeM

2007

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ISBN: 92-95049-34-9

APC-200705-CIPP-R-EN-P-0034



## Introduction

The end of 2006 meant a change in national-level government for Mexico. It is a good opportunity to review the previous government's record in the area of information and communications technologies (ICTs), and to examine the context that allows us to envision steps that could be taken by the new government. This document considers concrete actions carried out by the previous government, and is based on desk research conducted from September to December 2006, as well as interviews with various civil society actors, academics and national government employees.

## Country situation

Mexico's change of government does not signify a change in political orientation. Vicente Fox left the presidency and Felipe Calderón took office at the end of 2006. Both men are from the conservative National Action Party (PAN).

During its term the previous government expressed interest in expanding ICTs in the country. Its efforts, however, were not adequate. When the government changed hands, only 19% of the population had access to a telephone line. The number of internet users estimated by the Mexican Internet Association (AMIPCI) was 20.2 million people (AMIPCI, 2006a), a figure representing slightly more than 20% of the country's population. In 2005, only 11.2 of every 100 Mexicans had a computer and only one had access to broadband.

These figures are below the international average, and far below the figures seen in developed countries such as the United States or Europe, where more than 70% of inhabitants have internet access (AMIPCI, 2006b). Therefore it is not surprising that Mexican investment in information technologies is only 1.4% of GDP, a percentage significantly lower than the 4.3% of GDP average budgeted by the other countries in the Organisation for Economic Cooperation and Development (OECD), of which Mexico is a member (EIU, 2006).

This analysis becomes more dramatic when we look at the "digital divide" geographically. Mexico is a country with considerable structural differences. The northern and central regions have greater financial resources, while the south, an area of greater density of indigenous, campesino (peasant) and migrant populations, has higher levels of poverty. While 21% of the population in the central region access the internet, only 6% do in the southeast. It is interesting to note that the eight poorest states in the south have teledensities of only 5 to 10 land-line telephones in use for every 100 individuals (EIU, 2006).

Over the last six years – the length of a presidential term in Mexico – the government said it had attempted to make progress in increasing connectivity on a national level and also in the growth of digital services in various sectors critical to government and society, such as health, housing, education and tax collection. But the development of ICTs was oriented largely towards competition and the market, and much less towards expanding the benefits afforded by these technologies in the social and community realms.

In the period of government transition, various sectors of society are making efforts to support the use of ICTs at the national level. But they are also using them like a life raft amid the loss of competitiveness experienced by the country.<sup>2</sup> ICTs are seen by various sectors as one of the most efficient tools for increasing production, thereby reversing the loss of competitiveness, as indicated in a report entitled *Public Policies for the Appropriate Use of Information and Communication Technologies to Promote Competitiveness in Mexico – 2020 Mexico Vision*.<sup>3</sup> According to this document, innumerable actions will be necessary by the government to reach the "2020 Mexico Vision". These can be largely summarised as five objectives (AMITI, 2006):

- The establishment of a national agenda for competitiveness, innovation and adoption of ICTs, which promotes Mexico's transition towards a knowledge society.
- The early and efficient adoption of ICTs by the government, to spur the economy's competitiveness and improve the well-being of all Mexicans.
- The stimulation of the ICT sector so that it may hold a significant place and be an engine of growth in the country's economy.
- An efficient government whose public services become "world class" through the adoption of ICTs.
- The use of ICTs in education and the development of ICT training curricula, with the goal of rapidly closing the "education divide".

This is, however, far from establishing a specific model for the country adapted to its multicultural character, extreme economic, social and educational differences, high poverty rates and other factors that place it in a vulnerable situation.<sup>4</sup> Instead the federal government's actions reproduce, at the level of ICTs, a market model designed in the global sphere,<sup>5</sup> and tending to seek high profits for national power groups. In this way, not only do economic and technological forces that establish new conduits for income increase in influence (Micheli and Martínez, 2005), but those already existing nationally, which base their profit and power chains on information and communication processes, are strengthened.

2 The World Economic Forum estimates that in the last ten years Mexico has dropped more than twenty places, falling from 32nd to 55th place in its competitiveness ranking. In addition, Mexico is reported in the Business Competitiveness Index (BCI) as one of the countries with the greatest absolute decline, along with Thailand and Poland (AMITI, 2006).

3 The document was prepared by the Mexican Association of the Information Technology Industry (AMITI), the National Chamber of the Electronics, Telecommunications and Informatics Industry (CANIETI) and the Mexican Digital Foundation (FMD), under the leadership of the Mexican Institute for Competitiveness (IMCO), with the collaboration of the Centre for Economics Research and Teaching (CIDE) and the market research company Select.

4 One needs only to look at the recent political situation: conflict sparked by electoral fraud, violence and open repression, political ungovernability in Oaxaca, etc.

5 Taking the United States and South Korea as examples, growth in the ICT industry reportedly represents 30% of economic growth in the United States since 1995, and 50% of economic growth in Korea since 2000.

1 <[www.laneta.apc.org](http://www.laneta.apc.org)>.

There are some obvious examples with the well-known corporations Televisa and Telmex, which largely control the television and telecommunications industries, respectively. These enormous monopolies want the whole pie offered by digital convergence, starting from their current positions. Telmex, for example, controls 95% of local phone services, 80% of long distance, 75% of the mobile phone market and around 70% of the country's internet services (EIU, 2006). According to its current plans, it intends to get into television, which will undoubtedly mean a greater concentration of its monopolistic capacity.

Although various government bodies are in favour of this move, completely unified positions do not exist within the national government. While the Ministry of Communications and Transportation favours eliminating the restrictions in Telmex's concession title (licence), which would allow it to provide television services, the Ministry of Finance has been trying to block this. The small telephone companies that have been excluded through competition from fully participating in the regular provision of telephone services obviously support the Ministry of Finance. But the division shows that the actions taken by the government, and by some companies endorsed by the national government, do not represent a clearly defined public policy (Ramírez, 2006).

Mexico continues to be characterised by changes to laws and approval of reforms that do not include the protections agreed on and established in public policies. These changes and reforms typically respond to the need for transformation and growth in certain sectors, and even companies. This was evidenced by the recent approval of changes to the country's media legislation that resulted in the so-called "Televisa Law", which favours companies already awarded radio and television frequencies by offering them the possibility of using those frequencies to extend their range of services – frequencies which ideally should be national rather than private resources.

The way this happened was astounding. In November 2005 the House of Representatives passed in just eight days – voting unanimously in seven minutes without any discussion in the legislative session – a proposal of reforms to two of the country's fundamental laws: the Federal Radio and Television Law and the Federal Telecommunications Law.

Those who proposed the reforms did so behind closed doors, and expected them to be approved in a similar manner in the Senate. But actions by some senators allowed this crucial issue to come to light publicly before the approval of the reforms. Numerous consultations and debates began in which the majority expressed opposition. National institutions such as the Federal Commission on Competition, the National Commission for the Development of Indigenous Peoples, the Ministry of Finance and Public Credit, the Federal Electoral Institute and the Federal Telecommunications Commission argued for the need to reconsider the approval of the reforms (Solís, 2006). The various observations, hearings and public consultations were, however, in vain. The Senate approved the regrettable "Televisa Law" in March 2005 and published it in the Official Register of the Federation on 11 April 2005.

With the approval of this law, the state was placed at the service of the monopolistic interests of media companies. It did not recognise the needs expressed by numerous sectors of the population for community development. It assigned communication only the measly role of merchandise for accumulating more capital, and auctioned off the wealth of the nation to the highest bidder, without employing criteria for the benefit and development of the communities. And it in

no way respected a multiparty negotiation in which private companies, the state and representatives of civil society should have participated.

The threat of strategic partnerships being formed that result in monopolistic business practice is very real in Mexico. A good example is the attempt by Telmex and Televisa to develop a business alliance. If this partnership is successful, Telmex would become the leader in the pay-TV market and, through the agreement with Televisa, would offer the same content currently produced by this monopoly for national television.

With the reforms to the legislation, a greater concentration of already existing monopolies is facilitated. Far from the benefits of technological convergence becoming the property of the Mexican nation and forming part of a potential reserve of concessions to be distributed in a gradual, transparent and public way according to the needs of the majority of society, the interests of the very few are favoured.

As a continuation of the model developed by the previous government, the new administration's Minister of Communications and Transportation Luis Téllez has defined basic points in his strategy for his ministry – a key institution in the area of ICTs. These are: greater competition and quality of services in telecommunications and transportation; a review of compliance by those granted concessions; blocking the concentration of permits to individuals; and the promotion of investment and infrastructural development in close coordination with the private sector ("with all possible advantages") but without losing the state's jurisdiction (Cardoso, 2006). It is worth noting that Téllez, appointed in November 2006, comes from the boards of powerful national and foreign companies such as Grupo DESC, Cablevisión, Bancomer, Grupo México and GAP, among others. Right before his appointment he was on the boards of directors of the Carlyle Group in Mexico, one of the most important private capital investment firms in the world, as well as Sempra Energy, both of which are linked to US president George W. Bush.

In addition to reforms that in no way benefit society in general, Vicente Fox's government developed two other avenues of work in the area of ICTs. The first was the promotion of his e-Mexico programme, which goes hand-in-hand with the actions undertaken in the area of e-government. The other involved the development of the software industry, a sector still in its initial phases but with some entities created at the national level: the Digital Mexico Foundation, the Small and Medium Enterprise (SME) Fund, the Special Science and Technology Programme (PECyT), the Programme for Competitiveness of the Electronics and High Technology Industries (PCIEAT), and the Programme for the Development of the Software Industry (PROSOFT).

The federal government's e-Mexico initiative is moderately well known for its series of portals: e-learning, e-health, e-economy, e-government, and some others aimed at specific populations such as indigenous groups. It is less well known for the installation of its connectivity points, through agreements with various governmental and private entities. In terms of e-government, the growth in national policy has been heavily oriented towards developing online services that make it easier for citizens to transact with the government – such as making online payments. In December 2005 an agreement was issued that established the Interministerial Commission for the Development of Electronic Government, whose purpose is to support the various initiatives, projects and governmental processes in the area of e-government. Among the technological changes that have been made as of 2006 are a citizen's portal, *compranet* (an electronic system for government procurement), a taxpayers' registry, and a professional careers service (Gigli, 2006).

These developments present a fabulous opportunity to increase the public visibility of government action, thereby reinforcing a public image of transparency, good government and the modernisation of management (Micheli and Martínez, 2005), even when the results are not completely positive. They foster the positive transformation of administrative culture in aspects such as access to documentation, or the reduction of the time needed for administrative procedures.<sup>6</sup> However, there is a negative side. The government's adoption of technology is done at the expense of human labour, as it results in cut-backs in personnel at federal entities. More than 80% of government contracting is currently handled online.

The previous government's implementation of the Federal Transparency and Access to Public Government Information Law of April 2002 should be seen as on target (Cámara de Diputados, 2006). The objectives approved in this law were:

- To provide whatever may be necessary for everyone to have access to information through simple and quick procedures.
- To make public transactions transparent through dissemination of the information generated by those in charge.
- To guarantee the protection of personal information in the possession of those in charge.
- To encourage accountability to citizens, so they may evaluate the performance of those in charge.
- To improve the organisation, classification and handling of documents.
- To contribute to the democratisation of Mexican society and the full effects of the rule of law.

The implementation of the law, however, has not been easy. At first this law was a good incentive for the population. However, after numerous refusals to comply by several federal and state entities, enthusiasm slowly began to fade for what once seemed to be a practical step in the right direction towards securing the right to information in Mexico.

Some government departments have refused to provide public information, as was the case with the Ministry of Foreign Relations, which denied public requests on at least three occasions in 2006, availing itself of legal procedures to avoid turning over the information (Velasco, 2006). Similar cases occurred with refusals by the president to hand over documents (*La Jornada*, 2006); the Federal Institute for Access to Information (IFAI) resolution not to release files pertaining to an administrative procedure that the Ministry of Public Operations (SFP) maintained against several employees; and keeping information requested on 206 ruling party members of Congress confidential for twelve years, to mention but a few.

While there has been progress in implementing the law despite these setbacks, it is important to note that the social right of society to be informed, considering all its implications, does not appear in the Mexican government's current legislation (García and Rendón, 2005). The right to information cannot be limited to public governmental information, as defined in our current law, but should include access to *whatever* information is found in governmental institutions. Legislation is still needed in Mexico on this point.

There are other issues related to the right to information, such as the guarantee of freedom of expression, which has suffered serious setbacks in the last six years. Impunity continues for those responsible for the assassination of 25 journalists; 20 of these assassinations are directly related to issues or information that these journalists made public. Accordingly, the organisation Reporters Without Borders rated Mexico second-to-last on the list of Latin American countries that defend press freedom. Due to the alarming incidents that occurred during the last six-year period, the International Federation of Journalists considers Mexico as the most dangerous country in Latin America for journalists who report on crime and corruption. In 2005, during the Fox administration, Mexico became "the most lethal country for the press in the entire American continent," and in 2006 it ranked in second place worldwide, surpassed only by Iraq (León, 2007).

Another issue pending in this governmental transition period is the commitment of the new government to the rights of indigenous peoples, including their right to information and communication. More than 150 members of indigenous communities from 19 countries in Latin America met in Mexico City in November 2005 for a workshop sponsored by the International Telecommunication Union (ITU), the Ministry of Communications and Transportation of Mexico, and the National Commission for the Development of Indigenous Peoples, also of Mexico. Many of the demands expressed by indigenous peoples from across the continent at this gathering apply to the Mexican reality. The indigenous representatives saw as a starting point their need to participate in the use, administration and control of ICTs on a national level. This included participating in the development and design of public policies from the perspective of their own cultures, contexts and realities. This implies reflecting on the impact of modern technologies on indigenous peoples, and how grassroots cultures appropriate the information society.

The workshop participants pointed to the urgent need to recognise and defend the practice of basic rights for indigenous peoples, and freedom of expression through ICTs. At the same time ICTs should be used as effective tools to prevent the violation of their rights. Respect for the San Andrés Accords on culture and indigenous rights signed in 1996 between indigenous communities and the federal government is particularly relevant for Mexico.<sup>7</sup> Indigenous peoples' representatives made a proposal to shape the creation of communal laws, petitioned governments regarding freedom to exercise their own spirituality, and also demanded that governments recognise the legal pluralism of indigenous peoples, and their human and collective rights to exercise their own forms of communication with respect to ICTs (Sandoval and Mota, 2005).

## Participation

Throughout these last six years federal government bodies have opted to align themselves closely with the business sector; there has been very little opening up to civil society organisations (CSOs) that promote ICTs for the common good and sustainable human development. As a result, CSOs that promote ICTs from a human rights perspective have had little luck in forming partnerships with the federal government.

In addition to the monopolies already mentioned, various business groupings are also federal government counterparts. For example, AMIPCI is an association founded in 1985 with 260 member

6 The UN Global E-Government Readiness Report 2005 ranked Mexico in 31st place among 191 countries evaluated and in 2nd place in Latin America after Chile (UN, 2005).

7 For more information, see: <[zedillo.presidencia.gob.mx/pages/chiapas/docs/sanandres.html](http://zedillo.presidencia.gob.mx/pages/chiapas/docs/sanandres.html)>.



companies who joined together to stimulate the ICT industry in the country. Its president is the director of Microsoft Mexico, and one of its vice presidents is the brother-in-law of President Felipe Calderón. Calderón's brother-in-law was also involved in a scandal over the number of federal government contracts granted to his company, Hildebrando S.A. de C.V., and over irregularities in his tax payments.

In large measure, the relationship between government and business has not allowed the open participation of other sectors of society. We should expect more openness from any democratic government. Over the past six years, and in the context of political reform, the government has amply demonstrated that the diagnostics, demands and basic initiatives for communication policies presented by Mexican civil society in forums, seminars and public consultations have been denied, belittled, ignored and marginalised by the power structures. Once again, the profound disillusionment and disenchantment of civil society resurface, questioning whether the spaces created by the state are viable avenues for the transformation of these public policies (Esteinou, n.d.).

Mexican civil society continues to demand that the federal government guarantee dialogue so that the various proposals and positions of the different sectors can be taken into consideration. Mechanisms are also necessary to make transparent the positions and processes employed by the federal government in national and international frameworks related to decisions on public ICT policies. These are currently absent from the government-society relationship – a situation that must be changed in this six-year term, because the participation of civil society as an essential actor in the construction of public policies in the country is indispensable.

For its part, civil society continues to build alternative models, proposals and projects aimed at using the media and ICTs for the common good. There are numerous initiatives that involve a great deal of effort within an adverse political and economic context.

Communication and human rights organisations, as well as various alternative publications, labour daily to set the issue of ICTs within the basic human rights framework. Others work to strengthen and build infrastructure so that vulnerable populations can access new technologies that will allow them to create content according to their local needs. CSOs focused on technical and educational material are promoting the recognition and practical uses of free and open source software (FOSS) as a powerful tool. Associations of journalists, among others, are working for the defence of freedom of expression and the right to information. (Their efforts, however, have unfortunately not been very successful.)

Organisations and communities are also working arduously to promote radio as a public service that facilitates democratic participation in communications media, mostly for those historically marginalised such as women, youth and minorities, among others. Community radio stations fight an uphill battle, but are deeply rooted in their localities in different parts of the country. Internet radio is also emerging as an alternative.

Initiatives dedicated to education and ICTs are developing capacity. Not only are they bridging the “digital divide” by installing hardware, they are building local capacity by training people to use ICTs. They are helping users become creators and producers of new tools and content, and not merely consumers of information. Several successful initiatives are based on work with young people and women. This effort, linking gender and ICTs, is especially interesting. Hundreds of women have been trained and empowered in the use of ICTs.

A number of alternatives to the co-option of the information society by big business have also emerged. One of them, a proposed Citizens' Observatory of Electronic Media (OCME), aims to promote a critical conscience that can take an active part in reorienting the role of the communications media. The OCME was born as an initiative of a radio programme specialising in communications media analysis called “*El fin justifica @ los medios*” (which can be translated as either “the end justifies the means” or “the end justifies the media,” since the Spanish word *medios* has both meanings). The programme has been on the air for seventeen years on *Radio Educación* [Education Radio], a cultural radio station. The overall aim of the OCME is ambitious since it outlines a comprehensive model for media literacy education. This model includes canvassing the opinion of audiences on media content, developing audiovisual learning material, provide training on communications media, and analysing and reporting on the media. The OCME will also help develop a space for social reflection on the media, and channel audience opinions to government bodies and media companies. It is hoped that this space will eventually have the social support necessary to promote the creation of a legal framework aimed at democratising the media.

## Conclusions

Public information and communications policies in Mexico are oriented towards strengthening competitiveness, the market, and the interests of monopolistic groups. The government sworn in at the end of 2006 does not foresee any substantial changes in the next six years.

The relationship between government and society has been expressed as a unilateral strengthening of the business-government binomial. Businesses with strong economic interests have been particularly privileged. This has occurred despite the different needs, proposals and initiatives that have come from very diverse sectors of civil society. Examples of this can be found in the approval of reforms to two of the country's fundamental laws: the Federal Telecommunications Law and the Federal Radio and Television Law, subsequently dubbed the “Televisa Law”. As a result, the state has been placed at the service of the monopolistic interests of the communications companies. The government has auctioned off the nation's wealth without taking communities into account. And it did not respect a multiparty negotiation in which businesses, government and representatives of civil society should have participated.

Considering the composition of the new government and its initiatives announced to date, we cannot foresee any substantial changes in the next six years in the actions of the federal government in terms of creating public policies aimed at benefiting communities and developing the social function of technologies, at least as far as those used for information and communication are concerned. ■

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