

Sound As a Dollar?

*The Propertization of Spectrum Resources
and Implications for Non-Profit Community Radio in Guatemala*

By

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Abstract

This research analyzes Guatemala's 1996 telecommunications reform, with an emphasis on how the introduction of private property rights in the electromagnetic spectrum has affected provision of, and access to, non-profit community radio, a critical media for the country's indigenous Maya. The Guatemalan 'experiment' is the first applied test of Ronald Coase's 1959 call for property rights in radio spectrum. To date, spectrum liberalization in most countries, including Canada, has upheld a model of resource stewardship in which the state retains ownership of the spectrum and a measure of control over frequency allocations. In Guatemala, by contrast, the state has ceded spectrum control to the private sector by auctioning off legal title to electromagnetic frequencies and allowing secondary markets in spectrum trading to develop. Formerly free under license to Guatemalan nationals only, FM frequencies sold with title under Guatemala's revamped telecommunications law fetch as much as US\$750,000 at auction. Broadcasting rights have disproportionately accrued to foreign nationals and commercial operators, while community broadcasters operating without title are accused of 'stealing' spectrum resources (causing interference on titled bandwidth), for which they face fines of between US\$10,001 and \$100,000 and up to six years in prison. Scholar-advocates and industry lobbyists credit Guatemala's propertization regime with maximizing resource efficiency, institutionalizing justice, and offering rich and poor countries alike a practical model for spectrum reform. The Inter-American Commission on Human Rights and other critics, however, argue that the regime discriminates against those who lack the financial resources to purchase spectrum title and effectively bars non-profit

community radio stations from legal access to the airwaves. This study traces the intellectual roots of (neo)liberal reform and examines parallels between geographies of inequality in Guatemala's landscape and soundscape in order to demonstrate that the costs of enclosing and commodifying resources once held in common has consistently and disproportionately fallen on Guatemala's indigenous population.

Acknowledgements

Pierre Bourdieu once said that of his most faithful and intelligent informants, one stood out above all others: his mother.¹ I could not agree more and would add only that my father, equally and fully, has stood out in this role too. Everything I know and everything I am, I owe to my parents. *Mom and Dad*, we always talked about me someday writing a book and this may be as close as I ever get, so I want you to know that this work is dedicated to you both, with all of my love and eternal gratitude for everything you have taught me through the years, and for everything I know you will continue to teach me into the future. The lessons I have learned from you would fill these pages many times over, but the fact that you taught me early on to trust my intuition and to never give up go a long way to explaining what made this research possible.

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¹ P. Bourdieu (2003, 289).

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Acronyms

AAG	Association of American Geographers
ALMG	Academia de Lenguas Mayas de Guatemala <i>Maya Academy of Languages</i>
AM	Amplitude modulation
AMECOS	Asociación de Medios Comunitarios de Sololá <i>Community Media Association of Sololá</i>
ARCG	Asociación de Radios Comunitarias de Guatemala <i>Association of Community Radios of Guatemala</i>
CACIF	Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras <i>Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations</i>
CEDFOG	Centro de Estudios y Documentación de la Frontera Occidental de Guatemala <i>Centre for the Study and Documentation of the Western Border of Guatemala</i>
CECODE	Centro de Comunicación para el Desarrollo <i>Centre for Communication for Development</i>
CEES	Centro de Estudios Económico-Sociales <i>Centre for Economic-Social Studies</i>
CEH	Comisión para el Esclarecimiento Histórico <i>Commission for Historical Clarification (United Nations)</i>
	Guatemalan Episcopal Council
CELAM	Consejo Episcopal Latinoamericano <i>Latin American Episcopal Council</i>
CEPAL	Comisión Económica para América Latina Latin American Economic Commission
CEPSE	Centro de Educación Popular y Servicios para la Enseñanza <i>Centre for Popular Education and Teaching Services</i>
CERIGUA	Centro de Reportes Informativos de Guatemala <i>Centre for Investigative Reports on Guatemala</i>
CGCC	Consejo Guatemalteco de Comunicación Comunitaria <i>Community Communications Council of Guatemala</i>
CGR	Cámara Guatemalteca de Radiodifusión <i>Council of Guatemalan Radio Broadcasters</i>
CIRMA	Centro de Investigaciones Regionales de Mesoamérica <i>Centre for Mesoamerican Research</i>
COPREDEH	Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos <i>Presidential Coordinating Commission on Human Rights</i>
FCC	Federal Communications Commission (United States)

FGER	Federación Guatemalteca de Escuelas Radiofónicas <i>Guatemalan Federation of Radio Schools</i>
FM	Frequency modulation
FRG	Frente Republicano Guatemalteco <i>Guatemalan Republican Front</i>
GIS	Geographic Information System
GREB	General Research Ethics Board, Queen's University
GUATEL	Empresa Guatemalteca de Telecomunicaciones <i>Guatemala State Telephone Company (now operating as TELGUA)</i>
HHI	Herfindahl-Hirschman Index
IACHR	Inter-American Commission on Human Rights
IFI	International financial institution
ILO	International Labour Organization
ITU	International Telecommunications Union
LNE	Law and neoclassical economics
LSE	London School of Economics
MP	Ministerio Público <i>Ministry of Justice</i>
NGO	Non-governmental organization
NTIA	National Telecommunications and Information Administration
OAS	Organization of American States
REMHI	Recuperación de la Memoria Histórica <i>Recovery of Historical Memory</i>
SIT	Superintendencia de Telecomunicaciones de Guatemala <i>Telecommunications Regulator of Guatemala</i>
SSHRC	Social Sciences and Humanities Research Council
SMR	Specialized Mobile Radio
UCN	Unión del Cambio Nacionalista <i>Union of National Change</i>
UFM	Universidad Francisco Marroquín <i>Francisco Marroquin University</i>
UHF	Ultra-high frequency
UMA	Unidad de multa <i>Unit of fine equal to one U.S. dollar</i>
UN	United Nations
UNE	Unidad Nacional de la Esperanza <i>National Unity for Hope</i>
URNG	Unidad Revolucionaria Nacional Guatemalteca <i>National Guatemalan Revolutionary Unit</i>
TSE	Tribunal Supremo Electoral <i>Supreme Electoral Tribunal</i>
TUF	Título de usufructo de frecuencia <i>Usufruct title to frequency</i>

***I know of no country on the face of the globe
—except for a few corrupt Latin American dictatorships—
where the ‘sale’ of the spectrum could even be seriously proposed.***

Response to Ronald Coase on his 1959 call for property rights in radio spectrum

***...and there’s the big issue about community radios. Community radios are
unlicensed, illegal, broadcasting in most of the countryside. What to do with
them is very difficult. How you come down on poor people’s radios
— well, that’s a policy issue.***

*Comments on Guatemala’s spectrum reform presented in 2006
to the U.S. National Telecommunications and Information Administration*

Chapter 1

Introductions and Reflections

The great and chief end, therefore, of Men uniting into Commonwealths, and putting themselves under Government, is the Preservation of their Property.¹

John Locke

Geographically, intellectually, and emotionally, this research ended a long way from where it began. I set out to Guatemala for the first time in 2006. A former journalist and fledgling geographer, I had already logged a good many years over the previous decade crisscrossing the uneven expanse of Latin America. Each twist and turn left me further convinced that Gabriel García Márquez (1982, npn) was right when, upon accepting the Nobel Prize for Literature, he informed the Swedish Academy of Letters that Latin Americans “have had to ask but little of imagination, for our crucial problem has been a lack of conventional means to render our lives believable”. Whatever I thought I knew about the ‘outsized reality’ of García Márquez’s America, however, was reinvented many times over during the course of this project.

From the beginning, my plan was to visit indigenous community radio stations across rural Guatemala; to learn about radio, literally, from the ground up. I knew setting out that

¹ J. Locke (1988, 350), cited in G. Ibárgüen (2004, 1).

many, if not most, of Guatemala's community stations are unauthorized and illegal in the eyes of the State. What I did not know is how *that* story would connect me to an elite network of intellectuals committed to 'experimental' economics and the global spread of classical liberalism.

In *A Brief History of Neoliberalism*, David Harvey suggests that a political economic revolution "had long been lurking in the wings of public policy," its vision informed by a "small and exclusive group of passionate advocates—mainly academic economists, historians, and philosophers" who in 1947 "gathered around the renowned Austrian political philosopher Friedrich von Hayek to create the Mont Pelerin Society" (2007, 20). So central is this moment to Harvey's history of neoliberalism that he reproduces the thrust of the Society's founding statement *verbatim*:

The central values of civilization are in danger. Over large stretches of the earth's surface the essential conditions of human dignity and freedom have already disappeared. In others they are under constant menace from the development of current tendencies of policy. The position of the individual and the voluntary group are progressively undermined by extensions of arbitrary power. Even that most precious possession of Western Man, freedom of thought and expression, is threatened by the spread of creeds which, claiming the privilege of tolerance when in the position of a minority, seek only to establish a position of power in which they can suppress and obliterate all views but their own.

The [Mont Pelerin Society] holds that these developments have been fostered by the growth of a view of history which denies all absolute moral standards and by the growth of theories which question the desirability of the rule of law. It holds further that they have been fostered by

a decline of belief in private property and the competitive market; for without the diffused power and initiative associated with these institutions it is difficult to imagine a society in which freedom may be effectively preserved (cited in Harvey 2007, 20).

Harvey's discussion of the Mont Pelerin Society offers a critical point of departure for the presentation of this research. Ironically, the first paragraph of the Society's statement serves to summarize the collective testimony of Guatemala's community radio practitioners, who told me—time and again, and with unsurpassed dignity—that they do not deserve to be criminalized for exercising *their* right to freedom of thought and expression, for standing up against what *they* see as arbitrary power and adverse policy, for pointing out that *they* are a majority not a minority, or for demanding that the State recognize *them* under the rule of law.

But the Mont Pelerin Society and the political economic vision it sustains connect to this research in other, deeper and arguably more troubling ways. Central to the development and execution of Guatemala's 1996 spectrum reform are a handful of scholars from the *Universidad Francisco Marroquín* (UFM) in Guatemala City. Manuel Ayau, past-president of the Mont Pelerin Society (1978-1980), founded the university in 1972. I met Ayau by chance in July 2008 while at UFM to interview Giancarlo Ibárgüen, the scholar whose 1992 monograph details the essential logic of Guatemala's spectrum reform. Strangely, I had just made reference to Ayau in conversation when he passed by the conference room *en route* to a meeting. "I will introduce you to *Muso*," Ibárgüen said with a smile. Had I known the nickname is short for Mussolini I might have been more

intimidated. Ayau looked neither angered nor pleased when told that I was in Guatemala researching community radio. Indifference was the sense I got from him during the rapid exchange of pleasantries.

That day at UFM taught me much about the “battle of ideas” that motivated Hayek and others to gather at Mont Pelerin. UFM’s rector and Ayau’s friend, Ibárgüen was generous with his time and candid in his comments. He spoke with passion—not just about spectrum reform but also, and more profoundly, about the principles of a free market, private property, and individual liberty. These are the principles upon which UFM was founded and that earned the university praise from Milton Friedman, who declared it a “first-rate” institution that “is having a significant effect on the climate of opinion in Latin America” (UFM 2008a). UFM is a university where “leftist thinking is left off the syllabus” (Dickerson 2008). There is no tenure, no affirmative action, and no sports teams. Students must speak English to be admitted. Any doubt about the university’s expectations for faculty are summarily resolved in the university’s “philosophy statement”, which confirms that UFM

recognizes the academic freedom of any faculty member to teach what is contrary to the University’s philosophy or its policies, as long as this is done elsewhere and under someone else’s auspices. Consequently, only those professors who choose to teach what the University requires of them become and remain members of its faculty (UFM 2008b, 29).

Not surprisingly, UFM faces critics, some of whom charge that “(w)hat they sell is discipline [...] a uniformity of thought that easily translates into dogma so that students graduate from campus believing that they are unique possessors of truth” (Mario Roberto Morales, cited in Dickerson 2008). This may be true, but they also sell policy—and at that they have had no small amount of success.

UFM is central not only to the development of Guatemala’s spectrum reform but also its execution and promotion. The current president of the university’s board of directors stepped in to advise on the conversion of Ibárgüen’s original ideas into “legal jargon” (Ibárgüen 2004, 24, fn 37) and at least two former UFM students emerged in key reform roles: one received a government appointment to head the sell-off of the state-owned telephone company; the other published on the reform’s success for the *Comisión Económica para América Latina* (CEPAL, Latin American Economic Commission). Of the two individuals who have co-authored English-language scholarship on Guatemala’s reform (with Ibárgüen), one is a special advisor to the United States (U.S.) Federal Communications Commission and a former UFM visiting professor (2004-2005). The other is a professor of law and economics at George Mason University, former holder of the Distinguished Pantaleón/Concepción Chair at UFM (1997), and one of two consultants hired by the Government of Guatemala to advise on spectrum liberalization. In short, Guatemala’s spectrum experiment was designed, executed, and marketed by a small, exclusive group of scholar-advocates who, by virtue of their association with UFM, share in the intellectual tradition of Mont Pelerin. David

Harvey, I suspect, would find this *coyuntura*, or convergence of ideas and interests, no accident of geography.

One more protagonist should be mentioned. Carlos Sabino, a distinguished visiting professor at UFM, is also a member of the Mont Pelerin Society. Sabino (2007) is the author of a controversial revisionist history of Guatemala, which contests the “myth” that acts of genocide were committed against Guatemala’s indigenous Maya population during the armed conflict of 1960-1996. According to Sabino, UFM “generates a point of reference in the ideological landscape of Guatemala, like a great river or mountain range, something everyone has to take into account, whether they like it or not” (cited in Ibárgüen 2008b). I think Sabino takes judicious liberties in his (re)-telling of the *verdadera* (true) history of Guatemala. But it seems to me that he is absolutely correct in his assessment of the role that *Universidad Francisco Marroquín* plays in contemporary Guatemala. This will be the focus of my future research.

What follows herein cannot be understood outside of the context of UFM. Neither can it be understood in that context alone. The *verdadera* history of Guatemala is a history involving centuries of struggle—over ideas, over resources, and over geography: “‘*That’s how wars start*’ runs a popular saying. How sad but true that the connection between geography, resources, and conflict means that *geography* is commonly about *war*, and *war* commonly about *geography*” (Lovell 2007, npn).

Chapter 2

Research Development and Methodology

I was aware from the outset that my task involved not simply telling the truth of this world, as can be uncovered by objectivist methods of observation, but also showing that this world is the site of an ongoing struggle to tell the truth of this world.²

Pierre Bourdieu

This thesis is based on qualitative research conducted from June 2006 to July 2008. Three periods of fieldwork totaling five-and-a-half months were carried out in Guatemala: an exploratory phase (July-August 2006); a formal and extensive research phase (June-September 2007); and a formal follow-up phase (July 2008). In total, 36 people were interviewed, including: policy analysts, public officials, and scholars in both Guatemala (94 percent) and the U.S. (6 percent), as well as community radio practitioners and advocates (see Appendix A). All interviews were conducted by the researcher in either Spanish or English, as appropriate, and all transcripts were generated by the researcher in the language(s) in which the interviews were carried out. Openly trespassing disciplinary borders, this work finds a practical base in geography, which is *always* about resources (see Chapter 3). The genesis and methodology of the research are outlined below.

² P. Bourdieu, cited in L. Wacquant (1989, 35).

2.1 Exploratory Fieldwork

While all stages of research may be considered fertile ground for exploration (Stebbins 2001), exploratory fieldwork is recognized as a distinct, pre-research method enabling researchers “to identify appropriate questions, to make suitable alliances, and to have a meaningful engagement with research communities” (Madge and Raghuram 2006, 283). The main objective of my pre-fieldwork research was to test for points of convergence between community radio as a topic of personal and scholarly interest and community radio as an issue of local concern.

I arrived in Guatemala in July 2006 with some knowledge of the country’s history and politics, and cursory knowledge of the broadcasting environment. In an effort to broaden my knowledge of both, I traveled extensively and spoke with as many people as possible, not just about radio but also about many other issues. Much of this travel was done solo, although I did have the opportunity to accompany my supervisor on a road trip through the western highlands, and to join a geography field school led by Dr. Catherine Nolin of the University of Northern British Columbia. The field school, in particular, stands out in memory as it brought me face to face with individuals living in conditions of such extreme deprivation that more than once I vowed to toss my community radio idea aside in order to tackle more urgent issues. It was in one of these moments that Grahame Russell, a good friend and tireless activist, gave me a piece of advice that kept me on track with community radio, although it was not until my research was almost complete that I understood exactly what he meant: “It doesn’t matter what topic you

choose,” he told me, “in the end, you are going to be dealing with the same problem”. I am not certain if Grahame and I share the same vision of what that problem is; but I do know that what I learned through the course of this research extends far beyond the realm of community radio.

During my travels, I spoke informally with radio practitioners, leaders of civil society groups, academics and citizens at large in Antigua (Sacatepéquez), Cunén (Quiché), El Estor (Izabal), San Pedro La Laguna (Sololá), Totonicapán (Totonicapán), and Guatemala City (see Figure 2-1). Involving multiple, geographically, demographically and socially diverse stakeholders in exploratory discussions about a particular issue—in this case, community radio—is consistent with calls for determining whether a research proposal holds relevance for a local population (Hughes, Seidman and Williams 1993; see also, Hughes and DuMont 2002). It is important to underscore the informal nature of exploratory work. I did not apply to the General Research Ethics Board (GREB) at Queen’s University for approval because I was not soliciting participation in a research project but rather trying to ascertain whether there was, in fact, grounds for future research. I explained to those with whom I spoke that I was an academic researcher from Canada, that I had heard about the large number of community radio stations operating in Guatemala and that I was interested in learning more. With the exception of phone numbers and/or email addresses of individuals who expressed an interest in being contacted at a later date should the research proceed, no personal information was collected.



Figure 2-1: Map of Exploratory and Primary Fieldwork Sites Source, Map No. 3834, Rev. 3, United Nations, 2004, Department of Peacekeeping Operations

Discussions were generally one-on-one and were unstructured. As exploratory research is concerned with gaining a broad understanding of a particular issue and not in probing for specific information, unstructured discussion is preferred as it offers “insight into participants’ thinking by allowing them to discuss any dimension of a topic they wish” (Hughes and DuMont 2002, 261). This approach was also used in Phase Two of fieldwork, although for somewhat different reasons (see Section 2.4 below).

Everyone with whom I spoke had an opinion on community radio; scholars, in particular, offered specific suggestions for research, linking community radio to Maya linguistic and cultural preservation, human rights education, political mobilization and women’s empowerment. But it was in a crowded *cantina* in Cunén that I found an important question turned back on me. As I recorded in my field notes:

...“There’s a lot of sadness here, that’s why we drink,” a voice behind me says apologetically. I turn around, unsure of how to respond. Everyone looks as though they’ve been drinking since noon and we’d only just arrived to grab a snack before moving on. More in the interest of being polite than looking for information, I ask if the man listens to the radio. A couple of other patrons shuffle over to join in. Cunén doesn’t have its own station, they tell me, but there’s a good station in Sololá that comes in clear. [...] The first man asks why I am in Guatemala and I explain that I am interested in learning more about community radio. I ask if the station in Sololá broadcasts in Mayan. He nods. “Do you think it’s important to keep indigenous languages alive?” he asks. “Yes,” I say.

We are both speaking Spanish...

2.2 Gathering Sound Bites

Having conducted archival research at the *Centro de Investigaciones Regionales de Mesoamérica* (CIRMA) in Antigua and the *Centro de Estudios y Documentación de la Frontera Occidental de Guatemala* (CEDFOG) in Huehuetenango during the exploratory phase of fieldwork, I returned to Canada knowing that literature on community radio in Guatemala is hard to come by. In the months between my first and second periods of fieldwork, I reviewed what sparse secondary literature exists on radio in general in Guatemala and on community radio in Latin America more broadly. This included refereed and non-refereed academic publications, newspaper articles, and government and civil society reports, as well as online statistical data, maps, and audio files. I found no academic literature specific to the issue of community radio in Guatemala. I did, however, find a seminal text, co-authored by scholars from the United States and Guatemala (Hazlett, Ibárgüen and Leighton 2006), which alerted me to the significance of Guatemala's 1996 telecommunications reform. The country may be classified by the United Nations (UN) as a "failed state" (Rosales 2007, npn), but it is, the article makes clear, a world leader in spectrum reform. By introducing tradeable property rights in radio waves, Guatemala has gone further than any other nation in shifting control of spectrum resources from the State to the private sector. The reform was carried out in the interest of opening a market in mobile telephony. In the process, however, it set off spectrum wars that brought commercial radio broadcasters—holding freshly minted *legal title* to spectrum property—against non-profit community stations who say they may not have the

money to buy spectrum property but most certainly have a right to be on-air. Only passing mention was given to these spectrum wars in the article I had stumbled upon. The authors lamented the interference caused by hundreds of “pirate” community radio stations, but set the issue aside for future research. This research picks up where those scholars left off, although not in the cut-and-dry, statistically laden format they might have preferred.

In consultation with my supervisor, I began to conceptualize parallels between geographies of inequality in landscape and soundscape. On the advice of Drs. Laura Cameron and Brian Osborne, I sourced the work of R. Murray Schafer on the concept of soundscape (Schafer 1977; Schafer 1992). Schafer’s work holds court among geographers and others interested in acoustic ecologies (Waterman 2000; Matless 2005; Zhang and Kang 2007). The concept proved useful, although I define it far more narrowly than Schafer might like, focusing exclusively on “anthrophony” (Krause 2001) (i.e., the sounds produced by human technology, in this case, radio); and, more narrowly still, on how these sounds are shaped by inequalities in “the distribution of expressive resources” (Feld 1984, 383).

2.3 (Re)Placement in the Field, In ‘Theory’

The second phase of fieldwork (June-September 2007) was designed to build on my exploratory work. Approved by GREB (see Appendix B), fieldwork conducted during this period involved combined participatory and observatory methods, as well as semi-structured individual and group interviews. When asked by colleagues what theory I was

going to apply to my research, I hedged. How could I pick a theory for a problem I did not yet understand? My main concern in preparing for Phase Two of fieldwork was to think about my role as a cross-cultural, cross-class researcher. Any attempt to validate the use of combined participatory and observatory methods must address certain epistemological and ethical cleavages. On one hand, participant observation “holds an attraction for the social geographer [...] in providing a method with which an attempt to transcend the epistemological gulf between ‘insider’ and ‘outsider’ can be made” (Jackson 1983, 43-44; see also, Kearns 2005). On the other hand, theoretical and practical problems posed by the directive to bridge that gulf have long led scholars to argue that participant observation is oxymoronic and methodologically suspect: “[p]articipation implies emotional involvement; observation requires detachment. It is a strain to sympathize with others and at the same time strive for scientific objectivity” (Paul 1953, 441; see also, O’Reilly 2005).

Over the last several decades, at least partially under the influence of post-structuralism, rigid conceptual divisions between “insider” and “outsider”, “other” and “self”, and “subjectivity” and “objectivity” have come under increasing criticism (e.g., Routledge 1996; Mullings 1999; Crang 2002; Bourdieu 2003), spawning a literature straddling the concept of “betweenness” (e.g., England 1994; Katz 1994; Nast 1994). But marrying epistemic humility and scientific rigor has proven contentious terrain (Eberly 2006). Accepting that all knowledge is “situated” (Haraway 1988) and that “there is no independent position from which one can freely and fully observe the world in all its

complex particulars” (Barnes and Gregory 1997, 20) is one thing. Quite another is locating and defining one’s position relative to those complex particulars in a way that not only contributes to responsible research but does so in a way that upholds shifting methodological standards. Admitted failures in this regard are on record (Rose 1997), as are stinging criticisms that researchers’ reckless engagements with reflexivity have tended to “substitute the facile delights of self-exploration for methodical confrontation with the gritty realities of the field” (Bourdieu 2003, 282).

If it holds that participation and observation are central to daily practice (DeWalt and DeWalt 2002, 2), then defining and systematizing participatory and observatory methods is critical to making a claim for research as productive of a *distinct* form of knowledge: a justifiably re-situated knowledge, placed in the public domain for the public interest. What constitutes the public interest is, without a doubt, a source of considerable debate, evidenced in part by the arguments presented here (see Chapter 3). What *fails* to serve the public interest, it seems to me, is research approached from what Pierre Bourdieu calls the “scholastic point of view”, which “entices us to construe the world as a spectacle, as a set of significations to be interpreted rather than as concrete problems to be solved practically” (paraphrased in Wacquant 1992, 39; see also, Bourdieu 1990a; Bourdieu 1990b). This view gnaws at the heart of debates suggesting a growing disregard for public policy among geographers, such that recent developments in geography have “lured researchers into modes of thought and fields of interest that

seem to have only tenuous connections with practical social, economic and environmental problems” (Martin 2001, 206).

For Bourdieu, the scholastic point of view distorts the truth of the world by neutralizing the logic of practice, inscribing on social phenomena theoretical (i.e., totalizing) modes of knowledge, which are wholly incompatible with the urgency, necessity and strategic reality of life as lived. Concern for “the unthought act”, the act carried out without conscious reasoning of its execution, pervades Bourdieu’s work, problematizing any easy transition between practice and theory and bringing to bear critical questions about participatory and observatory methods in research. According to Bourdieu, “[t]he participationist option is simply another way of avoiding the question of the real relationship of the observer to the observed and its critical consequences for scientific practice” (1990a, 34). Criticism is levied here *not* against participatory engagement, which Bourdieu holds central to research, but rather against the illusory notion that participation and observation respectively compress and expand the objective distance between researcher and subject, theory and practice. This notion finds expression in the putative corrective shift from *participant observation* to *observant participation* in post-1970s social science research, particularly among ethnographers (Tedlock 1991; Albert 1997; Lassiter 2000; Costa Vargas 2008). In general, substituting the objective bias of participant observation for the subjective bias of observant participation speaks to the conviction that “ethnography is defined and shaped by human relationships; not an ‘objective’ search for knowledge” (Lassiter 2000, 608). It is a

conviction shared by respected colleagues, who dismiss objectivity in qualitative research, implicitly suggesting, as Richard Rorty (1991) has in a broader context, that it threatens solidarity (Nolin Hanlon and Shankar 2000; Nolin 2006). By contrast, Bourdieu maintains that subjective and objective analyses are equally necessary, but that epistemological priority must be granted to objectivist rupture over subjectivist understanding (1992, 11).

It is certainly true that ethnology, which holds participatory and observatory methods at its core, “is an inexact science, inseparable from subjective, qualitative observations” (La Farge 1947, v-vi). However, ethnographers who subscribe to the term “qualitative” to define a measurably distinct category of research or who underscore the “unavoidability of subjectivity” (Rosaldo 1989, 201, cited in Nolin 2006, 38)—therein making the subjective position a *fact*—appeal to objective, socially mediated and historicized structures of thought that are not reducible to a simple sum of subjective perspectives. What Bourdieu argues, unsuccessfully according to some observers (e.g., Free 1996; Evans 1999), is that “objective structures ultimately structure all experience” (1990a, 41). Reasoning that “the unthought act” reflects an internalization of both external constraints and possibilities, Bourdieu revives the Aristotelian concept of *habitus* to describe an acquired system of structured and structuring (pre)dispositions that generate and organize thoughts, perceptions, expressions and actions (Bourdieu 1990a).

In short, Bourdieu’s thesis is that “the cause of social phenomena is to be found, not in the consciousness of individuals, but in the system of *objective relations* in which they

are enmeshed” (Wacquant 1998, 219, emphasis mine). My research, if it has sought anything, has sought to uncover and understand these objective relations. Bourdieu’s argument is not one of pure determinism. Agent action is not mechanized by external forces. Rather, freedom obtains in practice through the (re)negotiation of the historical and social relations that condition its possibility. Bourdieu’s point is that while “being there” (Geertz 1988) is critical to understanding and explicating practice, the most difficult part of research is not to adopt the subject position *per se*, but to remember that subjects “do not at all have the project of understanding and explaining which is mine as researcher” (Bourdieu 2003, 288). The subtext of this message is that it is unfair to place on subjects the expectation that they, alone, bear responsibility for revealing the “truth” about the social world, as this obtains only through a process of “collective argumentation and mutual control” (Wacquant 1998, 219).

In arguing that the subjective position is a necessary but not sufficient condition for understanding social phenomena, Bourdieu demands objective analysis from the researcher through a process of epistemological and methodological reflexivity. Bourdieu’s reflexive process is distinct from that of researchers who confront questions of positionality through confessional reflections—the so-called “diary disease” (Barthes 1982, 497)—insomuch as it does not seek to expose the biases of the individual analyst *per se* but to uncover the objective relations that condition logics of practice in researcher *and* subject. His emphasis on practice, on understanding life as lived, calls upon an intuitive intellectualism that challenges disciplinary, theoretical and methodological

divides, demanding that researchers “deploy whatever procedure of observation and verification is best suited to the question at hand *and* continually confront the results yielded by different methods”(Wacquant 1998, 219, emphasis mine). This is not an anything goes approach. But it does recognize that intuitive knowledge submitted to objective verification is “properly scientific” (Silva and Edwards 2004, 13; see also, Brannen 1992; Layder 1998).

Against both those who openly defend a subjective bias in fieldwork (e.g., Tedlock 1991; Lassiter 2000; Nolin 2006) and those who set out with the intention of striking a “delicate balance” between participation and observation as proxies for subjective and objective positions (e.g., Angrosino and Mays de Pérez 2003; McNeill and Chapman 2005), Bourdieu holds steadfast to the pursuit of “genuine scientific objectivity” (Bourdieu 2003, 282). And I join him. Not, to be sure, because I feel bound to illusions of neutrality. But because I recognize, as others before me have, that “even if it is not possible to find objective truth, there are important consequences to abandoning the quest for objectivity” (Yanos and Hopper, forthcoming). I offer this research, therefore, as an objective contribution to my field and remain open to objective criticisms in return, confident that *everyone* who collaborated with me in sharing situated knowledge is equally interested in resolving the problem under study and that our solidarity finds its fullest expression in that commitment.

In the genesis of research, I was introduced to Bourdieu’s work just prior to undertaking my second phase of fieldwork, which is why I have chosen to introduce his

ideas in this section. This is, perhaps, a minor point, but one that is in keeping with making known how this project developed across time. My understanding of Bourdieu's scholarship progressed in tandem with the execution of fieldwork; that is, in *practice*. The benefits of this, I believe, outweigh the costs as it prevented me from applying a ready-made theory to an issue about which I still had (and have) much to learn. During fieldwork, I focused most heavily on Bourdieu's concepts of practice and reflexivity, asking, with a frequency dictated by the urgency of the moment, two questions fundamental to research: (1) *What do I know?*; and, (2) *How do I know what I know?* (Hertz 1997, viii; see also, Guillemin and Gillam 2004).

2.4 (Re)Placement in the Field, In 'Practice'

The bulk of my first month of formal fieldwork in Guatemala was spent contacting members of the community radio movement, including several individuals who I had met during my exploratory trip in 2006. Two of the radio associations I approached—the *Asociación Mundial de Radios Comunitarias, Guatemala* (AMARC, World Association of Community Radio Broadcasters, Guatemala) and *Mujb'ab'l yol* (Encuentro de Expresiones, Where Viewpoints Meet)—proved particularly helpful as they, in turn, invited me to participate in a number of community radio workshops and meetings, giving me the opportunity to interact with practitioners from affiliate stations across the country.

I attended two half-day workshops in Guatemala City with station affiliates of AMARC and one two-day workshop in Chichicastenango (Quiché) with station affiliates

of *Mujb'ab'l yol*. The AMARC workshops addressed issues of community radio policy and programming and were attended by nine practitioners from four affiliate radio stations, in addition to four representatives from AMARC and a representative from the *Centro de Educación Popular y Servicios para la Enseñanza* (CEPSE, Centre for Popular Education and Teaching Services). The Chichastenango workshop was organized for community media practitioners by the *Asociación de Desarrollo Comunitaria* (ASDECO, Community Development Association) in preparation for International Day of Indigenous Peoples (August 9). Ten affiliates of *Mujb'ab'l yol* attended the Chichastenango workshop, with practitioners drawn from seven departments (Chimaltenango, Petén, Quetzaltenango, Quiché, San Marcos, Sololá, and Totonicapán). Workshop sessions covered issues of indigenous rights in international and national contexts and culminated with the recording of 15 radio spots on themes ranging from community media and cultural and linguistic preservation to issues of (non)compliance with International Labour Organization (ILO) Convention 169. The spots were recorded in Spanish and, in select cases, in one of the five Mayan languages spoken by practitioners in attendance.

At both the AMARC and *Mujb'ab'l yol* workshops, I introduced myself to participants and explained that I was in Guatemala to research the propertization of the radio spectrum and its impact on community radio. In the case of AMARC, my participation was directly approved by those in attendance, who were given the opportunity, before the start of the first session, to raise questions or objections regarding

my attendance. Due to the fact that I had been invited to the Chichicastenango workshop by a representative of *Mujb'ab'l yol* (a workshop participant), I spoke with organizers prior to commencement of the first session to request formal permission to participate, which I received.

For the reasons outlined above, I hesitate to define my method of data collection during these workshops as either participant observation or observant participation. Neither term diminishes the distance between theory and practice, nor serves to explain the objective relations that differentiated my participation from the participation of others. Certainly, I began to forge personal relationships at the workshops; several practitioners in attendance went on to become integral participants in this study and are people with whom I maintain post-field contact. However, then as now, I recognize the truth in that very distinct Latin American idiosyncrasy of referring to foreigners, principally from North America and Europe, as being from *el exterior*, which is best translated as being from “abroad” but which, taken literally, means from “the exterior”—a practical and constant reminder of a geopolitical distance that defies easy suture.

My participation in the workshops was passive. I acted principally as an observer, stepping into an active, participatory role only on those occasions when I was specifically asked to do so (e.g., during brainstorming sessions). I took field notes *in situ*, a task made somewhat less “disruptive” (Kearns 2005, 203) by the fact that other participants were taking notes for their own purposes. I sought to record as much as possible about the content of the workshops, as well as particular themes emerging from participant

comments, a number of which became critical points of discussion in the individual and group interviews that followed. Workshop field notes were recorded in chronological order and later coded and entered into a software program designed for project management. Following the Chichicastenango workshop, I gave brief interviews about my research (on request) to reporters from three community radio stations.

In addition to the workshops, I was invited to a meeting of *Mujb'ab'l yol* affiliates in Quetzaltenango (Quetzaltenango) and to two sessions of the *Mesa Nacional de Diálogo Sobre Medios de Comunicación Comunitaria* (National Roundtable on Community Media). The National Roundtable was convened in 2005 under recommendation from the Inter-American Commission on Human Rights (IACHR), which, under petition from community radio practitioners investigated airwave access and use in Guatemala post-reform and declared the country's spectrum policy "incompatible with democracy" (see Chapter 3).

In attending the workshops, meetings and roundtable sessions detailed above, I followed the directive of geographers who argue that successful fieldwork requires "strategically placing oneself in situations in which systematic understandings of place are most likely to arise" (Kearns 2005, 196). My participation in these events provided insight into the organizational landscape of community radio in Guatemala and the sociopolitical ambit in which it operates. Moreover, contacts solidified during this process fostered the trust necessary for critical information sharing, not only of personal viewpoints but also of key documents. I received, for example, a set of minutes from all

roundtable meetings from September 2005 to June 2007, which helped me to understand the longitudinal development of the roundtable by facilitating analysis sensitive to the claim that “text (or documents) are essential to the objectification of organizations and institutions and to how they exist as such” (Smith 2001, 160; see also, Anderson 2004).

To the extent that my initial contacts with AMARC and *Mujb’ab’l yol* led to interviews with individuals from respective station affiliates, chain referral sampling (also known as “snowball” sampling) describes the principal method for determining the interview cohort among radio practitioners. One of the few regrets I have about this study is that I did not have sufficient time to attend to all of the invitations I received to visit community stations. Unfulfilled invitations received from practitioners at *Emisora Comunitaria La Compañera* in Nahualá (Sololá), *Radio Comunitaria Steri Villa Nueva* in Malacatán (San Marcos), *Radio Comunitaria La Niña* in Chuicaxtun (Totonicapán) and *Dulzura Estereo* in Río Blanco (San Marcos) deserve special mention, as I had engaging informal conversations with individuals from these stations and feel certain their insights would have strengthened the depth of this study.

Reliance on chain referral sampling for practitioner interviews raises some concerns. The number of community radio associations actively participating in roundtable sessions since 2005 has been variable; however, as many as eight associations participated in the sessions I attended in the summer of 2007. Of these eight, I spoke

informally with representatives from four groups but conducted formal interviews with affiliates of AMARC and *Mujb'ab'l yol*³ only. Moreover, I did not conduct interviews with radio practitioners unaffiliated with a coordinating association, nor with urban or legal community stations. This is far from ideal. Understanding the motivations for affiliating with a particular association or, alternatively, for refusing to affiliate with any association would broaden the scope of this work, as would a systematic attempt to understand if and how broadcasting content is influenced by associational structure. That said, my decision to limit practitioner interviews to the affiliates of two associations is defended on pragmatic and contextual grounds. First, and to the best of my knowledge, AMARC and *Mujb'ab'l yol*, unlike other community radio associations in Guatemala (see Chapter 5), have not been implicated in illegal license trading. Second, logistical and financial constraints dictated that I pre-arrange interviews, most of which took place in remote and semi-remote locations, from my base in Guatemala City. I could not afford to set off on a whim, traveling six or seven hours (or more) on Guatemala's infamous "chicken buses" only to learn that a radio station I had heard about was no longer broadcasting or that it was not a station that fit the operational definition for this research. The workshops and meetings of AMARC and *Mujb'ab'l yol* were invaluable in helping me to build a list of practitioners willing to grant interviews; in turn, this allowed me to map my station visits so that I could

³ *Mujb'ab'l yol* is a radio association nested within an umbrella organization known as the *Consejo Guatemalteco de Comunicación Comunitaria* (CGCC, Community Communications Council of Guatemala).

maximize my time in any given geographic area. My third line of defense with respect to limiting interviews to affiliates of AMARC and *Mujb'ab'l yol* concerns the nature of trust in Guatemala and, to some extent, Latin America more broadly.

Experience taught me early on in Phase Two of fieldwork that community radio practitioners in Guatemala, the majority of whom broadcast without authorization and face constant threat of closure, are understandably wary of direct solicitation for interviews. Prior to making contact with AMARC and *Mujb'ab'l yol*, a non-radio affiliated contact had given me the name of an individual with connections to a small radio station in the western highlands of Guatemala. I contacted this individual first by email and later by phone to arrange a station visit. Upon arrival, I realized that the individual in question was a gatekeeper—a “professional stranger-handler” (Agar 1996)—and that he was deeply concerned about the motivation for my research. Our conversations spanned several days, were informal in nature and often involved my being questioned about issues wholly unrelated to radio. It was an uncomfortable situation, made more uncomfortable by the fact that my accommodation had been provided by the gatekeeper on the premise that the only *posada* (informal lodging) in town was owned by individuals hostile to progressive politics, which I understood to mean a politics threatening the status quo.

While I accept the rationale for role reversal forwarded by activist scholars who argue that (predominantly white) field researchers “neither learn how to nor are comfortable with being the ones subjected to observation” (Costa Vargas 2008, 174), my sense of discomfort

in this case derived not from a simple demand for transparency, which I was fully prepared to meet, but rather from the potential manipulation of my research.

As no form of public transport was available to reach the radio station in this community, I was forced to hitch a ride with the gatekeeper, who introduced to one of the on-air practitioners. We spoke for approximately 20 minutes and agreed that I would contact him at a later date to arrange a formal interview. The gatekeeper was not present during this meeting and later asked me for a point-by-point summary of what had been discussed. Were I to continue research at this site, it was clear that I would either have had to accept the gatekeeper's position, which threatened to skew my findings, or risk the possibility of a confrontation, which I sensed might exacerbate latent tensions in the community. In the end, I decided not to pursue further research at this site. Not only because of the issues involving the gatekeeper, but also because I learned the station in question is supported by a large, partisan organization, which is inconsistent with the definition of community radio selected for this project (see Chapter 3).

While admittedly frustrating, my experience with the highland gatekeeper offered a valuable lesson in the contextual mediation of trust. Scholars applying the criteria of Francis Fukuyama (1995) have labeled Guatemala a "low trust society", suggesting the "lack of trust between individuals not related to one another translates into linguistically obtuse discourse in which professional cooperation and sharing of information, particularly on contemporary political issues, do not occur readily" (McCleary 1999, iv). Fukuyama himself reports having "seldom encountered a Latin American audience that

did not think that their society suffered from a severe crisis of trust” (2002, 26). I am not certain that the situation is so blatantly dire. Having traveled extensively in Latin America over the past decade, my own experience is consistent with Latinobarómetro (2007) polls that suggest Guatemala may well be the most trusting state within a low trust region (Figure 2-2). Interestingly, however, the same polls reveal that foreigners rank among the least trusted people in Latin America, while radio, the source of this foreigner’s inquiry, scores higher on the trust index than police, judiciary, congress, political parties and all other forms of media (Figure 2-3). All of which, I would suggest, lends credence to the argument for working with, and through, established and trusted radio associations in order to build the practitioner cohort for interviews.

INTERPERSONAL TRUST

LATIN AMERICA 1996-2007 / TOTALS BY COUNTRY 2007

Q. Generally speaking, would you say that you can trust most people, or that you can never be too careful when dealing with others? *Answer shown 'one can trust most people'.

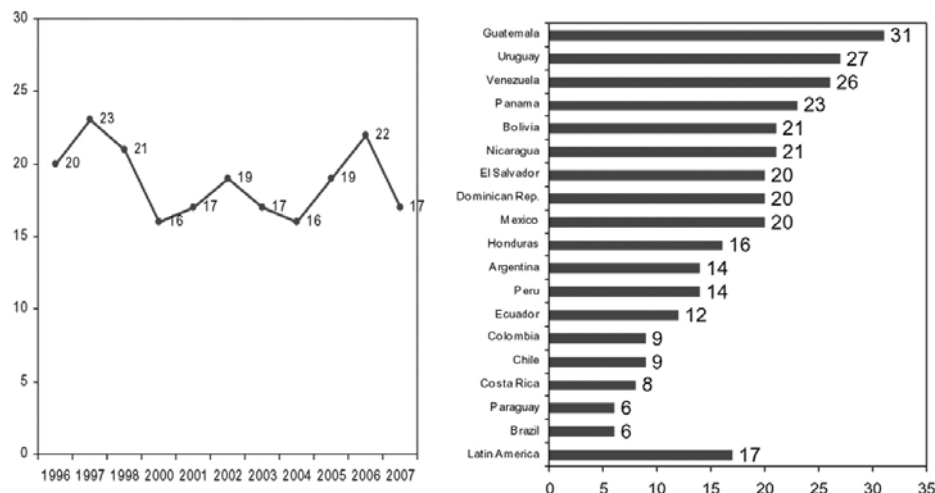


Figure 2-2: Interpersonal Trust in Latin America Source, Latinobarómetro (2007)

TRUST IN ... LATIN AMERICA 2007

Q. Please look at this card and tell me how much trust you have in.... *Answer shown 'a lot' plus 'some'.

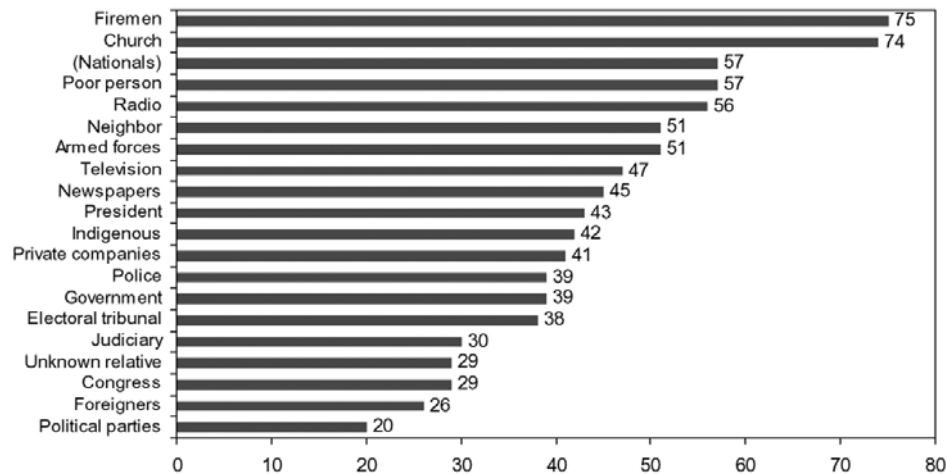


Figure 2-3: Institutional Trust in Latin America Source Latinobarómetro (2007)

Twenty practitioners from five community radio stations were interviewed during Phase Two of fieldwork. Group interviews were conducted at *Radio Ixchel* in Sumpango (Sacatepéquez) and *Radio Comunitaria Kastajinel* in Santa Cruz Balanyá (Chimaltenango). The group format came as a surprise as I had set out to *Ixchel* and *Kastajinel* with the intention of speaking one-on-one with representatives from each station. Like so many unexpected events in the field, however, the group interviews proved to be a powerful learning experience and served to reinforce my appreciation of a strong culture of participatory engagement, which I had witnessed in earlier workshops and meetings. Accommodating the groups required reworking my interview schedule only slightly. The format remained semi-structured, which seemed to suit the dynamic of group interaction.

Participants were encouraged to jump in with thoughts on broad questions raised by me and also to pick up on points raised by others, which resulted in conversations sometimes veering off in directions I could not have foreseen but came to value. Both groups were intergenerational and included a mix of women and men. All other interviews with community radio practitioners were conducted one-on-one and included visits to the following stations: *Radio Comunitaria La No Que No* in San Rafael Soche (San Marcos), *La Voz de la Reforma* (on hiatus) in La Reforma (San Marcos), and *Radio Comunitaria Salcajá* in Salcajá (San Marcos).

In this round of interviews, my objective was to record how practitioners responded to a general invitation to speak about community radio, both as a movement and a practice. This sounds simple enough, perhaps; but I struggled with the approach. My concern derived from Bourdieu's discipline-specific but universally rich claim that research participants "normally never ask themselves the questions that I would ask myself if I acted towards them as an anthropologist" (Bourdieu 2003, 288; see also, Bourdieu 1996). I continue to wrestle with this idea, which is arguably one of the most unsettling and least acknowledged in research design. How do the questions I ask influence the answers I receive and, by extension, the research I put forth? If, in tabling a question, I cause a research participant to consider an issue in a new way or from a previously alien perspective, have I pressured practical logic in a way that makes the response (description, opinion, observation, conclusion, etc.) something other than what it would have been in the absence of my question? There is no wholly satisfactory answer

to this, and in raising the issue I seek neither to offer resolution nor to suggest that this study seeks to reason and advance the gamut of Bourdieu's methodological claims. But there is, I think, cause to explain how my intuitive affirmation of Bourdieu's observation on the nature of questioning shaped my approach to practitioner interviews.

As a geographer, I am easily tempted by spatial discourse. Yet, I refrained from framing questions in this round of interviews in spatial terms because I felt it would be (mis)leading. Rather than asking, *What does it mean to you to have community radio as a space of expression?*, for example, I asked simply, *Why is community radio important?* By introducing broad questions in a semi-structured format (see Appendix C), my goal was to learn how terms of engagement are framed by practitioners themselves. The fact that respondents often made explicit reference to the importance of community radio in providing a "space" for public education, cultural preservation and freedom of expression confirmed for me that there is a *practical* tendency to understand the spectrum in spatial terms. This is not, as geographers before me have argued, merely semantics. How social agents understand public space involves questions of exactly what constitutes "the public" and, in turn, how space shapes *who* counts as "the people" (Staeheli and Mitchell 2007).

To the extent that I wanted to understand the routine ways by which practitioners describe and defend community radio, I was not interested in asking the questions they would not normally ask themselves. While I could not divine these questions, my sense was that when presented with a general invitation to speak to the topic practitioners

would respond by drawing on the familiar.⁴ I did not ask specifically for a “defense” of community radio. However, asking what community radio is and why it is important initiated a discussion very much in line with Bourdieu’s observations on respondent testimony:

[C]ertain respondents ... seemed to grasp this situation (the interview) as an exceptional opportunity [for] them to testify, to make themselves heard, to carry their experience over from the private to the public sphere; an opportunity also to *explain themselves* in the fullest sense of the term, that is, to construct their own point of view both about themselves and about the world and to bring into the open the point within this world from which they see themselves and the world, become comprehensible, and justified, not least for themselves (1999, 615).

Given that Guatemala’s community radio broadcasters are engaged in a struggle for legitimacy against accusations of “pirating” the airwaves and “trespassing” on the private property of others, practitioners might be expected to seize every opportunity to explain. It seems to me that the overwhelming and consistent manner in which participants thanked me—for visiting, for listening, for bearing witness—speaks to a latent, generalized sense of dismissal, of being penalized without due process, which is consistent with the history of indigenous and other marginalized groups in Guatemala writ large. It is not without reason that the *testimonio* informs much academic research

⁴ The exception to this, perhaps, was a hypothetical question I asked during the group interview with members of Radio Ixchel in Sumpango (see Chapter 4).

and writing on Guatemala (e.g., Lovell 2000; Lykes and Asociación de Mujeres Maya-Ixiles Nuevo Amanecer 2001; Sanford 2004; Nolin 2006) and anchors the most compelling internal accounts of the country's 36-year armed conflict (e.g., Menchú 1984; Montejo 1987; REMHI 1998). More than a decade after Peace Accords brought an official end to conflict in 1996, promising to break Guatemala's "culture of silence" (Moser and McIlwaine 2001; Blacklock and Crosby 2004), the struggle to *be heard* continues, not exclusively but perhaps most pointedly in the realm of community radio. The conclusion of this phase of fieldwork brought greater understanding of, and appreciation for, the words of Ana María Peppino Barale, who begins the methodology section of her own study of radio broadcasting in Latin America as follows:

Personal contact with the people who *make* radio, the realization of a common language, interests and actions shared by individuals and organizations... introduced me to a new collective identity, generated by social practices that move beyond difference—cultural, economic, political and geographical—in a common struggle to participate in radio with the objective to educate, to discuss, to propose, to voice dissent and also to entertain and have fun, but always from a perspective closer to the everyday interests and needs of those groups which are not taken into consideration by commercial broadcasters or by state politics of communication—and education (1999, 53-54).

2.5 Back to the Books, A New Set of Questions

I returned to Canada from my second phase of fieldwork devoid of any illusions that simply transcribing practitioner testimony and nesting it within a broad theory of spatial

justice⁵ would be enough, in and of itself, to address the problem of community radio in Guatemala. Had policymakers and industry analysts in Guatemala wanted to hear practitioner testimony, they would undoubtedly have participated in the National Roundtable, as recommended by the IACHR.⁶ The testimony I recorded was critical, but it seemed to me that it could not stand alone. Practitioners by and large referred to the broadcast spectrum in spatial terms (see Chapter 4); yet “space”, as a conceptual marker, is not mentioned in the work of pro-reform scholars, who refer to the spectrum first, foremost and always as a *resource*.

To advance a study that failed to address the regulatory rationale of spectrum allocation would be to invite dismissal—rightly, I think—from pro-reform scholars and policy analysts. This is not to diminish the testimony offered by practitioners. On the contrary, consulting practitioners is precisely what sets this study apart from *all* academic and industry literature on this issue uncovered to date (Ibárgüen 2002; Bull 2005; Leighton 2006; Hazlett, Ibárgüen and Leighton 2006; Hazlett and Muñoz 2006; Hazlett, Ibárgüen and Leighton 2007).⁷ However, I concede that I am sensitive to criticisms that recent social and cultural turns in geography have tended to distance the discipline from policy research, arguably to the detriment of the social agents whose problems urge us to

⁵ I draw on David Harvey’s concepts of ‘space’ (see Chapter 4).

⁶ The fact that the State and commercial broadcasters walked away from the National Roundtable is a continuing point of contention for those in the community radio movement (see AMARC 2007, 32-38).

⁷ This work is also set apart from articles that emphasize radio as an application but ignore spectrum policy governing its use (e.g., Peppino Barale 1999, Dagron 2001, Rockwell 2001).

undertake investigations in the first place (Martin 2001). Equally, I am sensitive to the argument that normative demands cannot and should not simply gloss over resource scarcity. I knew that I needed to go back to the books, to learn more about the policy (and history) of spectrum allocation, and to engage with what might be referred to, euphemistically, as “the other side” of the story.

I began reading whatever I could find written by the scholars whose seminal article on Guatemala’s spectrum reform was lodged in the back of my mind. My interest was not in taking these individuals to task for what I perceived to be a lack of engagement with the issue of how the policy affects community radio. Rather, I wanted to better understand the logic of practice guiding policy formation. In the same way that I sought to heed Bourdieu’s warning against “falling into the populist forbearance for a kind of imaginary ‘people’” (2003, 292) in presenting practitioner testimony, I was equally averse to constructing a kind of imaginary “enemy” in the persons of scholars and policy analysts. The causal factors of the problem under study are not individuals but objective relations. In seeking to identify those relations, this study is positioned at what has been called a point of convergence between activist, participatory and policy geographies, wherein the objective is “to expose the socio-spatial processes that (re)produce inequalities between people and places; challenge and change those inequalities; and bridge the divide between theorization and praxis” (Ward 2007, 696; see also, Kitchin and Hubbard 1999).

Questions posed to pro-reform scholars and policy analysts generally sought clarification with respect to ideas and issues emerging from the published work of the interviewee (see Appendix D). All of these individuals were *extremely* well-versed in property theory, most especially in its specific application to radio spectrum. More than once I found myself called to task (in private, reading literature, as well as in “public”, during interviews) by economists who seemed to know *and care* so much more than me about a concept that should be, but arguably is not, central to my discipline. In interviews and correspondence, pro-reform scholars and policy analysts tended, in line with their published work and the industry more generally, to anchor comments in materialist vocabulary, referring, for example, to the soaring value of spectrum “real estate”. All discussions with these individuals were coded based on the cross-referencing of issues and themes internal to the cohort as well those raised in practitioner interviews.

2.6 Rupture, Construction, Verification

I returned to Guatemala in July 2008, intent to re-connect with community radio practitioners and interview key scholars and public officials with close links to the development and enforcement of Guatemala’s reformed spectrum policy. If rupture, construction, and verification are the “three fundamental moments of social scientific reason” (Wacquant 1998, 5), I felt sure I was in my final moment—all that was needed was to verify what I knew, or so I thought. In fact, the final stage of fieldwork created a new state of rupture. What I came to realize, and what has allowed me, finally and fully,

to appreciate the advice offered by a friend during the exploratory phase of research, is that this project is fundamentally *not* about radio. It is about values and meta-narratives that have everything to do with how *all of us* come to justify what is rightfully ours in what García Márquez refers to as “the distribution of the world” (1982, npn).

2.7 Thematic and Disciplinary Objectives

If this study has any value, it will contribute to a better understanding not only of the “problem” of community radio in Guatemala but also to the objective relations in which stakeholders—in Guatemala *and beyond*—are enmeshed. From an academic and disciplinary perspective, my objectives are: (1) to unsettle the legal-economic bias in contemporary spectrum policy by (re)opening debate on the sociopolitical implications of telecommunications reform; and, (2) to challenge the geographical imagination, pulling it back firmly toward a concern for resource issues and, at one and the same time, pushing it forward into unfamiliar terrain. To be clear, this work does not *introduce* geographic thought into a previously unknown realm. On the contrary, it simply recognizes how geographic concepts have been applied to the electro-magnetic spectrum by researchers in *other* disciplines. That fact that issues of radio spectrum use and regulation are unrepresented in geography is cause for concern.⁸ If non-geographers can point to the

⁸ A search (December 2, 2006) of publications on the database of the *Annals of the Association of American Geographers* (1955-2006) turned up zero hits for the term ‘radio spectrum’.

practical and theoretical connections between property and spectrum laws (Berresford and Leighton 2004; Coase 1959), and if the popular press picks up on the argument that “property rights in radio spectrum assignments” are “one of the most important resources in the information age” (*Wall Street Journal* 2002), then geographers should sit up and take notice. Like water masses, subsurface minerals, natural gas and other resource deposits traditionally held by the State, radio waves are a strategic, *and increasingly scarce*, resource.

Compounding the lack of geographic literature on radio spectrum as a resource, is the fact that its applied technologies, most notably broadcast media, are relegated to the margins of the discipline. Not even a brief but heated debate over the potential for communications technologies to hasten “the end of geography” (Greig 2002; see also Malecki 2001; Graham 2004⁹) was enough to earn media a central place in the geographic imagination. A book-length treatment of *Geography and Technology* compiled by the Association of American Geographers (AAG) makes no reference to “radio spectrum” and turns up only one hit for “radio waves” (Brunn, Cutter and Harrington 2004). Media technologies are generally represented in geographic literature as formulaic, value-neutral, space conquering tools, reducing communication to a “spatialized event” (Hillis 1998). In keeping with the ocularcentric tradition of the

⁹ Graham’s entry in the text *Reading Economic Geography* is telling, insomuch as it appears not in the ‘Resource Worlds’ section but rather in the section on ‘Spaces of Circulation’.

discipline, geographers on the whole have given slightly more attention to television than to radio;¹⁰ however, television has been framed as an embodied “place” (Adams 1992) as opposed to the byproduct of an invisible, but highly regulated resource—a distinction retrenched, to some extent, by community radio practitioners who participated in this study.

2.8 A Practical Request

My only request to the scholarly reader is that restraint be shown with respect to adopting the scholastic point of view, wherein all possible meanings of the words employed herein are mobilized and examined rather than grasping the words that are immediately compatible with the situation (Bourdieu 1998).

2.9 Policy on Participant Names

I struggled with the decision on including the real names of community radio practitioners. My initial feeling was that pseudonyms should be used. However, I was struck by the way in which practitioners consistently defended the view that what they are doing is not a crime. A case in point:

There is something that we have done ever since the day
that our radio was raided [by the government], and that is

¹⁰ A search (2 December 2006) of publications on the database of the *Annals of the Association of American Geographers* (1955-2006) turned up twenty percent more hits for the keyword ‘television’ than for ‘radio’.

that we have always showed our face as *Radio Ixchel*. Because, we know that it's not a crime, *verdad?* What we do is not a crime. And no one can come and say that what we are doing is bad, *verdad?* And, so... Don't worry about using our names or the name of our radio. All of that—for us there is no problem—including all of the material that we've made to share with you (Xunic 2007).

The fact that practitioners *want* to be recognized for the work they do does not ease my concern for their situation. However, I respect their wishes. Most of the stations which are identified by both name and place herein are stations that have an existing presence in online literature, principally through the associations with which they are affiliated.

2.10 Chapter Overviews and Argumentative Thrust

I have taken a broad approach to researching this issue, attempting, at all costs, to avoid the habit of “disembedding” the sociopolitical story from the economic one. I have never met a social scientist who disagreed with Karl Polanyi's (1944) observation that these two streams are inseparable; yet, I will speak only for myself in saying that it is all too easy to fall into the trap of writing to a sub-field: a good cultural piece or a good economic piece, but never the twain shall meet. The following chapter introduces Guatemala's spectrum “experiment”, which developed from a fundamental belief that the success of implementing property rights in land could be replicated in radio spectrum. The chapter explains how the drive for an open market in mobile telephony generated new laws that critics say clash with the State's commitment to recognize indigenous

media rights. Chapter 4 looks at community radio in context and examines practitioner proposals for a new spectrum policy as well as underlying tensions within the community radio movement. Chapter 5 underscores the common law “principles” that influenced Guatemala’s spectrum reform and considers the contradictions of this and other issues in the context of a country which subscribes to a civil law system. In Chapter 6, I present my final arguments and offer suggestions for future research.

Chapter 3

Guatemala's 'Experiment' in Spectrum Reform

Geography, one way or another, is always about resources. More often than not, geography is about access to resources, which usually entails struggles for control over resources. This leads inevitably for geographers to ask how resources are exploited and how the benefits of resource exploitation are shared—or [rather] not shared but monopolized, enjoyed only by a lucky and privileged few to the detriment of an unfortunate and marginalized majority.¹¹

W. George Lovell

Guatemala's spectrum law has been effective, in no small part, because it has recognized property rights in radio waves, thus converting them into a new resource.¹²

Giancarlo Ibárgüen

In December 1996, a set of Peace Accords signed into public record in Guatemala symbolically brought 36 years of armed conflict between guerrilla insurgents and the State to a close. Written over a period of two years, the Accords promised to correct longstanding geographies of inequality in the country, particularly in Guatemala's

¹¹ W. G. Lovell (2007).

¹² G. Ibárgüen (2002, npn).

landholding and broadcasting regimes. In the latter case, the government expressed its commitment “to promote the abolition of any provision in the national legislation which is an obstacle to the right of indigenous peoples to have their own communications media” (*Acuerdo sobre identidad y derechos de los pueblos indígenas*, reprinted in *Acuerdos de Paz* 2003, 41). The promise was bittersweet. More than a year after indigenous media rights were first recognized in Guatemala¹³ and just one month before the Peace Accords were ratified, the government introduced a new, “radically liberal” (Bull 2005, 14) telecommunications law that critics say effectively denies indigenous (and other economically marginalized) groups legal access to one of the most practical forms of communications media in the country: community radio, a critical source of information for Maya peoples, particularly in rural areas, where widespread poverty, monolingualism, and illiteracy problematize the utilization of national, Spanish-language media.

Printed as Decree 94-96 in the 18 November 1996 edition of *Diario de Centroamérica*, the *Ley General de Telecomunicaciones* makes Guatemala the first country in the world to offer “proof of concept” (Hazlett, Ibárgüen and Leighton 2006) for the aging but assiduously controversial challenge of Ronald Coase (1959) to sell property rights in radio spectrum. The distinction is an arguably dubious one given that initial reaction to the

¹³ The *Acuerdo sobre identidad y derechos de los pueblos indígenas* (Agreement on the Identity and Rights of Indigenous Peoples) was signed in Mexico on 31 March, 1995. Along with 10 other agreements written during the period 1994-1996, it was included in the Peace Accords ratified on 22 December 1996 in Guatemala.

publication of Coase’s ideas included this statement from a research analyst at Rand Corporation: “I know of no country on the face of the globe—except for a few corrupt Latin American dictatorships—where the ‘sale’ of the spectrum could even be seriously proposed” (Anonymous, cited in Coase 1998, 579). Forty years on, the question of whether Guatemala’s “laboratory experiment” (Hazlett, Ibárgüen and Leighton 2006, 2)¹⁴ proves Coase’s critic right has academics, policy analysts, international legal observers and in-country radio practitioners deeply divided. Supporters say a market-based property regime allows bandwidth parcels “to be purchased and exploited by those who value them most highly” (Ibárgüen 2004, 8). Opponents argue that “capital should not be the only criteria for frequency allocation when what is at risk is the cultural and linguistic reproduction of peoples, collectives and communities” (AMARC 2007, 40).

3.1 On TUFs and Pirates: The What and Who of Spectrum Wars

Since the introduction of the *Ley General de Telecomunicaciones*, competing claims for radio waves in Guatemala have been settled by auction, with frequencies issued to the highest bidder in the form of security paper certificates known as a *títulos de usufructo de frecuencia* (TUFs, usufruct titles to frequency) (Figure 3-1). In legal terms, and as is mandated by the constitution (Government of Guatemala 1985 [1993], Art. 121), the State retains “ownership” of the electromagnetic spectrum. In economic terms, however, TUF

¹⁴ A later version of this paper refers to a “natural experiment” (Hazlett, Ibárgüen and Leighton 2007).

holders benefit from an advantageously worded section of Guatemala’s Civil Code, which states “the usufruct carries the right to use and enjoy the property of another to the extent that such use and enjoyment does not destroy or diminish (the property’s) essential substance” (paraphrased in Ibárgüen 2003, 546). Because radio waves are infinitely reusable, being neither diminished nor destroyed through use, a TUF is, practically speaking, a *de facto* property right—one which “the government may not arbitrarily reclaim” (Ibárgüen 2003, 546; Ibárgüen 2008a). Defined, defensible and divisible, TUFs entitle the bearer to a 15-year renewable claim on spectrum resources and can be leased, sold, subdivided or consolidated at will. TUFs can also be used as equity or collateral (*Ley General de Telecomunicaciones* 1996; Ibárgüen 2004; Hazlett, Ibárgüen and Leighton 2007).

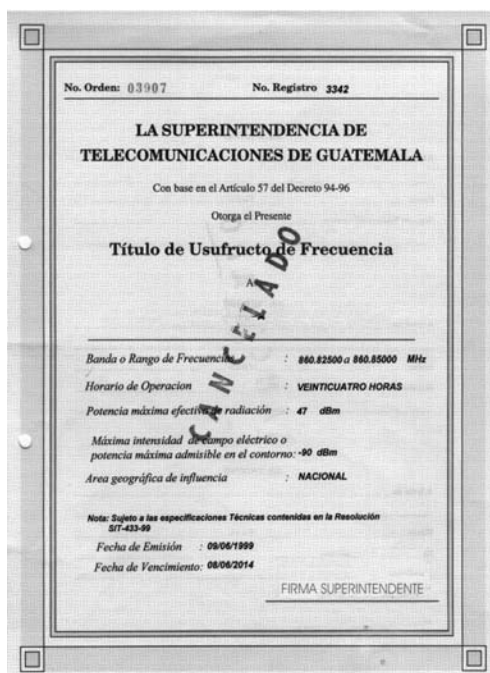


Figure 3-1: Título de usufructo de frecuencia (TUF) Source, Leighton (2005)

The TUF market is largely alien to Guatemala's community radio broadcasters, the majority of whom operate on frequencies for which they do not hold title. Practitioners reject the accusation—circulating in academic and government literature as well as the mainstream press—that they are airwave pirates, saying: “Our principle consists in neither rebellion nor anarchy. *We want to be regulated...*” (AMARC 2007, 35, emphasis mine). The radio spectrum, they argue, is a public good, access to which is a democratic, not an economic, right. Fieldwork visits revealed practitioners eager to share programming schedules and discuss the cultural and educative aspects of their work. An interview with the public official responsible for investigating unauthorized broadcasters, however, demonstrates that programming content is, in and of itself, irrelevant: “I don't care what they transmit [...] we don't negotiate the law” (Castañeda y Castañeda 2008). Unlike administrative licensing regimes, Guatemala's new telecommunications law is technology-, application- and content-neutral, entitling TUF holders to “exercise exclusive control over the use of the radio spectrum in question [...] includ(ing) the right to change spectrum uses over time (Hazlett, Ibárgüen and Leighton 2007, 442). In short, if you hold a TUF you have a right to use titled spectrum resources as you please; if you do not hold a TUF, you have no right to use the spectrum at all. Usufruct rights to broadcast frequencies in and around Guatemala City have sold at auction for US\$750,000 and lease for as much as US\$4,000 per month (Ibárgüen 2003). Outside of the capital, broadcast frequencies average US\$27,000 at auction (López 2006b).

Estimates on the number of self-identified community radio stations broadcasting in Guatemala vary: from 168 (Cultural Survival 2008) to between 400 and 640 (Ibárgüen 2003; Pérez 2006; González Arrecis 2007), and from between 800 and 1,000 (Herrera 2006; López 2006b; NotiCen 2006; Herrera 2007) to upwards of 2,500 (RWB 2006). Fieldwork interviews confirmed that investigations are pending against 350 radio stations allegedly operating without a TUF, although officials caution that this number includes only those stations against which a *denuncia* (formal complaint) has been filed (Castañeda y Castañeda 2008).

The difficulty in establishing the exact number of active stations stems not only from a lack of representation in national accounts, but also from definitional discrepancies among broadcasters at the community level. How community radio is defined determines which stations “count” as properly belonging to the cohort. The prevailing opinion among industry scholars, public officials and members of the community radio movement who participated in this research is that the majority of unauthorized radio stations broadcasting in Guatemala are affiliated with religious institutions (principally evangelical Christian churches),¹⁵ political parties and/or are

¹⁵ Given that unauthorized stations do not appear in national accounts (save for the list of radios ‘denunciadas’, which identifies frequency, location and personnel but not broadcasting content), there is no data to prove this claim. However, a recently published article in Mission News Network, an online evangelical Christian news service, suggests that it is not uncommon for missions and churches to broadcast without usufruct title: “Radio licenses in (Guatemala) are so expensive that many missions and churches have decided to operate on community frequencies similar to those on the U.S. non-commercial FM band” (MNN - HCJB 2008, npn). Despite the gentle wording, ‘community frequencies’ per se do not exist in Guatemala. A TUF is required to broadcast on *all* frequencies in the regulated band as stipulated by the Ley General de Telecomunicaciones.

commercial (for-profit) stations (Liu 2005; López 2006b; e.g., Hazlett, Ibárgüen and Leighton 2007; Castañeda y Castañeda 2008). For the purposes of this research, I subscribe to the working definition of ‘Community Media Service’ adopted by the *Mesa Nacional de Diálogo Sobre Medios de Comunicación Comunitaria* (National Roundtable on Community Media), which places non-partisan, public interest demands on community broadcasters:

‘Community Media Service’ refers to the provision of public interest, non-state radio and television by organizations, associations and civil institutions, or any other form of organization customary to Maya, Ladino, Xinca and Garífuna communities which is non-profit, holds educational, cultural and popular objectives, and which serves the development of different sectors of the community—whether geographically, ethno-linguistically or otherwise defined—with interests, shared aims and common concerns directed toward improving quality of life and wellbeing for its members (AMARC 2007, 53).

3.2 Geographies of Inequality in Landscape and Soundscape

The rationale behind Guatemala’s spectrum reform is straightforward: “The privatization of land created a thriving and efficient market for urban and rural real estate”; therefore, “[t]he same logic can be applied to the radio spectrum” (Ibárgüen 2004, 7). The problem is that this analogy can be a hard sell to members of Guatemala’s indigenous majority, many of whom have yet to realize the benefits of market-led land reform as outlined in the Peace Accords more than a decade ago (*Acuerdo sobre aspectos socioeconomicos y situacion agraria*, reprinted in *Acuerdos de Paz* 2003, 65-103).

In 1988, Guatemala's Catholic bishops boldly declared that "[t]he cry for land is, without any doubt, the loudest, the most dramatic and the most desperate sound in Guatemala" (Conferencia Episcopal de Guatemala 1988, 1; cited in Gleijeses 1989, 453). Research continues to show that Guatemala has one of the most unequal land distributions in Latin America (Gauster and Isakson 2007). While more than half of the population lives in rural areas, the proportion of rural families involved in agriculture but with *no direct access to land* (i.e., as owners or renters) increased more than 10 percent from 1979 to 1998, with the proportion of families owning land decreasing and the proportion of families renting land more than doubling during the same period (Sieder, Thomas, Vickers et al. 2002; based on the findings of Baumeister 2001). Moreover, it continues to be the case that "the best land is used to grow coffee, cotton, bananas and sugar cane *for export*, not to feed malnourished populations" (Lovell 1999, 48, emphasis mine).¹⁶

Parallels in the geographies of inequality in landscape and soundscape in Guatemala are not lost on community radio practitioners, who say they refuse to "fall into the trap of buying what belongs to us" (Xunic 2008). Neither should the parallels be lost on scholars. It was the late-nineteenth century push to "modernize" Guatemala that led to the erosion of the native estate, as large tracts of indigenous land that had remained communally owned through the colonial period were expropriated and titled (along with selected

¹⁶ Guatemala has the highest rate of chronic malnutrition in Latin America, affecting 47 percent of all children under five years of age (WFP 2002).

“public” lands and lands belonging to the Catholic Church) to private investors (Lutz and Lovell 1990; McCreery 1994; Lovell 1999). Under the administration of Justo Rufino Barrios (1873-1885), “land was transformed from a cultural resource into an economic one, spun from community into commodity, by Liberal desires to capitalize on Guatemala’s untapped potential as a producer of coffee for the world market” (Lovell 1999, 49; see also, Lovell 2000). A century later, the government of Álvaro Arzú (1996-2000) would reaffirm “the modernization of the State” as a top priority, signing off, as Barrios had done before him, on new laws designed to promote investment by expanding private property rights—this time not in land, but in another “economic and scarce good” (Urizar 2007, 41): radio spectrum. “If what the country wanted was to attract investment,” says Alfredo Guzmán, a key player in Guatemala’s spectrum reform, “this can only be achieved when there is private ownership” (cited in Urizar 2007, 41).

3.3 The ‘Original Sin’ Revisited

Geographers who research contemporary land reform in Latin America argue that a “common theoretical foundation” informs (neo)liberal and popular interpretations of what Karl Marx called the “original sin” (Marx 1867 [1906]; see also Harvey 2005), or “the initial transformation of labor, land and money into commodities for sale on the market” (Wolford 2007, 544; see also, Polanyi 1944). On this view, both (neo)liberal and

popular calls for land reform “are informed by a labor theory of property that *ideally* attributes the fruits of labor to the laborer” (Wolford 2007, 552, emphasis mine).¹⁷ For (neo)liberals, the market “is the optimal mechanism for allocating property to productive individuals because property rights are a reasonable reflection of labor applied”; for populists, on the other hand, “land tenure regimes—and therefore the whole concept of land ownership—are illegitimate because land was not historically acquired through the honest and equitable application of labor” (Ibid., 552, 558).

These positions transition intact from landscape to soundscape. Advocates of Guatemala’s telecommunications reform have long argued for a labor theory of property recognizing that “the spectrum for broadcasting was discovered by radio pioneers and exploited by entrepreneurs who risked capital in the creation of valued rights” (Hazlett 1990, 171). By contrast, the position of the community radio movement (“*We want to be regulated...*”) is in line with populist demands in the land reform movement which do not wholly dismiss a market regime, but which hold that “the state is required to provide the means of production and subsistence, and its support of the market is secondary” (Wolford 2007, 552). Like other proposals before it, the current *iniciativa de ley* (legal initiative) drafted by the community radio movement as part of the National Roundtable

¹⁷ I join Wolford in using the term ‘popular’ (or populism) to refer to grassroots efforts to promote community and return to the local. This is distinct from the notion of ‘political populism’, associated with leaders such as Juan Perón in Argentina or Getúlio Vargas in Brazil (Wolford 2007, 567, fn 2).

submits that one-third of Guatemala’s radio spectrum be reserved for community radio.¹⁸ Citing the constitutional rights of radio practitioners, the proposal underscores the State’s duty to work for the common good and to recognize that “the activity of communications media is of public interest and for the common good” (*La Iniciativa de Ley de Medios de Comunicación Comunitaria de Guatemala*, cited in AMARC 2007, 49-58).

Calls for the State to adopt an administrative spectrum policy that makes frequency allocation conditional on factors such as programming content, the history of social work in the coverage area and the support of civil society organizations (AMARC 2007) are antithetical to the path struck by liberalization advocates, who argue that the telecosm is “too large, too heterogeneous, too turbulent, too creatively chaotic to be governed wholesale from the top down” (Huber 1998, 36-37). Top-down management may be “much more reassuring”, advocates say, but it “leads society down the road to serfdom”,¹⁹ insomuch as “central planning always ends up maintaining the privilege and power of the planners themselves” (Ibid., 36). Guatemala’s pro-reform scholars draw on classical liberal theory to challenge the need for administrative spectrum policy:

[T]hose who clamor for ‘conscious direction’—and who cannot believe that anything which has evolved without design (and even without our understanding it) should

¹⁸ Previous initiatives (all of which failed) proposed a reserve of 25 percent.

¹⁹ See F. A. Hayek (1944).

solve problems which we should not be able to solve consciously—should remember this: the problem is precisely how to extend our utilization of resources beyond the span of the control of any one mind; and, therefore, how to dispense with the need of conscious control, how to provide inducements which will make the individuals do the desirable things without anyone having to tell them what to do (Hayek 1945, 527; cited in Ibárgüen 2004, 8).

3.4 Caveats and Challenges to Absurdity

Echoes of the “original sin” resonate throughout this research. I want to stress at the outset, however, that “re-visiting this classic dispute between Liberal and Marxist perspectives” (Wolford 2007) comes with caveats and challenges. First, any inference toward or use of Marxist analysis in this research should be understood as deriving from the researcher and *not* from community radio practitioners themselves. Passing comments overheard during fieldwork alerted me to the fact that Guatemala’s community radio practitioners are often stereotyped (disparagingly rather than descriptively) as “ex-guerrillas”. Some members of the movement, including Alberto Recinos of *Mujb’ab’l yol*, speak openly and proudly of their former affiliation with *Voz Popular*, the official radio station of the *Unidad Revolucionaria Nacional Guatemalteca* (URNG, National Guatemalan Revolutionary Unit). But practitioner interviews generated *zero* references to Marxist ideology as such. On the other hand, pro-reform scholars frequently and openly draw on the work of classical liberals, including John Locke, Friedrich von Hayek and Ludwig von Mises among others. I

make the point here by way of observation, but return to it in the concluding chapter to discuss its implications for future research.

Second, without dismissing the historic centrality of land to popular struggles (in Latin America as elsewhere), I urge a broadening of the geographical imagination in order to facilitate analysis of the “classic” dispute between (neo)liberalism and Marxism in what for geographers—but, importantly, not other social scientists—is new and unfamiliar terrain. The broadcast spectrum “holds a special, almost holy, place in the economic analysis of law and the economics of property rights” (Lueck 1995, 419; cited in Hazlett, Ibárgüen and Leighton 2007, 439), not least because it was in arguing for the efficiency of a property regime in radio spectrum that Ronald Coase sketched the fundamentals of what has become one of the most widely celebrated theories in economics, the Coase Theorem.²⁰ Geographers, I argue, are particularly well placed to ground the holy reverence of other disciplinary approaches to radio spectrum in material realities, to draw on the discipline’s critical engagement with the political economy of land and other terrestrial resources in a way that holds resonance for spectrum policy. But it is a challenge that requires honest and collective reflection. For a discipline so historically tied to the expansion of empire,²¹ geography has, if the paucity of literature concerning

²⁰ In 1991, Coase was awarded a Nobel Prize in Economic Sciences “for his discovery and clarification of the significance of transaction costs and property rights for the institutional structure and functioning of the economy” (cited in, Ryan 2005, 10620).

²¹ See, A. Godlewska and N. Smith (1994).

spectrum policy is any indication, fallen behind with respect to the exploration and enclosure of critical new frontiers.

In a certain sense, the development of radio has opened up a new domain comparable to the discovery of a hitherto unknown continent. No one can foresee with certitude the possible development of the transmission of energy through space. Really great stakes are being gambled for. And private interests are trying to obtain control of wavelengths and establish private property claims to them precisely as though a new continent were opened up to them and they were securing great tracts of land in outright ownership (Rogers 1924, 254).

In 1924, when the above observation was first published in the *Annals of the American Academy of Political and Social Science*, it was understood by the author that the creation of property rights in air might seem “absurd” (Ibid., 252). Nonetheless, the author argued, the possibility was likely no *more* absurd than the idea of private ownership of land or the concept of stocks, bonds and debentures might have been when first proposed. Whether for reasons of absurdity, public interest or political savvy, U.S. lawmakers foreclosed on the idea of property rights in radio spectrum with the Radio Act of 1927, establishing instead an administrative model of spectrum management that was quickly adopted elsewhere, including in Guatemala. The model has been under attack ever since—perhaps most notably by Coase (1959) and arguably most harshly by Thomas Hazlett, one of two experts hired by the Guatemalan government to advise on the implementation of spectrum reform (see, for example, Hazlett 1990; Hazlett 1996; Hazlett 1998a; Hazlett 1998b; Hazlett 2001).

3.5 Defining the Legal Properties of Exclusion

Expanding the geographical imagination to address issues of enclosure in radio spectrum (i.e., air) offers a useful reminder that property is a juridical-economic construct, *not* a material object. Borders delimiting the property rights of one TUF holder from another in Guatemala are intangible; yet, as demonstrated by the spectrum wars, also very real. Peruvian economist Hernando De Soto, whose work finds its way into discussions and publications on Guatemala's spectrum liberalization (Ibárgüen 2004; Ibárgüen 2008a), argues that "property is more than just ownership; it is the hidden architecture that organizes the market economy (De Soto 1989, xxv). Propertization, by extension, is considered by legal scholars to be "integral to the global expansion of free market capitalism", and is defined as: "the process of allocating ever greater rights in relation to resources to private individuals and collectives, as opposed to governing the use of these resources through the political realm, or else leaving these resources as part of the commons and not regulating their use at all" (Lawson-Remer 2006, 481, 487-488).

Implicit in the definition of propertization are the "two polar strategies" for assigning resource access rights: *exclusion*, based on private property; and *governance*, based on public interest (and therein public administration) (Hazlett and Muñoz 2006). Geographers who define property as a "social arrangement that allows one certain rights to certain objects" (Mansfield 2007, 399; see also, Blomley 2003) are not incorrect. However, the value of this definition is weakened by the fact that governance, too, is a social arrangement which issues (and denies) certain rights to certain objects. Arguments

premised on the significance of property as “social and political in its effects, origins, and ethical implications” (Blomley 2003, 121) are similarly correct, but lacking inasmuch as they fail to capture the *economic* imperative for property rights, which forces a cognitive shift beyond the object of ownership itself into the “parallel life” of capital:

Capital is born by representing in writing—in a title, a security, a contract, and in other such records—the most economically and socially useful qualities *about* the asset as opposed to the visually more striking aspects *of* the asset. This is where potential value is first described and registered. The moment you focus your attention on the title of a house, for example, and not on the house itself, you have automatically stepped from the material world into the conceptual universe where capital lives (De Soto 2000, 49-51, emphasis in original).

3.6 The (D)Evolution of Spectrum Rights

Until a property regime was established by the *Ley General de Telecomunicaciones*, all radio frequencies in Guatemala were assigned by license and administered by the military, either through a branch office inside the state telephone company, Empresa Guatemalteca de Telecomunicaciones (GUATEL), or through the General Directorate of National Radio and Television (Hazlett, Ibárgüen and Leighton 2007). Licenses were free²² and available exclusively to Guatemalan nationals, but the terms of use were rigid, with licenses constituting “a revocable authorization for the licensee to use a given

²² A nominal fee (200 *quetzales*, approximately US\$27) was required to process the application.

frequency band in a given manner” (Ibárgüen 2004, 7). The discretionary power of the government to revoke licenses was exercised in a climate of chronic clientelism:

The licensing process was in general not transparent and sometimes corruption reigned. The licenses were practically—and legally—free if you were lucky enough to win the current officers’ favor. But demand for the licenses far exceeded supply. So an illegal market for licenses arose whereby bribes and an informal market matched demand with supply (Ibárgüen 2003, 544).

Corrective action was clearly warranted. At a minimum, removing spectrum management from the purview of the military, for which it was not only a source of income but also a means of surveillance (Bull 2005, 13, 64-65; Ibárgüen 2008a), was a necessary step for a country that aspired to construct a democratic future from the still-smoldering ashes of a despotic military past. Yet neither the disposition to vet military influence from spectrum regulation nor the desire to purge clientelism and extralegal markets adequately explain Guatemala’s decidedly abrupt shift from an administrative to a market allocation of spectrum, much less the “radical” strain of propertization ushered in by the *Ley General de Telecomunicaciones*. Why should what is “probably the most liberal spectrum policy in the world” (Hazlett, Ibárgüen and Leighton 2007, 442) have emerged in Guatemala, and why at that moment?

The revamping of Guatemala’s spectrum policy coincided with a “telecommunications boom” and a “privatization wave” that swept Latin America and other regions of the Global South in the 1990s (Wellenius 1994; Rivera 2004; Bull 2005;

Rhodes 2005). In 1992, telecommunications was the world's fastest growing industry; by 1993, it ranked second only to banking in terms of market value (Petrazzini 1995, 2). Against this backdrop, Guatemala faced the thorny decision of what to do with GUATEL. By virtue of a 1971 decree, the state telephone company held exclusive rights to provide Guatemala's telecommunications services, both through "conventional" systems (e.g., telephone, telegraph) as well as "*all others of the same nature developed in the future*" (cited, with emphasis, in Ibárgüen 2004, 7).²³ At a time when the future of telecommunications was increasingly defined by mobile telephony and other wireless technologies, GUATEL remained abysmally mired in attempts to provide basic landline service. In 1996, after 25 years of operation, the company had a telephone penetration rate of less than three percent of the population, with 80 percent of service concentrated in the capital and only one telephone per 100 residents in rural areas (Guzmán 2005). The argument from those who lobbied for reform was not just that GUATEL was inefficient, but that its "legal monopoly [...] impeded the development of the telecommunication market" (Ibárgüen 2004, 7). The distinction is important. Were efficiency the sole concern, the government might well have attempted to ratchet up service by investing in GUATEL. Alternatively, it might have moved to sell GUATEL with a limited-term

²³ The decision of the Guatemalan government to grant rights for commercial mobile telephone service to a private company, Comcel, in 1989 was a largely superficial 'fix' for the problems presented by GUATEL's monopoly as Comcel was required to turn over a percentage of its profits to GUATEL in order to keep the latter out of the mobile telephony market (Hazlett, Ibárgüen and Leighton 2007, 442).

exclusivity clause, which promised short-term financial gains while holding open the possibility, however slight,²⁴ of a competitive (and, theoretically, more efficient) telecommunications market in the future. Both of these options were considered and dismissed. Instead, the decision was made to “disincorporate” GUATEL, selling it without exclusivity in a controversial and risky bid to force open an immediate, competitive market in telecommunications (Urizar 2007).

The “guiding vision” for liberalization, according to pro-reform scholars, was not efficiency, which they say was an important, “secondary” concern, but rather “the value of liberty, strong property rights and the Rule of Law” (Ibárgüen 2004, 3). The *magna carta* of the liberalization experiment, the *Ley General de Telecomunicaciones* was drafted “with the objective that when GUATEL was sold it would be operating within an open market” (Urizar 2007, 13).²⁵ Distinct in execution if not in theory from the slow, “asynchronous and erratic process” of commodifying land (Green 2008, 105), the commodification of Guatemala’s radio spectrum was direct, comprehensive and quick. Property rights introduced under the *Ley General de Telecomunicaciones* applied immediately to all spectrum resources, except those reserved for government and amateur use.

“Radical” is the word most often used to label the reform (e.g., Spiller and Cardilli 1998; Bull 2005; Hazlett and Muñoz 2006; Wellenius and Neto 2008), and with reason.

²⁴ There were some concerns that the company granted exclusivity would attempt to maintain its monopoly at all costs when the market was set to open (Urizar 2007).

²⁵ After a failed attempt in 1997, GUATEL was sold in 1998.

Really great stakes *were* being gambled for, as observers in the 1920s had not so “absurdly” suggested (Rogers 1924). Building on the experiences of telecommunications reform pioneers, including Australia, Chile and New Zealand, Guatemala presented a moment of truth for Ronald Coase, whose proposal for spectrum propertization had been written off as a “big joke” (Hazlett 2001) by the U.S. Federal Communications Commission (FCC) forty years earlier. Yet, there was a distinction to be made, say Guatemala’s pro-reform scholars: Coase had premised his proposal for a property rights regime on the economics of efficiency; it was implemented as a matter of principle.

Coase offered the basis for a sound policy for the allocation of the radio spectrum based on the economics—or what we call “expediency”—of property rights. Yet the principled approach followed in Guatemala offered advantages over one based on expediency. For the promoters of the Guatemalan reform, the defense of property was non-negotiable and supposedly no arguments based on efficiency would change the course. Privatizing the spectrum was the right thing to do because property makes people responsible for their own actions in the realm of material goods (Ibárgüen 2004, 4).

3.7 Civilization Calling: A Consumer Welfare Story

The “principled approach” of Guatemala’s propertization regime is a source of pride for the country’s pro-reform scholars, not least Giancarlo Ibárgüen, rector of *Universidad Francisco Marroquín* and the man whose 1992 monograph ‘Privatize the Radio Waves’ is credited with having “detailed the essential logic of spectrum reform”

(Hazlett 2001, 167, fn 562). In his work on spectrum liberalization, Ibárgüen draws heavily on the classical liberal tradition, most notably Austrian School thinkers like Hayek and Mises. In a 2004 case study prepared for the International Telecommunications Union (ITU), Ibárgüen concludes his review of Guatemala's spectrum liberalization with reference to Mises' 1949 *Human Action: A Treatise on Economics*. In that work, Mises argues: "If historical experience could teach us anything, it would be that private property is inextricably linked with civilization" (Mises 1998 [1949], 264). If this is true, Ibárgüen writes, "then we may add that property rights spontaneously 'civilized' (but also 'energized') the radio spectrum" (Ibárgüen 2004, 21). A "civilized" spectrum policy, on this view, involved removing the "regulatory straight jacket" of the former, "collectivist" licensing regime, which "deprive(d) persons of the freedom to organize wireless entrepreneurial activities creatively and efficiently" (Ibid.). Such a policy would surely find favor with Mises, who considered the direction of economic affairs in a market society to be the task of entrepreneurs, themselves obliged to obey consumer demands (Mises 1998 [1949]).

Prior to reform, spectrum zoning in Guatemala followed the administrative model of the FCC, wherein blocks of bandwidth were set aside for specific applications (e.g., broadcasting, mobile telephony) and license assignments were meted out from within each block. Post-reform, spectrum resources are distilled into three broad, technology-neutral categories: *unlicensed frequencies* for amateur radio operators; *reserved frequencies* for state use; and *regulated frequencies*, which require a TUF and which,

despite the taxonomy, “are some of the least regulated frequency bands in the world” (Hazlett, Ibárgüen and Leighton 2006, 444).²⁶ Removing technology constraints and introducing a price mechanism to ration frequency allocations resulted in a significant remapping of Guatemala’s electromagnetic spectrum, perhaps most noticeably in the amount of bandwidth deployed for mobile telephony, which is the “dominant market in terms of economic benefit” (Hazlett, Ibárgüen and Leighton 2007, 450) but also the market which tends to be under-allocated bandwidth in administrative licensing regimes (Hazlett and Muñoz 2006). Today, Guatemala uses approximately 50 percent more bandwidth for mobile telephony than the Latin American mean and ranks on par with Chile (a country with roughly three times higher GDP per capita) for the largest cellular bandwidth allocation in the region (Hazlett and Muñoz 2006, 5).

Advocates of liberalization assert that Guatemala’s spectrum experiment debunks the longstanding myth that introducing property rights in radio waves is an invitation to chaos (Ibárgüen 2003; Leighton 2005). On the contrary, they argue, the extension of secure property rights in a flexible and open regulatory environment has resulted in “an orderly transition to pro-consumer results” (Hazlett 2001, 448). Per-minute cellular rates in Guatemala now consistently rank among the lowest in Latin America, leading reform advocates to argue that consumer welfare gains in mobile telephony are proof positive of the reform’s success (Spiller and Cardilli 1998; Ibárgüen 2003; Hazlett and Muñoz 2006;

²⁶ Transmission in unlicensed and reserved frequencies requires authorization.

Hazlett, Ibárgüen and Leighton 2007). From 2002 to 2007 the number of mobile phones in Guatemala increased 1,306 percent, with nine out of 10 nationals now estimated to be cellular phone owners (Telecompaper 2008a; Telecompaper 2008b).²⁷

This study does not challenge the consumer welfare story, although I do offer observations and suggestions for future research in this regard in the conclusion. What I want to underscore at this juncture is that consumer welfare gains in mobile telephony have, to date, constituted *the* story of Guatemala's spectrum reform. The "disorder" (Castañeda y Castañeda 2008; AMARC 2007) that characterizes the country's broadcast spectrum receives only passing mention from pro-reform scholars, who recognize the excessive interference caused by airwave "pirates" but caution that dispute resolution has "implications far beyond telecommunications policy" (Hazlett, Ibárgüen and Leighton 2007, 443).

3.8 A Few 'Technicalities'

[I]t must be underscored that any solution with respect to the use of radio electric frequencies must begin, in the first instance, from the respective technical studies in the realm of telecommunications and take into account that said frequencies constitute a limited *natural resource* and, *consequently*, must be publicly protected (Government of Guatemala 2007, original emphasis).

²⁷ Spectrum auctions have generated more than US\$130-million. Seventy percent of revenues, up to a cap of US\$3.7-million per annum, has been allocated to develop rural telephone services (Ibárgüen 2004).

The *Ley General de Telecomunicaciones* is credited with introducing a “bottom-up” process of frequency rationing in Guatemala: “The basic building block of Guatemala’s approach to the spectrum is that all spectrum not currently assigned [...] can be requested by any person” (Spiller and Cardilli 1999, 75). “Any person” now includes foreign nationals, a point of contention among community radio practitioners. Parties interested in a given frequency band are required to submit an application to the *Superintendencia de Telecomunicaciones* (SIT), an independent regulatory body established in 1996 to maintain the TUF registry and advise on “technical” issues. Applications may be rejected *only* on grounds of interference or because the frequency in question is in the unlicensed or reserved bands. Once an application is accepted, public notice is issued (published three times in a period of 20 days) in the *Diario de Centro América* and one of Guatemala’s national newspapers. If no competing claims are tabled, the TUF is granted free of charge; if competing claims are filed, an auction is scheduled within 35 days after the end of the opposition period and the frequency is sold to the highest bidder (*Ley General de Telecomunicaciones* 1996; Ibárgüen 2004).

To date, all requests for unassigned frequencies in the regulated bands have generated competing claims (Hazlett, Ibárgüen and Leighton 2007, 448). Specialized mobile radio (SMR) auctions have registered prices “comparable” to SMR auctions in the U.S. (adjusting for market variances). In auctions for frequencies in the broadcast spectrum, analysts note a “striking disparity” between auction prices recorded in Guatemala and those obtained in New Zealand (a country with a per capita income three

times higher than Guatemala): through the mid- to late-1990s, FM auctions in New Zealand netted the equivalent of US\$18,000 per station; in Guatemala, US\$60,000. The unexpectedly high returns in Guatemala's SMR and FM auctions are attributed to the "unique property rights that were for sale" (Spiller and Cardilli 1999, 77-80).²⁸

Although some measure of spectrum liberalization has, by now, been introduced in most countries, with many (including Canada) having adopted auctions as a mechanism for frequency allocation, Guatemala's reform continues to draw attention from international policymakers (UFM 2005), as well as the North American business press (Wall Street Journal 2002; Globe and Mail 2006), for the extensive bundle of rights secured by TUFs. Those who support radical liberalization argue that licenses "even if assigned by auction, are still generally limited in scope by regulations that determine the services provided, technologies used, and business models deployed" (Hazlett and Muñoz 2006, 2). The Guatemalan regime, by contrast, delegates "broad discretion to private parties in determining how radio spectrum is used" (Hazlett, Ibárgüen and Leighton 2007, 442-445).

The *Ley General de Telecomunicaciones* rolled back state involvement in spectrum zoning and allocation issues, a move consonant with the goal of the first post-Peace Accord administration to transition the Guatemalan state from the role of "benefactor" to

²⁸ These figures are from 1999 (the most recent date for which data is available).

that of “subsidiary” (Urizar 2007, 10). Specifically, the creation of an independent regulator (the SIT) to “enforce specified rules” signaled that “the broad political discretion embedded in the public interest standard (had been) rejected” (Hazlett, Ibárgüen and Leighton 2007, 443). To a large degree, this is in line with global trends. However, the temporal gap between the so-called “roll-back” (1980s) and “roll-out” (1990s) phases of (neo)liberalism (Peck and Tickell 2002) seems to have collapsed in the Guatemalan case: in the first instance because the roll-back phase did not (and could not) come into full force in Guatemala until the armed conflict had abated; in the second instance because the disciplinary and punitive measures which characterize the roll-out phase were, in the case of spectrum policy, incorporated into the roll-back itself.

The *Ley General de Telecomunicaciones* conferred authority on the SIT to sanction airwave transgressions. Blocking access to spectrum resources or operating without a TUF in regulated and reserved bands carries a fine of US\$10,001 to \$100,000.²⁹ Repeat offenses in these bands automatically incur the maximum fine (*Ley General de Telecomunicaciones* 1996, Art. 80, 81). In addition, injured parties may sue for damages, and criminal charges, including *hurto de frecuencia* (theft of frequency), may be—and have been (see Chapter 5)—brought against broadcasters transmitting on a frequency for which they do not hold

²⁹ Fines are charged in ‘unidades de multa’ (UMAs), with each UMA equal to US\$1. The official currency of Guatemala is the *quetzal*, which is equivalent to approximately US\$0.135 at time of writing.

title. The charge of theft carries a one to six year prison term under the Guatemalan Penal Code (Government of Guatemala 2007, Penal Code, Art. 246).³⁰

Between 1997 and 2005, the SIT registered 217 interference complaints, 73 percent of which originated in the FM band (Escalante 2005a), which, for economic and geographic reasons, is the band preferred by community radio practitioners.³¹ A controversial policy paper released by the administration of Óscar Berger (2004-2008) indicates the SIT has levied 104 fines since 2000. Of these, 25 were before the courts for non-payment in 2007, and another 22 cases of non-payment were being processed (Government of Guatemala 2007). Published in *Diario de Centroamérica* under the title ‘Government Policy to Resolve the Problem of the “Illegal Radios,”’ the policy paper takes a hard line against unauthorized broadcasters, charging they cause “prejudicial interference” and have co-opted “the internationally recognized term ‘community radio’” as a cover for sectarian programming that has religious, political and commercial ends. The paper itemizes the fines and criminal charges to which unauthorized broadcasters are subject, and confirms that investigations and sanctions will continue (Government of Guatemala 2007, npn).

Scholarly arguments equating the roll-out phase of neoliberalism with a “recriminalization of poverty” (Peck and Tickell 2002, 398) resonate in the written response issued by members of the National Roundtable on Community Media to the

³⁰ Criminal charges are enforced by the Ministry of Justice.

³¹ AM technology is more expensive and less accessible for social organizations. In addition, the maintenance of equipment is more costly (AMARC 2007, 11).

policy paper. Calling the *Ley General de Telecomunicaciones* “antiquated and anti-democratic” for “commodifying access to a public good,” roundtable members argue:

... the communities of the country face a *vacío legal* (legal breach) provoked by the incapacity of its authorities to issue legal frameworks that are appropriate, just and progressive [...] For that reason, we cannot speak under any concept of illegal radios, but rather—and in all cases—of ‘a-legal’ radios. [...] Any public policy that seeks to resolve conflict through sanctions and penalization is counter-productive when it is applied to situations *provoked* by a violation of human rights (cited in AMARC 2007, 32-37, emphasis mine; see Chapter 5 for further discussion of the *vacío legal*).

3.9 Whose Tragedy? Whose Commons?

In 2006, Guatemala’s radio spectrum was declared “saturated” by Óscar Chinchilla, head of the SIT. Referring specifically to broadcast bands, Chinchilla reported to the national press that a 2005 technical study carried out by the SIT determined that zero AM frequencies were available and that only 18 frequencies for departmental coverage and 11 for municipal coverage remain unassigned in the FM band (Pérez 2006). An attempt to map Guatemala’s *legal* radio using Geographic Information System (GIS) technology (Figure 3-2) gives a visual representation of both the extent (and to some degree, unevenness) of frequency saturation: with 95 percent of the spectrum legally allocated—and most radio stations broadcasting in Spanish only—this image *does not* include the hundreds of unauthorized community broadcasters currently on-air.

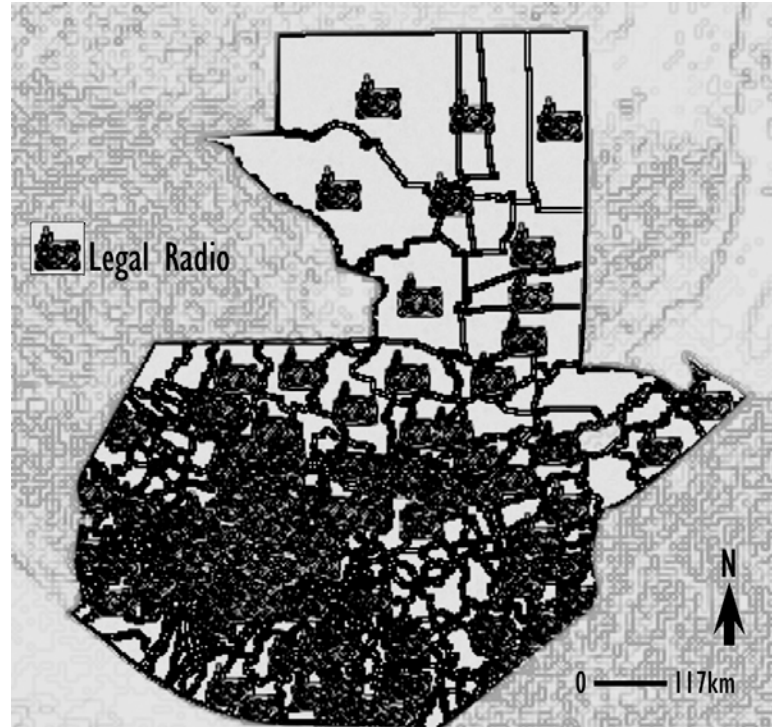


Figure 3-2: Map of Legal Radio Use in Guatemala Data source, MMA (2006); graphic remodeling and legend, V. Henderson (2008)

Without fanfare—although ostensibly in reaction to reports from the Inter-American Commission on Human Rights (IACHR) declaring spectrum auctions incompatible with democracy (IACHR 2001; CIDH 2003)—the SIT put a hold on all unassigned frequencies in the FM band. Community radio practitioners see the auction freeze as a victory: “If the auctions hadn’t been suspended, they would have sold off all of the frequencies by now and the *pueblos* would be left with nothing, *verdad?* I think we are still in a good position to rescue the few frequencies available, and that’s why we are in this fight” (Xunic 2007).

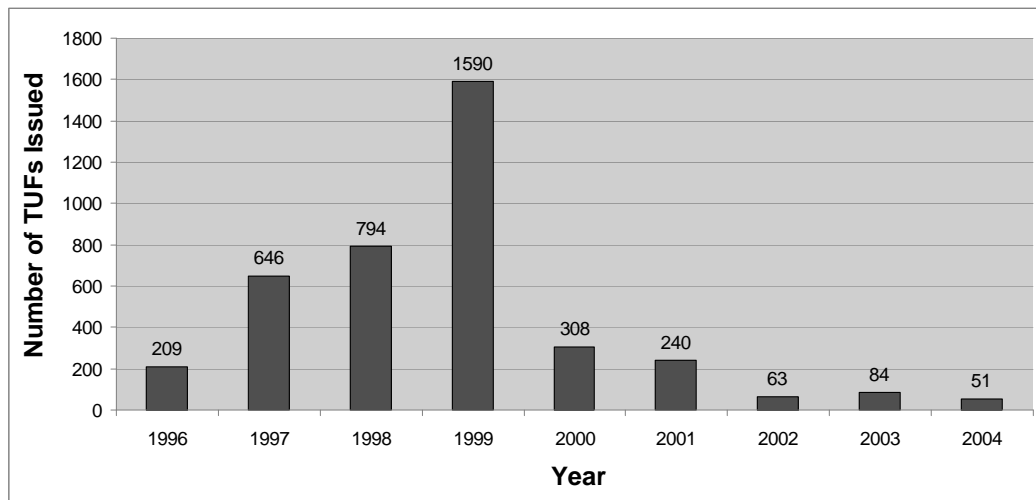


Figure 3-3: TUFs Allocated by Auction, 1996-2004 Data source, Escalante (2005); graph by E. Sanmarti (2008).

Piecing together who walked away with what in Guatemala’s spectrum auctions is frustrated by the fact that “little documentation exists” in this regard (Spiller and Cardilli 1999, 76, fn 144). In the first three years after the *Ley General de Telecomunicaciones* was introduced, the SIT received more than 10,000 requests for spectrum use rights (Ibid.). Existing licensees were parented under the new law, with TUFs conferred free of charge to parties holding previous usage rights in the newly designated *regulated frequencies*. All unclaimed spectrum was put on public offer. From 1996 to 2005, the most recent year for which statistics are available, the SIT issued 3,985 TUFs. Of these, 930 (23 percent) were allocated to GUATEL (operating as TELGUA since its sell-off), 918 (23 percent) were conferred on incumbents (those holding existing licenses), and 2,137 (54 percent) were awarded by auction (Hazlett, Ibárgüen and Leighton 2007, 12). Forty percent of all TUFs were issued in 1999, the year

after GUATEL's sell-off.³² By the end of that year, 80 percent of the total number of TUFs issued in the period 1996 to 2005 had been allocated (Figure 3-3).

Premised by a caveat that warns information provided by the SIT is “subject to change” and has, in the past, been processed in a less than orderly fashion, the case study of Guatemala's spectrum reform prepared for the ITU indicates TUFs have been issued to more than 1,050 unique parties (Ibárgüen 2004, 10). In existing literature as well as in interviews with pro-reform scholars and industry analysts, reference to the number of distinct TUF holders is used, implicitly or explicitly, to support an argument for diversity in spectrum ownership (e.g., Ibárgüen 2004; Leighton 2008). The diversity (or anti-monopoly) principle has long been at the centre of regulatory policy in the broadcast sector, underwriting arguments for both governance and exclusion regimes: in the first instance, administrative allocation is advanced as a check against monopoly formation; in the second, property rights are considered the only means of breaking the government's so-called legal monopoly in favor of “a people's constitution” based on common law (Huber 1998).

There are a number of concerns with the diversity principle in the Guatemalan context: first, while ownership diversity has long been used as a “proxy” for content diversity in broadcast policy, empirical evidence to support a causal relationship between

³² While the SIT is an independent regulator, officially at arm's length from the government, it faced political pressure in its infancy from the Arzú administration, which sought to limit radio spectrum supply prior to the sale of GUATEL in 1998 (Ibárgüen 2004, 25, fn44).

ownership and content diversity is lacking (Napoli 1999). Second, and in light of the previous comments from public officials charged with enforcing the *Ley General de Telecomunicaciones*—“*I don’t care what they transmit [...] we don’t negotiate the law*” (Castañeda y Castañeda 2008)—the existence (or lack thereof) of a causal relationship between ownership and content diversity is, in practice, a moot point. Third, any attempt to sustain diversity in ownership claims under the new spectrum law would require constant and systematic monitoring as TUF holders are free to trade spectrum resources in secondary markets at will.³³ Fourth, the *Ley General de Telecomunicaciones* does not expressly address anti-trust concerns; so, while it may be true that a sizeable number of distinct TUFs were awarded through auction, “there is nothing in the telecom law that restricts firms from buying up many TUFs” in secondary market trading (Marcus, Nett, Scanlan et al. 2005, 225). Industry analysts report “considerable” TUF trading in Guatemala, with 41 percent of existing TUFs having been traded by 2004. While much secondary trading is reported to be by “different entities under the same financial control,” the development of “genuine trading” is said to be common, particularly with respect to spectrum used for radio broadcasting (Marcus, Nett, Scanlan et al. 2005, 222-223; see also, Ibárgüen 2003).

³³ The SIT keeps a register of endorsements (i.e., TUF ‘sales’). However, it does not track TUFs that have been leased, which falls to another government ministry (Ibárgüen 2008). Ideally, the TUF property register should track the history of spectrum holdings, so changes can be tracked longitudinally.

That scholars have performed Herfindahl-Hirschman Index³⁴ (HHI) calculations on the mobile telephony sector in Guatemala indicates there is interest in understanding market concentration post-reform (Hazlett, Ibárgüen and Leighton 2007). It is unclear why the HHI has not been calculated for the broadcast sector; however, this is a point of departure for future research. Interviews with community radio practitioners revealed widespread concern over the spectrum holdings of Mexican national Ángel González, a media heavyweight who claims to own more than 25 television stations across Latin America. In Guatemala, he owns four of six terrestrial television stations. The new spectrum policy means González does not need to engage his standard *modus operandi* of working through “local relatives” in order to circumvent prohibitions on foreign ownership (Rosenberg 2001, npn). A review of the TUF registry (effective January 2008)³⁵ indicates González’s companies, including *Radio Television Guatemala*, *Central de Radios S.A.*, and *Televisiete*, control 245 TUFs, while national broadcasters *Emisoras Unidas* and *Alius* hold 64 and 37 TUFs respectively. Religious broadcasters have also been accused of “usurping” bandwidth by buying up frequencies in spectrum auctions (Cultural Survival 2005). Among evangelical broadcasters, the Central America Benevolent Association holds title to 40 frequencies, while the El Shaddai church, founded by 2007 presidential hopeful Harold Caballeros, holds title to 22. Another 18

³⁴ The Herfindahl-Hirschman Index is a commonly accepted measure of market concentration.

³⁵ I downloaded the TUF registry in PDF form from the SIT website; however, the site has been out of service for months at the time of writing. TUF holdings shown are not exclusive to radio.

frequencies are registered to organizations whose names explicitly identify them as evangelical. The Catholic Church and its dioceses hold title to 34 frequencies.

Whether or not the 29 departmental and municipal frequencies now frozen by the SIT are made available to community radio practitioners, there is no denying that Guatemala's soundscape is taxed (although unevenly so) by existing broadcasters, a sign of radio's value in reaching rural, and often non-literate, populations. Industry analysts point out that problems of interference occur not only between unauthorized and authorized stations, but also between competing unauthorized stations (Escalante 2005b). In the department of Sololá, there are 34 unauthorized radio stations against which formal complaints have been filed, eight located in the municipality of Sololá (population of 53,622), leading public officials to ask, as much incredulously as rhetorically: "How many community stations does one community need?" (Castañeda y Castañeda 2008).

Warnings that interference deadlock could cause Guatemala's radio broadcast system to "collapse" (Liu 2005) spark visions of a "tragedy of the commons". Perhaps most closely associated with Garrett Hardin's (1968) essay of the same name, the tragedy of the commons is a theory with a long intellectual history, shades of which find expression in the work of Coase (1959) and Mises (1998 [1949]) among countless others. Simply put, the tragedy of the commons posits that, in the absence of "rules" and disciplining mechanisms, self-seeking behaviour will deplete a given resource to the point that its value for both individuals and society is lost. Advocates of governance interpret "rules" as administrative regulation; advocates of exclusion, private property.

Critics of the former, including Coase, say public administration is guided by special interests and ultimately leads to the under-utilization of scarce resources. Critics of the latter, drawing on the U.S. broadcast experience of the early 1920s, argue that privately held broadcast spectrum is an invitation to chaos:

The public interest standard and the concept of broadcasters as public trustees date back to the origins of broadcasting. Back then, anyone who could put up a transmitter could broadcast, and the result was chaos. *Broadcasters universally demanded federal government licensing of broadcasting*. Congress provided for such licensing, and in return mandated that licenses be awarded on the basis of public interest (Ferris 1987, 62, emphasis mine; cited in Hazlett 2001, 94).

3.10 Competing Interests in ‘Public Interest’

That Guatemala’s soundscape is in a state of “disorder” is not under dispute. The cause of the disorder, however, is. Pro-reform scholars say the problem is not that spectrum liberalization has failed the broadcast sector, but that there is a lack of regulatory will to enforce the rule of law. Analysts charge the SIT “has been reluctant to enforce FM band TUFs from interference”, arguing further that TUF holders with FM frequencies are increasingly opting not to report cases of interference as a result of “their lack of faith in the government’s commitment to rights enforcement” (Hazlett, Ibárgüen and Leighton 2007, 467). The implication is that this is a classic case of regulatory capture, wherein the SIT has been effectively co-opted by one or more special interest

groups with a stake in maintaining the status quo. If this is true, it not only complicates the playbook in Guatemala's spectrum wars but also challenges the suppositions and motivations in governance and exclusion regimes. It is not within the scope of this research to detail the long history of debate over the applicability of these regimes in spectrum policy. There is, however, cause to sketch the fundamentals of the controversy, in which Ronald Coase takes centre stage.

Publication of Coase's seminal, 1959 article in *The Journal of Law and Economics* "redefined the terms of debate over American broadcast regulation" (Moss and Fein 2003). According to Coase, U.S. federal lawmakers had erred in empowering a central regulator (first the Federal Radio Commission and later the FCC) to administer spectrum resources. He conceded that lawmakers likely had the public interest in mind when they argued that "regulation of the radio was [...] as vital to its development as traffic control was to the development of the automobile" and that the job of a regulator was not only to supervise traffic but also to determine its composition (Justice Frankfurter in *National Broadcasting Co. v. United States*, 1943, cited in Coase 1959, 12-13). But he insisted that lawmakers' good intentions were at odds with sound economic policy, which demands that radio waves, like any other scarce resource, be subject to a property regime and allocated through a free market. Contemporary economists reach the same conclusion, but are less forgiving than Coase in the realm of good intentions, arguing that the public interest standard was, from the beginning, nothing more than a "marriage of convenience" between broadcasters seeking protectionist barriers against new entrants

and self-serving public officials looking for a term vague enough to ensure they would have maximum discretionary power in deciding whether or not a given broadcaster had performed its obligations as a public trustee (Hazlett 2001, 176-178). “Policy makers in the 1920s were not driven to public interest allocation of radio spectrum by airwave chaos,” the argument goes, “(j)ust the opposite: chaos was strategically used to procure public interest allocation” (Ibid., 95).

The claim of manufactured scarcity (or strategic chaos) is too conspiratorial for some scholars; recognition of the political salience of the broadcast spectrum, on the other hand, is not. It is precisely *because* broadcast spectrum is politically opportune, they say, that Coase was wrong to suggest radio waves are the same as any other scarce resource. Radio is different “not because of some distinct economic characteristics, but rather because of distinctive political characteristics associated with the power to broadcast and to shape public opinion” (Moss and Fein 2003, 396). On this view, it is the *combination* of resource scarcity and political import that sets broadcasting apart from other mass media such as newspaper, which has political significance but which is not scarce in the sense that there is no “natural” limit on the number of contemporaneous competitors.³⁶ Further to the central argument presented by scholars in this camp, and of particular interest in the Guatemala case, is the observation that:

³⁶ As emerging communications technologies lessen or eliminate broadcast scarcity by exploiting new areas of the electromagnetic spectrum, there is recognition that the ‘traditional’ case for regulation may no longer hold (Moss and Fein 2003). But this is arguably less relevant in countries like Guatemala, where radio

[T]here is a certain irony in the fact that many of the same economists who, in their scholarship, are quick to attribute legislative and regulatory outcomes to self-interested, rent-seeking behavior have nonetheless lobbied hard in recent years for deregulation of the spectrum—and, on top of that, that they have done so explicitly *on public-interest grounds* and have proved remarkably influential (Moss and Fein 2003, 41, emphasis in original).

That one of the “same economists” referred to above is, by implication if not by name,³⁷ Thomas Hazlett takes on significance in light of Hazlett’s role as an expert consultant in the roll-out of Guatemala’s spectrum reform. My intent is not to single-out Hazlett personally. As explained in Chapter 2, I am averse to the trap of pitting an imaginary “people” against an equally imaginary “enemy” in the persons of analysts and policymakers. I am interested in objective relations, not individuals. That said, Hazlett’s strong stand against “marriages of convenience” in broadcast policy seems so much at odds with the way in which Guatemala’s spectrum reform was executed that it raises questions about the feasibility of vetting politics from policy in the transition from an administrative to a property rights regime. In a 2005 presentation to the U.S. National Telecommunications and Information Administration (NTIA), Pablo Spiller, who co-consulted with Hazlett on the Guatemala reform, refers to “high power dog fights” in

remains a primary source of information, not only because other communications media can be prohibitively expensive for the estimated three-quarters of the majority rural population who live below the poverty line, but also because high rates of illiteracy among indigenous peoples (who comprise the rural majority) can render text-based communication impractical (UNCDB 2008a; UNCDB 2008b).

Guatemala's post-reform broadcast sector and seems to suggest that any vows which may have consecrated a "marriage of convenience" under the previous licensing regime were renewed rather than broken in the process of propertization. In describing the rationale for parenting TUFs under the *Ley General de Telecomunicaciones*, Spiller explains that incumbent broadcasters "obviously were also granted TUFs *otherwise the broadcast wars would have killed the government, so they were given that windfall*" (Spiller 2006, 45, emphasis mine).³⁸

If there is "irony" in the fact that economists have turned to political lobbying as a means to bring about deregulation in the name of vetting politics from spectrum policy, as suggested above, then certainly there is as much, if not more, irony in the fact that deregulation policies which have been shaped, in part, by these same economists end up rewarding the very type of self-seeking behaviour that they were, ostensibly, instituted to circumvent. Again, this is less a reflection on the personal position of a given economist and more a reflection on the power of incumbent broadcasters to shape policy formation. What puts a wedge in any easy conclusion that broadcasters wield unlimited power, however, is the assertion that the SIT has been captured by special interests and is, therefore, reluctant to enforce FM band TUFs from interference, *even though* Guatemala's

³⁷ Hazlett is cited liberally throughout the article, which concludes by clarifying that "social scientists like Coase and Hazlett are themselves deeply involved" in the public interest debate, "(as experts, not rent-seekers)" (Moss and Fein 2003, 412).

³⁸ Thomas Hazlett is Professor of Law and Economics and Director of the Information Economy Project at George Mason University School of Law. Pablo Spiller is the Jeffrey A. Jacobs Distinguished Professor of Business Technology and Professor of Business and Public Policy at the University of California, Berkeley.

commercial radio lobby, the *Cámara de Radiodifusión de Guatemala* (CRG, Council of Guatemalan Radio Broadcasters), has consistently demanded that unauthorized broadcasters be shut down. In 2003, the CRG filed a lawsuit against 341 radio stations it classified as “pirate”, demanding the arrest of individuals responsible for managing the stations’ transmitters (GHRC 2003; Hazlett, Ibárgüen and Leighton 2007); in 2005, 300 radio stations were targeted by the CRG for operating without license and/or for operating as community stations despite having commercial or religious agendas (Pérez 2006) In 2008, the incoming president of the CRG, asked by a national press reporter what the CRG expected from the government with respect to the problem of unauthorized community radio, responded: “Simply that it fulfills its obligation to comply with the laws of the country. We don’t want any favors” (Édgar Archila, cited in Palencia 2008, npn).

Analysts generally agree that any reluctance to act against unauthorized broadcasters on the part of the SIT is for “political reasons” (Hazlett, Ibárgüen and Leighton 2007, 445), with some suggesting that “pirate” radios may secure their existence by broadcasting “political advertising for the present party of government” (Marcus, Nett, Scanlan et al. 2005, 224). As I argue further on, advancing an open and shut case to explain capture of the SIT by “special interests” obscures the very *generalized* ways in which unauthorized community radio is, in practice, legitimized by the State (see Chapter 5). Moreover, framing capture as a failure too easily shifts emphasis onto the particulars of the policy—*How might capture have been prevented?*—rather than holding open a space in which to (re)assess the viability of the policy itself, perhaps even to

(re)consider, in light of new evidence, the time-worn view of U.S. lawmakers who pioneered radio regulation and whose “conception of the public interest—of what actions would be socially optimal—had at least as much to do with democratic principles as with notions of economic efficiency” (Moss and Fein 2003, 409).

3.11 From Battlefield to ‘Greenfield’: Policy in a Time of Peace

Why should the world’s most radically liberal, private rights-based model of spectrum policy have emerged in Guatemala? And why in 1996, at a moment when 36 years of “radical” politics were symbolically brought to a close by a set of Peace Accords promising “a firm and lasting peace [...] consolidated through *participatory* socioeconomic development oriented toward the *common good*” (Acuerdo de paz firme y duradera, reprinted in *Acuerdos de Paz* 2003, emphasis mine)? Leaving aside for a moment the question of whether a “principled approach” based on “the value of liberty, strong property rights and the Rule of Law” is oriented toward the common good, the question of place and timing remains. This can be explained, in whole or in part, as the result of intellectual, technological-economic and political convergence.

Guatemala has a long history of liberalism, rising to prominence in the era of Justo Rufino Barrios and receiving renewed impetus in the mid-twentieth century by a small but influential group of friends with a common concern for individual liberty, one of whom, Manuel Ayau Cerdón, would go on to found *Universidad Francisco Marroquín* “with the explicit purpose of divulging political and economic liberal theory” (Bull 2005, 60). What

is important to underscore, is that calls to de-monopolize GUATEL (by Ayau in particular) long preceded the technological-economic imperatives that drove the “telecommunications boom” and “privatization wave” of the 1990s. In the face of GUATEL’s poor track record, technological advances in mobile telephony coupled with external demands from international financial institutions (IFIs) with which Guatemala had intermittently fallen into arrears (Bull 2005, 55), lent support to calls for privatization. But previous attempts to privatize GUATEL—most notably during the administration of Vinicio Cerezo (1986-1991)—had failed, underscoring the importance of a favorable political environment (see Chapter 5). In 1996, by contrast, “(t)hey had the right president; they had the right political momentum” (Leighton 2008)—and, on paper at least, they had “a firm and lasting peace” (Acuerdos de Paz 2003). The combination of these factors created what one U.S. policy analyst described to me as “the perfect storm” (Leighton 2008), a view that seems to be confirmed by a recently released working paper from The World Bank on spectrum management reform in developing countries:

Whenever country conditions permit, it is preferable to move quickly. The benefits from spectrum management reform are likely to be largest when an aggressive agenda is pursued. [...] *Radical solutions* may be easiest to implement when spectrum management is least developed. *In greenfield*³⁹ *situations*, such as at the very early stages of telecommunications sector reform *and in post-conflict countries*, jumping ahead to market- and technology-driven

³⁹ ‘Greenfield’ is a term used to refer to an undeveloped property (i.e., no ‘inherited’ constraints).

solutions may be the best route from the start. *Rapid deployment* is easiest when there are rather few existing licenses that need case-by-case conversion. *That was the case of Guatemala, which in 1996 established a tradable spectrum rights regime that applied immediately to all spectrum other than that reserved for government and amateur uses* (Wellenius and Neto 2008, 54, emphasis mine).

An exemplar of spectrum liberalization, Guatemala was a “satisfactory” to “very satisfactory” investment for The World Bank (2003, 5-7). In 1998, the Bank approved a US\$13-million ‘Private Participation in Infrastructure Technical Assistance Loan’ to the country, of which \$5.2-million was earmarked to “assist in auctioning and monitoring of the radio spectrum, including the purchase of software, and (to) develop regulations dealing with the radio spectrum” (World Bank 2003; see also, World Bank 1998). Interestingly, the project, which included telecommunications, electricity, transport and postal service components, received an overall *unsatisfactory* review from the Bank, bringing the results of spectrum liberalization into sharper focus. The Bank’s assessment report praises the *Ley General de Telecomunicaciones* and details the expansion of the telephony market. It makes no mention of how spectrum auctioning and propertization affected the broadcast sector or, importantly, society writ large. In and of itself, the omission might be dismissed as an oversight. The reform was not, after all, planned with the broadcast sector in mind. But in the face of the Bank’s recent attempt to take a “public interest approach” to broadcast policy, sins of omission appear more correctly diagnosed as “historical amnesia” (Grandia 2007, 19-20).

In *Broadcasting, Voice, and Accountability: A Public Interest Approach to Policy, Law, and Regulation*, The World Bank argues that “(t)he distribution of licenses for television channels and radio frequencies solely through auction to the highest bidder is unlikely to produce a range and diversity of services that meet the needs of all sections of society” (2008, 232). Amnesia can be selective. The Bank makes no mention of its prior financial support for Guatemala’s spectrum liberalization, which was earmarked to “assist in auctioning and monitoring of the radio spectrum, including the purchase of software, and (to) develop regulations dealing with the radio spectrum” (World Bank 2003, 4). But it does draw specific attention to the problematic nature of the reform, quoting a 2001 report from the ‘Fifth Report on the Situation of Human Rights in Guatemala’, issued by the Special Rapporteur on Freedom of Expression of the Organization of American States (OAS):

Bidding procedures that do not go beyond economic considerations, or that do not give a chance to all social sectors, are *incompatible with participatory democracy and the right of freedom of expression* and information enshrined in the American Convention on Human Rights (cited in World Bank 2008, 232, emphasis mine; see also, IACHR 2001, Ch. 9, Art. 32).

In making its point, the World Bank might also have included this follow-up from a 2003 report from the Inter-American Commission on Human Rights (IACHR), which not only reinforces that the practice of selling radio frequencies by auction is undemocratic

but also underscores the critical importance of community radio and urges the government of Guatemala to make good on its Peace Accord promises:

The Commission recalls that the allocation or renewal of radio broadcasting licenses must be subject to a clear, just and objective process that takes into consideration the importance of communication media so that all sectors of Guatemalan society are informed participants in the democratic process. Particularly, the community radios are of great importance for the promotion of national culture, the development and the education of the distinct communities that make up Guatemala. For that reason, auctions that contemplate only economic criteria or that issue concessions without an equal opportunity for all sectors of society are incompatible with democracy and with the right to freedom of expression guaranteed in the American Convention on Human Rights and the Declaration of Principles on Freedom of Expression. The obligation of the State to maintain democratic criteria in the concession of television channels and radio waves is evident in the very fiber of Guatemala's democratic consolidation and in the implementation of the Peace Accords. The Accords characterize this country as a multiethnic, pluricultural and multilingual nation, and they favour the inclusion and participation of the largest sectors of the population, traditionally vulnerable and excluded, such as indigenous people, *campesinos*, women and youth. It is, therefore, recommendable that the criteria and rules of equal access and participation to the means of expression promoted by the State take into account Guatemala's particular characteristics and, in particular, that they reflect the obligations assumed under the Peace Accords (CIDH 2003, Art. 414, 192-193).⁴⁰

⁴⁰ The reference to 'licenses' suggests that the OAS, while concerned about spectrum auctions, is unaware of the greater bundle of rights allocated through the deployment of TUFs.

In the interest of learning how the *Ley General de Telecomunicaciones* is defended against claims that spectrum auctions are “incompatible with democracy and freedom of expression”, I read an excerpt of the above report to UFM’s Giancarlo Ibárgüen. He informed me that he had not previously heard the IACHR ruling but that he considered it incorrect. Ibárgüen reiterated that spectrum allocation is now a “bottom up” process, adding that the new law ensures greater transparency by freeing legal broadcasters from the threat of having to toe the line politically to prevent their licenses from being arbitrarily revoked. Moreover, he argued, the Peace Accords were rejected in a 1999 referendum and are, therefore, non-binding (Ibárgüen 2008a). It is a view shared by other analysts of Guatemala’s spectrum reform (Liu 2005), but seemingly at odds with the *Ley Marco de los Acuerdos de Paz* (Defining Law of the Peace Accords), which officially recognizes the Accords as “State commitments” (Blas 2005).⁴¹ Most certainly, it is a view at odds with community radio practitioners.

⁴¹ The administration of Álvaro Colom (2008-2012) is officially committed to the implementation of the Peace Accords. For further information, see the website of Guatemala’s Secretary of Peace, <<http://www.sepaz.gob.gt/qsspz.html>>.

Chapter 4

Community Radio in Context

We are fighting so that they legalize us, verdad? So we are legal, verdad? That's the reason we [refer to] the Peace Accords, which make very clear that you can have a radio, so long as it is for the community [...] In truth, it's upsetting, because it comes out on the television and in the newspaper that they are seizing the stations, that the Ministry of Justice is showing up to take away the equipment, pues. It upsets us. It makes us feel bad, because we say to ourselves: 'What about the Peace Accords?'

*If the Accords were an agreement between the URNG and the government then you should be able to have faith in them, right?*⁴²

Candido Rodríguez Guaján, Radio Comunitaria Kastajinel

The list of national and international covenants introduced to defend community radio broadcasts in Guatemala is substantive. Domestically, practitioners point to Article 35 of the Guatemalan constitution, which guarantees “freedom of thought and expression in any medium of diffusion, without censorship or prior license”, as well as clauses guaranteeing equality (Article 4) and cultural and ethnic rights (Articles 57, 58, and 66) (Government of Guatemala 1985 [1993]). Specific to linguistic diversity and protection,

⁴² Guaján, C. R. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.

they refer to the *Ley de Idiomas Nacionales* (National Language Law), passed in 2003, which obliges the State to recognize, promote and respect Guatemala's 22 Maya languages, as well as the languages native to the country's Garífuna y Xinka communities (see Appendix E). Internationally, practitioners draw on the Universal Declaration of Human Rights (Article 19), the American Convention on Human Rights (Articles 1 and 3), and the United Nations Declaration on the Rights of Indigenous Peoples, which affirms that "[i]ndigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination" (United Nations 2007; for a summary of the legal defense of Guatemala's community radio practitioners, see AMARC 2007, 18-31).

Of all covenants tabled in defense of Guatemala's community radio movement, however, the one invoked most frequently in literature and most passionately in interviews is the *Acuerdo sobre identidad y derechos de los pueblos indígenas* (Agreement on the Identity and Rights of Indigenous Peoples), signed in 1995 and incorporated into the Peace Accords in 1996. Specifically, practitioners quote, often verbatim and almost always by name, a clause known as *Inciso H* (Subsection H), which commits the State to two key promises: (1) "to promote the abolition of any and all provisions in the national legislation which stand as an obstacle to the right of indigenous peoples to have their own communications media for the development of their identity"; and (2) to reform existing broadcast policy "in order to make frequencies available for indigenous projects and to ensure respect for the principle of non-discrimination in the

use of communications media” (reprinted in *Acuerdos de Paz* 2003, 52). The centrality of the Peace Accords to the defense of community radio in Guatemala should, perhaps, not be surprising given that no small number of stations currently broadcasting were founded post-1996, inspired, at least in some cases, by the vision of a different “greenfield” to which *Inciso H* seemed to promise access. One practitioner explained to me how the Peace Accords ignited an *inquietud* (restless desire) to develop local media, and resulted in the founding of a radio station in Sumpango (Sacatepéquez) in 2003:

We had the idea to investigate how a *pueblo* could have its own media because we saw it as an alternative to reach a lot of people all at once. The *inquietud* among the *compañeros* led to the idea of having a radio, which is... for us it is more effective than a newspaper and other means of circulating news, and also you don't need much technology, *verdad?* [...] After 1996, there began to be talk about communications media for the *pueblos*. Our idea emerged after (the Peace Accords), taking advantage of an opportunity that is rightfully ours (Xunic 2007).

More research is needed to understand whether *Inciso H*, in fact, fuelled a surge in the development of community radio in Guatemala. According to the *Centro de Reportes Informativos de Guatemala* (CERIGUA, Centre for Investigative Reports on Guatemala), “the theme of community radios emerged with the Peace Accords” (CERIGUA 2006, npn). At least two community radio associations, AMARC and the Consejo Guatemalteco de Comunicación Comunitaria (CGCC), of which *Mujb'ab'l yol* is part, have recently completed comprehensive station surveys. AMARC's data reveal that of 40 stations visited only one was established prior to 1996 and over half were founded

between 2000 and 2004.⁴³ Should the figures for this random sample hold across the population, it would seem to confirm the hypothesis of pro-reform scholars that a sizable share of Guatemala's "pirate" community radio stations were founded during the administration of Alfonso Portillo (Ibárgüen 2008a). The distinction is important inasmuch as Portillo is accused of having funded unauthorized community radio for political and religious purposes. Portillo was harshly criticized by the CGCC in June 2002 for pressuring to have evangelical radio stations covered under the first proposed (but defeated) *Community Media Law*.⁴⁴ Arguing Portillo's political party, the Frente Republicano Guatemalteco (FRG, Guatemalan Republican Front), has close ties to the evangelical movement, the CGCC refused to modify the proposed law, declaring that partisan stations, political and/or religious, cannot properly be regarded as community stations (CPJ 2002).

4.1 Defining Spaces of Inclusion

The community radio practitioners and advocates who participated in this research do not deny that a large number of stations that have adopted the "community" banner

⁴³ I am indebted to Amalia Jiménez Galán and Ricardo Sandoval for allowing me to review AMARC's monitor results, which included information on station ownership, history and programming, as well as interviews with local organizations in the broadcast range of the station in question. Spanish and native Maya speakers were deployed to conduct the survey.

⁴⁴ Since 1996, there have been several attempts to enact legislation to recognize community radio stations. At present, a legal proposal drafted by members of the National Roundtable is pending presentation to Congress. A separate initiative has been launched by the CGCC.

are, in fact, partisan (predominantly evangelical) broadcasters. In this, there is consonance between the views of practitioners, public officials and policy analysts. Officials and analysts, in addition to arguing that all unauthorized stations should be shut down, are inclined to suggest that most, if not all, stations are religious and/or for-profit stations (Liu 2005; López 2006b; Hazlett, Ibárgüen and Leighton 2007; Castañeda y Castañeda 2008). Those in the community radio movement urge recognition for the distinct organizational structure and programming content of community radio, which they argue is non-partisan, non-profit, and dedicated to community development broadly conceived:

For us the definition of a community radio is, first, that it must be run by civil organizations (there cannot be “one” owner). [...] And it must not have any religious inclination. It cannot be sectarian, *verdad?* It must open spaces for all groups. Here, we welcome evangelical groups, Catholic groups; a group that wants space in the radio can have it, but it cannot be *only* evangelical or *only* Catholic, do you understand? So, it has its characteristics, yes. And it must open spaces. For us, a community radio must open spaces to the whole population, to encourage people to participate in the radio, so that people feel that the radio is theirs. This is what we understand by “community radio” (Xunic 2007).

Defining community radio in Guatemala is a delicate issue. My reasons for employing the definition of ‘Community Media Service’ adopted by the National Roundtable (see Chapter 3) are two-fold: first, it anchors the proposed *Community Media Law* currently slated for presentation to Congress; second, it has been validated by some

of the most widely recognized social organizations and civil society movements in Guatemala.⁴⁵ Further, it was through National Roundtable meetings (2005-2007), in which both declared community and evangelical radio associations participated, that clear distinctions came to light between the *policy* motives of each group:

In general terms, the evangelical radio organizations support the principle of freedom of worship and prefer loose legal frameworks in which private property is not limited and the criteria for [spectrum] access are as basic as just being legally registered. By contrast, the coordinators of community radios are more in favor of a broad and detailed legal framework, which has a basis for guaranteeing the identity of the community radio (collectively owned, in the name of an organization, non-profit, and explicit prohibitions on religious and political proselytizing, among other aspects) (AMARC 2007, 16).⁴⁶

The CRG, Guatemala's commercial radio lobby and the most vociferous opponent of unauthorized radio, does not reject community radio so defined. In a 2002 interview with *Prensa Libre*, Guatemala's largest daily newspaper, then-CRG director Mario

⁴⁵ The proposed *Community Media Law* is supported by: Asociación de Abogados Mayas (Maya Legal Association), la Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG, Human Rights Office of the Archbishop of Guatemala), Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA, National Coordinator of Widows of Guatemala), Escuela Ciencias de la Comunicación (USAC, School of Communication Sciences, University of San Carlos), Fundación Myrna Mack (Myrna Mack Foundation), Comité de Unidad Campesina (CUC, *Campesino* Unity Committee), Coordinadora Nacional Indígena y Campesina (CONIC, National *Campesino* and Indigenous Coordinator), Centro de Acción Legal en Derechos Humanos (CALDH, Centre for Legal Action in Human Rights), Coordinación y Convergencia Nacional Maya *Waqib'Kej* (*Waqib'Kej*, Maya National Coordination and Convergence), Movimiento de Jóvenes Mayas (MOJOMAYAS, Movement of Maya Youth), and others (AMARC 2007).

⁴⁶ The distinction between 'religious radio' and 'community radio' was eventually discarded by the National Roundtable, a detail I pick up again in Chapter 4 (see AMARC 2007, 16).

Valderramos stated that commercial broadcasters accept community radio as a legitimate broadcasting “format” and stressed that the CRG’s objection was to “the illegality with which some (community stations) operate” (Pérez 2006).⁴⁷ But attempts to reduce the concept of community radio to “a format like any other, like top forty, like golden oldies” (NotiCen 2006, npn) draw fire from those who maintain that community radio in Guatemala has a deeper purpose. Ricardo Sandoval, AMARC’s national representative in Guatemala, has argued before the National Roundtable that community radio “is not limited to a radio format. It is not just a particular way of programming. Rather, it is a production of its own efforts, a way to exercise ownership and approach decision making” (MND 2006, npn). This view is consistent with that expressed by Ana María Peppino Barale in her research on educational, popular and community radio in Latin America:

A radio becomes a community station when it submits itself to the community, when it attends to its wants and needs. The community aspect is understood as a way of life, of thinking, of relating to the public: it cannot be decided *a priori*. It is a daily construction in which there are advances and setbacks, in which getting things right and making mistakes are part of the realization of the social vocation that is community radio (1999, 42).

⁴⁷ In fact, most self-defined community radio stations are unauthorized. Legal stations with a similar organizational structure and programming content tend to define themselves as ‘alternative,’ precisely because ‘community radio’ has such a negative connotation in Guatemala. I thank Pati Galicia for this observation.

4.2 We Are Not ‘Locutores’, We Are ‘Comunicadores Sociales’

Peppino Barale’s use of the term “social vocation” touches on one of the key ways in which community radio practitioners distinguish themselves from their commercial counterparts. In both workshops and meetings as well as in formal interviews, community radio practitioners demonstrated a marked tendency to self-identify as *comunicadores sociales* (social communicators) rather than as *locutores* (announcers). The latter term, they explain, more aptly describes commercial radio practitioners, whose broadcasts, originating predominantly in the capital and reaching outlying areas through a network of repeaters, are seen as superficial, unidirectional and out of touch with community concerns:

[A *locutor*] takes responsibility for playing music, talking, passing along greetings and giving the time. A *comunicador social* takes responsibility for sharing information. The majority of us are *comunicadores sociales* (Barrios 2007).

Well, we are *comunicadores sociales*. Our objective is to... to ensure that everyone is aware of what is going on in the community. Sometimes we face difficult situations, so we try to address them [on the radio]; the positive, the negative of what could happen here. [...] We try to speak with the community, to tell them not to keep doing the same old thing. We try to take one step at a time... Why? So people avoid the trap of doing the same old thing (Colchaj 2007).

That is why we call it alternative communication, because we want to realize another form of communication, something different from the *locutor* that just gives the hour or the name of the song, or passes along a greeting; instead we want to broadcast something more for the community, do you understand? The important thing is to

speak, even if it is just to say, ‘Don’t throw garbage in the streets’ or even if it is to say ‘Wash your hands’—to say *something*, you know what I mean? What matters is that what we say is beneficial for our community (Xunic 2007).

The term *comunicador social* is common throughout Latin America, where many universities list it as a degree program (either conflated with or distinct from journalism). While some English-language scholarship reduces the term to a self-referential “preference” (Himpele 2004, 357), this position tends to gloss over the argument from Latin American scholars that to be a *comunicador social* carries an “ethical imperative”, which is bound up in the conviction that “the media is ‘una escuela’ (a school), one with more influence, perhaps, than the formal education system” (Piña and Arribas 2001, 89). Young practitioners from *Radio Ixchel* explain it this way:

We are not *locutores*; we think of ourselves as *comunicadores sociales* because we are also learning in this process. [...] Here (in the radio) you learn. Because, I’m telling you, in the schools they are not going to say ‘You have a right to this’. No. It’s on the radio where you learn, ‘Ah, young people have a right...’—I don’t know, say if they are older than 24 years—’...they have a right to a job’. But in school they are never going to say... I don’t know... that, ‘You have a right to this or that’. No. But in the radio, even if it’s just a short message, it’s something that can reach young people, you know, so that they can achieve their goals or better orient themselves because of a piece of advice (Gil 2007).

When I joined the radio, I never imaged that I was going to learn so many things. [...] Before I went on-air, I received training and I learned *un montón de cosas* (an amazing amount of things), which, honestly, I was really ignorant

of. I learned about rights, about my culture, about my customs, about gender equality... And now I have my own program, which is a music format; but *always*, as my *compañero* says, we *always* include messages. We always try to offer something, to contribute to the development of the community. [...] I've learned so many things and I want to share them: good things, bad things. For me, personally, it has been a good thing to be involved with the radio; to this day I remain, and I will continue, God willing (Cubur 2007).

The tendency to see community radio as a school, for practitioners as well as members of the listening audience, was consistent across all communities I visited. Radio “fills in” for missing or inadequately provided State education. Statistics from The World Bank indicate that 40 percent of Guatemala’s population is non-literate; the only country in the region with a higher rate of illiteracy is Haiti (Edwards 2002). A recently completed United Nations study of Guatemala’s education system harshly criticizes the State’s education funding and charges that racism runs rampant in schools. Further, the report cites a lack of linguistic decentralization and says that monolingual Spanish-speaking teachers are often deployed to predominantly Maya-speaking areas: “The educational infrastructure remains abandoned, and studies need to be done to know what the needs of the community are in order to help” (Cereser 2008, 3).

In many cases, the lessons research participants spoke about were general in nature, embracing themes from cultural identity and historical memory, to human rights, gender equality, agricultural reform and the environment. The implication that station programming is “political”—understood as manifestly dedicated to an (alternative) politics, such as the proudly “pirate” programming that other geographers have found in

places like Chiapas, Mexico (Chatterton 2008)—was not substantiated in this research. Others who have researched radio in Guatemala, however, rightly observe that the difference between “information giving” and “political propaganda” can be slight and is always subjective: “Advising villagers on crop rotation or personal hygiene cuts across that divide if it occurs in an area where the military are systematically laying waste to the countryside, or promised latrines and piped water have not been supplied by the relevant ministry” (Hopkinson 1991, 28). The State has publicly denied prosecuting any unauthorized broadcasters for political reasons, stating that it pursues criminal charges only for theft of frequency and/or broadcast interference (Government of Guatemala 2007) (see Chapter 5).

The need for, and potential impact of, *consejos* (advice or teachings) offered by Guatemala’s *comunicadores sociales* was reinforced many times over during fieldwork. In one case, a single-mother from Salcajá (Quetzaltenango) explained to me how it was through community radio broadcasts that she learned about children’s rights, specifically a child’s right to physical and emotional security. It was because of these *consejos*, she says, that she found the courage to fight for justice when her son was physically assaulted by his teacher, allegedly because the teacher was frustrated by the child’s speech impediment. She shared with me photos of her son taken after the assault and described how she turned to community radio practitioners for guidance on how to file a complaint against the teacher. Practitioners assisted the mother in contacting the appropriate authorities and followed the story on-air, prompting the parents of *other* children who had been physically abused by the same teacher to step forward.

It's not about, you know, who you hear on the radio, but about the *consejos* that they offer. [...] The radio (Radio Comunitaria Salcajá) is not, you know how they say '*sólo canciones*' (nothing but music), no. They always offer *consejos* for the community. [...] It's a support, really. The radio has always been by my side in this problem. They've always been there, investigating what happened and following what was going on (Ovalle 2007).

It became clear to me during fieldwork that community radio practitioners are, or become by virtue of their vocation, local leaders, role models, trusted advisors and, not infrequently, informal ombudspersons—an observation which finds support in academic literature, both in Guatemala (Galicia Nuñez 2006) and Mexico, which boasts a long history of community radio practice and applied research (e.g., Peppino Barale 1999; Winocur 2003; Winocur 2007).

4.3 Situating Ethics on the Spectrum

According to Peppino Barale (1999), formal emphasis on an ethic of communication in Latin America emerged from the 1968 (Medellín) and 1979 (Puebla) conferences of the *Consejo Episcopal Latinoamericano* (CELAM, Latin American Episcopal Council). In Medellín, CELAM codified the importance of *comunicación social* (social communication) in challenging structural injustice. It targeted mass media “linked to economic and political groups, both national and foreign”, arguing that social communication should work to assist and channel change in the interest of the common good by promoting “an authentic

and all-encompassing education” sensitive to local culture and values (CELAM 1968, Sec. 16, Pts. I-2, II-6, III-18). At the Puebla conference, CELAM retrenched its position, voicing opposition to “monopolies of information” and broadcasts promoting consumerism and materialism, which “destro(y) local values” through “involuntary transculturation” (CELAM 1979, Pt. III, Ch. III, Sec. 5.1, Art. 1071-1073).

The bishops’ position on *comunicación social* is not without troubling contradictions. Calls for clergy to “be the voice of the dispossessed” (CELAM 1979, Pt. III, Ch. III, Sec. 5.1, Art. 1088) sound less benevolent in the years since Gayatri Chakravorty Spivak (1988) asked, “Can the subaltern speak?”, which has forced the follow up the question, “Can the hegemonic ear hear?” (Barrett 2004, 359). Contemporary rhetoric aside, however, CELAM’s attempt “to counteract the negative effects of manipulation and massification” (CELAM 1979, Pt. III, Ch. III, Sec. 5.1, Art. 1088) had highly *political* connotations in the face of a world fragmented by Cold War tensions, connotations which, I argue, contribute to the stubbornly persistent stereotype of “rebel radio”. That Guatemala’s practitioners should be referred to as “ex-guerrillas” reveals the persistence of ideas linking them to subversive political movements.

Guatemala’s “Ten Years of Spring” (1944-1954), a period of political freedoms and planned land reforms that ended with the U.S.-backed overthrow of Jacobo Arbenz, gave way, beginning in 1960, to more than three decades of armed conflict between military juntas and insurgent forces. Against this backdrop, CELAM’s demand for an ethic of communication critical of structural inequities and sensitive to local values, cultures and

languages brought members of Guatemala's clergy up against a legacy of ethnocentrism, which, stated bluntly and *literally* etched in stone, holds that culture radiates outward from the capital and its educated class to the rest of Guatemala.⁴⁸



Figure 4-1: (Post)Colonial Culture The inscription reads: *This is the site of the old University of San Carlos, founded in 1675. From here, culture radiated to the rest of the kingdom of Guatemala* (V. Henderson 2007, photo)

⁴⁸ The persistent, centrifugal force of ethnocentrism, which today holds la ciudad ('the city', meaning Guatemala City) as its base, is, in fact, a marketing pitch for the second largest chain of commercial radio stations in Guatemala. In the summer of 2007, *Emisoras Unidas*, ran a full-page, full-color advertisement in the country's largest daily newspaper featuring the image of a solitary, obviously remote, rural home over which ran the company logo and the words "Even here the truth can be heard". The advertisement, undoubtedly designed to convey the 'benefits' of tuning in to the *Supercadena Emisoras Unidas* (The Emisoras Unidas Superchain), speaks volumes about unidirectionality of mainstream Guatemalan media.

In varying ways and to varying degrees, the Church was complicit in the institutionalization of this policy during the colonial period. That said, Guatemalan clergy were, by the 1970s, actively supporting the presence of alternative voices, languages and concerns in the public sphere, most notably on *Radio Chortí* (Jocotán), *Radio Mam* (Cabricán), *Radio Nahualá* (Nahualá), *Radio Atitlán*⁴⁹ (Santiago Atitlán), *Radio Colomba* (Colomba), *Radio Quiché* (Quiché) and *Radio Tezulutlán* (Cobán).⁵⁰ CELAM's assertion that the Church had a "right" to possess its own media (1968, Sec. 16, Pt. III, Art. 11) seems to have been initially accepted by the Guatemalan government, which issued licenses to at least some of the above stations. But as tensions from the armed conflict escalated, members of the Catholic order were increasingly accused of conspiring with Maya communities, perceived by the army to be "natural allies of the guerrillas" (CEH 1999, Conclusion Pt. II, Art. 85). In the process, community radio stations became symbolic sites of struggle.

In a 1996 interview, Bishop Juan Gerardi, one of Guatemala's most widely recognized human rights defenders, recalls how the mutilated cadavers of catechists presumed to be communist sympathizers were left "hanging between the window grills of *Radio Quiché*" (cited in Gutiérrez 1999, npn), ostensibly in retaliation for the occupation

⁴⁹ It is unclear whether this station was still supported by the church in the 1970s. Konefal (2005, 96) says it was taken over by militant youth.

⁵⁰ Most of these stations are now legal and remain affiliated with the *Federación Guatemalteca de Escuelas Radiofónicas* (FGER, Guatemalan Radio School Federation).

of the Spanish embassy in 1980 by a group of Maya leaders who sought to draw international attention to Guatemala's seemingly intractable state of violence. By 1981, the army had investigated all seven of the Church-supported radio stations named above; one was taken over and three were closed (Konefal 2005, see also; Prensa Libre 1981).

4.4 Robbed of the Right to Speak

In 1998, just two days after releasing a report that blamed the Guatemalan army, police and paramilitary groups for 90 percent of human rights abuses committed during the armed conflict (REMHI 1998, vol. IX), seventy-five-year-old Bishop Gerardi was bludgeoned to death outside of his Guatemala City home. The report Gerardi released was the result of a three-year project known as *Recuperación de la Memoria Histórica* (REMHI, Recovery of Historical Memory). The REMHI report synthesizes the testimonies of 5,180 victims, witnesses and perpetrators of abuse in Guatemala's armed conflict, identifying more than 52,000 victims by name. Thirty-six years of conflict exacted a staggering toll on the country, and scholars who underscore that indigenous peoples were not the only ones to suffer make a valid point (Taylor 2004). That said, of the more than 200,000 civilians estimated to have died during the conflict, 83 percent were Maya. The *Comisión para el Esclarecimiento Histórico* (CEH, Commission for Historical Clarification), a United Nations commission set up to investigate the conflict in Guatemala, concluded:

... the undeniable existence of racism expressed repeatedly by the State as a doctrine of superiority, is a basic explanatory factor for the indiscriminate nature and particular brutality with which military operations were carried out against hundreds of Mayan communities in the west and north-west of the country (1999, Conclusion Pt. I, Art. 33).

The CEH registered 626 massacres, including acts of genocide committed by the State against Maya populations in at least four regions of the country (1999, Conclusion Pt. II, Art. 86, 122). The spatial dimensions of violence during Guatemala's armed conflict have been mapped by geographers, who illustrate the correlation between massacre sites and Maya linguistic communities (Steinberg, Height, Mosher et al. 2006) (Figure 4-2).

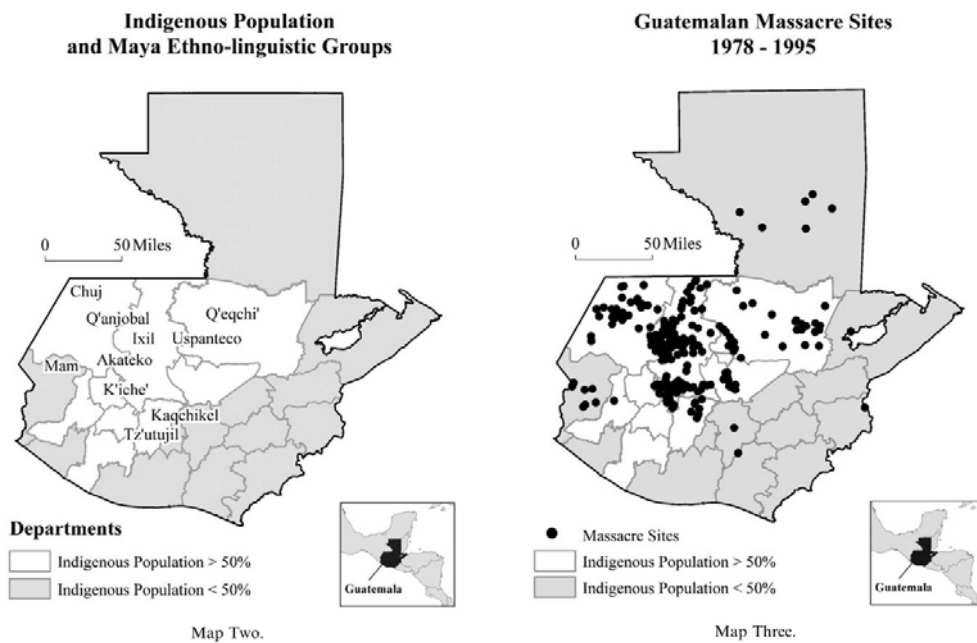


Figure 4-2: Map of Massacres and Linguistic Sites Source Steinberg, Height, Mosher et al. (2006)

The bulk of Guatemala’s unauthorized community radios are located in these same ethno-linguistic areas. Despite the lack of representation in national accounts, the concentration of unauthorized broadcasters in the west and north-west of the country is well-understood by officials and arguably well-represented in a sample of stations publicly listed as “pirate” in 2006 by the Ministry of Justice (Table 1).

DEPARTMENT	NUMBER OF “PIRATE” RADIOS DENOUNCED BY DEPARTMENT	MAYA SPEAKERS (PERCENTAGE OF DEPARTMENT POPULATION)
Quetzaltenango	35	52
Sololá	34	96
San Marcos	30	28.7
Chimaltenango	23	79
Totonicapán	22	98
Alta Verapaz	17	92.5
Quiché	16	88.3
Escuintla	15	6
Retalhuleu	14	20.5
Izabal	11	21.8
Petén	10	29.7
Sacatepéquez	9	41
Guatemala (capital)	8	12
Huehuetenango	8	62.8
Baja Verapaz	7	58.2
Chiquimula	4	15.1
Santa Rosa	4	1
Zacapa	3	0.5
Jalapa	1	10.8
Jutiapa	1	0.4

Table 1: ‘Pirate’ Radio by Department Data sources, CERIGUA (2006) and Prensa Libre (2008); compilation V. Henderson (2008). Fieldwork suggests these figures are low. In one municipality of Sacatepéquez alone, practitioners told me there are four unauthorized community radio stations.

Strategic assaults on Maya culture, including linguistic persecution and the forced disappearance of community leaders who “had a voice and knew how to defend themselves” (REMHI 1998, Vol. 1, Ch. 3, Case 5017), are well documented by the truth commissions, deeply etched in historical memory, and an ill-deserved inheritance for today’s community radio practitioners, who speak of having to overcome the fear of projecting voice and asserting presence in the public sphere:

Being in front of the microphone I have learned many things, such as to be able to express myself, because *los indígenas* (Maya peoples) are very... very... How can I explain it to you?... (*Long pause*) Very... Very... (*Long pause*) Very timid. We’re very timid. And being in front of the microphone, you might start trembling or... or stuttering in your speech (H.G. Coroy Ruyán 2007).

I started at the radio and, like my compañera, I learned many things. I learned, first of all, how to cope. I learned how to value myself as a woman. Also, I learned how to express myself. I lost the fear, you know what I mean? Because in my day, we lived through... How can I explain it to you? [...] Then, we weren’t worth anything, because we are *indígena*... because we speak our language, Kaqchikel [...] They shut the doors on us, *verdad?* [...] Believe me when I tell you that I’ve learned so many things (by being involved with radio): how to live with people in society, and also to lose the fear, to lose the fear... How can I explain it to you?... To express how I feel, *verdad?* Here [at the station] we all have rights; here *everyone* has a voice!

The best experience [of being on the radio] is that it has cured my fear of the microphone. Before, I had this fear of... I don’t know, as if the words slipped away and I didn’t have anything to say, and now, *pues*, more or less, I can express myself (J.A. Coroy Ruyán 2007).

That the REMHI report should begin by acknowledging the armed conflict, known internally as *la violencia*, “robbed Guatemalans of the right to speak” (REMHI 1998, npn) leaves little room for doubt about the magnitude of the country’s culture of silence. Victor Montejo, a Jakaltek Maya forced into exile during the conflict, describes the direct and symbolic loss of Maya language in the public sphere with reference to the assassination in 1980 of radio practitioner Timoteo Curruchiche, whose Kaqchikel language broadcasts openly addressed issues of social injustice and violence: “The death of a voice with which people identified symbolized the death of their own voices, as Maya had become silent and fearful of death squads during the Lucas García (1978-1982) regime...” (2002, 137). The death of Curruchiche, known as “the people’s philosopher” (Romeo Muñoz cited in Madrigal 2006, npn), takes on added significance against harsh criticism that during the worst years of the conflict *la gran prensa* (the mainstream press) “observed complicit silence in the face of injustices committed against a defenseless people” (Barrios 2002, 231).

4.5 ‘Silence lost its way when a hand opened the doors to the voice’⁵¹

Attempts to recover local voice, to break the culture of silence, are at the centre of Guatemala’s community radio movement and the Maya movement more broadly.

⁵¹ Introductory quote to CEH, cited from F. Morales Santos (1987).

Beginning in the 1970s, there emerged a growing awareness of indigenous languages “as both a symbol and ongoing practice of indigenous identity” (Nelson 1996, 292). Maya intellectuals stress the importance of community media, especially radio, as “a means of ethnic expression and reproduction” (Cojtí Cuxil 1996, 42-42), a view consistent with the position of the Academia de Lenguas Mayas de Guatemala (ALMG, Maya Academy of Languages) that “decolonization of the Maya begins with knowing how to use technology and not being used by it” (ALMG 1990, 42; cited in, Nelson 1996, 292). But as members of the National Roundtable on Community Media are quick to point out, having access to technology is one thing; being excluded by the regulatory policy governing the use of that technology is quite another: The *Community Media Law* drafted by members of the Roundtable opens with the following observation:

A rupture in the culture of silence is evident in the emergence of new broadcasting experiences, which are of great social interest but which are not given access to radio frequencies because of the inequity produced by the current economic criteria for frequency access through auction. Access to the means of broadcasting based on economic competition prevents access to sectors of society with high indices of poverty and extreme poverty, as well as non-profit community associations dedicated to humanitarian, social and spiritual work, which is of general benefit to the population (*Proyecto de ley de medios de comunicación comunitaria*, cited in AMARC 2007, 49-50).

The voices of community radio practitioners are conspicuously absent in discussions of spectrum liberalization from a legal-policy perspective (see Chapter 2). In both scholarly and government literature, unauthorized community stations are blamed for

causing interference and judged *en masse* for the crime of piracy or, more consequentially, theft. Accepting that unaffiliated stations may be causing interference, AMARC maintains that it does not support the practice of interfering with legal transmissions (2007, 43). Practitioners who participated in this research say they undertook extensive testing to make sure that their stations, which broadcast 10 to 16 hours daily, were not causing interference. All expressed concern for the saturation of the broadcast spectrum, recognizing airwave scarcity; however, they also unanimously agreed that the spectrum is *not* as saturated as what the SIT has suggested. When I asked if the “problem” of community radio in Guatemala is technical or political, the unanimous response was, “political”. Again, this is consonant with the view of pro-reform scholars—although clearly from a different perspective.

Against the tendency of policy analysts to indefinitely push political questions, which have “implications far beyond telecommunications policy”, toward “future research” (Hazlett, Ibárgüen and Leighton 2007, 443), I pick up the thread of scholars who argue that treating resource policy as a purely “technical” matter does nothing to “uncover interests *systematically* excluded from policy debates” (Dryzek 1999, 108, emphasis mine). This is consistent with the position of AMARC, which has harshly criticized the SIT for “proposing, in the name of the State, a mathematic distribution (of frequencies) instead of considering criteria of equity and equality of access, the necessity to democratize the spectrum, and the obligation to comply with the political criteria clearly expressed in the Peace Accords” (AMARC 2007, 41). When community radio is

considered in context, it ceases to be a struggle over a single resource and becomes part of a longer history of struggle which not only manifests particular *patterns* of exclusion but which also privileges particular forms of discourse (e.g., technical expertise versus public values), and therein raises critical questions about the legitimate ends and means of policy itself (Dryzek 1999, 103; see also, Hager 1992).

In describing my methodology for this study, I mentioned that interviews with radio practitioners were semi-structured and that questions were sufficiently broad so as to encourage respondents to frame their own terms of engagement with the issue. I also mentioned that there was one exception to this, which occurred during a group interview. The dynamics of the conversation prompted me to introduce a very specific question: *If you had the chance to speak with Óscar Berger (then-president of Guatemala) about community radio, what would you tell him?* Two of the younger radio practitioners in the group took the opportunity to answer the question: the first, explained that he would ask Berger to “legalize community radio” (H.G. Coroy Ruyán 2007); the second said he would urge Berger to “comply with what is established in the constitution [...] and to give us the opportunity to grow” (Camay Martín 2007). The interview proceeded, with practitioners picking up and expanding on each other’s ideas. At the end of the session, in a pause during the exchange of thanks with participants, Doña García, director of the school in which *Radio Comunitaria Kastajinel* is situated, indicated to the group that she had something to add. And this is what she said:

A question that you raised: How to convince *el Sr. Presidente* to help us and to fulfill the promises he made? In reality, in our country, it is a bit difficult because the discrimination has been from the beginning. In the beginning, they didn't see us as people but as half-people, as half animal. They didn't believe that we were equal to them. Number one. And the other thing, too, is that the education has been assimilationist, and they have filled us with ideas, telling us: 'You are like this, you are like that... And you can't do anything'. All of this has been said. So, the practice has been to convert us, to put us... to assimilate us into their culture and have us do what they want, and to kill what is our culture. Practically speaking, it's a little difficult to say you are going to meet with *el Sr. Presidente* and ask him to help us... to fulfill his duty as president and as the father of our country, do you understand? Because if one goes... it's worse if one person goes, because you go in a group and *even then* no one listens—and as one? They don't listen to us. So... the struggle is, in my opinion, a little difficult because those people never listen to us. They think only of themselves, of their own interests. You go with the intention to *concientizarlos* (to raise their consciousness, to make them aware), to ask them to fulfill what they promised in their election campaigns, to ask them to comply with the law. But it's like talking to the wind, because their interests are different and they help each other... And because we don't exist no one pays attention to us... So, it's difficult to convince (the president)—and to convince the people who give *him* orders, because here the ones who rule are the millionaires. But we have hope and faith in God that someday all of this will be fixed, and we'll keep fighting so that the law is realized, and we can feel proud that we are doing work without any bad intentions. We only want to help the community address various issues so that it... so that we are learning, because there are issues, issues that women don't know about, and also abuses... various... various issues that need to be discussed, and that is what we are fighting for. And as I told you, I believe God is the only one who is going to help us succeed so that we are authorized under the radio law (García 2007).

4.6 Revolutionary Ideas for Radio Regulation?

In four short minutes, Doña García summarized 500 years of history and systematic exclusion, connecting the issue of community radio to the structural inequities of a country which is said to be controlled by the economic power of a handful of family networks (Solís and Solano 2006). Why go back in time? Why introduce a history that can serve only to complicate contemporary policy analysts' evaluations of spectrum reform in Guatemala? Why urge for alternative voices to be heard? In part, I argue, because doing so can bring objective relations into view. In speaking to the success of Guatemala's experiment in spectrum reform, the commentary of policymakers who dismiss the biological and sociopolitical trauma of conquest, colonial rule and more than three decades of contemporary conflict—including acts of genocide—reflects and sustains the exclusion of Maya peoples in speaking to their own history. Take, for example, this brief introduction to Guatemala offered by a senior analyst from the U.S. Federal Communications Commission in a recent working paper entitled *Revolutionary Ideas for Radio Regulation*:

Despite more difficult circumstances, Guatemala has taken a more liberal approach to reforming radio regulation. During the European Dark Ages, Guatemala was the center of a highly developed Mayan civilization. But this civilization *did not respond successfully to changing circumstances*. In 1996, Guatemala, then one of the poorest countries in Central and South America, finally managed to end thirty-six years of civil war. That same year a new telecommunications law was passed. [...] The Guatemalan reforms have been highly successful. [...] Poor persons in rural areas and urban slums can be seen

using mobile phones. Guatemala's approach to radio regulation has provided significant benefits to many of its citizens. Guatemala has probably become the leading practical model of radio regulation reform for rich and poor countries around the world (Galbi 2003, 13-14, emphasis mine).

The above commentary exemplifies the reality of Maya peoples as described by Doña García: "we don't exist". The point here is not to blame an individual policy analyst for his comments, but rather to consider how the system of objective relations linking this analyst to historically, spatially, politically, culturally and economically distinct "Others" lends itself to such statements. On the above account, Mayan civilization is effectively written out of history, a result of responding poorly to "change" (i.e., conquest, colonial rule and genocide). The "highly developed" civilization introduced at the start of the passage is reduced, by the end, to "(undifferentiated) poor persons in rural areas and urban slums", persons who would likely not be mentioned at all were it not for the fact that they have gained status in the broad but culturally nondescript category of "consumers". This is not an isolated occurrence, nor is it restricted to the Guatemalan case. In his article 'Making Money Out of Thin Air: The Politics, Law and Economy of Radio Spectrum', Rick Mohr opens with a telling quote from a public official commenting on spectrum liberalization in Australia:

Reporting on the Australian government's windfall of \$1.3-billion from the auction of radio spectrum in 2000, the *Australian Financial Review* [...] quoted Ian Hayne, the man responsible for the marketing exercise, as saying, "This is better than selling sand to the Arabs or ice to

Eskimos... We are really selling nothing here.” More circumspectly, he added, “Maybe I shouldn’t say that; this is about the right to use a natural resource” (Mohr 2002, 1, emphasis mine; see also Graham 2001 for a discussion of how radio spectrum is “pre-figured” for colonization).

In scholarly articles (Ibárgüen 2003), as well as public presentations (Leighton 2005), references to, and images of, indigenous and other economically marginalized people owning and proudly displaying mobile phones are incorporated to illustrate the success of Guatemala’s spectrum reform. Any criticism in this regard should not be taken to suggest that mobile telephony has not offered benefits to this population. It has. That is what makes any easy conclusion that the liberalization was altogether “wrong” difficult to sustain. However, such representative strategies in the writings and presentations of scholars and policy analysts tend to obscure the fact that members of marginalized populations now “served” by mobile telephony may also feel disenfranchised by the very reform whose successes they have been called upon to represent.

Ironically, “revolutionary” ideas supporting spectrum liberalization, which ostensibly uses market principles to prevent political elements from distorting a fair allocation of resources (see Chapter 5), serve a very political purpose in retrenching the historic exclusion of Maya peoples from policy debates and, in so doing, dismissing their specific spectrum resource claims. Left unaccounted for in the descent from highly developed civilization to consumer is any notion of “Maya resilience” (Lovell 1990; see also, Lovell 1988), the determination, in Doña García’s words, to “keep fighting”. A sense of this resilience is captured in the names and histories of community radio stations

like *La No Que No* (“the station that refuses to back down”), a *Mujb’ab’l yol*-affiliate in San Rafael Soche, as well as in the words of a female practitioner from *Radio Ixchel*, who says: “We are fighting tooth and nail. Let come what may, but we are together and united as a group. Whatever happens, we are going to keep the radio because our people need it” (González 2007).

4.7 Sounds Like Resistance

The forced dislocation of more than one million refugees during the armed conflict coupled with economic migration in the post-war period mean the dispersion of ethno-linguistic communities is increasing. However, these communities continue to have relatively well-defined borders (Figure 4-3), albeit in areas with the highest level of social exclusion in the country (Figure 4-4). That the communities remain relatively intact should not be taken as a sign that Maya languages are thriving. On the contrary, a recently released, four-page report by *Prensa Libre* (2008) confirms “the maternal languages are forgotten”. A day following publication of the report, the same newspaper ran an editorial on the “painful reality” of indigenous languages:

In my opinion, these languages need to use Spanish as a way to join the world. [...] It’s not a question of Spanish being culturally superior or being the language of Conquest. They just have to accept a simple reality and adapt, precisely so that they can survive (Sandoval 2008, 16).

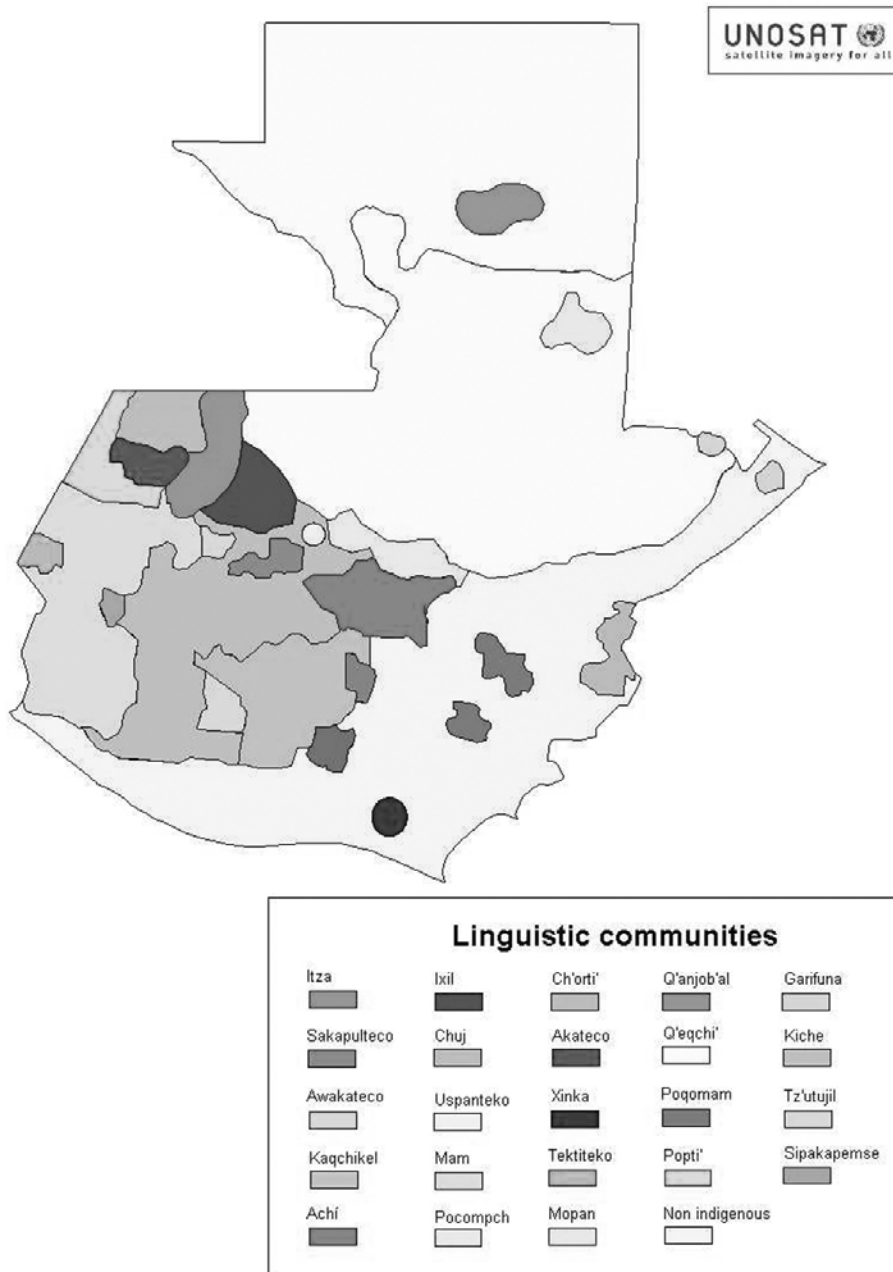


Figure 4-3: Map of Ethnolinguistic Communities Source, UNOSAT (2003 [1996]), ID 91

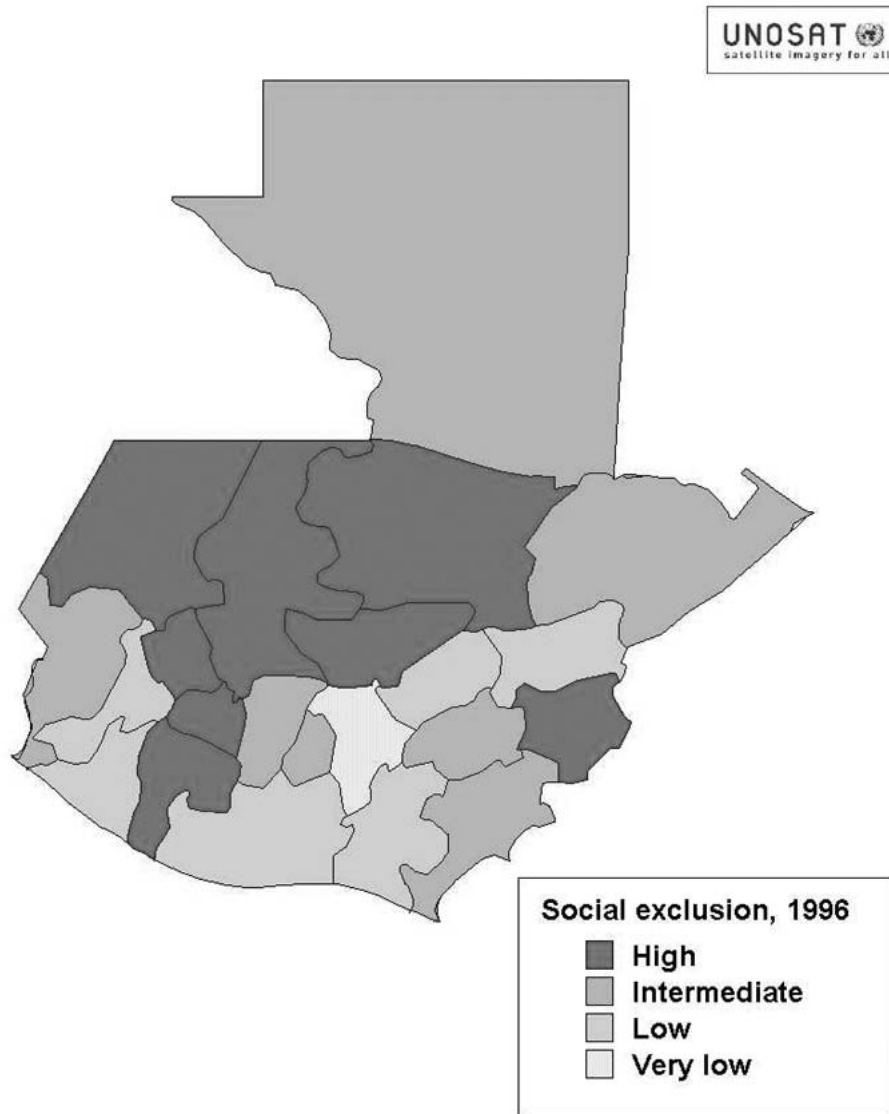


Figure 4-4: Map of Social Exclusion Source, UNOSAT (2003 [1996]), ID 92

For Maya peoples involved in Guatemala’s community radio movement, resilience manifests as a commitment “to recover what we have lost” (Martín 2007). What has been lost is layered and complex: community, identity, language and dress, not to mention an

entire generation of leaders killed or disappeared during the armed conflict. Angélica Cubur, a young Kaqchikel Maya woman and member of *Radio Ixchel*, speaks passionately about the “responsibility” of *comunicadores sociales* to valorize and restore indigenous traditions in Sumpango:

Sadly, our parents did not teach us to speak the Kaqchikel language and it is disappearing, [as is] our *traje* [traditional dress], which, unfortunately, many people have stopped wearing. But I have noticed people—most of all the *señoritas* and the (older) women—I’ve noticed that they are starting to wear the *traje* again, and I really feel that this is happening because of the radio. And maybe it’s not a big thing, maybe it’s not a big change that we have made in the community; it’s small, but it is very significant because I’ve noticed that they are starting to wear it again, to use the *traje* that is ours, that is customary to us, that identifies us as a community” (Cubur 2007).

Cubur’s insistence on a causal link between positive affirmations of Maya culture broadcast on *Radio Ixchel* (see Appendix F)⁵² and an increase in *traje* use in Sumpango is consistent with the earlier claim that community media generates conceptual and material exchange flows supporting ethnic expression and reproduction (Cojtí Cuxil 1996). Certainly, *Inciso H* seems predicated on this position, stating that “communications media play a primary role in the defense, development and transmission of cultural values and knowledge” (*Acuerdo sobre identidad y derechos de los pueblos indígenas*,

⁵² All stations participating in this research shared with me their programming schedules, all of which included some Maya cultural and linguistic programming.

reprinted in *Acuerdos de Paz* 2003, 52). Understanding how such cultural transmission might occur demands a concept of community radio that encompasses not only broadcasting content but also practitioners' actions in the public sphere. As noted earlier, radio practitioners often are, or become, community leaders. The choice of a practitioner to wear *traje* in daily life (which almost all of the women who participated in this study do) can, therefore, reinforce the communication of values expressed on-air,⁵³ adding another dimension to the argument that media generate "decisive spaces for social recognition" (Martín-Barbero 1999, 50; cited in, Winocur 2003). Cubur's concession that an increase in *traje* use in Sumpango as a result of community radio may not be "a big thing" is modest, and is most certainly offset by her sense of pride in the conviction that it is true: "It gives us satisfaction to have collaborated to contribute something," she says. "It's... (*Pause*) For us it's... Well, it's something that makes us feel good, and it gives us the encouragement to keep going" (2007).

4.8 'Gente de Traje' in the Public Sphere

Throughout this work, I most often use the term *indígena* to refer to members of Guatemala's indigenous Maya majority. Colleagues note that an equally appropriate term is *gente de corte* or *gente de traje* (people of traditional dress) (Taylor 2004, 117). I have

⁵³ I thank Eduardo Gularte from the Centre for Communication for Development (CECODE), a Guatemala City-based non-governmental organization (NGO) for this observation.

avoided this term in the main because “people of traditional dress” is simply too cumbersome in English; however, *gente de traje* does usefully underscore the significance of dress as an identity marker in Guatemala, signifying who belongs (or not) in a given social space. Among practitioners interviewed for this study, dress code references were often used to make a point about how physical and conceptual media “space” in Guatemala is differentially populated:

Wearing *traje* you can forget about getting in to a commercial radio. There they want you *encorbatado* (in a suit). [...] People who get in there must have a good education. Here no. Here they give an opportunity to the poorest, the richest; the person who knows how to read and the one who doesn't. Here there is no discrimination, not clothing, not color, not even language—not the person who speaks Spanish or Kaqchikel only. If you are black or if you are white, here everything is equal. We all have an opportunity here. You can say that it is “community” because it is our community. We are a part of everything that goes on in the *pueblo* (Gil 2007).

How social agents understand public space involves questions of exactly what constitutes “the public” and, in turn, how space shapes *who* counts as “the people” (Staeheli and Mitchell 2007). What emerged from practitioner interviews was a dichotomous, yet geo-socially messy description of public space and its media clusters. An absolute distinction was drawn between the mainstream public sphere within which commercial radio (legally) operates and the “alternative space” of community radio, populated by those who, for reasons of ethnicity, language, education, gender, and/or class, consider themselves barred from the mainstream:

As indigenous women we have space in the radio (*Radio Ixchel*). And this space... No... No... (*Pause*) No... I know that the *grandes radios* (commercial stations) are not going to give it to us because we are women, and because we are indigenous we are discriminated against. And in this case, here in the radio, we have space to express ourselves and to say what we feel, what we think; to speak about our dress, about our language. We have this space, they have given us this space here, and in the commercial radio they are never, *never* going to give it to us (Cubur 2007).

The emphasis given to Guatemala's community radio soundscape as a space in which practitioners are free to move and speak freely was consistent throughout fieldwork. Latin American scholars of community radio have framed the creation of this space as an exercise in *ciudadanía comunicacional* (communicational citizenship) (e.g., Galicia Nuñez 2006, Winocur 2007). I do not disagree with this position, although it implies the stabilization of a "status" which may be incompatible with the precarity of community radio *as practiced* in Guatemala. References to *ciudadanía comunicacional* were not substantiated in either formal or informal discussions with community radio practitioners who participated in this research.

A concept of space sensitive to both practitioner understandings of relative (cultural) space and pro-reform views of absolute (property) space is provided by David Harvey:

[S]pace is neither absolute, relative or relational in itself, but it can become one or all simultaneously depending on the circumstances. The problem of the proper conceptualization of space is resolved through human practice with respect to it. In other words, there are no philosophical answers to philosophical questions that arise over the nature of space—the answers lie in human practice. The question

‘what is space?’ is therefore replaced by the question ‘how is it that different human practices create and make use of different conceptualizations of space?’ The property relationship, for example, creates *absolute spaces* within which monopoly control can operate. The movement of people, goods, services, and information takes place in a *relative space...* (Harvey 1973, 13, emphasis mine).

4.9 Where Politics and Community Meet

The sense of being barred from mainstream public space (“*They shut the doors on us, verdad?*”) is a point of convergence among practitioners. Commercial radio—with its (Ladino) dress code, its (non-traditional) music, its *capitalino* (metropolitan) point of origin, its tendency toward massification, its for-profit motives, and its disproportionate concentration of spectrum resources—is framed by research participants as other worldly. Yet, tidy geo-social divides are troubled by the fact that communities are rarely, if ever, absolute counterpoints to the mainstream (however this is defined). For more than seven decades, the “overwhelming bulk” of anthropological research conducted in Mesoamerica “has been reported in the form of community studies” (Chambers and Young 1979: 45). Despite (or, perhaps, because of) this trend, there remains much debate over how community should be defined. Is it *natural* (Vogt 1994)? *Imagined* (Wilson 1993)? *Surreal* (Hervik and Kahn 2006)? Is community *a manifestly indigenous place—an inversion of the urban ladino archetype* (Hawkins 1984)? Is it *a site of cultural reproduction* (Cojtí Cuxil 1996) or *a last line of resistance against capital expansion* (Smith 1984)?

The fact that Maya peoples have most often responded to oppression as “separate communities” rather than as “a self-conscious class” (Smith 1990, 18) is both a damning political reality and a compelling ethnographic observation. Contemporary critics argue small that communities in Guatemala are all too frequently (mis)represented as “territorialized vehicles of Mayanness” in order to “bring forth a meta-image of a homogenous cultural group,” unfettered by linguistic, political, environmental, and historical distinctions (Hervik and Kahn 2006, 211). Intra-community tensions were evident during fieldwork. Several practitioners described to me how their stations had been vandalized (in some cases, repeatedly) or otherwise targeted by residents of the same community. Such was the case with *Radio Ixchel* in Sumpango, which was closed by the Ministry of Justice in 2006 after a community member (allegedly in the interests of his *own* unauthorized radio stations) filed a formal complaint against *Ixchel*:

There are certain situations that are internal to our population. [...] Here in Sumpango there is a person, *un diputado* (a member of congress), who had (unauthorized) radios in different municipalities; and he wanted to have just his radio, his radios. So, he found a way to eliminate those that gave him competition. This was the situation we discovered, not just through rumors or comments but because we had evidence, because a person that worked there (in the other radio), who was a witness to the whole process against us, came here (to *Radio Ixchel*), and we taped an interview where she explained that this person (the *diputado*) was the one who orchestrated everything and who filed a complaint against us. This is why they closed *Radio Ixchel*, knowing it was the radio that the *pueblo* supported the most, *verdad?* And, despite that, it was the one that was most persecuted, *verdad?* (Xunic 2007).

Fieldwork interviews revealed that practitioners who adhere to a strict definition of community radio (as per the *Community Media Law*) often feel as though they are battling on dual fronts: against elites for *legal* access to and control over spectrum resources, and against rival, *unauthorized* broadcasters who take advantage of spectrum “disorder” to broadcast for partisan or commercial ends. Half-joking but not without a hint of frustration, those who support a strict definition of community radio complain some unauthorized broadcasters show no respect for resource scarcity, broadcasting at a power well beyond community needs; to the point, as one advocate puts it, that “*if you open the fridge, out comes the sound of the radio!*”. In this respect, and as policy scholars note, “(t)he very term ‘movement’ may actually be a hindrance in thinking about the contributions of such political formations to democracy and democratization, because it has the connotation of unified pursuit of a single idea” (Dryzek 2004, 77).

Friction in the policy goals of religious and community broadcasters, as noted earlier, came to light through the National Roundtable. Religious groups prefer “loose legal frameworks in which private property is not limited”, while community groups seek “a broad and detailed legal framework, which has a basis for guaranteeing the identity of the community radio” (AMARC 2007, 16). The fact that the distinction between “religious” and “community” radio was ultimately dropped by Roundtable members does not resolve underlying tensions. Almost a year after the National Roundtable concluded, community radio practitioners are desperate to have the *Community Media Law* presented to Congress so that, at a minimum, responsible

practitioners will be protected: “We can’t keep putting ourselves out for people who don’t know us and are just benefiting from all of our work” (Xunic 2008).

4.10 Refusing to Propertize: The Community Media Law

The *Community Media Law* drafted by the National Roundtable seeks to create a new regulatory body, the *Consejo Nacional de Medios de Comunicación Comunitaria* (National Council of Community Media), including one representative from each of the eight organizations which participated in the Roundtable, plus one representative each from: indigenous authorities, the University of San Carlos, the *Procuraduría de Derechos Humanos* (National Human Rights Office), and the Association of Journalists of Guatemala. In addition, non-voting rights would be extended to the SIT. Reverting to administrative spectrum allocation, the council proposed to hold “open and public” competitions for frequencies, limiting entrants to non-profit organizations⁵⁴ who adhere to the definition of community broadcasting proposed in the *Community Media Law*. A new license known as a *título de derecho de uso de la frecuencia* (title to frequency right of use) would be created. Distinct from a TUF, the license would be defined but not divisible:

The *título de derecho de uso de la frecuencia* assigned to
community media *does not carry the option to lease and/or*

⁵⁴ The proposed law stipulates that community stations may receive money (e.g., donations) and may charge for services (e.g., advertising); however, all funds must be re-invested in the station.

alienate, fully or partially, the rights derived from the assignment. In the case that the license holder can no longer use the title, it will be returned to the council for re-assignment (*Proyecto de ley de medios de comunicación comunitaria*, cited in AMARC 2007, 56, emphasis mine).

While community radio advocates and practitioners say they respect “the rights legitimately acquired by third parties” (AMARC 2007, 58), the *Community Media Law* rejects the principle of propertization for community radio. The demand for *at least* one-third of a spectrum that is already 95 percent allocated will present an obvious hurdle should the proposal go before Congress. The TUF registry from January 2008 reveals the bulk of spectrum titles do not expire until 2011; and, because TUFs are renewable for an additional 15 years upon request, there is no reason to expect any easy resolution to the problem at that point. Should TUFs be expropriated, another “high power dog fight” will undoubtedly ensue, although this time uniting rather than dividing commercial broadcasters who hold frequency titles. Should TUFs not be expropriated, community radio practitioners will be forced to continue broadcasting in a state of precarity, or give up the fight, which they say they are not prepared to do.

All overtures by the State to resolve the problem of community radio have been rejected by practitioners. During initial sessions of the National Roundtable, representatives from the SIT proposed the allocation of two or three frequencies nationwide to community radio, meaning the same frequencies would effectively be divided among community radio stations geographically defined. But practitioners say such an offer demands an “unnatural and inadequate concentration” and is “totally insufficient to

meet the needs of ethno-linguistic communities and other civil society groups” (AMARC 2007, 40). Representatives from both the SIT and the State withdrew from the Roundtable in its early stages, fuelling harsh criticism from practitioners:

A National Roundtable which is attended only by civil society is not a true Roundtable. [...] (W)e wrote to the public officials responsible for issues of *comunicación social*, requesting that they attend. Of all the requests sent, only the SIT responded. And only to say that it was not going to attend because it is *un ente técnico* (a technical authority) (AMARC 2007, 33).⁵⁵

Pro-reform scholars suggest other options. In an interview, UFM’s Giancarlo Ibárgüen proposed that community radio stations might consider broadcasting on the UHF band. All of the practitioners I spoke with in Phase Three of fieldwork dismissed this idea; one suggested it was evidence that community practitioners were being offered spectrum “scraps” (Xunic 2008). In fact, broadcasting as a whole is seen as an inefficient use of spectrum resources in a digital age:

(A)nalog (broadcast) transmissions are a form of *consumption*, and while this consumption may be sustainable for a time, at some point in the future their consumption of the electromagnetic spectrum will become unsustainable as more and more digital devices enter the market. Thousands of new wireless devices and uses will

⁵⁵ The Roundtable was facilitated by the *Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos* (COPREDEH, Presidential Coordinating Commission on Human Rights). However, COPREDEH provided an administrative (i.e., non-deliberative) role.

require much more efficient use of the spectrum, making the present *analog monopoly* unacceptable... (Ryan 2005, 10626, emphasis mine).

A second suggestion offered by Ibárgüen is for community radio broadcasters to ‘work out a deal’ with TUF holders: “In some cases, it could be an arrangement without money, maybe in most cases,” he says, adding that TUF holders might see it as an opportunity to demonstrate “corporate social responsibility” (2008). Informally, community radio practitioners told me they are wary of this idea, because while it might result in individual broadcasters negotiating space in the spectrum it does nothing to protect the rights of community broadcasters as a group—rights, they reiterate, which are guaranteed under the Peace Accords and other national and international covenants.

What strikes me, as someone who has spent the better part of two years thinking about this issue, is that liberalization advocates and community radio practitioners are, as a matter of course, asking for the same thing: enforcement of the law. However, I disagree with community radio advocates who suggest that the problem derives from different “interpretations” of existing laws, or from different ideas about “which” policy (i.e., *Ley General de Telecomunicaciones v. Peace Accords*) should take precedence. At issue, I suggest, are not interpretations and policies *per se*, but rather different founding philosophies of legal order.

Chapter 5

(Un)Common Law and Other Signs of Contradiction

The commonness of the ‘commons’ in our everyday language is a constant reminder of our historical roots in these shared agrarian land arrangements. We speak a ‘common language’ and try to reach ‘common ground’ in our agreements for the ‘common good.’ We still assert the importance of ‘common sense,’ privilege information that is ‘common knowledge,’ and root our legal systems in ‘common law.’⁵⁶

Liza Grandia

In a paper presented to introduce her forthcoming book *Unsettling: The Recurring Disposessions of the Q’eqchi’ Maya and New Frontiers of Enclosure*, Liza Grandia makes a strong case for the “original sin” revisited, arguing that the expansion of capitalism into new frontiers “reinforces older systems of inequality” as it subsumes resources “common” to Guatemala’s indigenous Q’eqchi’ Maya (2007, 3). To make her point, Grandia draws on three phases of agrarian history: conquest, nationalist liberalism (under Justo Rufino Barrios), and (neo)liberalism. Grandia is correct in her assertion that each of these phases resulted in territorial displacement for the Q’eqchi’, as they lost their highland territory to Spanish friars and German coffee barons, and

⁵⁶ L. Grandia (2007).

later the lowland areas (to which they were force to relocate) to large scale cattle-ranchers under “market-led” reform. Grandia is also correct in the assertion that “manipulations of law and the creation of new categories of crime are essential for enclosing new kinds of property” (2007, 19). But the opening lines of her introduction, quoted above, seem strangely misplaced for a book on Guatemala, which subscribes to civil, not common, law. Moreover, because the introduction of common law principles are viewed by liberalization advocates as a way to overturn the “legal monopoly” of the state, Grandia’s inclusion of “common law” in a list of otherwise positive attributes of the “commons” (e.g., “common good”) is perplexing, most especially within the framework of an argument *against* (neo)liberalism.⁵⁷

The extent to which advocates of spectrum propertization, in Guatemala as elsewhere, advocate for the principles of common law cannot be understated. Key thinkers on spectrum reform state flatly that “nothing grander than common law is even practical anymore” (Huber 1998, 36), a sentiment shared by Guatemala’s pro-reform scholars:

[T]he working principle behind the spectrum reform was the idea of general rules of just conduct, or *nomos* as Hayek preferred to call them. The generality principle is familiar in application to the common law tradition. However, it is unlike the civil law of Guatemala, which in many cases is the law of special groups or interests (Ibárgüen 2004, 4).

⁵⁷ Grandia distinguishes the introductory ‘good’ connotations of the commons from negative connotations, which she footnotes (i.e., ‘common cold’ or a sexually promiscuous woman seen as ‘common’) (2007, 2).

The call for common law as a principle of spectrum management clashes with the “broad and detailed legal framework” proposed by Guatemala’s community radio movement, which is arguably more in line with civil law principles. Common law (the English legal tradition) is grounded in adversarial adjudication, drawing abstract rules from specific cases; civil law (the French legal tradition) begins with abstract rules, which judges then apply to the cases before them. Whether or not these two legal systems are informed by or have been derived from any “original sin”, and on some accounts (e.g., Baker 1980)⁵⁸ this is implied, they certainly reflect two contrasting meta-narratives about the relationship between the private sector and the State, not least with respect to property. English common law developed under petition from landed aristocrats and merchants who demanded strong property and contract rights in order to limit market interference by the Crown, while French civil law “developed as it did because the revolutionary generation, and Napoleon after it, wished to use state power to alter property rights and attempted to ensure that judges could not interfere” (Mahoney 2001, 505). These systems, with some local variance, were spatially dispersed through the process of colonization.

A detailed examination of the history of these two legal systems is well beyond the possibilities here. However, understanding the objective relations in which stakeholders

⁵⁸ Against advocates of the wealth maximization view of common law, Baker argues: “Any use of wealth maximization presupposes both prior normative judgments in order to make it determinate [...] and possibly normative judgments to justify its use” (1980, 948-951; cited in Hackney 2003, 372).

in Guatemala's spectrum wars are enmeshed requires deconstruction, or at least greater consideration, of Grandia's argument that (neo)liberalism's new enclosures "are obsessively legal" (Grandia 2007, 19).

5.1 All Laws Are Not Created Equal

The theories of Friedrich von Hayek and Richard Posner are central to the arguments of scholars keen to prove a link between common law and economic growth.⁵⁹ Hayek sees legal traditions as reflections of "different philosophies of government" and laws themselves as deriving from specific understandings of liberty: common law establishing "the individual's freedom to pursue individual ends," and civil law establishing "the government's freedom to pursue collective ends" (Mahoney 2001, 511, 523). Posner argues that common law's adversarial system "tends to result in the survival of efficient, and the demise of inefficient, rules" (paraphrased in Mahoney 2001, 506; see also, Posner 1973). Efficiency on this view is understood as the maximization of the "social willingness-to-pay", which Posner says "accommodates, with elegant simplicity, the competing impulses of our moral nature"—a "capitalist conception of justice" (cited in Hackney 2003, 378).

Scholars drawn to Hayek's ideas argue that "the economic significance between common and civil law derives principally from their distinct ideological and constitutional

⁵⁹ This is not to say that Hayek and Posner share the same views on law and economics (see Zywicki 2008).

content, not their substantive rules” and that this, in turn, has a significant effect on legal structure (Mahoney 2001, 507). The benefits of common law from this perspective are twofold: first, secure property rights—the “hidden architecture of capitalism” (De Soto 1989)—form the basis for common law itself; second, *ex post* property rights are easier to create (e.g., upon the “discovery” of new resources) because common law vests greater power in the judiciary to alter existing law (Mahoney 2001). In the absence of a strong judiciary, advancing the property rights principle of common law in a civil law regime demands a strong and compliant executive—which is exactly what spectrum liberalization advocates found in Guatemala. As one pro-reform scholar explained to me:

(R)eform in Latin America (where civil law predominates) is usually done more easily at the executive level, because the congress and the judiciary are less important in those countries. It's part of the issues that they have with development that they don't have separation of powers [...] But the bottom line is, when you have a strong executive they can do things that create economic reform. I mean, (Augusto) Pinochet killed a lot of people, did a lot of things on the political side that were just outrageous and very, very bad. But then just, you know [...] he decided: 'Hey, I want to do some economic reforms and I'm going to call these fellows down from Chicago, Milton Friedman and others...' [...] I'm not recommending a strong executive is a good thing. In fact, I think it has a very serious cost. But when you have a strong executive and they just happen to say: 'I'd like to do some liberalizing reforms,' sometimes you can get them (Leighton 2008).

Scholars of Latin America will not be surprised by the reference to a “strong executive”; indeed, it should not be surprising at all, given that is what civil law is

expected to produce. Neither should reference to Chile's liberalization "success" seem out of place. On the contrary, as Giancarlo Ibárgüen (2008a) told me, recalling public comments made by De Soto's colleague Enrique Ghersi at UFM in 2005, "Latin America has made two contributions to public policy: the first is pension reform (in Chile); the second is spectrum reform (in Guatemala)."

I leave the ongoing investigation of Chile's pension reform to other scholars. What deserves further thought here, I argue, is the effect of inserting common law principles into Guatemala's civil law system. Grandia's argument about privatization's "obsessively legal" tendency takes on new meaning, I suggest, when it is understood that what is enacted, if the *Ley General de Telecomunicaciones* is any indication, is not "simply" a new law, but the principles of an entirely different and wholly antithetical legal system. In criticizing those who clamor for "conscious direction" and who "*cannot believe that anything which has evolved without design (and even without our understanding it) should solve problems which we should not be able to solve consciously*" (Hayek 1945, 527; cited in Ibárgüen 2004, 8, emphasis mine), Guatemala's pro-reform scholars, explicitly and implicitly, are criticizing *thesis*, which Hayek defines as "the law of legislation" (Skoble 2007, 171), the central principle of prescribed order *through politics* that is at the heart of civil law.

The Civil Code [is] much more than a simplification and codification of legal rules. As the code's principal drafter explained, it [is] also the expression of 'an overriding desire to sacrifice all rights to political ends and no longer consider anything but the mysterious and variable interests

of the State' (Discours Preliminaire, reprinted in Recueil Complet des Travaux Preparatoires du Code Civil, 465, cited in Mahoney 2001, 510).⁶⁰

5.2 The Common Law of Spectrum Reform

Civil Code politics could not be more at odds with the vision of liberalization advocates, who are intent to break the legal (economic *and* political) monopoly of the State. Nor, I suspect, could such an idea seem more “obsessively legal”, artificial and unjust in the eyes of common law supporters, among them spectrum liberalization advocates from the U.S. who argue, again echoing Hayek, that “from markets and common law [...] there emerges *spontaneous* order that is *rational, efficient, and intelligent*. Though never planned, never even fully articulated, common law rules adapt and evolve by common consent, like the rules of grammar” (Huber 1998, 36, emphasis mine). In Guatemala, where indigenous communities struggle to retain native language and culture in the face of assimilative educational, political, economic and technological tendencies, any suggestion that linguistic realities are a product of “common consent” is ripe for challenge. However, the point is made that common law is fundamentally opposed to the centralized planning aspect of civil law, from which, not by coincidence, socialist law derives.

Guatemala's *Ley General de Telecomunicaciones* replaced the so-called “beauty contest” procedure for allocating spectrum resources, a procedure critics say is both

⁶⁰ Reference is made here to the French Civil Code.

highly political and highly inefficient. Under the standard beauty contest approach, applications for spectrum *license* (not property) are evaluated bureaucratically in accordance with pre-set criteria, as per the proposed *Community Media Law*. The problem with this and related approaches to resource distribution in the eyes of scholars like Posner is the failure to substantiate a value hierarchy (i.e., the inability of such a system to sustain whose values should “count” in a given distribution calculus).

Starting points and original sins aside (where Posner seems to feel they belong), the only “just” distribution is one that is inspired by wealth maximization, which “pays homage to the ‘productive’” (Posner 1979, 119-123; paraphrased in Hackney 2003, 377). Critics of this view underscore its central biases: (1) that the claimant of the right whose use is productive is favored over the claimant whose use is consumptive; and (2) that the rich claimant whose use is consumptive is favored over the poor claimant whose use is consumptive (Baker 1975, 9). There is much more to this debate, but my purpose here is to illustrate how these biases map onto spectrum policy. First, and as a general rule, the “analog (broadcast) monopoly” is considered unnecessarily “consumptive” in a digital age (Ryan 2005). A liberal spectrum policy that is technology- and application-neutral assumes spectrum will be deployed to the most productive (least consumptive) use.⁶¹ Second, and as is evidenced in the Guatemalan case, among competing *consumptive* uses of spectrum for broadcasting, the rich (auction winners) are favored over the poor.

⁶¹ This is the principle that has forced the end of over-the-air television broadcasting in the U.S.

Herein rests the problem with declaring Guatemala's spectrum liberalization an unparalleled success: the wealth maximization principle (which Posner and others suggest is consonant with common law) is intended to remove political elements from distributive allocations. But even pro-reform scholars admit this is not what happened in Guatemala, at least not in the broadcast sector:

[C]reating what I would call a liberalized regime, or a property rights-based regime, in effect says [...] we are going to move towards a more efficient regime, a more efficient way of allocating the spectrum. And, we're going to try very hard to remove the political elements from this and base it more on market principles, market processes. Now, with broadcasting [...]. If they were trying to propertize the spectrum so as to disenfranchise various groups [...] they failed. What they did succeed in doing was creat(ing) a strong bundle of rights that allowed mobile telephony to emerge—great success in that [...]. But they actually failed to remove the political elements from just one portion of the communications market: the broadcasting side, and, in particular, FM radio. So that actually remained highly political (Leighton 2008).

If exclusion based on secure property rights was the cornerstone of the reform (and it was), then the lack of enforcement of these rights, particularly in the broadcast sector, is a clear contradiction. Pro-reform scholars lay blame with the SIT, saying it has been captured by special interest groups with a stake in maintaining the status quo. I do not dismiss this view, although I argue further on that advancing an argument based on a “special interest” conspiracy obscures the very *generalized* ways in which unauthorized community radio is legitimized by the state, as well as the very *practical* reasons why some stations are not

targeted for closure. What I want to underscore here is that the manipulation of the law and the creation of new categories of crime, which Grandia holds “essential” (2007, 19) to the enclosure of new kinds of property, is neither effective, nor easy by default.

5.3 Not As ‘Simple’ As It May Seem

In 1992, when Giancarlo Ibárgüen put the “essential logic” of Guatemala’s spectrum reform on paper, he launched his monograph with a straightforward assertion: “Guatemala has the opportunity to enter into the information era in a flash. It’s as simple as eliminating a couple of laws, privatizing some services, and creating a single, new and revolutionary law of radiocommunications for the future” (Ibárgüen 1992, npn). In some ways, Ibárgüen was right. The *Ley General de Telecomunicaciones* passed with a simple majority under the administration of Álvaro Arzú. It is, by all accounts, revolutionary and it has put Guatemala front stage centre in the drive toward full spectrum liberalization.⁶² Yet, in many ways, it has not been “simple”. The *Ley General de Telecomunicaciones* was designed to open up immediate competition in telecommunications upon the sale of the state telephone company, GUATEL. But the de-monopolization of GUATEL came with a legacy of resistance.

⁶² Full liberalization demands eliminating spectrum set-aside. This argument was first made in an article by University of Chicago law student Leo Herzel in 1951 and reinforced in a 1952 rejoinder. Herzel’s view is that non-commercial broadcast users (e.g., police) should compete with other spectrum users in a frequency market (see Herzel 1951; Hazlett 2001).

Previous attempts to break-up the state company had failed, not least because of a split in elite attitudes toward privatization. The mid-1990s forced latent tensions among Guatemala's private sector to the surface. In the face of external pressure from IFIs for tax reform, the *Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras* (CACIF, Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations), Guatemala's strongest private sector lobby, quickly reacted, urging the privatization of state monopolies, including GUATEL, over tax reform. Yet, using nationalist discourse and with the support of unions, CACIF would later argue *against* privatization as laid out in the *Ley General de Electricidad* (General Law of Electricity): "although the private sector in principle favored privatization, governmental privatization attempts were opposed due to the private sector's refusal to cede power to the state" (Bull 2005, 64). The government, too, has been privatization-ambivalent. In 2000, pangs of political repentance (or opportunism?) threatened to reverse GUATEL's privatization under the administration of Alfonso Portillo, who argued that the company's sell-off was unconstitutional and harmful to State interests (World Bank 2003; Bull 2005). Portillo eventually backed down on the promise of GUATEL (then operating as TELGUA) to pay off its debt to the government.

But if legalizing enclosure was simple *enough* in the telephony greenfield, it has been decidedly less so in the minefield of broadcasting. If it is true that law by definition leaves a paper trail; and, by extension, that "the manipulation of law as a tool of enclosure requires a simultaneous tendency towards historical amnesia" (Grandia 2007,

20), then it is also true, I argue, that the manufacture of amnesia can be problematized by the very paper trail in which it is expected to take root. This is most certainly the case in the aftermath of Guatemala's spectrum reform. Entering into the information era "in a flash", according to Ibárgüen's 1992 manifesto, carried three conditions: the elimination of "a couple of laws"; the privatization of services; and the creation of a "single, new and revolutionary law of radiocommunications". The last two of these conditions obtained; the first, only partially so at best. The failure of the State to eliminate or reform Guatemala's *Ley de Radiocomunicaciones* (Radio Communication Law), which established the rules of broadcast frequency allocation *prior* to liberalization, gives rise to the challenge that community radio practitioners are trapped in a *vacío legal* (legal breach) and are, therefore, a-legal—not illegal.

5.4 Decreto Ley 433: A Last Line of Defense?

The defense of the community radio movement, while incorporating no shortage of national and international covenants on freedom of expression and other broadly universal human rights, affords primacy to the Peace Accords. *Inciso H* of the Agreement on the Identity and Rights of Indigenous Peoples makes Guatemala "the only country [in Central America] that has passed very explicit policies of communication" (Chamorro 2001, 21). By introducing specific media rights for Guatemala's indigenous majority through *Inciso H*, the State effectively recognized prior broadcast and spectrum allocation policies as discriminatory. *Inciso H* commits the state to the broad task of encouraging

indigenous groups to develop their own communications media. But it also makes very specific demands on the State for legislative reform, particularly with respect to the *Ley de Radiocomunicaciones*, also known as *Decreto Ley 433*:

For its part, in order to promote the broadest possible access to the communications media by the Maya communities and institutions and those of the other indigenous peoples, the widest possible dissemination in indigenous languages of the indigenous, and especially Mayan, cultural heritage, as well as of the universal cultural heritage, the Government [...] (will) promote, in the Guatemalan Congress, reforms to the *Ley de Radiocomunicaciones* that are required in order to make frequencies available for indigenous projects and to ensure respect for the principle of non-discrimination in the use of the communications media (*Acuerdo sobre identidad y derechos de los pueblos indígenas*, reprinted in *Acuerdos de Paz 2003*, 52).

The *Ley General de Telecomunicaciones* also demands reform of *Decreto Ley 433*:

As a consequence of the passing of this law (*Ley General de Telecomunicaciones*), the Executive must present to the Congress of the Republic a legal initiative to adapt the *Ley de Radiocomunicaciones*, *Decreto Ley 433* to the present (law) (1996, Art. 97).

Despite both the Peace Accord promise to reform *Decreto Ley 433* and the stipulation in the *Ley General de Telecomunicaciones* requiring the same, Guatemala's *Ley de Radiocomunicaciones* has yet to be substantially altered. The only change made to the law since the Peace Accords were signed is the repeal of Article 9, which stipulated that radio

frequencies could be allocated to Guatemalan nationals only. Article 9 was annulled by Article 15 of the *Ley de Inversión Extranjera* (Law of Foreign Investment), a highly controversial bill passed by Congress in 1998, which affected not only the telecommunications sector, but also construction, transportation and mining among others (*Ley de Inversion Extranjera* 1998).

While calling on the government to make good on its Peace Accord promise to reform *Decreto Ley 433* in the interest of indigenous media access, community radio advocates also recognize that the *Ley de Radiocomunicaciones*, as written, is generally in line with the philosophy of community radio, inasmuch as it recognizes (although does not secure) the existence of non-profit radio and makes content-based demands on broadcasters “to help raise the living standards of the (local) people, safeguard their property and language, and promote the material and spiritual values of the nation” (*Ley de Radiocomunicaciones* 1980; see also, AMARC 2005, 23-24). In addition, and importantly, *Decreto Ley 433* contains anti-monopoly provisions, making the Ministry of Communications and Public Works responsible for avoiding “abuse in the issuing of concessions for the commercial use of radio and television stations” and for regulating the use of repeaters “to limit the operation of companies that tend to engage in this activity to the detriment of the State and third parties” (*Ley de Radiocomunicaciones* 1980, Art, 13; see also, AMARC 2005, 23-24).

Mario Stuardo Castañeda y Castañeda, the Ministry of Justice official charged with closing down unauthorized radio operators, says the duplicity in Guatemala’s spectrum

and broadcast policies is not as complicated as it might seem. Broadcasters shut down by the State fall into two general—and well understood—categories, he says: those transmitting without a TUF, which violates the *Ley General de Telecomunicaciones*, and those operating unlicensed radio-electronic equipment, which violates the *Ley de Radiocomunicaciones*. Even if confusion *were* a factor, Castañeda warns, “ignorance [of the law] is no excuse” (2008).

5.5 Profit and Political Interference (of a Different Kind)

According to both Castañeda (2008) and Ibárgüen (2008a), many, if not most, unauthorized broadcasters operate for-profit stations. All of the practitioners who participated in this research maintain that any income they generate is channeled back into their respective stations. I asked for and received details on station budgets, all of which are modest. Practitioners themselves are overwhelmingly volunteers. In some cases, individuals responsible for daily programming (two to three hours a day, Monday to Friday) receive a stipend of 100 to 200 *quetzales* per month, approximately US\$13 to \$27; but the same practitioners say they contribute out of their own pockets to pay for station expenses as needed. “If we have advertisements,” one practitioner told me, “it is only to sustain the radio” (Cubur 2008). Another adds, “And if we have advertisements, they are *not* for McDonald’s. They are for the *panadería* (local bakery) or the *tiendecita* (small corner store)” (Xunic 2008). I do not have substantive data to prove or disprove claims regarding income generation; however, stations are not, theoretically, being closed because

of the state of their respective ledgers, but rather because they either do not have a TUF or because they lack a valid license for transmission equipment; or, in the case of associations, because they are accused of selling false licenses.

In 2006, Marcelino Nicolás Moscut of the Bloque Integracionista⁶³ was investigated for his role as the “legal representative” for the *Asociación de Radios Comunitarias de Guatemala* (ARCG, Association of Community Radios of Guatemala), the coordinating body for between 75 and 150 unauthorized community stations across the country (López 2006a; López 2006c). The ARCG, which charged 5,000 *quetzales* (approximately US\$675) for membership and the equivalent of US\$13 per month to remain in good standing, was indicted by the Ministry of Justice for offering broadcasting “credentials” endorsed with false stamps from both the SIT and Congress (López 2006b).⁶⁴ Only months before being charged, Moscut, in a joint initiative with Nineth Montenegro, a well-known human rights advocate and congresswoman, presented a bill to the congressional communications commission which sought to reform the *Ley General de Telecomunicaciones* in order to recognize the legality of radio in the FM band that is “independent and operated by non-profit organizations in service of the community” (Pérez 2006). The reform did not pass.

⁶³ The Bloque Integracionista was a temporary independent block that evolved into the Unión del Cambio Nacionalista (UCN, Union of National Change) party, formally recognized in the last quarter of 2006.

⁶⁴ Moscut denies the charges, saying the licenses were only to show that stations belonged to the ARCG. Further, he argued that the raid on his home (which also served as the main office for the ARCG) was illegal, given that he has parliamentary immunity as a congressperson. Certainly *other* political figures in Guatemala have successfully manipulated the immunity clause, including Efraín Ríos Montt of the FRG, an ex-president and current member of Congress, who has been charged by the Spanish Court for his role in acts of genocide committed during the armed conflict.

Also in 2006, Edgar René Sáenz Archila, president of the *Asociación de Medios Comunitarios de Sololá* (AMECOS, Community Media Association of Sololá) was charged for illegally authorizing frequencies for the use of community radios (CERIGUA 2006).⁶⁵ The year's sweep of unauthorized community broadcasters by the Ministry of Justice also resulted in a number of high profile individuals being charged with operating illegal community radios, including: Sergio Celis of the *Unidad Nacional de la Esperanza* (UNE, National Unity for Hope) and Juan Pablo Quixtán, the brother of Guatemala's Secretary of Peace, Norma Quixtán (López 2006a; López 2006b; López 2006b). More recently, rumors have surfaced linking members of the CRG, Guatemala's *commercial* radio lobby, to illegal community radio. When I asked Mario Castañeda of the Ministry of Justice if there is any truth to the rumors, he responded: "It's possible. I wouldn't rule it out" (2008).

5.6 Judging a (Partially) Hung Jury

There is some variance in court decisions with respect to unauthorized community broadcasters. In the main, judgments tend to support station closure and equipment confiscation. A public defense of the State position was presented in 2007 with the release of the 'Government Policy to Resolve the Problem of the "Illegal Radios"' by the Berger administration, a document detailing criminal cases that were decided in the

⁶⁵ ARCG and AMECOS are members of the CGCC.

State's favor. In 2006, the first case of *hurto de frecuencia* (theft of frequency) was tried and successfully prosecuted by the State in San Benito (Petén). Seven additional convictions were registered in Cobán (Alta Verapaz), Chimaltenango and Izabal. All of the accused in these cases plead guilty. In two cases, charges filed by community radio practitioners against the State were tried by Guatemala's Constitutional Court. In both cases, the plaintiffs challenged the State's right to force station closure and confiscate "private property" (radio equipment and other items belonging to the station). The Court found in favor of the State in both cases (Government of Guatemala 2007), which practitioners say illustrates the selective way in which private property claims are enforced. Further, all cases of *hurto de frecuencia* are tried before the *Tribunal de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente* (Narcotrafficking and Environmental Crimes Court), a measure community radio practitioners criticize, saying prosecution in a court for narcotrafficking further stigmatizes the movement and implicitly lends support to allegations from the commercial radio lobby (Palencia 2008) and the mainstream press (Contreras 2008) that unauthorized broadcasters have close ties to narcotraffickers.

Only months after the Berger administration released its policy paper on "illegal radio", the community radio movement scored its first court victory. Less than two weeks after my initial interview with practitioners at *Radio Ixchel*, one of the station's founders, Anselmo Xunic, was ordered to appear in court on charges of *hurto de frecuencia*. Blanca Estela Toxcón Alvarado, a Maya Kaqchikel lawyer, successfully defended Xunic on the grounds that it is impossible to "steal" radio waves because they are not *bienes muebles*,

or “moveable goods” (for an expansion of this argument, see Loretto 2007). Judge Rodolfo Abraham Quiñonez ruled a “lack of merit” in the case and the charges were dropped (cited in, AMARC 2007, 46). While community radio practitioners hold fast to the belief that the case is precedent-setting (Xunic 2008), the doctrine of precedent is less established in civil law than in common law (Summers 2000). Pro-reform scholars recognize counter-arguments contesting the basis for a charge of *hurto de frecuencia*, but nevertheless maintain that “from an economic point of view it’s private property” (Ibárgüen 2008a). There is some support for this view in policy literature, given that ‘property’ embodies political and social relationships and does not depend primarily on the physical characteristics of an object or resource (Goldstein 1982).

5.7 The Capture Hypothesis

Despite visiting multiple offices of the Ministry of Justice, I was unable to confirm the number of fines and criminal charges that have been laid against unauthorized broadcasters Guatemala to date. Whatever the total, however, it is unlikely to satisfy pro-reform scholars, who accuse the *Superintendencia de Telecomunicaciones* (SIT) of being soft on illegal transmissions. That the bulk of cases which *have* made it to court are weighted in the State’s favor undoubtedly contributes to now-unanimous conclusion of the two experts hired to advise on Guatemala’s spectrum liberalization that “policing” radio interference and adjudicating spectrum property rights should be the responsibility of the courts, not a regulatory agency. This option was initially favored by Thomas Hazlett, but rejected by

Pablo Spiller, who argued that the Guatemalan courts “were not sufficiently neutral as to offer superior rights adjudication” (paraphrased in Hazlett 2001, 167, fn 566). Whether or not the SIT provides a classic case of regulatory capture is, I argue, open to some debate. Clearly, the regulatory agency has not followed through on the majority of formal complaints, leaving the commercial radio lobby crying foul. However, advancing an open and shut case to explain “special interest” capture obscures the very *generalized* ways in which unauthorized community radio is legitimized by the State.

All of the stations I visited during fieldwork demonstrated, in varying ways and to varying degrees, that they have institutional support at municipal, departmental and national levels. *Radio Ixchel* is, perhaps, the most striking example in this respect. In part because of the legal problems the station has faced in the past, practitioners keep extensive documentation. During my initial visit in 2006, I was shown and then given copies of stamped and signed letters from organizations recognizing *Radio Ixchel's* service to the community and/or requesting the station's help in disseminating information. These letters included but were not limited to: (1) *at the national level*, the Supreme Electoral Tribunal, the University of San Carlos, and the Maya Academy of Languages; (2) *at the departmental level*, the National Civil Police (Precinct 74), and the Ministry of Public Health and Assistance (Sacatepéquez); (3) *at the municipal level*, the Municipality of Sumpango, and the Volunteer Firefighters of Guatemala (local chapter). Unauthorized community radio has also been used to disseminate disaster relief information in projects sponsored by IFIs, including the International Development Bank (2008).

The use of unauthorized community radio by public institutions, most notably the Supreme Electoral Tribunal, has raised the ire of Guatemala's commercial radio lobby. But it also has shown that the CRG has *some* leverage in pushing the SIT to act. The Tribunal came under harsh criticism from the CRG in 2007, a presidential election year in Guatemala, for including 29 unauthorized broadcasters on its list of radio stations approved to run paid advertisements for political parties. Juan Ortiz, then-president of the CRG, told *Siglo Veintiuno*: "The fact that [the Tribunal] has not verified the legal situation of these, supposedly community, radios is absurd. Every State institution must ensure that the Law is respected, not say it's not their job" (cited in Ramírez 2007, npn).

Ortiz was responding to earlier comments made by Judge Ángel Alfredo Figueroa, who charged "[i]t is not the job of [the Tribunal] to verify the legal situation of communications media. If we did it, we would be doing double the work. If they are not authorized, then let the *Superintendencia de Telecomunicaciones* intervene" (cited in Ramírez 2007, npn). Under pressure from the CRG, the SIT provided the Tribunal with a list of legally recognized stations. But the reaction from the Tribunal's electoral auditor was one of sheer frustration: "We don't know which are legal and which are not. It is the SIT's job to make that clear. They should have given us this list much earlier, not waited for the Cámara (CRG) to declare the radios were pirate" (cited in Marroquín 2007, npn).⁶⁶

⁶⁶ At a minimum, State institutions show consistency in deferring to the SIT when it comes to investigating unauthorized stations. In April 2008, reports surfaced in the national press that Los Zetas, the paramilitary unit of Mexico's narco-trafficking Gulf Cartel, were using unauthorized radio stations in border areas of the

5.8 *The Capture Hypothesis, Take Two*

In addition to the generalized ways in which unauthorized community radio is legitimized by the State, public officials say there are very practical reasons why only certain stations are now targeted for closure, reasons that have less to do with *political* capture of the SIT by special interests and more to do with the *physical* capture of Ministry of Justice officials by communities determined to defend their local radios from closure. When I asked Castañeda to explain the rationale for deciding which of the hundreds of unauthorized stations were to be closed, he gave me an unexpected but not wholly unconvincing answer, citing two recent cases in which officials from his office charged with carrying out radio closures were met by *una turba* (mob).⁶⁷

In May 2006, the National Civil Police sub-station in Santa María de Jesús (Sacatepéquez) was set on fire by community members who demanded officials return equipment confiscated from the local radio. According to some press reports, the violence was ignited by the presence of riot police (CERIGUA 2006); however, Castañeda denies

Petén (northern Guatemala) to recruit ex-members of the Kaibiles, the special operations force of the Guatemalan military to whom the bulk of atrocities committed during the armed conflict are attributed. In response to questioning from the press, the spokesperson for Guatemala's Ministry of Defense said: "It's not our job to analyze the origin or authorization of the radios. [...] It doesn't have anything to do with the military" (Daniel Domínguez, cited in Contreras 2008, npn).

⁶⁷ I hesitate to use the word *turba*, which translated as 'mob' fails to capture the sense of Guatemala's community uprisings. In Spanish, it would be correct to say *se levantó el pueblo*, which translates as 'the community rose up (in protest)'. However, this is extremely awkward in English, so I have opted, for the sake of simplicity, to use the term *turba*. Such events are not uncommon in Guatemala. Between 1996 and 2001, the *Misión de Verificación de las Naciones Unidas en Guatemala* (MINUGUA, United Nations Truth Commission in Guatemala) has documented 421 *linchamientos* or *turbas*, resulting in 215 deaths and 622 injuries (MINUGUA 2002).

allegations that the Ministry of Justice uses excessive force in carrying out its operations (2008). A similar *turba* occurred in March 2008, when Ministry of Justice officials arrived to close a station in Patzún (Chimaltenango). Having been alerted to the pending raid, the community rose up in protest and officials were forced to flee. Castañeda says the community threatened to set officials on fire; informal conversations with individuals familiar with the case say this is false, and that the community was insistent but not aggressive in trying to protect the radio station. Further, they say, Castañeda misrepresented the situation when interviewed by *Emisoras Unidas*, one of Guatemala's largest commercial radio broadcasters. Whether or not there was, in fact, force on the part of officials and/or the community, Castañeda makes clear that the *turbas* in Santa María de Jesús and Patzún, both predominantly indigenous communities, have led officials to avoid executing closures in areas considered high risk for such outcomes:

I heard them yelling '*Quémalos, quémalos*' (*Burn them alive, burn them alive*). They tried to burn our people. For that reason we don't go to these places [...] They [community members] don't understand that we are only complying with the law. [...] Now I have to try to motivate my staff because they don't want to carry out this type of work (Castañeda y Castañeda 2008).

5.9 Tower of Babel, Redux?

There is no small amount of irony in the fact that the only language seemingly heard by the hegemonic ear in Guatemala is that of the *turba*. International appeals by the IACHR calling on the State to fulfill its Peace Accord promises with respect to

indigenous media rights have been ignored. Attempts by community radio practitioners to seek resolution through dialogue at the National Roundtable have, likewise, been dismissed: “Public authorities have neither taken the time, nor shown the capacity to sit down and dialogue in order to reach a solution, which is the attitude one has come to expect from governments that call themselves democratic” (Letter from National Roundtable Members to public officials; reprinted in AMARC 2007, 34).

Yet, the *turba*, which is, in effect, the result of a community taking the law into its own hands, has made an impact on public officials in a way that potentially (although not broadly, deeply or securely) affords some protection, if not by recognition at least by avoidance. In the process, the *turba* draws to the surface meta-narratives of barbarism *versus* civilization, violence *versus* peace, socialism *versus* capitalism (Mises 1998 [1949]). But this is not the class revolution of which Karl Marx dreamed. It is the action of small communities acting as small communities have historically acted in Guatemala, independently and in the interest of protecting what they consider to be *rightly* theirs.

References to Guatemala’s community radio stations as a “Tower of Babel under siege” (Inforpress 2006) suggest a unified (linguistic and socio-political) vision that does not easily obtain. Fear that a Tower of Babel would tumble democracy is, on some accounts, what prompted the introduction of administrative broadcasting regulation in the first place:

As James Madison had observed in *Federalist 10*, it was the cacophony of voices, spread out over vast distances that served as the greatest guardian of the democratic process in

America. Not only would a multitude of disparate factions render it virtually impossible for any stable—and potentially tyrannous—majority to form, but individual factions would find it hard to reach very far beyond their own locales [...] Radio broadcasting posed little threat to Madison’s vision so long as it was filled with a cacophony of competing voices, crammed together on a raft of overlapping frequencies. But once the interference problem was solved through a rational method of spectrum allocation, broadcasting immediately threatened to provide some factions with unparalleled access to the public, based on a technology that collapsed space in the transmission of the human voice (Moss and Fein 2003, 407).

It is, I argue, more accurate to describe Guatemala’s community radio movement as fighting *against* the Tower of Babel; that is, against assimilative educational, political, economic, technological and, according to the IACHR, undemocratic tendencies. Unauthorized broadcasters who adhere to a strict definition of community radio seek to unsettle the “special, almost holy, place” (Lueck 1995) that broadcast spectrum holds in law and economics, grounding it in diverse, local realities and using it as a means to resolve what one practitioner calls “the thousand and one problems of everyday life” (López Vigil 1995, 54, cited in Peppino Barale 1999, 42).⁶⁸

⁶⁸ López Vigil’s reference to the “thousand and one problems” (*los mil y un problemas*) of everyday life plays on the title of his own account of community radio in El Salvador. See López Vigil (1991).

Chapter 6

Conclusions and Suggestions for Future Research

*[Radio spectrum] is to communications today as land is to crops and water to fish. It is a peculiar natural resource, one whose politico-economic and social aspects have largely been ignored by social scientists.*⁶⁹

Dallas Smythe

In *A Brief History of Neoliberalism*, David Harvey underscores the centrality of information technology to the expansion of global capital, writing that (neo)liberalism demands “technologies of information creation and capacities to accumulate, store, transfer, analyse, and use massive databases to guide decisions in the global marketplace” (2007, 3). Of course, he is correct. However, this view tends to over-represent the emergence of communications technology while under-representing or ignoring altogether the increasing enclosure of communication *resources*. The propertization of radio spectrum has advanced most rapidly and most radically in Guatemala. But spectrum auctions are now underway across the globe, including here in Canada (Moll and Regan Shade 2008), a country long recognized as a stalwart in “public interest” spectrum policy.

⁶⁹ D. Smythe (1981, 300), cited in P. Graham (2001, 346).

Geographers, I argue, are uniquely positioned to build critical scholarship on spectrum propertization. First, because the discipline's critical engagement with the political economy of land-based resources has produced a robust scholarship that holds resonance in debates over spectrum control and ownership. Second, because geographers are uniquely qualified to understand *and value* the practical tendency, demonstrated by community radio practitioners who participated in this project, to understand the spectrum in spatial terms. In the two decades-plus since Dallas Smythe observed that radio spectrum has "largely been ignored" (Smythe 1981, 300; cited in Graham 2001, 346) by scholars, the market value of spectrum resources has steadily increased and, not surprisingly, so have demands for propertization. If this trend has escaped some social scientists, it neither slipped past scholars at Guatemala's *Universidad Francisco Marroquín* nor the field of law and neoclassical economics (LNE) as a whole.

In October 1998, the flagship publication of LNE, *The Journal of Law and Economics*,⁷⁰ featured a special supplement on 'The Law and Economics of Property Rights to Radio Spectrum'. Thomas Hazlett, the scholar-consultant hired by the Guatemalan government to advise on spectrum reform, wrote the introduction to the supplement, kicking off with an ode to Ronald Coase. Hazlett credits Coase's 1950s study of broadcast spectrum for anchoring the subject in the economic analysis of law and the

⁷⁰ *The Journal of Law and Economics* is sponsored by The Graduate School of Business of The University of Chicago and The University of Chicago Law School.

economics of property rights (Hazlett 1998c). The introduction does not mention Coase's intellectual debt to Friedrich von Hayek, but it could (and, perhaps, should) have. Hayek was drawn from Vienna to England in 1930 to teach at the London School of Economics (LSE), where Coase was a student.⁷¹

Hayek's migration to England influenced the LSE debates that are *crucial to understanding the strands of economic thought that framed Coase's work in particular, and law and neoclassical economics in general*. In addition, Hayek directly shaped the law and neoclassical economics project at the University of Chicago (Hackney 1997, 284, emphasis mine).

The Road to Serfdom, Hayek's critical 1944 attack on democratic socialism, laid bare the scholar's disdain for central planning, which he argues leads to a totalitarian State. Three years after publishing the book, Hayek founded the Mont Pelerin Society. Ludwig von Mises was a charter member; Ronald Coase would later join rank. Central to Hayek's political economic theory is *the division of knowledge*, which he considers as important as *the division of labor*:

The problem of knowledge arises because the 'facts' of a social and economic system are dispersed throughout the minds of thousands, possibly millions of actors; therefore this knowledge has to be coordinated if we are to exploit it

⁷¹ Hayek, who prior to leaving Vienna was 'converted' to laissez-fair capitalism by Ludwig von Mises, assumed the Tooke Chair in Economics and Statistics at LSE in 1931, although he had lectured previously at the school (Klein 2008). Coase joined LSE as a student in 1929.

for the benefit of man. [...] the co-ordination of this *diffused knowledge* via a market process allows us to utilize a much greater amount of knowledge than under known alternative systems (Norman 1982, npn, emphasis mine).

In his Nobel Prize acceptance speech, Coase (1991) draws on Hayek's concept of diffused knowledge, anchoring it in the context of his own work, which posits (among other things) that efficient economic outcomes derive from well-defined property rights in a society of freely negotiating individuals. UFM's Giancarlo Ibárgüen (2008a) also made indirect reference to Hayek's concept of diffused knowledge during an interview I had with him, in which he discussed the development of Guatemala's 1996 telecommunications reform. For me, this *coyuntura* (convergence) speaks to the irony of knowledge which, if diffuse in theory, is strikingly concentrated in practice. The Guatemalan experiment in spectrum propertization was, in many ways, a reform waiting to happen. Not only did Guatemala have the *right* political momentum and the *right* president (Leighton 2008), it also had the *right* intellectual tradition in the classical liberalism of UFM, which, now as then, defiantly refuses to cede to the *Left*.⁷² To the extent that this research revisits "the classic dispute between Liberal and Marxist perspectives" (Wolford 2007), it does so in a way that reflects the uneven artillery brought to bear in a contemporary "battle of ideas".

⁷² UFM's founder, Manuel Ayau, chose red as the school's official color "on the theory that it had been expropriated by the communists and we shouldn't cede it to them exclusively" (cited in Dickerson 2008, npn). The use of terms like "revolutionary" (Ibárgüen 1992; Galbi 2003) to describe Guatemala's spectrum reform suggests that a counter-claim is being made not only on leftist colors, but also on leftist language.

Disparaging references to Guatemala's community radio practitioners as "ex-guerrillas" evoke the legacy of a Cold War mentality that equates collective action (perhaps most especially collective action involving resource claims) with acts of subversion and bids for illegitimate gain.⁷³ Strains of this attitude are found in the comments of Juan Ortiz, past president of Guatemala's commercial radio lobby, who called the community radio movement to task in 2007 for having denounced the Government of Guatemala before the IACHR on grounds that the country's spectrum policy discriminates against community radio practitioners and indirectly censors freedom of expression and information. "[I]t is not the purpose of the Peace Accords," Ortiz told the national press, "to allow people to claim ownership of something *that does not belong to them*" (cited in Mérida 2007, npn, emphasis mine).⁷⁴

Community broadcasters argue radio spectrum is a public good which belongs to them at least as much as it belongs to anyone else. But they neither speak of Karl Marx, nor refer to class struggle. In workshops and meetings, they are learning how they can use radio to educate their communities, and in the process are receiving an education themselves. The intellectual tradition of political economic theory running from Vienna to London and Chicago to Guatemala City, linking Mises and Hayek to Coase and

⁷³ The term "ex-guerrillas" is one that I heard used to describe community radio practitioners in the course of my fieldwork.

⁷⁴ I requested an interview in July 2008 with the current head of the CRG, Édgar Archila Marroquín of *Emisoras Unidas*, but did not receive a response. I have been told informally that at least some members of the CRG are sympathetic to the idea of a spectrum reserve for community radio.

Ibárgüen, symbolizes a conceptual universe once-removed from the lived realities of practitioners. Perhaps nothing illustrates this point more starkly than an incident that occurred during one of the AMARC workshops I attended. After illustrating on a white-board the organizational structure of the association, and explaining that AMARC Guatemala is part of AMARC *América Latina y el Caribe*, the facilitator paused to ask if there were any questions. A practitioner from the department of Quiché raised her hand: *¿Qué es América Latina?* (What is Latin America?), she asked. Without hesitating, the facilitator turned back to the white-board and hand-sketched a map of the region. The incident is an exception rather than a rule in terms of the formal knowledge of practitioners and, if anything, is a positive demonstration of both this practitioner's strong desire to learn and the importance of geographic education. But it also brings the very different life-worlds of the stakeholders in this issue into relief.

To whom does Guatemala's radio spectrum belong?

Following the intellectual tradition of Ludwig von Mises, pro-reform literature contends that it belongs to consumers. Strong consumer welfare gains in mobile telephony are cited as both the reason for spectrum liberalization and evidence of its success. The shift from a three percent land-line penetration rate in 1996 to a 90 percent cellular ownership rate in 2008 is nothing if not profound.⁷⁵ But this is measured against recent

⁷⁵ While mobile telephony clearly has consumer benefits, it is worth revisiting scholars' observations on the impact of telecommunications expansion carried out under the liberal agenda of Justo Rufino Barrios in the nineteenth century: "Given the difficulty of building adequate roads or railroads in the highlands, no

warnings challenging the idea that “telephony is the poor man’s information society” (Parminder Jeet Singh cited in UN News 2008). Studies on the impact of Guatemala’s cellular shift on, for example, communication flows and household budgets, are much needed. Not only are most of the practitioners who participated in this research cellular phone owners, but some also credit relatively inexpensive mobile telephony rates for allowing them to transmit their radio programs via cellular to community radio stations in other parts of Guatemala and Mexico. If spectrum is understood as a resource writ large (which it is under a spectrum policy that removes the zoning, technology, application and content constraints of administrative allocation), then the arguments of cellular-owning community radio practitioners who say that they will not “fall into the trap of buying what belongs to us” (Xunic 2008) become more complicated. In making specific claims to broadcast spectrum, these practitioners are, however, holding to a policy which has long regarded broadcasting as a matter of public interest, one that deserves “special” (Hazlett 2001) administrative allocation.

If pro-liberalization scholars central to the Guatemalan experiment are sincere in arguing that the public interest agenda is a failure, serving only to buttress a “marriage of convenience” between incumbent broadcasters demanding market protection and public

innovations did more to *project State control into the interior* (of Guatemala) than the telegraph and the telephone” (McCreery 1994, 180, emphasis mine). McCreery may overemphasize telephone penetration, but the point regarding the potential for control is well-made and was raised when I presented the preliminary findings of this research to the AAG Annual General Meeting in San Francisco in 2006.

officials desperate for discretionary power (Hazlett 2001), then it is unclear why, in post-reform analysis, these scholars have avoided any systematic examination of how the broadcast sector has responded to liberalization (Hazlett, Ibárgüen and Leighton 2007). At a minimum, the parenting of TUFs to incumbent broadcasters, whose licenses were obtained in a process that was generally “not transparent” and in which “sometimes corruption reigned” (Ibárgüen 2003, 544), should be cause for concern, not least in light of the admission that incumbents were given a TUF “windfall” only after “high power dog fights” erupted (Spiller 2006, 45).

To be fair, one pro-reform scholar did tell me that he has done preliminary comparative work on the effects of spectrum liberalization on community (“pirate”) radio in Guatemala and neighboring El Salvador (Leighton 2008). His working hypothesis, following meetings with public officials in both countries, is that El Salvador may have circumvented the problem experienced in Guatemala by bringing some of the country’s largest unauthorized broadcasters into the fold during liberalization:

[M]y conjecture is that, they didn’t bring everybody in, they found the biggest ones, the most politically powerful ones and said okay: ‘Everybody who has a license as a broadcaster gets a TUF—they don’t call them TUFs in El Salvador, but they get this strong property right. *Oh*, and a few of you pirates, illegal users who are really big and you are no longer Marxist guerrillas but you’re semi-legitimate, you get some, too. [...] Now we’ve got a property regime and everybody else, you’re illegal’. Well, in *that* world—and this would be what is worth testing—in that world, a large number of your people who were previously pirates now have an interest in the legal order. In Guatemala, not the same (Leighton 2008).

There is logic to this hypothesis, and future research in this area is certainly needed. Informal conversations during fieldwork revealed that there is some resentment among Guatemala's community radio movement towards at least one formerly unauthorized-cum licensed community radio, which was granted a TUF and which is now demonstrating its "interest" in the legal order by airing spots (produced by the commercial radio lobby) warning that unauthorized broadcasting is a crime. By legalizing a subset of unauthorized broadcasters through the reform process, El Salvador arguably reduced what Hernando De Soto calls "the costs of informality" (1989, 151-172), costs which accrue to illegal actors (e.g., the cost of avoiding penalties) and also to the State (e.g., the cost of unpaid taxes). De Soto's work was recommended to me by UFM's Ibárgüen and it certainly figures in Ibárgüen's own publications on spectrum reform, wherein he calls upon De Soto to sustain the argument that other countries have much to gain by following Guatemala's lead in spectrum propertization:

According to calculations by De Soto and his team of analysts, the extra-legal possession of real estate in the hands of the poor of the Third World and former communist nations is valued at US\$9.3 trillion or more. Yet this capital is dead because the land owned by the poor cannot be "used to produce, secure, or guarantee greater value in the expanded market." Now, exactly the same situation is happening in those rich countries of the West that have locked out of their capital market networks this new 'real estate': the radio spectrum. How much dead capital is out there? (Ibárgüen 2004, 22; citation from De Soto 2000, 48).

Yet Ibárgüen’s praise for De Soto’s work carries a measure of contradiction inasmuch as De Soto urges the propertization of *extralegal* holdings to reduce the costs of informality. If radio “pirates” are airwave squatters constituting an “informal telecommunications economy” (Vargas 1993), then it follows that legalizing the situation of unauthorized broadcasters, as El Salvador chose to do, might have been a feasible option before Guatemala’s radio spectrum was declared saturated. Why this was not done, especially in light of Ibárgüen’s recognition of De Soto’s work, requires further investigation. Special interest pressures may well have disallowed this approach. De Soto’s proposition arguably implies a labor theory of value that allows rights-based claims to emerge from the extralegal but (partially) productive⁷⁶ use of spectrum resources—an approach unlikely to find favor among those who contend that community broadcasters are trying to take advantage of Peace Accord policies in the interest of illegitimate gain.

Strong parallels in geographies of inequality in Guatemala’s landscape and soundscape support De Soto’s argument that property is “the hidden architecture that organizes the market economy” (De Soto 1989, xxv). Through successive (though not consecutive) liberal “modernization” regimes, the costs of commodifying once *common* resources has consistently and disproportionately fallen on Guatemala’s indigenous

⁷⁶ De Soto argues that assets achieve their full productive potential only in the “conceptual universe” of capital, wherein legal title is used to leverage gains in an expanded market (2000, 48-51). On this view, extralegal holdings cannot be fully productive.

population. Like the expropriation and titling of communally owned indigenous lands during the Barrios administration, so too the expropriation and titling of spectrum resources, constitutionally defined as *bienes del Estado* (State property), erodes the public estate. De Soto's own recognition of the hierarchy instituted by this process is telling. In explaining "the mystery of capital", De Soto writes:

Legal property thus gave the West the tools to produce surplus value over and above its physical assets. Property representations enabled people to think about assets not only through physical acquaintance but also through the description of their latent economic and social qualities. *Whether anyone intended it or not*, the legal property system became the *staircase* that took these nations from the universe of assets in their natural state to the conceptual universe of capital, where assets can be viewed in their full productive potential (2000, 51, emphasis mine).

De Soto's dismissal of intent (*Whether anyone intended it or not...*) effectively squelches any criticism of commodification framed as "original sin" (at the very least, this seems to be *his* intent). Nonetheless, De Soto's staircase metaphor aptly sketches the hierarchy that is institutionalized through the process of propertization, which distances non-property-bearing individuals from gains accruing through the circulation of property title in the "conceptual universe of capital". In many ways, use of the word "conceptual" is misleading. Property creates "absolute spaces within which monopoly control can operate", while the space shaped by the movement of "people, goods, services, and information" is relative (Harvey 1973, 13) and must, therefore, be constantly defended.

This research pulled me deep into the idiosyncrasies of rural Guatemala and pushed me headlong into the “perfect storm” (Leighton 2008) of a (neo)liberal nexus. The more time I spent in the field, the more dissatisfied I became with existing approaches to the study of both spectrum liberalization and non-profit community radio. I make this distinction because thus far *no study* has attempted to bring these two issues into relation. My hope for this research is that it forces a dialogue; that it brings stakeholders in this issue to the table in a way that, through no fault of community radio practitioners, did not occur during the National Roundtable. The “problem” of community radio in Guatemala cannot be resolved until stakeholders recognize that they, in fact, share a common theoretical foundation and describe it in shared ways: a desire for freedom of thought and expression, an aversion to arbitrary power and adverse policy, and recognition for the rule of law. The antagonisms of common and civil law principles in negotiating a spectrum policy must be understood and negotiated as such, always on the understanding that law shapes social action in a given space. I leave this project with serious concerns about the breaches in existing approaches to the problem.

Propertization literature criminalizes unauthorized broadcasters without taking into account the history of systematic exclusion faced by Guatemala’s indigenous population. Ignoring or unabashedly dismissing Peace Accord policies that guarantee indigenous media rights, this literature also obscures the extent to which unauthorized community radio is legitimized at municipal, departmental and national levels, as well as the extent to which radio functions as *una escuela* (a school) for practitioners and listeners, most

notably in rural areas, where state education is poorly administered or non-existent and indigenous languages are slowly disappearing.

Community radio literature, by contrast, struggles to address the complexities of propertization. Members of the community radio movement state that they respect spectrum rights “legitimately” acquired by third parties, yet offer no indication of how legitimacy is determined. Because practitioners are asking for new legislation that guarantees a spectrum reserve for community broadcasting and are *not* asking for a complete overhaul of the *Ley General de Telecomunicaciones*, it is implied that they accept some measure of propertization. At the same time, the movement’s demand for administrative spectrum allocation through a National Council of Community Media, coupled with a defense based on the principle of freedom of thought and expression, may prove problematic. Practitioners who adhere to National Council’s definition of “community broadcasting” but nevertheless *lose* open and public competitions (due to resource scarcity) may, in turn, argue that they have been denied the very rights the National Council is proposing to secure (i.e., freedom of thought and expression). Further, the movement cannot ignore the potential for the competing policy motivations of religious and community radio practitioners to incite tensions as spectrum reserves are exploited, nor can it dismiss the possibility that there may be political pressure to keep evangelical broadcasters on-air, as pro-reform scholars suggest.

In the final assessment, criticism of Guatemala’s revamped spectrum policy has not weakened pro-reform scholars’ positive appraisal of the project: “There are many

lessons to be drawn from the telecommunication spectrum reform in Guatemala,” writes Ibárgüen in his ITU case study. “The one lesson that stands above all others is the importance of applying politics by principle, instead of being guided exclusively by special interests or expediency” (2004, 4). Theoretically, this lesson may be “sound as a dollar”. In practice, however, Guatemala’s community radio practitioners say that it is incompatible with the principle of democracy they were promised.

References

- Acuerdos de Paz (2003). *Acuerdos de Paz de Guatemala*. MINUGUA, Misión de Verificación de las Naciones Unidas en Guatemala: 242 pp.
- Agar, M. (1996). *The Professional Stranger: An Informal Introduction to Ethnography*. San Diego, Academic Press.
- Albert, B. (1997). "Ethnographic Situation and Ethnic Movements: Notes on post-Malinowskian Fieldwork." *Critique of Anthropology* 17(1): 53-65.
- ALMG (1990). *Documentos del seminario: Situación actual y futuro de la ALMG*. Guatemala City, Patrocinio del Ministerio de Cultura y Deportes.
- AMARC (2005). *Democratizando la palabra: Informe regional sobre los marcos regulatorios de la Radiodifusión en Centroamérica*. El Salvador, Asociación Latinoamericana de Educación Radiofónica, Asociación Mundial de Radios Comunitarias.
- AMARC (2007). *Informe anual 2007 de la radiodifusión comunitaria en Guatemala: Once años en espera del cumplimiento de los Acuerdos de Paz*. Guatemala City, AMARC.
- Anderson, D. L. (2004). "The Textualizing Function of Writing for Organizational Change." *Journal of Business and Technical Communication* 18(2): 141-164.
- Angrosino, M. and K. Mays de Pérez (2003). "Rethinking Observation." In *Collecting and Interpreting Qualitative Materials*. N. Denzin and Y. Lincoln. Thousand Oaks, Sage: 107-154.
- Baker, C. E. (1975). "The Ideology of the Economic Analysis of Law". *Philosophy and Public Affairs* 5: 3-48.
- Baker, C. E. (1980). "Starting Points in Economic Analysis of Law." *Hofstra Law Review* 8: 939-972.
- Barnes, T. and D. Gregory (1997). "Worlding Geography: Geography as Situated Knowledge." In *Reading Human Geography: The Poetics and Politics of Inquiry*. T. Barnes and G. D. London, Arnold: 14-26.

- Barrett, M. (2004). "Can the Subaltern Speak?" *Historical Workshop Journal* 58: 359.
- Barrios, A. J. (2007). Interview. San Rafael Soche, San Marcos, Guatemala.
- Barrios, M. T. (2002). *Grandeza y miseria del periodismo*. Guatemala City, Tipografía Nacional
- Barthes, R. (1982). *Deliberation. A Barthes Reader*. S. Sontag. New York, Hill and Wang.
- Baumeister, E. (2001). "Formas de acceso a la tierra y al agua en Guatemala." *Cuadernos de Desarrollo Humano*, Programa de las Naciones Unidas para el Desarrollo, Guatemala: 21.
- Berresford, J. and W. Leighton. (2004). "The Law of Property and the Law of Spectrum: A Critical Comparison." *CommLaw Conspectus: Journal of Communications Law and Policy* 13: 35-49.
- Blacklock, C. and A. Crosby (2004). "The Sounds of Silence: Feminist Research Across Time in Guatemala." In *Sites of Violence: Gender and Conflict Zones*. W. Giles and J. Hyndman. Berkeley and Los Angeles, University of California Press: 45-73.
- Blomley, N. (2003). "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid." *Annals of the Association of American Geographers* 93(1): 121-141.
- Bourdieu, P. (1990a). *The Logic of Practice*. Cambridge, Polity Press.
- Bourdieu, P. (1990b). "The Scholastic Point of View." *Cultural Anthropology* 5(4): 380-391.
- Bourdieu, P. (1996). "Understanding." *Theory, Culture & Society* 13(2): 17-37.
- Bourdieu, P. (1998). *Practical Reason: On the Theory of Action*. Cambridge, Polity Press.
- Bourdieu, P. (2003). "Participant Objectivation." *Journal of the Royal Anthropological Institute* 9(2): 281-294.
- Bourdieu, P., A. Accardo, G. Balazs, et al. (1999). *The Weight of the World: Social Suffering in Contemporary Society*. Stanford, Stanford University Press.

- Bourdieu, P. and L. J. D. Wacquant (1992). *An Invitation to Reflexive Sociology*. Chicago, University of Chicago Press.
- Brannen, J. (1992). *Mixing Methods: Qualitative and Quantitative Research*. Aldershot, Avebury.
- Brunn, S., L. Cutter and J.W. Harrington, Jr., Eds. (2004). *Geography and technology*. Dordrecht, Boston: Kluwer Academic Publishers.
- Bull, B. (2005). *Aid, Power and Privatization: The Politics of Telecommunications Reform in Central America*. Northampton, Mass., Elgar Publishing Inc.
- Camay Martin, H. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.
- Castañeda y Castañeda, M. S. (2008). Interview. Guatemala City, Guatemala.
- CEH (1999). *Memory of Silence* [Tz'inil Na'tab'al]. Guatemala City, Comisión para el Esclarecimiento Histórico (Commission for Historical Clarification).
- CELAM (1968). *Conclusiones de la Conferencia de Medellín*. Segunda Conferencia General del Episcopado Latinoamericano, Medellín, Colombia, Consejo Episcopal Latinoamericano.
- CELAM (1979). *La evangelización en el presente y en el futuro de América Latina*. Tercera Conferencia General del Episcopado Latinoamericano, Consejo Episcopal Latinoamericano.
- Cereser, L. (2008, July 29). "Relator cuestiona sistema educativo." *Prensa Libre*. Guatemala City, Guatemala: 3.
- CERIGUA (2006). "Radios comunitarias en la mira del Ministerio Público." Guatemala, *Centre for Investigative Reports on Guatemala*.
- Chambers, E. J. and P. D. Young (1979). "Mesoamerican Community Studies: The Past Decade." *Annual Review of Anthropology* 8: 45-69.
- Chamorro, C. F. (2001). "El turno de los Medios: El periodismo centroamericano frente a la agenda de la democratización". Guatemala City, Centro de Investigaciones de la Comunicación: 25.
- Chatterton, P. (2008). "Ya Basta! The Zapatista Struggle for Autonomy Revisited." *City* 12(1): 115-125.

- CIDH (2003). “Justicia e inclusión: Los desafíos de la democracia en Guatemala”, Comisión Interamericana de Derechos Humanos (Inter-American Commission on Human Rights), Organization of American States.
- Coase, R. H. (1959). “The Federal Communications Commission.” *The Journal of Economics & Law* 2(October): 1-40.
- Coase, R. H. (1998). “Comment on Thomas W. Hazlett: Assigning Property Rights to Radio Spectrum Users: Why Did FCC License Auctions Take 67 Years?” *The Journal of Economics & Law* 41(October): 577-580.
- Coase, R. H. (1991). “The Institutional Structure of Production.” Nobel Lecture. Retrieved September 5, 2008, from http://nobelprize.org/nobel_prizes/economics/laureates/1991/coase-lecture.html.
- Cojtí Cuxil, D. (1996). “The Politics of Maya Revindication.” In *Maya Cultural Activism in Guatemala*. E. F. Fischer and R. M. Brown. Austin, University of Texas Press: 19-50.
- Colchaj, M. (2007). Interview. Sumpango, Sacatepéquez, Guatemala.
- Conferencia Episcopal de Guatemala (1988). “El clamor por la tierra.” Guatemala City: 28.
- Contreras, G. (2008). “Reclutan a kaibiles por emisoras piratas.” *Siglo Veintiuno*. Guatemala City, Guatemala.
- Coroy Ruyán, H. G. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.
- Coroy Ruyán, J. A. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.
- Costa Vargas, J. H. (2008). “Activist Scholarship: Limits and Possibilities in Times of Black Genocide.” In *Engaging Contradictions: Theory, Politics and Methods of Activist Scholarship*. C. Hale. Berkeley and Los Angeles, University of California Press: 164-182.
- CPJ. (2002). “Ataques a la prensa en el 2002: Guatemala.” Retrieved April 30, 2008, from http://www.cpj.org/attacks02/spanish/guatemala_sp.html.
- Cubur, A. (2007). Interview. Sumpango, Sacatepéquez, Guatemala.
- Cubur, A. (2008). Interview. Sumpango, Sacatepéquez, Guatemala.

- Cultural Survival. (2005). "Guatemala Radio at Risk." Retrieved June 5, 2008, from <http://www.cs.org/publications/csarticles/csarticles-article.cfm?id=4>.
- Cultural Survival. (2007). "Guatemala Radio Project." Retrieved May 10, 2008, from <http://www.cs.org/programs/grp/projectinfo.cfm>.
- Dagron, A. G. (2001). *Making Waves: Stories of Participatory Communication for Social Change*. New York, Rockefeller Foundation.
- De Soto, H. (1989). *The Other Path*. New York, Basic Books.
- De Soto, H. (2000). *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York, Basic Books.
- DeWalt, K. M. and B. R. DeWalt (2002). *Participant Observation: A Guide for Fieldworkers*. Walnut Creek, California, AltaMira Press.
- Dickerson, M. (2008). "Leftist Thinking Left Off the Syllabus." *The Los Angeles Times* Online. Retrieved on August 14, 2008, from <http://www.latimes.com/news/nationworld/columnone/la-fi-guatemala6-2008jun06,0,5215527.story>.
- Dryzek, J. (1999). "Critical Theory as a Research Program." In *The Cambridge Companion to Habermas*. S. White. Cambridge, Cambridge University Press: 97-119.
- Dryzek, J. (2004). Pragmatism and Democracy: In Search of Deliberative Publics. *The Journal of Speculative Philosophy* 18(1): 72-79.
- Eberly, R. (2006). "Rhetorics of Public Scholarship: Democracy, *Doxa*, and the Human Barnyard." *New Directions for Teaching and Learning* 105: 27-39.
- Edwards, J. (2002). "Education and Poverty in Guatemala." A paper prepared for The World Bank, Guatemala Poverty Assessment Program (GUAPA). Technical Paper 3, 36204: 71 pp.
- England, K. (1994). "Getting Personal: Reflexivity, Positionality and Feminist Research." *Professional Geographer* 46: 80-89.
- Escalante, M. A. (2005a). "El rol del gobierno en la protección de derechos y la supervisión de conflictos." Presentation at the conference *Convergence or Competition: Radio Spectrum Management in Guatemala and Latin America*. Universidad Francisco Marroquín, Guatemala City, Guatemala.

- Evans, T. M. S. (1999). "Bourdieu and the Logic of Practice: Is All Giving Indian-Giving or is 'Generalized Materialism' Not Enough?" *Sociological Theory* 17(1): 3-31.
- Feld, S. (1984). "Sound Structure as Social Structure." *Ethnomusicology* 28(3): 383-409.
- Ferris, C. (1987). Hearing Before the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce, U.S. House of Representatives, One Hundredth Congress, on H.R. 1934.
- Free, A. (1996). "The Anthropology of Pierre Bourdieu: A Reconsideration." *Critique of Anthropology* 16(4): 395-416.
- Fukuyama, F. (1995). *Trust: Social Virtues and the Creation of Prosperity*. New York, Free Press.
- Fukuyama, F. (2002). "Social Capital and Development: The Coming Agenda." *SAIS Review* 22(1): 23-37.
- Galbi, D. A. (2003). "Revolutionary Ideas for Radio Regulation." *Law and Economics WPA* 0304001: 150 pp.
- Galicia Nuñez, E. P. (2006). Al aire con los pies en la tierra: 'Comunicadoras alternativas constructoras de ciudadanía'. Unpublished thesis. Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades. Guatemala City, Guatemala, Universidad Nacional Autónoma de México, Fundación Guatemala. Especialización en Estudios de Género: 76 pp.
- García, M. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.
- García Márquez, G. (1982, December 8). "The Solitude of Latin America." Nobel Lecture. Retrieved August 5, 2008, from http://nobelprize.org/nobel_prizes/literature/laureates/1982/marquez-lecture.html.
- Gauster, S. and S. R. Isakson (2007). "Eliminating Market Distortions, Perpetuating Rural Inequality: An Evaluation of Market-Assisted Land Reform in Guatemala." *Third World Quarterly* 28(8): 1519-1536.
- Geertz, C. (1988). *Works and Lives: The Anthropologist as Author*. Stanford, Stanford University Press.
- GHRC (2003). "Community Radio Asks for International Solidarity". Guatemala Human Rights Commission USA. Newsletter 15.

- Gil, M. (2007). Interview. Sumpango, Sacatepéquez, Guatemala.
- Gleijeses, P. (1989). "The Agrarian Reform of Jacobo Arbenz." *Journal of Latin American Studies* 213: 453-480.
- Globe and Mail (The) (2006, November 22). "Guatemala Gets the Picture on Bandwidth." *Globe and Mail (The)*: B2.
- Godlewska, A. and N. Smith (1994). *Geography and Empire*. Oxford, Cambridge, Blackwell.
- Goldstein, J. (1982). "Communication, Property Rights, and Broadcasting Vouchers". *Canadian Public Policy* 8(1): 45-56.
- González Arrecis, F. (2007, February 14). "Regularán radios comunitarias." AMARC. Retrieved June 2, 2008, from <http://legislaciones.item.org.uy/index?q=node/134>.
- González, R. (2007). Interview. Sumpango, Sacatepéquez, Guatemala.
- Government of Guatemala (1985 [1993]). Constitución Política reformada por Acuerdo Legislativo No. 18-93 del 17 de Noviembre de 1993.
- Government of Guatemala (2007). "Política para Resolver la Problemática de las 'Radios Ilegales.'" Government of Guatemala. Guatemala City, *Diario de Centroamérica*: 10-13.
- Graham, S. (2004). "The end of geography or the explosive of place? Conceptualising space, time and information technology." In *Reading Economic Geography*. T. Barnes, J. Peck, E. Sheppard, A. Tickell. Blackwell: 336-349.
- Graham, P. (2001). "Space: Irrealis Objects in Technology Policy and their Role in a New Political Economy." *Discourse & Society* 12(6): 761-788.
- Graham, P. (2001). *Hypercapitalism: An Investigation into the Relationship Between Language, New Media and Social Perceptions of Value*. Unpublished thesis. Doctor of Philosophy. University of Queensland: 412 pp.
- Grandia, L. (2007). "The Tragedy of Enclosures: Rethinking Primitive Accumulation from the Guatemalan Hinterland." Paper presented to the Spring Colloquium, Program in Agrarian Studies. Yale University.

- Gray-Felder, D. (2001). "Forward." In *Making Waves: Stories of Participatory Communication for Social Change*. A. G. Dagon. New York, The Rockefeller Foundation.
- Green, L. (2008). "Notes on Mayan Youth and Rural Industrialization in Guatemala." *The Anthropology of Globalization*. J. X. Inda and R. Rosaldo. Malden, MA, Blackwell: 101-120.
- Greig, J. M. (2002). "The End of Geography?" *Journal of Conflict Resolution* 46(2): 225-243.
- Guaján, C. R. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.
- Guillemin, M. and L. Gillam (2004). "Ethics, Reflexivity and 'Ethically Important Moments' in Research." *Qualitative Inquiry* 10: 261-280.
- Gutiérrez, E. (1999). "El encuentro de Gerardi con el REHMI." *El Periódico*. Guatemala City.
- Guzmán, A. (2005). Cómo se produjo la Reforma? Presentation at the conference *Convergence or Competition: Radio Spectrum Management in Guatemala and Latin America*. Universidad Francisco Marroquín, Guatemala City, Guatemala.
- Hackney, J.R. (1997). "Law and Neoclassical Economics: Science, Politics, and the Reconfiguration of American Tort Law Theory." *Law and History Review* 15(2): 275-322.
- Hackney, J.R. (2003). "Law and Neoclassical Economics Theory: A Critical History of the Distribution/Efficiency Debate." *Journal of Socio-Economics* 32: 361-390.
- Hager, C. J. (1992). "Democratizing Technology: Citizen & State in West German Energy Politics, 1974-1990." *Polity* 25(1): 45-70.
- Haraway, D. (1988). "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective." *Feminist Studies* 14(3): 575-599.
- Hardin, G. (1968). "The Tragedy of the Commons." *Science* 162: 1243-1248.
- Harvey, D. (1973). *Social Justice and the City*. London, Edward Arnold.
- Harvey, D. (2001). *Spaces of Capital*. New York, Routledge

- Harvey, D. (2005). *The New Imperialism*. New York, Oxford UP.
- Harvey, D. (2007). *A Brief History of Neoliberalism*. New York, Oxford UP.
- Hawkins, J. (1984). *Inverse Images: The Meaning of Culture, Ethnicity and Family in Postcolonial Guatemala*. Albuquerque: University of New Mexico Press.
- Hayek, F. A. (1944). *The Road to Serfdom*. Chicago, University of Chicago Press.
- Hayek, F. A. (1945). "The Use of Knowledge in Society." *American Economic Review* 35(4): 519-530.
- Hayek, F. A. (1983). *Law, Legislation, Liberty*. Chicago, University of Chicago Press.
- Hazlett, T. W. (1990). "The Rationality of U. S. Regulation of the Broadcast Spectrum." *Journal of Law and Economics* 33(1): 133-175.
- Hazlett, T. W. (1996, May 6). "The 'Public Interest' Fraud." *Wall Street Journal (The)*: A14.
- Hazlett, T. W. (1998a). "Assigning Property Rights to Radio Spectrum Users: Why Did Fcc License Auctions Take 67 Years?" *Journal of Law and Economics* (41): 529-575.
- Hazlett, T. W. (1998b). "Underregulation: The Case of Radio Spectrum." In *Regulator's Revenge: The Future of Telecommunications Deregulation*. T. W. Bell and S. Singleton. Washington, D.C., Cato Institute: 85-93.
- Hazlett, T. W. (1998c, October). "The Law and Economics of Property Rights to Radio Spectrum: Introduction". *The Journal of Law and Economics* 41(S2): 521-522.
- Hazlett, T. W. (2001). "The Unlimited Bandwidth Myth, The Spectrum Auction Faux Pas, and the Punchline to Ronald Coase's 'Big Joke': An Essay on Airwave Allocation Policy." *Harvard Journal of Law and Technology* 14(2): 335-469.
- Hazlett, T. W., G. Ibárgüen and W. A. Leighton (2006). "Property Rights to Radio Spectrum in Guatemala and El Salvador: An Experiment in Liberalization." *Law and Economics Research Paper* 06-07.
- Hazlett, T. W., G. Ibárgüen and W. A. Leighton (2007). "Property Rights to Radio Spectrum in Guatemala and El Salvador: An Experiment in Liberalization." *Review of Law and Economics* (December): 437-484.

- Hazlett, T. W. and R. E. Muñoz (2006). "Spectrum Allocation in Latin America: An Economic Analysis." *George Mason Law and Economics Research Paper*.
- Herrera, Ó. F. (2006). "Simpatizantes de radio pirata queman subestación." *El Periódico*. Guatemala City, Guatemala.
- Herrera, V. H. (2007, August 14). "En Guatemala funcionan más de 800 radios clandestinas." Retrieved June 10, 2008, from <http://legislaciones.item.org.uy/index?q=node/357>.
- Hertz, R. (1997). "Introduction." In *Reflexivity and Voice*. R. Hertz. Thousand Oaks, Sage: vi-xviii.
- Hervik, P. and H. E. Kahn (2006). "Scholarly Surrealism: The Persistence of Mayanness." *Critique of Anthropology* 26(2): 209-232
- Herzel, L. (1951). "'Public Interest' and the Market in Color Television Regulation". *The University of Chicago Law Review* 18(4): 802-816.
- Hillis, K. (1998). "On the margins: the invisibility of communications in geography." *Progress in Human Geography* 22(4): 543-566.
- Himpele, J. (2004). "Packing Indigenous Media: An Interview with Ivan Sanjinés and Jesús Tapia." *American Anthropologist* 106(2): 354-363.
- Hopkinson, A. (1991). "Guatemala: Expanding the Airwaves." *Index on Censorship* 20(9): 28.
- Huber, P. (1997). *Law and Disorder in Cyberspace: Abolish the FCC and Let Common Law Rule the Telecom*. New York, Oxford University Press.
- Huber, P. (1998). "A People's Constitution." In *Regulator's Revenge: The Future of Telecommunications Regulation*. T. W. Bell and S. Singleton. Washington, D.C., Cato Institute: 29-38.
- Hughes, D. and K. DuMont (2002). "Using Focus Groups to Facilitate Culturally Anchored Research." In *Ecological Research to Promote Social Change: Methodological Advances from Community Psychology*. T. Revenson, A. D'Augelli, S. French et al. New York, Kluwer: 257-290.

- Hughes, D., E. Seidman and N. Williams (1993). "Cultural Phenomena and the Research Enterprise: Toward a Culturally Anchored Methodology." *American Journal of Community Psychology* 21(6): 687-703.
- IACHR (2001). Fifth Report on the Situation of Human Rights in Guatemala, Inter-American Commission on Human Rights, Organization of American States.
- Ibárgüen, G. (1992). "Privatizar las Ondas de Radio." Guatemala City, Centro de Estudios Economico-Sociales.
- Ibárgüen, G. (2002). "What Guatemala Can Teach the FCC." *Wall Street Journal (The)*: A11.
- Ibárgüen, G. (2003). "Liberating the Radio Spectrum in Guatemala." *Telecommunications Policy* 27: 543-554.
- Ibárgüen, G. (2004). "Case Study on Guatemala." Paper submitted to the Workshop on Radio Spectrum Management for a Converging World. Geneva, International Telecommunications Union.
- Ibárgüen, G. (2008a). Interview. Guatemala City, Guatemala.
- Ibárgüen, G. (2008b). "Universidad Francisco Marroquín: A Model for Winning Liberty." In *Taming Leviathan: Waging the War of Ideas Around the World*. C. Dyble. London, The Institute for Economic Affairs in association with Profile Books: 79-88.
- Inforpress (2006, June 16). "Community Radio Stations: Tower of Babel Under Siege." *Inforpress*.
- International Development Bank (2008, April). "Informe final: Planes estratégicos de comunicación para la gestión del riesgo." Banco Interamericano de Desarrollo, Centro de Comunicación para el Desarrollo, and Voces Nuestras. Guatemala City, Guatemala: 127 pp.
- Jackson, P. (1983). "Principles and Problems of Participant Observation." *Geografiska Annaler. Series B, Human Geography* 65(1): 39-46.
- Katz, C. (1994). "Playing the Field: Questions of Fieldwork in Geography." *Professional Geographer* 46: 67-72.

- Kearns, R. (2005). "Knowing Seeing? Undertaking Observational Research." In *Qualitative Research Methods in Human Geography*. I. Hay. South Melbourne, Oxford: 192-206.
- Kitchin, R. and P. J. Hubbard (1999). "Research, Action and 'Critical' Geographies." *Area* 31(3): 195-198.
- Klein, G. (2008). "Biography F. A. Hayek (1899-1992)." Ludwig von Mises Institute. Official website. Retrieved August 5, 2008, from <http://mises.org/about/3234>.
- Konefal, B. O. (2005). 'May All Rise Up': Highland Mobilization in Post-1954 Guatemala,. Unpublished thesis. University of Pittsburgh.
- Krause, B. (2001). *Loss of Natural Soundscape: Global Implications of Its Effect on Humans and Other Creatures*. San Francisco World Affairs Council.
- La Farge, O. (1947). *Santa Eulalia: The Religion of a Cuchumatán Indian Town*. Chicago, University of Chicago Press.
- Lassiter, L. E. (2000). "Authoritative Texts, Collaborative Ethnography, and Native American Studies." *The American Indian Quarterly* 34(4): 601-614.
- Latinobarómetro (2007). *Latinobarómetro Report 2007*. Santiago, Chile, Latinobarómetro Corporation.
- Lawson-Remer, T. (2006). "Values under siege: NAFTA, GATS, and the propertization of resources." *NYU Environmental Law Journal* 14(2): 481-520.
- Layder, D. (1998). *Sociological Practice: Linking Theory and Social Research*. London, Sage.
- Leighton, W. A. (2005). "The Consumer Welfare Gains of Guatemala's Liberal Reforms." Presentation at the conference *Convergence or Competition: Radio Spectrum Management in Guatemala and Latin America*. Universidad Francisco Marroquín, Guatemala City, Guatemala.
- Leighton, W. A. (2006). "Telecom Reform in Guatemala: A Case Study in Spectrum Liberalization." Presentation to the National Academy of Sciences Workshop *Improving Spectrum Management Through Economic or Other Incentives*. Washington, DC.

- Leighton, W. A. (2008). Interview.
- Ley de Inversion Extranjera (1998). Ley de Inversion Extranjera, Decreto - Ley 9-98. Government of Guatemala.
- Ley de Radiocomunicaciones (1980). Ley de Radiocomunicaciones, Decreto - Ley Número 433. Government of Guatemala.
- Ley General de Telecomunicaciones (1996). *Ley General de Telecomunicaciones. Decreto 94 – 96 y sus reformas Decretos 115-97 y 47-2002 del Congreso de la República de Guatemala*. Government of Guatemala, Ediciones Arriola.
- Liu, E. (2005). “Radiodifusión de conflictos dentro del mercado.” Presentation at the conference *Convergence or Competition: Radio Spectrum Management in Guatemala and Latin America*. Universidad Francisco Marroquín, Guatemala City, Guatemala.
- López, E. (2006a). “Diputado representa a 75 emisoras comunitarias.” *Siglo XXI*. Guatemala City: Online.
- López, E. (2006b). “Investigan a dos diputados por radios pirata.” *Siglo XXI*. Guatemala City: Online.
- López, E. (2006c). “MP promoverá antejuicio al diputado Moscut.” *Siglo XXI*. Guatemala City: Online.
- López Vigil, J. I. (1991) *Las mil y una historias de Radio Venceremos*. San Salvador, Universidad Centro-Americana José Simeón Cañas.
- López Vigil, J. I. (1995, November) “¿Qué hace comunitaria a una radio comunitaria?” *Chasqui* 52: 51-56.
- Loretti, D. (2007). *Estudio sobre la incompatibilidad con los principios de derechos humanos sobre libertad de expresion del castigo penal de la radiodifusion no autorizada*. Guatemala City, Guatemala, AMARC.
- Lovell, W. G. (1988). “Surviving Conquest: The Maya of Guatemala in Historical Perspective.” *Latin American Research Review* 23(2): 25-57.
- Lovell, W. G. (1990). “Maya Survival in Ixil Country, Guatemala.” *Cultural Survival Quarterly* 14(4): Online.

- Lovell, W. G. (1999). "Land Reform and Rural Development." In *Journeys of Fear: Refugee Return and National Transformation in Guatemala*. L. L. North and A. B. Simmons. Montreal and Kingston, McGill-Queen's University Press: 40-54.
- Lovell, W. G. (2000). *A Beauty That Hurts: Life and Death in Guatemala*. Austin, University of Texas Press.
- Lovell, W. G. (2007, October 23). Public Lecture. Queen's University, Kingston.
- Lueck, D. (1995). "The Rule of First Possession and the Design of the Law." *Journal of Law and Economics* 38(2): 393-436.
- Lutz, C. H. and W. G. Lovell (1990). "Core and Periphery in Colonial Guatemala." In *Guatemalan Indians and the State, 1540-1988*. C. A. Smith. Austin, University of Texas Press.
- Lykes, M. B. and C. Asociación de Mujeres Maya-Ixíles Nuevo Amanecer, Guatemala (2001). "Creative Arts and Photography in Participatory Action Research in Guatemala." In *Handbook of Action Research: Participative Inquiry & Practice*. P. Reason and H. Bradbury. London, Sage: 363-371.
- Madge, C. and P. Raghuram (2006). "Towards a method for postcolonial development geography? Possibilities and challenges." *Singapore Journal of Tropical Geography* 27: 270-288.
- Madrigal, H. (2006). "Debemos mentalizarnos a llamar Guatemaya en vez de Guatemala." *La Hora*. Guatemala City.
- Mahoney, P. G. (2001). "The Common Law and Economic Growth: Hayek Might Be Right." *The Journal of Legal Studies* 30(2): 503-525.
- Malecki E. (2001). "The Internet Age: Not the End of Geography." In *Promoting Local Growth: Process, Practice and Policy*. D. Felsenstein, M. J. Taylor, Eds. Aldershot, Ashgate: 227-253
- Mansfield, B. (2007). "Privatization: Property and the Remaking of Nature-Society Relations." *Antipode* 39(3): 393-405.
- Marcus, J. S., L. Nett, M. Scanlan, et al. (2005). "Towards More Flexible Spectrum Regulation." Federal Network Agency. Bad Honnef, Germany: 255 pp.

- Marroquín, E. (2007). "TSE depurará radios ilegales." *Siglo Veintiuno*. Guatemala City, Guatemala.
- Martín-Barbero, J. (1999). "El miedo a los medios: Política, comunicación y nuevos modos de representación." *Nueva Sociedad* 161(May-June): 43-56.
- Martín, C. C. (2007). Interview. Santa Cruz Balanyá, Chimaltenango, Guatemala.
- Martin, R. (2001). "Geography and Public Policy: The Case of the Missing Agenda." *Progress in Human Geography* 25(2): 189-210.
- Marx, K. (1867 [1906]). *Capital: A Critique of Political Economy, Vol. I. The Process of Capitalist Production*. Chicago, Charles H. Kerr and Co.
- Matless, D. (2005). "Sonic Geography in a Nature Region." *Social & Cultural Geography* 6(5): 745-766.
- McCleary, R. M. (1999). *Dictating Democracy: Guatemala and the End of Violent Revolution*. Gainesville, Florida, University of Florida Press.
- McCreery, D. (1994). *Rural Guatemala, 1760-1940*. Stanford, Stanford University Press.
- McNeill, P. and S. Chapman (2005). *Research Methods*. London and New York, Routledge.
- Menchú , R. (1984). *I, Rigoberta Menchu: An Indian Woman in Guatemala*. London, Verso.
- Mérida, H. (2007, April 16). "AMARC denuncia ante la CIDH al Gobierno de Berger." *El Periodico*. Guatemala City.
- MINUGUA (2002). "Los linchamientos: un flagelo que persiste." Misión de Verificación de las Naciones Unidas en Guatemala. Retrieved August 3, 2008, from <http://www.nd.edu/~cmendoz1/datos/minugua02.pdf>.
- Mises, L. V. (1998 [1949]). *Human Action: A Treatise on Economics*. Auburn, Alabama, Ludwig von Mises Institute.
- MMA, Mapping the Media in the Americas (2006). A joint initiative of the University of Calgary, FOCAL, and The Carter Center. Retrieved November 30, 2006, from <http://www.mediamap.info/homepage.html>.

- MND (2006, May 22). Memoria de la reunión de la Mesa Nacional de Diálogo (Minutes of the National Roundtable). COPREDEH. Guatemala City.
- Mohr, R. (2002, February 8). "Making Money Out of Thin Air: The Politics, Law and Economy of Radio Spectrum." *Australian Financial Review*.
- Moll M. and L. Regan Shade (2008). *For Sale to the Highest Bidder: Telecom Policy in Canada* Ottawa, Canadian Centre for Policy Alternatives.
- Montejo, V. (1987). *Testimony: Death of a Guatemalan Village*. New York, Talman Co.
- Montejo, V. (2002). "The Multiplicity of Mayan Voices: Mayan Leadership and the Politics of Self-Representation." In *Indigenous Movements, Self-Representation, and the State in Latin America*. K. B. Warren and J. E. Jackson. Austin, University of Texas Press: 123-148.
- Moser, C. and C. McIlwaine (2001). "Violence in a Post-Conflict Context: Urban Poor Perceptions from Guatemala." Washington, D.C., World Bank.
- Moss, D. A. and M. R. Fein (2003). "Radio Regulation Revisited: Coase, the FCC, and the Public Interest." *The Journal of Policy History* 15(4): 389-416.
- Napoli, P. M. (1999). "Deconstructing the Diversity Principle." *The Journal of Communication* 49(4): 7-34.
- Nast, H. (1994). "Opening Remarks on 'Women in the Field.'" *Professional Geographer* 46(54-66).
- Nelson, D. (1996). "Maya Hackers and the Cyberspatialized Nation-State: Modernity, Ethnostalgia, and a Lizard Queen in Guatemala." *Cultural Anthropology* 11(3): 287-308.
- Nolin, C. (2006). *Transnational Ruptures: Gender and Forced Migration*. Aldershot, Ashgate.
- Nolin Hanlon, C. and F. Shankar (2000). "Gendered Spaces of Terror and Assault: The Testimonio of REMHI and the Commission for Historical Clarification in Guatemala." *Gender, Place and Culture* 7(3): 265-286.
- Norman, B. (1982, Summer). "The Tradition of Spontaneous Order." In *Literature of Liberty* 2(2): 7-58. Library of Economics and Liberty. Retrieved September 5, 2008, from <http://www.econlib.org/LIBRARY/Essays/LtrLbrty/bryTSO2.html>.

- NotiCen (2006). "Community Radio Struggles for Legitimacy in Guatemala." *Latin American and Iberian Institute*. Albuquerque.
- O'Reilly, K. (2005). *Ethnographic Methods*. New York, Routledge.
- Ovalle, I. (2007). Interview. Salcajá, Quetzaltenango, Guatemala.
- Painter, J. (2000). "Pierre Bourdieu." In *Thinking Space*. M. Crang and N. Thift. London, New York, Routledge.
- Palencia, G. (2008). "Édgar Archila: 'Se debe cumplir ley de radiocomunicaciones.'" *Prensa Libre*. Guatemala City, Guatemala.
- Paul, B. (1953). "Interview Techniques and Field Relationships." *Anthropology Today*. A. L. Kroeber. Chicago, University of Chicago Press: 430-451.
- Peck, J. and A. Tickell (2002). "Neoliberalizing Space." *Antipode* 34(3): 380-404.
- Peppino Barale, A. M. (1999). *Radio Educativa, Popular y Comunitaria en América Latina: Origen, Evolución y Perspectivas*. Mexico D.F., Universidad Autónoma Metropolitana Azcapotzalco, Plaza y Valdes.
- Pérez, L. (2006, May 21). "Radios comunitarias, sin respaldo." *Prensa Libre*. Guatemala City.
- Petrazzini, B. A. (1995). *The Political Economy of Telecommunications Reform in Developing Countries*. Westport, CT, Praeger Publishers.
- Piña, S. and M. Arribas (2001). "Pertinencia y rendimiento del eje de lengua en la Escuela de Comunicación Social de la Universidad del Zulia." *Opción: Revista de Ciencias Humanas y Sociales* 34: 86-106.
- Polanyi, K. (1944). *The Great Transformation*. New York, Toronto, Farrar and Rinehart.
- Posner, R. A. (1973). *Economic Analysis of Law*. Boston, Little Brown.
- Posner, R. A. (1979). "Utilitarianism, economics, and legal theory." *Journal of Legal Studies* 8: 103-140.
- Prensa Libre (1981, November 11). "Investigarán las radios con programas en lengua." *Prensa Libre*. Guatemala City: Online.

- Prensa Libre (2008, July 27). "Se están desvaneciendo." *Prensa Libre*. Guatemala City: 4-5.
- Ramírez, G. (2007). "Pautarán propaganda 29 emisoras pirata." *Siglo Veintiuno*. Guatemala City, Guatemala.
- REMHI (1998). *Guatemala: Nunca Más*. Informe del Proyecto Interdiocesano de Recuperación de la Memoria Histórica. Guatemala City, Oficina de Derechos Humanos del Arzobispado de Guatemala.
- Rhodes, S. (2005). *Social Movements and Free-Market Capitalism in Latin America: Telecommunications Privatization and the Rise of Consumer Protest*. Albany, State University of New York Press.
- Rivera, E. (2004). *Regulación y competencia de las telecomunicaciones en Centroamérica*. Estudios y Perspectivas C. Comisión Económica para América Latina y el Caribe. Mexico, United Nations.
- Rogers, W. S. (1924). "Air as A Raw Material." *Annals of the American Academy of Political and Social Science* 112: 251-255.
- Rorty, R. (1991). *Objectivity, Relativism and Truth*. Cambridge and New York, Cambridge University Press.
- Rosaldo, R. (1989). *Culture and Truth: The Remaking of Social Analysis*. Boston, Beacon Press.
- Rosales, C. (2007, April). "Troubles Mounting in Guatemala." FOCAL, Canadian Foundation for the Americas 6(3). Retrieved August 1, 2008, from <http://www.focal.ca/publications/focalpoint/fp0407/?article=article5&lang=e>.
- Rose, G. (1997). "Situating Knowledges: Positionality, Reflexivities and Other Tactics." *Progress in Human Geography* 21(3): 305-320.
- Rosenberg, T. (2001, May 7). "Editorial Observer: The Monochromatic Media of Latin America." *The New York Times*. Online. Retrieved March 10, 2008, from <http://query.nytimes.com/gst/fullpage.html?res=9B04E1D71F38F934A35756C0A9679C8B63&partner=rssnyt&emc=rss>.
- RWB (2006, March 21). "Authorities Close Nine Community Radios for Having No License." Reporters Without Borders.

- Ryan, P. (2005). "Treating Wireless Spectrum as a Natural Resource." *Environmental Law Institute* 35: 10620-10629.
- Sabino, C. (2007). *Guatemala, la historia silenciada*. Vols. I and II. Guatemala City, Fondo de Cultura Económica.
- Sandoval, M.A. (2008, July 28) "Lenguas indígenas: dolorosa realidad." *Prensa Libre* Guatemala City: 16.
- Sanford, V. (2004). *Buried Secrets: Truth and Human Rights in Guatemala*. New York, Palgrave Macmillan.
- Santos, F. M. (1987). *Al pie de la letra*. Guatemala City, Editorial Cultura.
- Schafer, R. M. (1977). *The Tuning of the World*. New York, Knopf.
- Schafer, R. M. (1992). Music, Non-Music and the Soundscape. In *Companion to Contemporary Musical Thought*. J. Paynter, T. Howell, R. Orton and P. Seymour. New York, Routledge. 1: 34-45.
- Sieder, R., M. Thomas, G. Vickers, et al. (2002). *Who Governs? Guatemala Five Years After the Peace Accords*. Cambridge, Mass., Hemisphere Initiatives.
- Silva, E. and R. Edwards (2004). "Operationalizing Bourdieu on Capitals: A Discussion on 'The Construction of the Object.'" ESRC Research Methods Program, Economic and Social Research Council.
- Skoble, A. J. (2007). "Hayek the Philosopher of Law." In *The Cambridge Companion to Hayek*. E. Feser, Ed. Cambridge, New York, Cambridge University Press.
- Smith, C. (1984). "Local History in Global Context: Social and Economic Transitions in Western Guatemala." *Comparative Studies in Society and History* 26(2): 193-228.
- Smith, C. (1990). "Introduction: Social Relations in Guatemala over Time and Space." In *Guatemalan Indians and the State: 1540 to 1988*, C. Smith, Ed. Austin, University of Texas Press: 1-30.
- Smith, D. E. (2001). "Texts and the Ontology of Organizations and Institutions." *Culture and Organization* 7(2): 159-198.
- Smythe, D. (1981). *Dependency Road: Communications, Capitalism, Consciousness and Canada*. Norwood, NJ, Ablex.

- Solís, F. and L. Solano (2006). "El bloque histórico y el bloque hegemónico en Guatemala." *El Observador* 1(3): 3-14.
- Spiller, P. T. (2006). "Efficiency, Quantification, and Valuation of Spectrum." Presentation to the conference *Improving Spectrum Management through Economic or Other Incentives*. Washington, D.C., National Telecommunications and Information Administration: 262 pp (transcript).
- Spiller, P. T. and C. G. Cardilli (1998). "The Frontier of Telecommunications Deregulation: Small Countries Leading the Pack." In *Regulator's Revenge: The Future of Telecommunications Deregulation*. T. W. Bell and S. Singleton. Washington, D.C., Cato Institute: 39-52.
- Spiller, P. T. and C. G. Cardilli (1999). "Towards a Property Rights Approach to Communications Spectrum." *Yale Journal on Regulation* 16(1): 53-83.
- Spivak, G. C. (1988). "Can the Subaltern Speak?" In *Marxism and the Interpretation of Culture*. C. Nelson and L. Grossberg. Urbana, IL, University of Illinois Press: 271-313.
- Staeheli, L. A. and D. Mitchell (2007). "Locating the Public in Research and Practice." *Progress in Human Geography* 31(6): 792-811.
- Stebbins, R. A. (2001). *Exploratory Research in the Social Sciences*. Thousand Oaks, CA, Sage.
- Steinberg, M. K., C. Height, R. Mosher, et al. (2006). "Mapping Massacres: GIS and State Terror in Guatemala." *Geoforum* 37(1): 62-68.
- Summers, R. (2000). *Essays in Legal Theory*. Boston, Kluwer Academic Publishers.
- Taylor, M. (2004). "Book Review: Buried Secrets: Truth and Rights in Guatemala." *Journal of Latin American Geography* 3(1): 118-120.
- Tedlock, B. (1991). "From Participant Observation to the Observation of Participation: The Emergence of Narrative Ethnography." *Journal of Anthropological Research* 47(1): 69-94.
- Telecompaper. (2008a, August 7). "Guatemala nears full mobile penetration." Retrieved August 12, 2008, from <http://www.telecompaper.com/news/article.aspx?cid=630796>.

- Telecompaper. (2008b, May 21). "Guatemala reaches 11.8 million mobile users." Retrieved August 12, 2008, from <http://www.telecompaper.com/news/article.aspx?cid=619901>.
- UFM (2005). "Convergencia o competencia: Taller de telecomunicaciones." Retrieved July 20, 2008, from <http://www.cadep.ufm.edu/telecom/espanol/default.htm>.
- UFM (2008a). Escuela de Negocios. Retrieved August 28, 2008, from <http://en.ufm.edu.gt/en/content.asp?id=257&tdi=2>.
- UFM (2008b). "Philosophy Statement." Pamphlet. Universidad Francisco Marroquín: 35 pp.
- UNCHC (1999). *Memory of Silence* [Tz'inil Na'tab'al]. Guatemala City, Commission for Historical Clarification.
- United Nations. (2007). "United Nations Declaration on the Rights of Indigenous Peoples." Retrieved May 10, 2008, from <http://www.un.org/esa/socdev/unpfii/en/drip.html>.
- UN News (2008, May 20). "Least Developed Countries Need Low-Cost Computers, Expert Tells UN Meeting." *UN News Centre*. Retrieved July 5, 2008, from <http://www.un.org/apps/news/story.asp?NewsID=26726&Cr=communication&Cr1=technology>.
- UNOSAT (2003 [1996]). UN Institute for Training and Research (UNITAR) Operational Satellite Applications Programme. Retrieved July 2, 1008, from http://unosat.web.cern.ch/unosat/asp/prod_free.asp?id=20.
- Urizar, C. (2007). *Competencia y regulación en las telecomunicaciones: el caso de Guatemala*. Estudios y Perspectivas. Comisión Económica para América Latina y el Caribe. Mexico City, United Nations.
- Vargas, L. (1993). "Informal Telecommunications in Latin America: The Radio Broadcasting of Messages From and To the Audience." Personal website of Dr. L. Vargas. Retrieved on August 20, 2008, from http://www.unc.edu/~lcvargas/research/essays/awa_essay.html.
- Vogt, E. (1994). *Fieldwork Among the Maya: Reflections of the Harvard Chiapas Project* Albuquerque, University of New Mexico Press.

- Wacquant, L. J. D. (1989). "Towards a Reflexive Sociology: A Workshop with Pierre Bourdieu." *Sociological Theory* 7(1): 26-63.
- Wacquant, L. J. D. (1992). "Towards a Social Praxeology: The Structure and Logic of Bourdieu's Sociology." In *An Invitation to Reflexive Sociology*. P. Bourdieu and L. J. D. Wacquant. Chicago, University of Chicago Press: 1-60.
- Wacquant, L. J. D. (1998). "Pierre Bourdieu." In *Key Sociological Thinkers*. R. Stones. New York, New York University Press: 215-229.
- Wall Street Journal (The) (2002). "What Guatemala Can Teach the FCC." *Wall Street Journal (The)*: A11.
- Ward, K. (2007). "Geography and Public Policy: Activist, Participatory, and Policy Geographies." *Progress in Human Geography* 31(5): 695-705.
- Waterman, E. (2000). "Sound Escape: Sonic Geography Remembered and Imagined." *Cultural Geographies* 7: 112-115.
- Wellenius, B. (1994). "Telecommunications Restructuring in Latin America: An Overview." In *Implementing Reforms in the Telecommunications Sector: Lessons from Experience*. B. Wellenius and P. Stern. Washington, The World Bank: 113-144.
- Wellenius, B. and I. Neto (2008). *Managing the Radio Spectrum: Framework for Reform in Developing Countries*. The World Bank, Policy Research Working Paper 4549: 76 pp.
- WFP, World Food Program. (2002, March 19). "WFP initiates emergency operation for thousands of malnourished children in Guatemala." WFP Online. Retrieved July 13, from <http://www.wfp.org/english/?ModuleID=137&Key=451>.
- Wilson, R. (1993). "Anchored Communities: Identity and History of the Maya-Q'eqchi.'" *Man* 28(1): 121-138.
- Winocur, R. (2003). "Media and Participative Strategies: The Inclusion of Private Necessities in the Public Sphere." *Television and New Media* 4(1): 25-42.
- Winocur, R. (2007, February-March). "La Participación en la Radio: Una Posibilidad Negociada de Ampliación del Espacio Público." *Razon y Palabra*. Retrieved July 10, from <http://www.cem.itesm.mx/dacs/publicaciones/logos/anteriores/n55/rwinocur.html>.

- Wolford, W. (2007). "Land Reform in the Time of Neoliberalism: A Many-Splendored Thing." *Antipode* 39(3): 550-570.
- World Bank (1998). Loan Agreement (Private Participation in Infrastructure Technical Assistance Loan) between Republic of Guatemala and International Bank for Reconstruction and Development, The World Bank: 14 pp.
- World Bank (2003). Implementation Completion Report (SCL41490) on a Loan in the Amount of US\$13 Million to the Government of Guatemala for a Private Participation in Infrastructure Technical Assistance Loan (PPI-TAL). Finance, Private Sector and Infrastructure Development, The World Bank: 41 pp.
- World Bank (2008). *Broadcasting, Voice, and Accountability: A Public Interest Approach to Policy, Law, and Regulation*. S. Buckley, K. Duer, T. Mendel and S. Ó Siochrú. Washington, D.C., The World Bank Group.
- Xunic, A. C. (2007). Interview. Sumpango, Sacatepéquez, Guatemala.
- Xunic, A. C. (2008). Interview. Sumpango, Sacatepéquez, Guatemala.
- Yanos, P. T. and K. Hopper (forthcoming). "On 'False, Collusive Objectification': Becoming Attuned to Self-Censorship, Performance and Interviewer Biases in Qualitative Interviewing." *International Journal of Social Research Methodology*: 1-9.
- Zhang, M. and J. Kang (2007). "Towards the Evaluation, Description and Creation of Soundscapes in Urban Open Spaces." *Environment and Planning B: Planning and Design* 34: 68-86.
- Zywicki, T. (2008, February). "Posner, Hayek and the Economic Analysis of Law." *Iowa Law Review* 93(2): 559-603).

Appendix A

Participant Groups

Community Radio Practitioners and Supporters

- Agripino, P. (Social communicator)
- Barrios, A.J. (Social communicator)
- Camey Martín, H. (Social communicator)
- Camp, M. (Cultural Survival)
- Chouay Martín, C. (Social communicator)
- Chun, A. (Social communicator)
- Colchaj, M. (Social communicator)
- Coroy Ruyán, J. (Social communicator)
- Coroy Ruyán, J.A. (Social communicator)
- Coroy Ruyán, H.G. (Social communicator)
- Cubur, A. (Social communicator; member of community radio board of directors)
- de Jesús Siribey Ruyán, M. (Social communicator)
- García, M. (Member of community radio board of directors)
- García Perén, R. (Social communicator)
- Gil, M. (Social communicator)
- Gonzalez, R. (Social communicator)
- Gularte, E. (CECODE)
- Jiménez Galán, A. (AMARC)
- López, A. (Social communicator)
- López, H.F. (Community radio founder; social communicator)
- Méndez Macario, R. (Social communicator)
- Mérida, J.G. (Social communicator)
- Ovalle, I. (Community radio supporter)
- Pinzon, S. (Social communicator)

- Recinos, A. (*Mujb'ab'l yol*)
- Rodríguez Guaján, C. (Member of community radio board of directors)
- Sandoval, R. (AMARC)
- Yol, P. (Community radio founder; member of community radio board of directors)
- Xunic, A. (Community radio founder; member of community radio board of directors)
- Two community radio practitioners who wished to remain anonymous (Personal interviews)

Pro-Reform Scholars, Industry Analysts and Public Officials

- Leighton, W. (Telecommunication analyst, US; former visiting professor at the *Universidad Francisco Marroquín*, Guatemala)
- Ibárgüen, G. (Rector of the *Universidad Francisco Marroquín*, Guatemala, and intellectual author of the 1996 reform)
- Castañeda y Castañeda, M. S. (Attorney, Ministry of Justice, Guatemala)
- Employee of the Ministry of Justice, Guatemala, who wished to remain anonymous (Personal interview)
- Employee of the *Superintendencia de Telecomunicaciones de Guatemala* who wished to remain anonymous (Personal email communication)

Appendix B

GREB Approval



OFFICE OF RESEARCH SERVICES

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June 20, 2007

Victoria L. Henderson
Master's Student
Geography
Queen's University

GREB Ref # GCEO-065-07

Title: "Sounds Like Resistance: Indigenous Community Radio in Guatemala"

Dear Ms. Henderson:

The General Research Ethics Board (GREB) has given approval to your proposal titled **Sounds Like Resistance: Indigenous Community Radio in Guatemala**. In accordance with the Tri-Council Guidelines (article D.1.6) and Senate Terms of Reference (article G), your project has been approved for one year. At the end of each year, GREB will ask if your project has been completed and if not, what changes have occurred or will occur in the next year.

You are reminded of your obligation to advise the GREB, with a copy to your unit REB, of any adverse event(s) that occur during this approval period (details available on webpage www.queensu.ca/vpr/greb/addforms.htm#Adverse). An adverse event includes, but is not limited to, a complaint, a change or unexpected event that alters the level of risk for the researcher or participants or situation that requires a substantial change in approach to a participant(s). You are also advised that any adverse events must be reported to the GREB within 48 hours.

You are also reminded that all changes that might affect human participants must be approved by the GREB. Examples of required approvals are: changes in study procedures or implementations of new aspects into the study procedures that affect human subjects. These changes must be sent to Linda Frid at the Office of Research Services or FRIDL@queensu.ca prior to implementation. Ms. Frid will seek the approval of the GREB reviewer(s) who originally assessed your application.

On behalf of the General Research Ethics Board, I wish you continued success in your research.

Yours sincerely,

A handwritten signature in black ink that reads "Joan Stevenson".

Joan Stevenson, PhD
Professor and Chair
General Research Ethics Board

JS/lf

c.c.: Beverley Mullings, Chair of Unit REB
W. George Lovell, Faculty Supervisor

think Research
think Queen's

PREPARING LEADERS AND CITIZENS FOR A GLOBAL SOCIETY

Appendix C

Sample Questions for Community Radio Practitioners and Supporters

Semi-structured interviews were conducted during Phases Two and Three of fieldwork. Prompt questions were used to encourage participants to engage with issues on their own terms. Participants were asked to draw on examples and suggest possible solutions to perceived problems. Sample questions include:

- Why is community radio important?
- What, if anything, makes a community radio station different from a national radio station?
- Do you believe Maya peoples have a right to community radio? Why or why not?
- What impact has community radio had on your community? Has the station's role changed since it was launched?
- Can you think of an example of how the community has been made stronger because of community radio? Please explain.
- Has there ever been a time when you felt that community radio was responsible for dividing the community? Please explain. How might things have been handled differently?
- To what extent do you think a community radio station should be responsible for soliciting the opinions and participation of local people? How well do you think community radio does in this regard? Can you think of any views or voices that are excluded from community radio?
- In November [2007], Guatemala will hold a presidential election. Do you think it is appropriate for a community radio station to endorse a particular candidate in the election? Why or why not? What problems or benefits might be associated with such endorsement by a community radio station?
- If you had the chance to speak with Óscar Berger [then-president of Guatemala] about community radio, what would you tell him?

Appendix D

Sample Questions for Scholars, Industry Analysts and Public Officials

Semi-structured interviews were also conducted with scholars, public officials and industry analysts in Guatemala City and the United States. Sample questions include:

- Is spectrum deregulation compatible with community radio? What are the disadvantages / advantages?
- How is the use value of radio (as compared to other spectrum applications) determined in the case of community radio, where advertising revenue is minimal or non-existent and, therefore, cannot be used as a gauge for demand?

Appendix E

Indigenous Languages of Guatemala

LANGUAGE	NUMBER OF SPEAKERS
K'iche'	922,378
Q'eqchi'	726,723
Mam	519,664
Kaqchikel	475,889
Q'anjob'al	99,211
Poqomchi'	69,716
Ixil	69,137
Achi	51,593
Tz'utujil	47,669
Popti'	38,350
Chuj	38,253
Chalchiteko	35,000
Awakateko	16,272
Poqomam	9,548
Ch'orti'	9,105
Sipakapense	6,344
Akateko	5,572
Sakapulteco	3,940
Tektiteko	1,241
Uspanteko	1,231
Mopan	468
Itza'	123
Garifuna	203
Xinca	18
Total	3,147,648

Table 2: Indigenous Languages of Guatemala Data source, Prensa Libre (2008); compilation, V. Henderson (2008). There is a considerable amount of controversy surrounding these figures due to inaccurate and biased census-taking. The ALMG sustains that as much as 60 percent of the total population of Guatemala (12.8 million) are Maya speakers (Prensa Libre 2008, 3).

Appendix F

Sample Programming Schedule: *Radio Ixchel*

GENERAL PROGRAMMING	
Sunday, 7:30am	<i>Kojtzijon Conversemos</i> : program to promote Maya culture and intercultural themes
Sunday, 8:00am	<i>El Gorgojito</i> : children’s program “dedicated to adults and children alike”; themes focus on the development of children and youth; supported by OXFAM
Wednesday, 8:00pm	<i>Salvando una vida</i> : program sponsored by <i>Alcoholics Anonymous of Sumpango</i> ; addressing the problem of alcoholism (which practitioners say is a critical problem in the community)
Saturday, 5:00am	<i>Despertando con la Naturaleza</i> : music program featuring <i>Marimba Pura</i> (traditional music), with a focus on the environment
Saturday, 7:30am	<i>Ruk’u’x Mayab B’anob’al</i> : program dedicated to the promotion of the Kaqchikel language
Saturday, 4:00pm	<i>Temas y Personalidades</i> : program featuring different issues relating to society at the local and national levels
Daily, 5:30am	<i>Sentimiento de mi pueblo</i> : educational-cultural program with <i>sones</i> (traditional music)
Monday to Friday (different hours)	<i>Aura Marina</i> : <i>radionovela</i> (radio soap opera); each segment addresses a theme in daily Guatemalan life