

The Role of the State in the Mexican Media System 2013-2018. Starting Point for a Research Agenda

*El Rol del Estado en el Sistema de Medios
Mexicano 2013-2018. Punto de partida para
una agenda de investigación*

RODRIGO GÓMEZ¹

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<https://orcid.org/0000-0001-9888-2993>

This article argues for an examination of the Mexican Media System (MMS) in the political context of democratic alternation, convergence and the regulatory framework established by the 2014 Telecommunication and Broadcasting Act. Specifically, this research focuses on the degree and nature of state intervention in the media system by analyzing the most important public communication policies from 2013 to 2018. The article concludes that this new normative framework and its application disrupted some of old and novel forms of collusion between the political and the media systems. However, the article provides evidence to suggest that the central characteristics of the MMS is the maintenance of political clienteles.

KEYWORDS: Media system, political clientelism, media policy.

Este artículo plantea pensar el Sistema de Medios en México (SMM) a partir del contexto político de la alternancia democrática, la convergencia tecnológica y el marco regulatorio que establece la Ley Federal de Telecomunicaciones y Radiodifusión de 2014. La investigación hace foco en la dimensión que observa el rol del Estado y en particular analiza las políticas públicas de comunicación más importantes de 2013 a 2018. El artículo concluye, por un lado, que el nuevo marco normativo refleja rupturas significativas de la añeja y perversa relación de mutuo beneficio entre el sistema político y el sistema de medios. Pero, por el otro lado, sigue advirtiendo la centralidad de las prácticas clientelares del SMM.

PALABRAS CLAVE: Sistema de medios, clientelismo político, políticas públicas de comunicación.

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¹ Universidad Autónoma Metropolitana-Cuajimalpa, Mexico.
rgomez@correo.cua.uam.mx

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INTRODUCTION

Media systems (Hallin & Mancini, 2004) in the world have been undergoing significant modifications since digitalization and the convergence of technologies –for example, with the arrival of social media, digital platforms, mobile phones and multi-screen consumption–. This has created in transit mutations to communications systems, thanks to the possibilities for interaction and feedback, provided by the social media, between civil society –audiences or users– news media, and the political system, which is producing impacts of different kinds on the dynamics of media systems. For this reason, there is a need for studies that take into account the continuities and changes experienced in these systems.

The media system in Mexico in particular has two fundamental aspects to be considered, in addition to the general changes seen worldwide: a new regulatory framework for radio broadcasting and telecommunications –since 2014– which sets out new rules for modeling and running the system and a political system that has been trying to consolidate the nation’s democracy after 18 years of allowing different parties to take turns in government.

We must add to the equation in Mexico a context of social violence, that has had a significant effect on journalistic practices and the exercise of freedom of expression. The worldwide, national and local situation leads us to believe it is of vital importance to define these continuities and changes through re-thinking the media system in Mexico.

There are some studies on the media system in Mexico that give us a general view of its structure and workings (Hallin, 2000; Sánchez Ruiz, 2005). Indeed we might say that at a national level we have a relatively clear view of the landscape of the media, as much for the press and radio, as for open and pay television (Gómez, 2011; Márquez & Larrosa, 2019). That is to say, we know which communications groups are the main actors, how their markets, audiences and subscribers are shared out between them, the profits they make, the degree of concentration of each in their market (Huerta & Gómez, 2013), their programming policies and the types of content and format they favor the most (Franco, Gómez & Orozco, 2018), as well as the historical relations woven over the

years with the political class in Mexico by both the old school and the new style of entrepreneurs (Adler, 2004; Trejo, 2004).

In fact, the Mexican media system has been classified as being in the realm of media models based on political clientelism (Hallin & Papathanassopoulos, 2002) with a limited pluralism (Segura & Waisbord, 2016) and liberal aspirations (Gómez, 2016), and as one of the most concentrated systems in the world (Noam, 2016).

Here we place the Mexican case in the context of Latin America where in understanding reforms to the media it is possible to see clearly distinguished, from the end of the 1990s till 2016, two tendencies (Becerra, 2015; Gómez, 2013).

One approach adopted has been that of governments espousing the free market: Colombia, Chile, Mexico and Peru; and the other tendency is that of the “Pink Wave” or progressive governments in Argentina, Bolivia, Brazil, Ecuador, Uruguay and Venezuela (Artz, 2017; Badillo, Mastrini & Marengui, 2015). The two different approaches stimulated interesting debates and interactions in the region, which would enrich proposals in all of Latin America (Unesco, 2019). We should remember that since 2016 there have been various changes of government in the region and the block of “Pink Wave” countries lost strength as some of them were subjected to counter-reforms, for example, in Argentina, Brazil and Ecuador.

In the case of Mexico, we have to stress that its proximity to the United States, which is not shared by other Latin American countries, is fundamental for understanding the country’s reform of the media, in the context of the integration of the three nations of North America in free trade agreements (NAFTA and USMCA)² which has put pressure on the Mexican political system to align itself with the logic of free markets and the principles of liberal democracy (Gómez, 2016).

² Treaty between Mexico, USA and Canada. The treaty is a new version of the North American Free Trade Agreement (NAFTA, or TLCAN in Spanish). The T-MEC (treaty between Mexico, the United States and Canada), is referred to in the USA as the United States-Mexico-Canada Agreement (USMCA), and in Canada as the Canada-United States-Mexico Agreement (CUSMA, or ACEUM in French), and it was signed in January 2020.

Another aspect that should be noted is the significant role played by international organizations such as the Inter-American Commission on Human Rights (IACHR, in Spanish CIDH) and the Office of the United Nations High Commissioner for Human Rights, who have brought out reports and recommendations on questions relating to freedom of expression, the reservation of parts of the radio-electric spectrum, public media, diversity and concentration. Along the same lines, but with an emphasis on recommendations about economic competition, the Organization for Economic Co-operation and Development (OECD) played an important part in the Mexican reform (OECD, 2017). In parallel, national, regional and worldwide civil organizations have been essential actors in these debates (Unesco, 2019).

THEORETICAL FRAMEWORK OF THE METHODOLOGY

The research presented here recognizes the need to analyze social power relations that arise from the various tensions and interactions that mold the media systems. The main aim is therefore to try to understand the balance between state authority and corporative power from the standpoint of regulations (McQuail, 1998).

In other words, what kind of social power relations have been forming in the communications sector (Mosco, 2009) in Mexico since the new legislation for radio broadcasting and telecommunications came in in the context of digital technology and democratic alternation? This article considers the continuities and changes that the Mexican media system is undergoing, through just one of the dimensions of study proposed by Hallin and Mancini (2004) –the role of the State– as there is not enough room to cover them all; however, we will concentrate on the analysis of public communication policy.³

The work by Hallin and Mancini on the comparative study of media systems, and their proposal of how to make observations, has four dimensions: a) the media market; b) role of the State; c) political

³ The way we define public policy for media and communications is as the body of programs, initiatives, actions, financing, agreements, regulations and laws, of the state authority, that demarcate, conform and promote the media systems (McQuail, 1992).

parallelism; and d) journalistic professionalism (2004, p. 21). Their research laid the foundations for the development of a debate on the applicability of their proposal beyond the Global North (Brüggenmann, Engesser, Büchel & Humprech, 2014; Chakravarty & Roy, 2013; Hallin & Mancini, 2011, 2016; Voltmer, 2013). We can highlight the discussion by Chakravarty and Roy (2013), which we agree with, on the need to establish comprehensively what the differences are between the regions of a nation within their media and their political systems. That is to say, countries of the Global South have great differences in terms of economic inequalities, media infrastructure and political culture, between one region or location and another, so the photographic impression given by Hallin and Mancini based on their observations in countries of the North, may be more homogeneous and allow more valid generalizations to be made, while in the Global South inequality will make generalization more difficult and might lead to false assumptions or biases.

In an earlier study, Hallin and Papathanassopoulos (2002) found certain features that the media systems in Latin America and in southern Europe have in common, including poor rates of circulation for newspapers, a tradition of opinion journalism, the instrumental use of private media by parties through political alliances, the politicizing of public broadcasting and its regulation, and a limited degree of journalistic professionalization.⁴

These findings agree for the most part with the situation in Mexico, but we can add that they reflect a late transition to democracy and a political culture deeply rooted in patron client relations. For the authors, political clientelism is the central characteristic defining these media systems.⁵

⁴ We should note that there is empirical research that shows a significant advance in the professionalization of journalism in Mexico (Márquez & Hughes, 2017). Also that there is comparative empirical work on the behavior of the local press in the 32 states of the country, based on the dimension of political parallelism developed by Salazar (2018), research that is in line with the proposal made here.

⁵ They understand clientelism in terms of the particular, asymmetrical, form of organization through which access to social resources is controlled and

Other scholars, Márquez and Guerrero (2014) have proposed a typology of the “captured liberal model” to explain the Latin American media systems, including even the countries of the region that have applied progressive policies. The authors distinguish two common characteristics: the unremarkable impact of democratization processes on the structure of property and the links between traditional media and elites as a factor to explain the consolidation of giant media corporations. On the same subject but arguing for different characteristics, Segura and Waisbord (2016) propose, on the basis of another comparative research project, that Latin American media systems have the distinction of being pluralist in a limited way, which is provoked by the exaggerated presence of private interests without enough public and social counterweights and by problems of governability in their States and by inconsistencies in the media market.

From the perspective of this article, we consider that there is more evidence for continuing to think of clientelism as the central characteristic of Latin American media systems. Further, that it is public communications policies that shape these systems on the basis of the tensions and resistances among the public authority, private capital and civil society, which can be seen reflected, in one way or another, in how the systems are implemented in the various contexts of advances in democracy.

In the case of Mexico, we can see from the official discourse and designs of the last three government administrations since different parties have been allowed to take turns in governing (2000-2018), there has been an aspiration to apply the liberal model to the economy and an identification with it.

Finally, and agreeing with Chadwick (2017), we have as a conceptual backdrop the understanding that interactions between the political system, the media system, and citizens –which is the model of political communication through the media (Mazzoleni, 2010)– are changing in a significant manner; media systems are in a state of flux, where roles and practices from the old and the new media are integrated

granted by agents of power, in exchange for deference and various forms of support (Hallin & Papathanassopoulos, 2002).

in political and cultural life. Therefore, according to Chadwick (2017), the media systems are in a chaotic period of transition, induced by the incursion of digital media. The author conceives of this situation as that of a *hybrid media system* (pp. 285-290). For the effects of this article, that characterization helps us to think of the media systems as undergoing mutation with a flow between new and old practices, and to incorporate the role being played by technological convergence as a variable that redefines the media systems in a way that is closely related to public communications policy.

MEDIA SYSTEM AND POLITICAL SYSTEM IN MEXICO

Before going into the characteristics and general dynamics of the media system in Mexico in any depth, it is important to describe the country's political system briefly and show some of the particularities of its political culture.

Mexico is a representative republic, federal and secular, with a president as head of state. Since the year 2000 it has had an alternation in power of three political forces. While the 32 states of the federation are free and sovereign, in practice there is still a centralist relation, kept up through inertia, with the federal government, which is the product of an authoritarian democracy, and which is also due to the financial dependency of the states on the federation (Meyer, 2013). We can say that financial dependency remains one of the pending tasks, or signs of backwardness, of the Mexican political system and its consolidation as a democracy. It should be noted that the Mexican government raises only 17.2 percent of the country's Gross Domestic Product (GDP) in taxes, which is much less than in other countries of the region such as Argentina (31%) and Brazil (32%) (OCDE, 2018).

Another of the problems or threats that bedevil democracy in Mexico is corruption. According to the index of Transparency International, Mexico is one of the countries reckoned to have a high degree of corruption. Indeed, the 2018 report says the country has failed significantly in the fight against corruption, slipping 6 points since 2012 and currently at number 138 out of 180 countries, on a level with Russia and Guinea with 28 points. The report places a particular emphasis

on Mexico, where political rights such as freedom of expression and freedom of the press have diminished substantially (Transparency International, 2019).

Another particularity that distinguishes the Mexican political system is its political clientelism (Auyero, 2001; Hilgers, 2012), something that has evolved over time and is practiced to a greater or lesser extent by all the country's political forces and governments (Combas, 2011; Schedler, 2004).

Along with the existence of these specifics, it can also be said that during the period of alternation, important counterweights to the Executive Power have been created, and autonomous organizations have been formed to balance the power of the State, so even with all its problems democratic governance has been able to come up with institutions, mechanisms and counterweights that make the system more dependable (Woldenberg, 2015).

GENERAL DYNAMICS OF THE MEDIA SYSTEM IN MEXICO

We understand the Mexican media system to consist of dynamic interactions that come under the model of political clientelism (Hallin & Papathanassopoulos, 2002) and limited pluralism (Segura & Weisbord, 2016) with aspirations towards liberalism, situated in a highly concentrated centralized structure (Gómez, 2018), in a context of violence against journalism (Del Palacio, 2015; González & Reyna, 2019) and against society as a whole (Artículo 19, 2019).

However, this system is undergoing significant changes, as a result of the promotion and application of the Federal Telecommunications and Broadcasting Law of 2014, and the invasion of digital media.

One aspect of the relation between the Mexican political system and the country's media system to be borne in mind is that there was an unwritten pact, that worked up until 2000, between those with a license to broadcast by radio and television, and the various administrations of the PRI, that required the former not to criticize the President or other institutions like the Church or the Army, and the latter to promote and protect the businesses of the broadcasters. In this way the concentrated, centralized, domesticated structure of broadcasting in Mexico during

the hegemony of the one party came into being (Hallin, 2000; Sánchez Ruiz, 2005; Sinclair, 1999; Sosa, 2011).

With the arrival of alternation and the center-right governments of Vicente Fox and Felipe Calderón (of the *Partido de Acción Nacional*, PAN) from December 1st, 2000-November 30th, 2012, the pact was completely broken,⁶ though some inertias and practices from before continued. On their side, the owners of the communications media started to use new forms of negotiation and of applying pressure to the state authority multilaterally through the various political parties. This was the context in which the owners of the two big television companies (Televisa and TV Azteca) got deputies and senators appointed through the various political parties in order to defend their interests and lobby in the Legislature in an organized fashion. The legislators in this group were called the “*telebancada*” (group of people in the Congress or the Senate with a common interest in media duopoly) (Gómez, Sosa, Tellez & Bravo, 2011) and they were clearly in control of the committees for radio and television until 2018. In 2006 they went so far as to get amendments to the 1960 Law passed that would favor the interests of the two television companies to such an extent that the new regulations were called the “Televisa Law”.

It is important to point out that all the political parties in the House of Representatives voted for this reform. The occasion served to illustrate the continuities, the inertias, the tensions, and the new forms of negotiation, among the owners of the media companies, and the Mexican political system, just as alternation was coming in, which led to the perception of the media as de facto powers that intervene in the political system in different ways (Sánchez Ruiz, 2007).

After describing the particular situation of the Mexican media system, it is important to make two further observations that are

⁶ It is important to point out that during the PRI administrations of Carlos Salinas de Gortari and especially, of Ernesto Zedillo, there were already signs of a change or break in the pact. In other words, the new arrangements did not come in magically with the change of governing party to Acción Nacional (PAN), as various communications media had experienced a tangible freedom of the press with the PRI still in power (Trejo, 2004).

specific to the context. The first point is that during the period studied (2013-2018) the formerly hegemonic party, the Partido Revolucionario Institucional (PRI), came back into power at federal level, under the rule of president Enrique Peña Nieto, who promoted important structural reforms with the Pacto por México (Barrientos & Añorve, 2014), while at the same time reinstating corrupt practices, or creating a regression in that area (Transparency International, 2019), along with applying various kinds of censorship of the press and control of information (Artículo 19, 2019). Secondly, the escalation of violence in the country increased and records for armed violence were broken, as a consequence of the “war” against drug trafficking and the fights between cartels. This made Mexico the most dangerous country in the world to practice journalism in after Iraq (Artículo 19, 2019). The situation was reflected in the classification by Freedom House; every year from 2012 to 2018, Mexico has been in the category of: Not free or Partially free, reaching its most negative qualification of 63 points out of 100 in 2018 (Freedom House, 2019). This is a situation that has clearly slowed down the development of democracy in Mexico and eroded its advances. Nevertheless, it can be reported that at the same time, investigative reporting has brought to light important stories of corruption during the period of study (Márquez & Larrosa, 2019).

THE ROLE OF THE STATE: PUBLIC COMMUNICATION POLICIES 2013-2018

In this section we can embark fully on an analysis of the role of the State in relation to the media system, emphasizing the public communication policies that affect the system. Due to limited space, the analysis will be of the most significant broadcasting policies.

We should explain that following the 2014 Law, public policies for communications in Mexico have been applied through the actions of two bodies: The Federal Telecommunications Institute (Instituto Federal de Telecomunicaciones, IFT), an autonomous entity that regulates and molds the media system according to the requirements of the law; and the federal government, which has intervened in the system through another type of public policy, one of digital inclusion.

For the period covered by our study we can distinguish: a) the Federal Law of Telecommunications and Broadcasting (*Ley Federal de Telecomunicaciones y Radiodifusión*); b) the program of transition to Terrestrial Digital Television (TDT); c) expenditure on official publicity; d) funding of publicly owned media; and e) the General Law of Social Communication (*Ley General de Comunicación Social*).

It is important to recall that they are all policies of different kinds; two are laws, another two are policies that are renegotiated every year, and the other is a one off act to benefit from the digital dividend. However, even though there is no homogeneity among them, the policies adopted help us to think of the relation between the political system and the media system in terms of the different forms of political interaction involved, which will allow us to establish the dimensions of the role of the State in the media system in Mexico in a diversified and at the same time particular form.

THE FEDERAL LAW OF TELECOMMUNICATIONS AND BROADCASTING

In this section, in order to understand the modifications to the media system in Mexico, the principal reforms established in the Federal Law of Telecommunications and Broadcasting of 2014 are defined.

It is important to note that to a greater or lesser extent the law took up the demands made historically by citizens and civil society organizations who had fought for the communications media in Mexico to be democratized. We may also state that this law is the most important public policy for media since 1960 due to the great range of its reorganization of the media system.

The 2014 Law, which replaced that of 1960 for radio broadcasting and that of 1995 for telecommunications, was the product of a political agreement called the Pact for Mexico (*Pacto por México*), following a very close presidential election and signed by the three most important political forces of the time with the new government. The pact included a reform of the Constitution in 2013 that laid down a binding route map for legislating the secondary law. The reform of the Constitution decreed amongst other things recognition of telecommunications

and broadcasting as public services of general interest, as well as the creation of a new autonomous regulatory body with authority over economic competition (Dorcé, Vega, Trejo & Ortega, 2015).

With the constitutional reform it was established that the new regulator, the Federal Institute of Telecommunications (*Instituto Federal de Comunicaciones*, IFT), had to tender concessions for two new channels of open television (Dorcé, Vega, Trejo & Ortega, 2015). This endorsed the change in the rules of the game, as no public tender had ever been made before for granting a new concession for television, and all licenses up till then had been by direct assignment.

The 2014 law did not pass without provoking criticisms and discussions (Trejo, 2014); however, we can highlight the following aspects of the new regulatory framework, with an emphasis on broadcasting: 1) it defines as its main objective, conditions of effective competition. This aspect is fundamental as according to comparative studies on a global scale, Mexico was the country with the fifth largest concentration in broadcasting and telecommunications (Noam, 2016, p. 694); 2) the creation of the Federal Institute of Telecommunications as an autonomous entity with authority over economic competition, one of whose attributes is to grant, endorse or withdraw concessions; 3) the concessions (licenses) are solely for providing all kinds of public services in telecommunications and broadcasting; 4) radio stations will have the right to use up to 40 percent of their broadcasting time for advertisements (24 minutes an hour), while television channels can use up to 18 percent (11 minutes an hour); 5) *must carry* and *must offer* clauses were included for pay television; 6) the figure of social use (community) licenses was brought in. The tertiary sector has the right to apply for broadcasting and telecommunications licenses, but only 10 percent of the spectrum is reserved for this; 7) a new federal body is created, called the Public Broadcasting System of the Mexican State (*Sistema Público de Radiodifusión del Estado Mexicano*, SPREM), for the purpose of broadcasting “impartial, objective, opportune and truthful information” and to provide spaces for independent production and the plurality of ideas; 8) specific sections are included for the rights of audiences and users, along with the establishment of the figure of defender of audiences; 9) direct foreign investment is allowed, 100% in

telecommunications and 49% in radio broadcasting –with reciprocity clauses–; 10) transition to Terrestrial Digital Television is completed on December 31st, 2015, with the principal aim of reorganizing the radio-electric spectrum and making it more efficient: the digital dividend.

THE IFT, BROADCASTING AND PREPONDERANCE

An aspect that needs to be explained in greater detail is the incorporation of the figures of preponderance and substantial market power, as the regulating body can determine the existence of preponderant economic agents or those with substantial power in the market in the sectors of broadcasting and telecommunications, having the attribute of being able to impose any asymmetrical measures necessary for competition and free concurrence not to be affected. As a result, one of the criticisms of this measure is that preponderance ought to be defined by service provided (landline and mobile telephone, Internet, pay television, open television, etc.) and not by sector (Trejo, 2014).

In fact, a preponderant economic agent is understood to be one that concentrates, directly or indirectly, over 50 percent of the national participation in the broadcasting and telecommunications sectors. This percentage is measured principally by the number of users or subscribers, the size of audiences, the amount of traffic on the networks or how much of the capacity of the networks is being used.

Using these criteria, in March 2014 the IFT declared América Móvil and Televisa to be preponderant economic agents in the telecommunications and broadcasting sectors, respectively; in the first case, for having 68.9% of the mobile phone business, 82 percent of mobile broad band, 72% of landlines and 71.5% of landline broadband; in the second case, for having 67% of the audience and 54% of the MHz/POP granted to all the concession holders for broadcast television in the country (Trejo, 2014).

Following these resolutions, the IFT applied measures of asymmetrical regulation to both groups. However, several analysts have pointed out that although various obligations were imposed on the two companies, whereas the group that was preponderant in telecommunications was strictly regulated, the preponderant group

in broadcasting was treated mildly (Trejo, 2014). On this topic, however, it was observed that Televisa had to be considered an agent with substantial power of the market in the area of pay television as by the end of 2014 it had 64 percent of all subscribers; however, in a plenary session of the IFT, it took the polemical majority decision, not to consider the company as having substantial market power.

What we need to highlight about these decisions and responsibilities of the IFT is that limits have finally started to be imposed on the predominant agents in broadcasting and telecommunications in Mexico, as the institute has demonstrated a degree of autonomy and taken concrete measures to benefit competition and free concurrence.

At the same time, the IFT has started to apply a wide ranging agenda of regulations mandated by the secondary law. Here we shall simply refer to the most important actions relating to broadcasting and modeling of the media system.

The regulator applied one of the public policies that affected the media system in Mexico in a substantial way, when it tendered two digital Television Networks. This was a historical occasion because it was the first time a commercial license for television had been granted, as it now was, in 2015, through public bidding –the other license was declared null and void when the other winning group failed to pay the required fee-. The concession went to Grupo Imagen Multimedios, belonging to Grupo Ángeles (GEA), who offered 1 800 million pesos – around 90 million dollars-. Their channel started operations in October 2016 and broke with 23 years of the national television duopoly of Televisa and TV Azteca (Gómez, 2015). The IFT also tendered and assigned new frequencies for open air Television, between 2015 and 2018; granting 32 commercial licenses for services with a regional reach, 29 public licenses for states, and eight social licenses for local communities (IFT, 2019).

During the same period, the regulating body tendered and assigned 141 new licenses for commercial radio (114 on FM and 27 on AM), 35 public broadcasting licenses (28 on FM and 7 on AM), six to indigenous towns (all on FM), 54 to communities (53 on FM and one on AM), and 98 licenses for social use of the frequency (96 on FM and 2 on AM) (IFT, 2019).

In the same spirit, the IFT took charge of the process of endorsing the concessions of Televisa, TV Azteca and Multimedios for 20 years –until 2041– in accordance with the dictates of the law: Article 114. What is interesting about this polemical resolution is that for the first time a fee was established for the endorsements, and electoral, fiscal, technical, programming and economical requirements were evaluated. The sums paid in fees were the following: Televisa, 5 666 million pesos – around 290 million dollars; TV Azteca, 3 880 million pesos –around 200 million dollars–, and Multimedios, 207 million pesos –around 11 million dollars– (Sosa Plata, 2018).

As mentioned above, in 2016 a new stage began in the market for open television in Mexico, as the incorporation of a third national network had a positive impact on the indices of concentration for the open television market (see Table 1). Also, the arrival of new commercial regional and local TV stations may add to the pluralism and diversity of content. All the same, the position of Televisa as a preponderant economic agent has been maintained, and in four years its ratings have only gone down by 5 percent in terms of the concentration of viewers, still having 62 percent of the total of screen audiences watching open TV in 2018.

TABLE 1
HISTORY OF THE HERFINDAHL-HIRSCHMAN CONCENTRATION INDEX (HHI)
ON THE BASIS OF TOTAL SCREEN AUDIENCE FOR OPEN TELEVISION IN
MEXICO FOR PARTICULAR YEARS

Market for Open Television	1995	2000	2005	2010	2013	2018
IHH	8 334	5 682	5 612	5 472	5 452	4 729

Source: Author's original elaboration based on figures from Huerta and Gómez (2013) and IFT (2019).

One aspect concerning the three national television companies that needs to be emphasized is that they all have a TV channel specializing in news. For example, Televisa has Channel 4 dedicated to this format and it is called Foro TV; the broadcaster TV Azteca has ADN40 on Channel

40, and Imagen TV uses part of its 6 MHz of the spectrum to relay its news channel Excélsior TV through multiplex. This strategy makes it plain how much importance these companies give to news channels for their political and economic profitability. On the basis of which we can stress that for the television companies the news programs, whether on their flagship channels or on their niche market channels, are viewed strategically, in terms of political pressure on the various governments and their political parties, and as a source of economic income.⁷

In general terms it may be stated that the IFT is reshaping and regulating the Mexican media system in a positive way, as it assigns new radio and television frequencies to the three sectors of communications in Mexico. Nevertheless, in spite of these positive steps, the supremacy of the commercial agent and its mercantile logic continue to dominate. What is more, it will be necessary to conduct a finer analysis by state and by region in order to see the reconfiguration of the 32 media sub-systems, with the aim of re-thinking the national media system and to evaluate in a differentiated way, with more elements, the actions related to the incorporation of the three sectors of communications, market concentration, journalistic professionalization, as well as plurality and diversity.

THE PROGRAM OF TRANSITION TO DIGITAL TERRESTRIAL TELEVISION (DTT)

To illustrate the way in which some of the policies and actions proposed in the new law of 2014 were applied, we have the plan to switch off analog open television broadcasting at the end of 2015. For this objective to be met, privately and publicly owned television channels renewed their technological equipment in order to produce and broadcast in digital form, while the Federal Government, through the Ministry of

⁷ On this point it is important to link the powers that the National Electoral Institute (*Instituto Nacional Electoral*), has with regard to monitoring radio and television news programs during electoral campaigns, as they are reflected in a bias towards the electoral in the relation between political parties and the media system. We are simply pointing out as a feature that needs to be studied in greater depth in another research project.

Communications and Transportation (*Secretaría de Comunicaciones y Transportes*, SCT) implemented a plan called the “program of transition to digital terrestrial television” (*Programa de Transición a la Televisión Digital Terrestre*, TDT), in order to provide the poorest households in the country with the necessary equipment. The Program chose to purchase around 11 million high definition 24 inch television sets –with a port for an HDMI and one for a USB– and distribute them to low income households as defined by the Department of Social Development, Sedesol (*Secretaría de Desarrollo Social*), with a register of a total of 11 954 819 qualifying for the TDT program (SCT, 2015).

This policy was hotly debated by opposition political parties, broadcasters, and specialists. Firstly, because of the great expense involved in buying and distributing over 10 million sets, at a cost of 28 446 million pesos –around 1.4 thousand million dollars– (Pérez, 2016) and secondly, because the handing out of television sets coincided with a number of state elections. We agree with Sosa (2017) that the decision to give away televisions was not the best option for fulfilling the constitutional mandate of switching off analog services, because of the patron-client logic involved and because there were economic alternatives that would have been less onerous for the country. In fact, the Supreme Auditor of the Federation, (*Auditoría Superior de la Federación*), found irregularities in the acquisition and distribution of thousands of digital televisions. The Wall Street Journal reported on cases of corruption and favoritism towards some of the intermediary companies that won the franchises for buying flat screen sets (Pérez, 2016). Just to have a point of comparison, the United States spent 25 000 million pesos –1.34 thousand million dollars– on the same idea; their program consisted of giving out 35 million coupons worth 40 dollars each to households for the purchase of antennae and decoders, or, failing that, to help with the cost of paying for a digital TV set (Hard, 2010).

OFFICIAL EXPENDITURE OF THE FEDERAL GOVERNMENT ON PUBLICITY

Another of the central actions affecting the media system, which we had to highlight during the period of the research, was the excessive

expenses paid out by the government of Enrique Peña Nieto in the category of publicity and expenditure on social communication in the media. According to journalistic sources and civil society organizations –Fundar and Artículo 19–, using figures from the Civil Service Ministry, (*Secretaría de la Función Pública*), Peña Nieto’s government spent around 62 000 million pesos between 2013 and 2018 –over 3 000 million dollars (Beauregard, 2019)–, almost double the amount spent by the administration of Felipe Calderón (2007-2012), which paid out 39 000 million pesos (Artículo 19, 2019). According to these sources the expenditure was concentrated on a select group of media, as just 10 media companies received 49 percent of the budget (Artículo 19, 2019). Televisa and TV Azteca benefitted the most; for example, the former invoiced around 9 000 million pesos –522 million dollars– during the six-year government; and the latter invoiced 5 900 million pesos –313 million dollars– (Artículo 19, 2019). Another interesting fact is that on average, television received 35% of the total, radio 19% and the printed press 17 percent (Fundar, 2019). This strengthens the notion that television occupies the central position in the media system of Mexico.

Two implications of this situation call for attention: the discretionality of the allocation of public resources to a handful of companies, and their possible use to reward or punish the editorial lines of the various media outlets, always with the idea of creating a positive image of the federal government or of communicating its achievements and advances. Paradoxically, the expensive official publicity policy did not achieve its objective, as the election results of 2018 for the party and the government of Peña Nieto were disastrous, and he left office with a disapproval rating of 76 percent (Artículo 19, 2019, p. 14).

It is important to note that this kind of situation is not new, but a central feature of the relation between the Mexican political system and their media (Adler, 2004; Trejo, 2004) that increased in strength in the period of alternation, with an alarming peak in the six years of Peña Nieto. The situation clearly harms or waters down the freedom of the press and freedom of expression that are fundamental to a democracy (Peschard, 2019). However we should recognize at the same time that official publicity has been a lifesaver for the financial viability of many media outlets.

FUNDING PUBLIC MEDIA

The other substantial public policy on communications that falls to the Executive and Legislative powers is the immediate financing of public media; a policy that is directly related to the use of public resources and to expenditure on official publicity, and on repeated occasions the Executive have restricted the sums allocated to these media arguing that there is not enough public money to finance them. Actually the sums of money spent on them reflect the importance to the administration in power of the public media, as a counterweight to the commercial media, to benefit plurality and diversity in the Mexican media system.

During the administration of Peña Nieto the sum of 7 200 million pesos (around 380 million dollars) was spent on all the public media at federal level. Table 2 illustrates how the budget was shared out among the various public media. It should be noted that these public media outlets have their particularities and cannot be thought of homogeneously. In fact, three of them are television networks: Canal 11, Canal 22 and the novel Public Broadcasting System of the Mexican State, (*Sistema Público de Radiodifusión del Estado Mexicano, SPR*); while two are radio groups: *the Instituto Mexicano de la Radio (IMER)*, and *Radio Educación*, which operate radio stations on FM and AM. They also have to answer to certain federal departments and administrative logics.

Another point to be made is that comparing the two, funding granted to the public media from 2013 to 2018 amounts to only a fifth of the amount spent on official publicity. Indeed, according to the figures presented here, Televisa alone received more money from the federal government than all the public media at federal level.

On this topic, the OECD (OCDE, 2017) reported in its study of telecommunications and broadcasting in Mexico in 2017 that “those holding the concessions for public broadcasting have less financial support than in most OECD countries, which limits their ability to fulfil their mandate” (p. 59).

To go further, this exercise should be extended to state level and there should be a review of the public funding of the different public radio broadcasting systems in the states of the Republic, to assess their editorial and financial autonomy. Here it should be noted that the

executive power of the federation, and the state governors, have the authority to directly appoint the directors of public media, which helps to keep up a very strong link of a clientelist type between the director and the executive branch of government. The only post that has to have the approval of two thirds of the senate is the head of the SPR. Thus it was that the 2014 Law did not address appointments to the other federal, or state media. Also, Article 86 of the 2014 Law, does not go very far in asking for guarantees of editorial autonomy, and least of all in requiring greater accountability. However, we think that the IFT has been remiss and lax in this area, as it does have the powers to legislate or regulate on this. We can therefore point out that with reference to the public media, there are jobs still to be done in order to enrich the

TABLE 2
BUDGET ALLOCATIONS BY THE FEDERATION TO PUBLIC MEDIA ON A
NATIONAL SCALE IN MEXICO 2013-2018 (IN MILLIONS OF PESOS)

Public Medium	2013	2014	2015	2016	2017	2018
Canal 11	643.1	612	612	469.9	419.4	579.5
Canal 22	231.5	201	201	173	170	172.7
SPREM*	99.3	161.6	161.3	249.3	227.3	220.1
Imer	211.1	191.2	182.7	185.1	254.1	178
Radio Educación	97.7	92.3	85.2	55.5	76.3	85.7
Total	1,282.7 (67.5 mdd)	1,258.1 (66.2 mdd)	1,242.2 (65.3 mdd)	1,132.8 (59.6 mdd)	1,147.1 (57.3 mdd)	1,236 (61.8 mdd)

* Reports on expenditure for official publicity and social communication show that the spr received 900 million pesos during the administration OF EPN (Artículo,19). This is remarkable because it was the only public medium to receive this support and it does not have a sizeable audience for spreading the messages of the government, so it remains unclear what the aim of investing these resources was.

Source: Author's original elaboration using data from Sosa (2014, 2018).

various subsystems of the media in Mexico and in turn of the Mexican Media System as a whole.

THE SOCIAL COMMUNICATIONS LAW

Finally, concerning the communications policies that illustrate the relation between the media system and the political system, we shall consider the initiative called the Social Communications Law, (*Ley de Comunicación Social*), that sought among other objectives to make transparent the allocation of public resources to commercial media, or to introduce clear criteria for it. The law was passed at the end of the Peña Nieto six-year administrative period, in September 2018, and came into force on the first of January 2019. The initiative was presented and approved by legislators from the president's party, the PRI, and also by the Green Ecologist Party.

The law was criticized by a coalition of civil organizations called #MediosLibres, mainly because it did not remove the possibility of discretionary and excessive allocation of official publicity by the three levels of government to promote their actions, and it also did not establish mechanisms to institute a control of expenditure on official publicity through bodies that would monitor and audit the public resources destined to be spent on social communications (Artículo 19, 2019).

Definitely, as the #MediosLibres coalition said, the law did not attack the principle problems connected to official publicity, and it also kept up the clientelist and discretionary nature of its allocation by the different levels of government, as it institutionalized the expenditure of public money by administrations to promote the actions and advances of the government. In the words of Fundar and Artículo 19, the new law legalized media corruption (*Animal Político*, 2018).

DISCUSSION AND CONCLUSIONS

The present article gives a short analysis of one dimension of the Mexican media system (SMM in Spanish) –the role of the State– which provides a starting point and a solid regulatory basis for undertaking a study the other three dimensions –the media market, journalistic

professionalization, and political parallelism— proposed by Hallin and Mancini (2004), for studying the most important public communications policies, which on the one hand are reconfiguring the SMM positively and on the other, stubbornly reproducing clientelist practices.

As we have pointed out during the article, the constitutional reform in the area of telecommunications and broadcasting, with the Federal Law of Telecommunications and Broadcasting, are the breaking point for understanding the new rules in the reconfiguration of the media system and its regulation. This regulatory framework even reflects significant ruptures in the time honored and perverse relation of mutual benefit between the political system and the media system, which introduces the possibility of building a democratic and competitive framework. Whatever its scope and limits, we understand the new law as a mark of reference that makes central aspects, that for years were opaque and discretionary, transparent.

However, weighing against these advances in the regulatory framework and its application, policies having to do with expenditure on official publicity clearly show signs of clientelist practices that do not help with consolidating a healthy distance between the power of the media and the political authority, so this situation illustrates strong tensions and resistances between the media system and the political system. The Social Communications Law illustrates this tension and resistance. It institutionalized excessive expenditure on official policy, by not having clear transparent rules, thus adulterating freedom of expression and normalizing corrupt practices through clientelism. Similarly, the strategy of the federal government displayed in the program of transition to Digital Terrestrial Television shows a combination of wasting public resources, cases of corruption and clientelist practices concerning elections.

With regard to financing the public media, we find a lack of interest and lack of political will to build a media system in which the public broadcasters are central and provide a counterweight to the mercantile logic of the commercial media. While the two commercial television companies (Televisa and TV Azteca) are favored with 14 000 million pesos in official publicity, all of the public media together were given a budget in the same period of only 7 200 million pesos.

We can therefore agree with Hallin and Papathanassopoulos (2002), that the SMM continues to show an instrumentalizing of the commercial media by the various branches of government and their political parties, through official publicity, but at the same time we can see there is blackmailing of the governments by the media, though negative or positive coverage of the governments and their parties, in order for the media to obtain these juicy public funds.

Therefore both agents are in a state of constant tension as they resist giving up their privileges and letting go of their power. We also see there is less politicization of public broadcasting, which however has not in the end been able to obtain either full independence or proper funding, and has been even less able to gain the central place it should have in the media system as a whole.

It is important to stress that organized civil society has played a fundamental role both as a monitor of the relation between the media and political authority, and as an active agent making proposals and taking part in the re-composition of the media and the political system.

To conclude, we should reiterate that this article is only the starting point for re-thinking the Mexican media system, and proposing a plan of research. We may note that the agenda of this research project, as well as relating the other three dimensions of the study to each other, should include analysis of the digital media, and especially the social media and their socio-digital networks, with the aim of understanding how the media systems are being modified on the basis of these new interactions. Also to obtain a deeper view of the continuities and changes of the MMS. We think its subsystems in particular should be studied, that is, those in each of the 32 states of the Republic, to be able to see in a differentiated way what the similarities and differences are in the territory of Mexico, as the photo-like impression we get is closer to the reality of Mexico City and a few urban centers, and much farther from the local realities of Chiapas or Tamaulipas, to mention two extremes. Putting it another way, each subsystem should be studied, reproducing the starting point developed in this article, to be able to see the local impact of the 2014 Law on the media subsystems, emphasizing their democratization, and classifying the clientelist particularities of each case in a comparative study of the 32 subsystems. The task is evidently ambitious, but to understand and characterize the complexity

of the Mexican media system, it is necessary to explore the local in greater detail and present it in the form of a comparison so as to be able to comprehend the phenomenon nationally. It is also important to point out that the present article further establishes the bases for establishing continuities and changes following the impacts of the communications policies of the administration of Andrés Manuel López Obrador, a situation which will definitely have to be analyzed in the near future.

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