

# Right to Communicate is trampled and auctioned in Guatemala

Since 1996 the Association of Guatemalan Community Communicators (ACCG), has been publicly debating the issue of community radios in a society where 70% of the population is indigenous Mayan.



Guatemala realised during a war that lasted more than 30 years that it has a right to speak. Furthermore, it has a right to speak in its own language and within its own cultural parameters.

From 1998 onwards the phenomenon of the community radio took off. Although imperfect in its aims and reach, media within public reach was born.

Shamefully, a law was passed to regulate access to broadcasting frequencies: the General Law of Telecommunications (Ley General de Telecomunicaciones, LGT) established auctions as the way to access broadcasting frequency and as the means to exercise the right to communicate. This method is not only undemocratic but has resulted in a dramatic increase in the price of the licenses. Prices go up to US\$ 40,000 for a municipality and around US\$ 455,000 for a frequency reaching a province/county.

The LGT excludes community radios forcing them to operate in a semi-legal situation despite the treaty, signed by Guatemalan Government and the former guerrilla leaders, which commits

them to: 'promote the abolition of all laws that create obstacles to the Indigenous population to implement their right to communicate'.

This is why the ACCG decided in 1997 to demand the reform of that legislation or the creation of a new piece of legislation respecting and protecting the right of community radio and television channels. The work of ACCG has been supported by WACC since then.

On the 27th August 2002 another auction of airwave frequencies took place, despite all our efforts and the recommendations of the speaker of the OEA (Organisation of American States) to abolish the process of auction altogether. On the 19th September 2002 the President of the Republic offered 'civil society' the frequencies used by the state radio and television. We have rejected this offer for three reasons. First, this act will go against the Peace Agreements signed by the Government and the guerrilla leaders. The Peace Agreements established a legislative path to guarantee the right to communicate by all in general and the Indigenous people in particular. Accepting this offer will mean renouncing the legislative path. Second, this offer ignores the efforts made by the community radios over a number of years. Finally, accepting the President's offer would dispossess the State itself of its own right to communicate.

Carlos Andrade, ACCG, Guatemala

Following an incident in which Mr Carlos Andrade was treated badly and refused information on the last auction of airwaves, WACC has written to José Orellana, Superintendent of Telecommunications of the Guatemalan Government.

London, 17th September 2002

Dear Mr. José Orellana,

We are writing to you to express our concern about an incident in which Mr. Carlos Andrade of the 'Asociación de Comunicadores Comunitarios de Guatemala (ACCG)' was verbally abused by Mr. Juan Alfredo Barrios, a Ministry of Telecommunications civil servant. The incident took place when Mr. Andrade, as representative of the community radios, requested information regarding the last public auction of airwave frequencies.

The World Association for Christian Communication (WACC), an ecumenical association uniting more than 800 communicators in 115 countries, works for the democratisation of communication and the right to communication for all sectors of society. WACC has noted with alarm how the legitimate work of the representative of one of our members in Guatemala has been obstructed. Mr. Andrade has been denied public information in an unnecessarily disrespectful manner. The attitude of Mr. Barrios is against the right of freedom of expression, rejects the spirit of peace treaties and the due respect for the dignity of people.

The ACCG has been internationally recognised for its work supporting the right of community radios to exist and to be legally recognised in a General Law of Telecommunications.

WACC calls upon your Ministry to recognise the work of 'Consejo Guatemalteco de Comunicación Comunitaria' (Guatemalan Council for Communitarian Communication) to achieve the legalisation of community radios and to solve the problem of access by these community radios to airwave frequencies. In order to achieve this aim it is vital to stop the auctions of airwaves. WACC also calls upon your Ministry to take into consideration the recommendations made by the Speaker for the Freedom of Expression of the Interamerican Commission on Human Rights: 'to revise current legislation and practices regarding the allocation of airwave frequencies for radio and television and to present to Congress legislation that will challenge the common monopolistic practices which are currently affecting freedom of expression.'

Yours sincerely,

Rev Randy L. Naylor

General Secretary

WACC