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Media Democratization in Brazil and Future Challenges

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Crit Sociol published online 31 July 2012
DOI: 10.1177/0896920512441636

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Media Democratization in Brazil: Achievements and Future Challenges

Critical Sociology

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Abstract

This article focuses on the achievements in the field of media democratization in Brazil, underlining the current challenges that public communication systems face in the light of the persistence of the misuse of these structures by politicians for their own interests. The role that the public media platform can have in the democratic project is examined, including how it can assist policy-makers concerning vital national as well as global issues. The slow democratization of Brazil during recent decades, however, has taken place while not altogether disassociated from the authoritarian legacy that has characterized the formation of Brazilian society. Nonetheless, the acknowledgement that the mainstream media have become more professional, including wider voices in the mediated sphere, is not reason enough to proclaim the end of the struggles for media democratization.

Keywords

Brazilian broadcasting, media reform, globalization, public communications

Introduction

It was clear from the start of the Dilma Rousseff administration that key decisions regarding media reform and regulation would have to take place. These concern the ratification of the media clauses in the 1988 Constitution; the creation of one communication agency to ensure that controls are respected, and to be built along the same lines as the National Agency of Telecommunications (Anatel), responsible for the telecommunications sector, as well as the implementation and approval in Congress of some of the key proposals drafted in the National Conference on Communications (Confecom) discussions, which took place during the second Lula government.

It is important to note that problems concerning media democratization are also closely tied to the authoritarian legacy of Brazilian society and its political system. The slow political democratization of Brazil during the last three decades has taken place not altogether disassociated from this

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authoritarian legacy. The growth of professionalism and of the objectivity regime in the mainstream media in the aftermath of the dictatorship had largely a positive effect (Matos, 2008), undermining right-wing biases and contributing to include wider voices in the mediated sphere, acknowledging centre-left-wing groups and social movements as sources and emphasizing a journalistic ethos of social responsibility, among others. However, this is not reason enough to state that the struggles for media democratization have ended. Television broadcasting for instance has been allowed to operate largely unregulated, providing audiences with a largely heavy entertainment diet, and not a balanced one of accurate, in depth information *and* quality entertainment.

The realization of the Confecom debates in December 2009 emerged as proof that the discussions on media reform had finally reached the mainstream of Brazilian society after decades of being debated in smaller academic, journalistic and civil-society circles. These debates signaled the fact that Brazilian citizens today are more aware of the importance for democratic politics of complex media systems that can cater to multiple publics and their growing needs, and that many believe also that stronger public media capable of being a counterweight to the commercial media are necessary, as well as more updated media regulation policies which can undermine the tradition of misuse of public communication structures, mainly radio and TV concessions, for the personal interests of oligarchic politicians.

Thus the recognition alone that the media have become more professional, including wider voices in the mediated sphere (Matos, 2008), among others, is not reason enough to state that the struggles for media democratization are a thing of the past. In the UK and the USA, for instance, where journalistic professionalism and editorial independence is stronger and dates back to the struggles for press freedom which occurred throughout the 18th and 19th centuries, the growing commercialization of the media and television, deregulation trends and the crisis threatening public communication structures have been posing a threat to the capacity of the media to serve democratic politics and to articulate citizenship rationales. In Brazil, one could argue that there has been some progress in the aftermath of the dictatorship, but overall it could also be said that in many ways the fight has just begun.

Another consequence of Brazil's authoritarian legacy has been the marginalization of politics from the mainstream media. The latter has tended to privilege entertainment and a consumerist aesthetic to the detriment of more accurate and in depth (political) debate. Television broadcasting has been allowed to operate largely unregulated, providing audiences with a heavier entertainment diet in contrast to the British tradition of a balance between information *and* (quality) entertainment.

Political liberalization in Latin America has undoubtedly opened an avenue in the continent to revisit these debates on media democratization in a changed historical and political context. The current progressive centre-left and left governments that have been in power in most Latin American nations in recent years have begun to adopt new approaches to media policy and reform. These governments are listening to pressures in favour of the formulation of a media regulatory framework capable of attending to the public interest. Communications today are seen more and more as having a role in economic and national development (De Moraes, 2009; Matos, 2008). Democratic strategies are being envisioned as a means of reversing the region's current indicators of high media concentration and predominance of the market in the media.

Due to lack of space, this article focuses mainly on the public media and not on print, which was largely explored in previous research (Matos, 2008).¹ It starts by providing a brief overview of the international literature on media democratization and television broadcasting in Brazil, before investigating the advances in media reform which have taken place in the last few years and leading to the discussions which are currently taking place in the Dilma government. As we shall see, there has been little advance in media reform in the last decades in the country compared to other Latin

American nations such as Argentina. This is largely due to the strong resistance that is still being posed by sectors of the mainstream media, including Globo Organizations and the newspaper *Estado de São Paulo*, as well as confusion regarding what exactly constitutes 'positive' media regulation, and what can be seen as censorship or threats to press liberty. Arguments which point to attacks on the freedom of the press are grounded on fears of a revival of the situation of the dictatorship years, as well as attempts, according to some, to undermine the striving to create an updated regulatory framework for the media in the name of the public interest.

Media Democratization Revisited

As authors such as Voltmer (2006: 1–21, 246–256) and Matos (2008) have pointed out, media democratization involves more than the transformation of media institutions, a freer press and the rise of journalistic professionalism, or even the good intentions of journalists. It largely refers to demands which are placed on media systems to provide better quality information, and a commitment to representing political diversity and giving voice to different groups in society, which does not exclude the importance of professional standards. At its best, it culminates in a change of behaviour in citizens' understanding, use and approach to the media as well as the press's commitment to serve the public interest with accurate, honest and in depth information capable of improving citizens' awareness of their surroundings and of the world around them.

I (2008) discussed some of the improvements in the mainstream media since the 1984 direct elections until the first election of Lula in 2002. These improvements included gradual and wider commitments to equilibrium in political reporting during election and presidential campaigns, although media partisanship has not diminished, and some argue even that it has been exacerbated from 2005 onwards. Other improvements have included the restructuring of key media industries, such as the newspapers *O Globo* and *Folha*, in order to better attend to multiple post-dictatorship publics. Nonetheless, all these are far from being the main symbols of media democratization.

The social communications programme that the Lula candidature presented in 2006 for instance underscored that the democratization of communications was a necessary step for the deepening of democracy. It underlined knowledge as an important tool in the development of a nation and envisioned two main strategies for action, including the modernization of the current fragmented legislation through the creation of a more adequate model suited to the convergence era. It also defended the ratification of measures set forth in the Constitution which are aimed at guaranteeing a market where three communication systems – the public, the private and the state – can fully operate.

The Ministry of Communications (2011) of the Dilma government has already hinted at the possibility of establishing two communication agencies. The idea is that Anatel would continue monitoring technical aspects, whereas the other agency would be created to ensure that the articles of the Brazilian Constitution are fully respected. Built in the same model as Anatel, with a member council composed of names chosen by the president or elected, and serving a mandate of five years, that agency would be responsible for monitoring television stations and for applying penalties. It would be responsible for impeding the broadcasting of racist content, ensuring that the limits to publicity on television and on journalistic programmes were respected. The assessment of the content could be done by the council.

The Dilma government also approved a new cable TV law in September 2011 which unifies the regulation of the television market, opens the market to national and international telecommunication firms and creates national programming quotas. The rapid approval of the new PLC 116 law has caused mixed reactions, from those who applaud the establishment of national quotas to others

who fear that this move will pave the way for the wider entry and dominance of the market by giant international conglomerates, like Murdoch's News International. The latter already controls the main paid satellite television companies in the country, such as Sky and DirecTV. Murdoch already holds 95 percent of the Brazilian paid TV satellite market (Gindre, 2006).

The new cable law nonetheless has included some positive benefits, which for many outweigh the negatives. The benefits include the stimulus to competition, the fact that the services will reach more Brazilians, that there will be a bigger number of competitors in the distribution and in programming diversity, with more national and international channels and demand for independent content.

International debates on media democratization have stressed the close link between the good governance and the health, diversity and independence of a country's media. As Norris (2004: 1) has highlighted, media systems can strengthen good governance and promote positive development, especially if there is a free and independent press capable of performing the watchdog role, holding powerful people to account and acting as a civic forum of debate.

The 2010 UNESCO report, *Media Development Indicators: A Framework for Assessing Media Development*, has also underlined the close relationship that exists between the health, independence and quality of the media with a country's development. It affirms that: 'The assistance to media development is ... an indispensable component of the strategies of development, although it still has to conquer more recognition and adequate financing by the international community' (UNESCO, 2010: vii).² Thus freer and more independent media and a balanced press can only operate if they are not subject to either political or economic constraints (cf. Hallin and Mancini, 2004: 1–17, 21–86, 251–306), and if public service media systems are also directed to serving the public interest and not misused for the personal interests of political groups.

The literature on media democratization (e.g. Curran and Park, 2000; Sparks, 2007; Voltmer and Schmitt-Beck, 2006) has stressed how countries as different as South Africa, Chile and China encountered various problems when it came to the democratization of political communications. There were difficulties with implementing a more neutral, independent public service broadcasting (PSB) model similar to the UK's BBC in various new democracies across the world. However, as Voltmer and Schmitt-Beck (2006) underscore, some countries in Eastern Europe did manage to implement PSBs with some degree of independence both from the state and from market competition. As we shall see, this is currently Brazil's main challenge.

It is thus central to any debate on the deepening of democratization in Latin America that the media have a key role to play in the process. One needs to assess realistically, or empirically if possible, the ways in which the media can contribute to national development. Arguably the worry with the future state of PSB is above all a *global* concern (Banerjee and Seneviratne, 2006). It is a cause of preoccupation for countries like the UK and Brazil for different reasons grounded on diverse historical developments of PSBs and the role that they have played in these nations.

The UK case is particular in its kind. Within Europe and throughout the world, the UK's PSB systems, including the BBC and C4, have been largely considered examples of relatively successful public media services with democratic goals, having performed a cultural and national role in everyday life in Britain (e.g. Scannell, 1989). The UK has also managed to establish a complex regulation system and public service remits which are seen as a source of inspiration for various other countries (Raboy, 1996: 6), including Brazil. Nonetheless, the broadcasting market that has been constructed in Brazil has been largely modelled on the US commercial one, having operated largely unregulated and with weak public service media, as will be seen.

Television Broadcasting in Brazil and the Public Media

The broadcasting model that has developed in most Latin American countries and in Brazil has been very similar to that of the commercially inspired, entertainment style of the USA (Sinclair, 1999: 63–92; Straubhaar, 2001). This has consisted of privately owned television and radio stations and private newspapers financed by both private and public (state) advertising. A small number of companies controls wide shares of the market, and there are very few and under-funded public (state) television channels dedicated to educational interests. Notably, the development of Brazilian television by military planners since the 1960s contributed to the formation of what Straubhaar (2001: 138) has defined as a ‘nationalizing vocation’, paving the way for the creation of a consumerist Brazilian culture.

Similarly to the ways in which some Americans oppose an active regulatory role for the state because of fears that state intervention will encourage partisan manipulation or control, in Brazil worries were also expressed at the time of the emergence of the Empresa Brasileira de Comunicação (EBC) in 2007, responsible for TV Brasil. As Sinclair (1999: 84) has stressed, the growth of the public media in Latin America can serve as a counterweight to the dominance of the commercial sector in a current context of expanding media globalization of Latin American TV. This has been one of the reasons also for the defence of the project of strengthening the public media in Brazil, culminating in the creation of TV Brasil, also seen as a response to the urging of civil society players for a stronger public media capable of boosting media diversity, investing in educational and cultural programming and providing in depth political debate and quality programming.

Controversies thus arose at the time among sectors of the opposition, and also during the 2010 presidential elections concerning TV Brasil’s political coverage. The worries were that the intentions of the government were to use the channel, and restructure the public media, for its own political purposes. TV Brasil has been criticized for its links with the federal government, responsible also for giving indications to EBC’s council. At the time of its launch, veteran journalist Alberto Dines underlined the lack of a proper partnership between São Paulo’s cultural station, TV Cultura, influenced by the *tucanos* of the PSDB, with TV Brasil. As he notes, this would have assisted in creating a stronger public non-commercial media platform, impeding the proliferation of attacks from the right and the opposition who, as Dines highlighted, have never complained about TV Cultura (*Observatório da Imprensa*, 2007).

According to the former vice-director of journalism of TV Cultura, Gabriel Priolli, the whole project of strengthening the public media was already subjected to politics since its very birth. Priolli also argues that ‘public television’ in Brazil is still far away from being fully implemented:

In 2005, when the *mensalão* scandals emerged, that was when they ‘sold’ the idea to Lula to have TV Brasil, of having a strong public network capable of competing with the private, as the government wanted a media which could be more favourable ... The government wanted an instrument to defend itself, and it convinced itself that it was important. This is a contradiction with the real role that public TV should have ... There is actually a lot of idealism and hypocrisy in this whole discussion ... People say that all you need is another option to TV Globo for people to change channels, but the reality is that they do *not*, they do not change to TV Brasil. I believe that this issue has a direct relation to education as well, for a better quality education produces audiences of better quality ... more sensitive and ... interested in watching the public media. (Priolli, telephone interview with the author, 16 December 2010)

This debate, however, is quite complex. Academics and journalists have underlined the fact that the fortification of the public media platform is still too inserted within a historical tradition of political patronage, which has traditionally characterized public communications and broadcasting

regulation in Brazil. The Brazilian state has historically limited itself to conceding radio and television concessions to politicians in exchange for support, and embedded in a scenario of absence of transparency and lack of proper broadcasting regulation capable of guaranteeing public interest commitments. Such problems make highly problematic any attempts at redirecting to the public interest any station like TV Cultura, which is seen as being under the influence of the government of São Paulo, run by the *tucanos* of the PSDB for 16 years, or even TV Brasil, linked to the federal administration.

The public media sector in Brazil, however, as it stands, suffers from various historical deficiencies. Traditionally it has always had a weak public media sector, composed mainly of the respected but fund-starved TV Cultura in São Paulo and its counterpart TVE in Rio, as well as other regional outlets controlled by local politicians and by sectors of the evangelical church.³ The community channels are broadcast on cable television (e.g. TV Senado), whereas the educational stations are in the hands of state governors. Cable TV can be seen as being part of what is understood as 'closed television', or paid television which addresses itself to segmented audiences, as opposed to 'open television', which is represented by the main television channels in the country, such as TV Globo. The main media players in Brazil nonetheless – Globo, Record, SBT, Bandeirantes and Rede TV! – obtain 82.5 percent of the national open television audience (Haje, 2010).

The current Brazilian TV market which is funded with public resources includes the television stations TV Cultura, which has an annual budget of R\$160m; Radiobrás, with R\$100m; and TVE, which had R\$35m in 2004, and has been incorporated into TV Brasil. There are also other resources which go to the television stations of the legislative federal, state and municipal powers, plus TV Justiça and university channels (Possebon, 2007: 290), all of which have low audience ratings.

The total funding for EBC includes money from the federal government as well as donations. According to the former Minister of Communications, Franklin Martins (in a telephone interview with the author on 15 August 2010), the new channel received a budget of R\$350m. The main programming is provided by Rio's educational television (TVE), with two programmes from Radiobrás. The morning slot is largely dedicated to children's shows as well as distant learning programming. TV Brasil's programming also consists of hourly independent and regional programmes, including the famous high-brow talk show *Roda Viva* and the journalism programme *Jornal da Cultura*, which is also retransmitted by TV Brasil.

The station is also expanding overseas, and since 2010 has been present in 49 African countries, 13 in Latin America as well as in the USA and in Portugal. Moreover, a new mini-series called 'Natalia', about a young, poor and religious girl from the suburbs of Rio, will be broadcast shortly on TV Brasil, in line with the attempts of the public media to portray the lives of young teenagers from the so-called C, D and E classes of Brazilian society, largely ignored by advertisers of commercial mainstream television. These initiatives are in line with the philosophy surrounding the public media, such as the need to represent *all* sectors of Brazilian society, give wider priority to regional and local programming and less focus on soap operas and other programmes which represent more the needs, aspirations and consumerist lifestyle of the more privileged sectors.

Eugenio Bucci, former president of Radiobrás, believes that the public media in Brazil has improved since the launch of TV Brasil. TVE and TV Nacional, which joined to form TV Brasil, have grown precisely due to the latter. Others however underline the limited audience reach of the public media. In an interview given to the National Forum of Communication Democratization (FNDC), Cesar Bolano, first president of the Latin Union of Political Economy of Information, Communication and Culture (ULEPICC) and professor of the Federal Sergipe University and Universidade de Brasília, emphasized that the public media still has the same space as it had

before: 'What happened was a restructuring of the public television, but the public TV in Brazil still has the same space ... in terms of audience share and effective production' (Bolano, 2010).

According to Abepec (Brazilian Association of Public Educational and Cultural Stations), after less than two years of existence, TV Brasil is watched regularly by 10 percent of the population and has 80 percent of its audiences' approval. Programming was considered excellent by 22 percent, and 58 percent classified it as 'good'. The research was conducted on 18 and 22 August 2009, with 5192 people being interviewed throughout Brazil. One of the most popular programmes of the station is *Nova Africa* (New Africa). However, more research still needs to be done to evaluate further TV Brasil's role, and assess if it will be capable of posing a positive competitive threat to the market media and offering quality programming to all sectors of the population.

Perhaps where the public media differ most from the commercial stations is in relation to the production of distinctive cultural and historical programmes, like TV Brasil's *Almanaque Brasil*, *Sustentáculos* and *Brasilianas.org*. The first two examine various topics, ranging from stories on famous Brazilian novelists, the historical origins of cooking dishes and the stories of the lives of small businessmen and entrepreneurs of the Northeast. The journalist staff at TV Brasil has also been built around largely professional standards. It includes professionals who worked for the mainstream media, such as the current president of EBC, Tereza Cruvinel, a former *O Globo* columnist. Among the most popular shows broadcast by TV Brasil is the cultural *De Lá Pra Cá*, a programme of interviews presented by former *O Globo* columnist Ancelmo Gois. There is also the news programme *Reporter Brasil*, which bears similarities with TV Globo's *Jornal Nacional*.

In their fear of a stronger public media sector posing as a threat to the commercial media, market liberals in Brazil have pointed to the bad state of the country's public communication structures and their traditional ties with oligarchic politicians. Also, as many academics have emphasized, there is no such thing as a 'public' media in Brazil, but educational and cultural television stations controlled by the state. Thus confusion between 'state' and 'public' television is a major current problem in discussions concerning the restructuring of communications in favour of the public interest.

Brazilian scholars believe that only a new regulatory framework for the media could be able to clarify the differences between 'state' TV and 'public' TV in relation to the commercial sector. The predominant scenario is of state television stations offering institutional communication for the public powers, including the executive, legislative and judiciary. These are represented by the stations TV Justiça, TV Câmara and TV Senado, among others. TV Brasil is also currently suffering from precisely this ambiguity. It aims to be a public media station but currently is a state TV station, and is largely maintained by the federal government. Scholars believe that what is pursued through TV Brasil, and the struggles to preserve TV Cultura, is the ideal of a genuine public media along the lines of the UK's BBC or classic European public service broadcasting.

Notably, the relationship between the 'public' media and the state, understood here as government, has always been an uneasy one in the history of broadcasting in Brazil. The promiscuous relationships shared between politicians and the weak and partisan state media is one of the main reasons to condemn the restructuring of the PSB platform. The president also still has control over radio and television concessions. Former president José Sarney for instance has been widely accused of granting radio and television concessions to MPs in exchange for a longer term in office (Guedes-Bailey and Jambeiro-Barbosa, 2008: 54). Oligarchic politicians and church interests further control many state radio and television stations as well as private ones. De Lima (2007) points out that at least 50 percent of the more than 2000 community stations permitted to operate by the Ministry of Communications in Brazil belonged to people linked to politicians.

As Saravia (2008: 72) reminds us, the whole notion of communication rights is a relatively new phenomenon in Brazil. The first investigations of the concept occurred in the 1960s. The rights concerning communications were established in the 1988 Constitution, mainly in Article 220 which prohibits restrictions on freedom of expression. Although the Brazilian Constitution has achieved some progress in this field, critics have argued that not much has been done to actually make these rights effective and legitimate (Saravia, 2008: 75). The constitutional articles that deal with social communications have not been officially regulated. In the wake of the Confecom debates and the emergence of TV Brasil, civil society groups, journalists and academics are currently defending the ratification of the articles of the 1988 Constitution, which deal among others with preference in broadcasting for cultural and educational programming, issues examined next.

The Brazilian Government's Policies on the Media

Since the Brazilian Constitution of 1988 and the return to democracy in the country, there have been demands made by civil society for media reform. These grew during the second mandate of the Lula government, and especially after the Confecom debates of 2009. It is thus possible to affirm that, to a certain extent, the debates on media reform and democratization that are taking place today in much of Latin America and in Brazil are very much a follow-up and revival of the UNESCO discussions which took place on the New World Information and Communication Order (NWICO) in the 1960s and 1970s. In short, it is sufficient to say that these debates favoured a new global media order, more balanced flows between countries, more accurate and less biased international coverage done by the news agencies of developing countries and the strengthening of public and community media in Third World countries, including in Latin America.

The new Argentine legislation on the media, known as the Law of Audiovisual Services, has been hailed by academics (e.g. De Moraes, 2009) and seen as an example, in spite of some critiques, of successful media regulation. It has been contrasted with the slowness of advancing media reform in Brazil. In an interview given to the Instituto Humanitas Unisinos, Moreas argued that the new Argentine law clearly establishes the differences between the three camps which compose the communication sector – the public, the private and the social – providing an equilibrium between each. This is what is currently being sought in Brazil.

Various efforts have been made to strengthen a public media system since the return to democracy in countries like Brazil and Chile, where public television has had a historical record of failures and mismanagement. As Fox and Waisbord (2002: xxii) have stressed, the whole Latin American region has had a weak anti-trust tradition of legislation and a culture of promiscuous relationships established between governmental officials and the media (Matos, 2008). All this has undermined or made aspirations for democratic media change highly problematic.

The legislation on broadcasting in Brazil dates back to 1962 and is considered outdated. As Fox (1997: 61) notes, the Brazilian Telecommunications Code of 1962 (*Código Brasileiro de Telecomunicações*) combined the authoritarianism of the former Getúlio Vargas regime, such as the power of the president to distribute broadcasting licences, with the economic liberalism of the following civil governments. As reported by Fox (1997), Caparelli has also pointed out that between 1965 and 1978 the code enabled the military government to distribute almost 60 percent of the television channels in Brazil to its friends. The military government nonetheless set aside non-commercial educational channels, which began to operate in 1974.

Guedes-Bailey and Jambeiro Barbosa (2008: 53) have also underlined how Vargas' *Estado Novo* government saw broadcasting as a service which needed to be regulated by the state. At the

time, the electromagnetic spectrum was considered public property. Since 1932, when the first Broadcasting Act was signed, radio and TV licences were subject to federal government approval (Guedes-Bailey and Jambeiro Barbosa, 2008). According to the same authors (Guedes-Bailey and Jambeiro Barbosa, 2008: 53), the educational purposes of decrees 20.047 and 21.111 served to set the standards for the nationalistic ideologies that influenced policy-making in the country.

New media policy measures aimed at stimulating diversity and the public sphere have slowly begun to be implemented throughout the region, reaching centre stage of the public agenda. The former government of Luis Inácio Lula da Silva (2002–10) has been accused by critics and others of not having done enough to change more sharply the concentrated media environment in Brazil (e.g. De Moraes, 2009; Lugo-Ocando, 2008). As mentioned above, the former Lula government during the last six months of its administration began through its Ministry of Social Communications the preparation of a proposal on media reform based on the suggestions approved by the Confecom discussions.

In August 2011, the PT again made a case in favour of the approval in Congress of media reform, whereas the Dilma government has emphasized the need for more discussion. Suggestions include ensuring that media vehicles state clearly whom they support politically, as well as prohibiting the formation of oligopolies in the communications sector. Dilma has also asked the Minister of Communications, Paulo Bernardo, to examine every item of the former government's project. According to Bernardo, the project does not establish any form of control and anything that resembles censorship. Dilma has also personally stated that she is against any form of 'press control', something which can be seen as a form of calming down the more resistant market sector. However, countries like the UK have built sophisticated broadcasting regulations which ensure that all broadcasters comply with their public service obligations, something which does not constitute censorship (Matos, 2012).

UNESCO's representation in Brazil has also defended an updated regulatory framework for the media and a stronger public media in line with international broadcasting standards. In January 2010, it held a series of workshops committed to analysing the implementation by the government of media regulation policies, which are part of the project *Marco Regulatório das Comunicações no Brasil: análise do sistema à luz da experiência internacional*, funded by the Ford Foundation. Its main aim is to encourage a culture of public regulations for the media through comparative analyses of Brazil with other 10 democracies.

UNESCO also participated in the Seminário Internacional das Comunicações Eletrônicas e Convergência de Mídias, which took place in November 2010 in Brazil during the end of the Lula government (Berbert, 2010). It stressed the necessity of an independent regulation organ. UNESCO's international consultant, Toby Mendel, criticized the lack of proper legislation and the difficulties of the concession system, recommending that the sector's regulation should be concentrated in one independent organ. The regulator should also be able to concede licences, an activity which should not remain exclusively with the executive and legislative powers.

UNESCO is also in favour of wider transparency for radio and television concessions, which should adopt public interest criteria and introduce a scheme of performance assessment. UNESCO also defends self-regulation practices for Brazilian radio and television stations, including the creation of codes of conduct with mechanisms for society members to pursue where appropriate, similar to what already works in the UK.⁴

According to Bolano (2007), during the first Lula administration there were clashes within the government's own forces. The Ministry of Culture supported the democratization of culture and communications, while the Ministry of Communications took on a more right-wing stance. The former Lula government also defended the idea of creating a new regulatory agency, the National

Agency of Communications (ANC), to regulate the content of radio and TV. Franklin Martins (in the telephone interview with the author on 15 August 2010) underlined how there was a concern that the telecommunications sector would bypass the broadcasting one in terms of profit.

The document prepared by the former Ministry of Social Communications also included 59 proposals prepared by the former ministries of the Lula government. Proposals included suggestions to strengthen regional media, with funds for small newspapers to improve their competitiveness, and mechanisms to monitor private radio and television. The document, which is currently being discussed by the Dilma administration, has identified five main areas to tackle. These include:

- 1) the creation of a new regulatory framework for the media;
- 2) regulation of the article 221 of the 1988 Constitution;
- 3) the establishment of authors' copyrights;
- 4) regulation of the internet and
- 5) public TV regulation.

According to Venício de Lima (2010) in a recent article published in *Observatório da Imprensa*, two-thirds, or 148 proposals, are already being discussed either in the Senate or in the Chamber of Deputies. However, there is pessimism concerning the full implementation of media reform in the country.

The document created by the former government also prohibits politicians with mandates from being owners of radio and/or television stations. The intention is to further improve the current process of concessions, making them more transparent by publishing every step on the web. The former government's proposal also supports the regulation of the articles 220, 221 and 223 of the 1988 Brazilian Constitution. The first prohibits the formation of monopolies and favours press liberty; the second states that radio and television stations should prioritize educational, artistic and cultural rationales; whereas the third affirms that the private, public and state systems should all be allowed to exist (Segundo, 2010).

The ideological tensions that existed during the 1970s NWICO debates have not altogether diminished. It is possible to assert nonetheless that the timing is much better now. As noted before, the resistance is largely posed by big media groups, including Globo Organizations, although the lack of popular understanding of what constitutes 'positive regulation' has led to many sectors of Brazilian society manifesting fears in regard to possible media censorship. The 2009 Confecom debates resulted in the approval of 672 proposals which were put forward by representatives of the former government, social movements and entrepreneurs. These initiatives were met with hostility from key media players. Newspapers like *O Globo* and *Estado de São Paulo* classified the measures as an attempt to control the press by 'radical' governmental sectors. Representatives of the media have however proposed implementing a system of self-regulation for the press, which has been criticized by some but not totally abandoned.

The first Confecom was held in the first week of December 2009 in Brasília, uniting members of opposite sides, such as civil society players and a small group of media entrepreneurs, who had been debating media policy reform for at least seven years. The outcome of the proposals ranged from solid propositions, such as the need for more technical rigour in the system of granting concessions to radio and television stations and legislation on media concentration to other more controversial suggestions that many would consider less realistic, and which could blur the lines between 'positive' media regulation for the public interest and plain censorship. This includes proposals that argue for wider systems of 'control' of the media and punishment for journalists. As Bucci has asserted, the result of the Confecom debates has been a series of 'good' as well as 'bad' proposals, with the current Dilma government being given the task of evaluating all of them.

Civil society players and other organized groups have underlined the necessity of building a solid regulation framework for the country to replace outdated laws such as the *Código Brasileiro de Telecomunicações* (1962), and to follow on from some initiatives of the 1990s, including the creation of the Cable Law (1995) and the *Lei Geral de Telecomunicações* (LGT) of 1997. The latter two were seen as having benefitted mainly commercial groups. Broadcasting is still controlled by the old law, whereas cable TV and other forms of paid TV are linked to the telecommunications sector. However, the Dilma government has recently approved the new cable TV law, which creates national quotas and grants permission to national and international telecommunication companies to explore fully the market.

The old LGT law was created during the presidency of Fernando Henrique Cardoso. According to Bolano (2007: 41), the then minister of Communications, Sergio Motta, implemented a broadcasting concession decree (Law 8.666) which altered the procedures with the intention of moralizing and modernizing them. The separation of radio and television regulation from telecommunications was also attempted in vain by the former Minister of Communications, Pimenta da Veiga, in 2001. Proposals were put forward which favoured the de-politicization of the process and the adoption of more technical criteria, such as those carried out by Anatel. These proposals, however, were also defeated (Bolano, 2007: 47–93).⁵

Bolano further affirmed in the interview with FNDC in 2010 that the political debates on the democratization of the communication sector, which have taken place since the 1990s, can be divided into three main group interests. There is the conservative stance, which defends the interests of broadcasters; the progressives, who are united in movements in favour of media democratization; and the liberal strand, composed of those who mainly support the interests of the telecommunication sector. According to Bolano (2007: 90–92), the Cardoso years saw mainly the passing of liberal reforms in the area of telecommunications, such as the LGT. Some of the proposals on the strengthening of competition have come close to the progressives' stance and their defence of cultural diversity. Bolano proposed a negotiation between the two camps, with the left accepting a more market-led regulation in exchange for the ratification of the articles on the media in the 1988 Constitution. Conservative forces in Congress nonetheless managed to impede further advances during the Cardoso administrations (1994–2002).

As De Lima (2007) has stated, a project that requires the regulation of the article on the regionalization of cultural and artistic production has circulated in Congress for 17 years. Article 222 of the Constitution was altered by amendment in 2002 to permit the entry of foreign capital in the sector. Furthermore, the Communication Council, which was created in 1988 by article 224 of the Constitution, was also only officially installed in 2002, and is today practically obsolete (De Lima, 2007).

The Social Communication Council was set up to examine a series of issues relating to the communication field, including media concentration and the elaboration of a new press law to replace the one created during the dictatorship. It was seen as an advance when it emerged, but has since then been struggling to survive. Thus there are high expectations among sectors of civil society, academics and journalists that the current administration will respond to these various pressures, implementing much demanded media reforms.

Conclusion

Many Brazilian academics have emphasized how the country has advanced less in media reform in contrast to its Latin American counterparts. In the eight years of the former Lula government, as some journalists and scholars have stressed, there was still relatively little advancement in the area

of political communications, media reform and broadcasting. Having said this, the realization of the Confecom debates and the implementation of TV Brasil, followed by the unification of various state and educational channels, the granting of funds to support regional players and the commitment assumed by the government in favour of media and broadcasting regulation, not to mention other positive changes that occurred in the last decades in the mainstream Brazilian media, such as the strengthening of professionalism and other internal organizational reforms, can all be seen as a sign of a slow but steady progress towards further media democratization. As the saying goes, hope is the last thing to die.

Nonetheless, much more needs to be done, which is what has made many journalists and academics express doubts in regard to the intentions of politicians to deepen media democratization. Various authors (e.g. Curran and Park, 2000; Matos, 2008) have defended the co-existence in societies of a multiple media system, one in which the commercial, civic, professional and alternative media sectors can work alongside each other, addressing diverse publics and compensating for the 'failures' of each. The Brazilian 1988 Constitution, as we have seen, does envision a market with three key communication systems. Moreover, both systems (i.e. private and public) can be of benefit to the public in complementary ways (Matos, 2012). For media systems can negotiate texts, directing them towards different audiences who understand them either as consumers or citizens.

Therefore arguments about the *capacity* of stronger public media in Brazil to be an instrument of media independence and freedom from both political and economic constraints (Matos, 2008) are perfectly in tune with the sign of the times. Moreover, it seems evident that the philosophy and ethos of PSB has not died in the UK or in much of Europe, and that various developing countries that are pursuing an agenda of investment in public service platforms are not going against the tide. They are pursuing a legitimate path of further democratizing knowledge by creating the means to strengthen public debate, envisioning the means of improving educational levels and investing in high-quality programming and information capable of boosting cultural emancipation and diversity. In this sense, they are paving the way for wider social, cultural and economic equality for the future generations of the country.

Notes

- 1 This article draws upon Matos (2012).
- 2 The report was the result of the debates that were held in the 2006 *International Programme for the Development of Communication* (IPDC).
- 3 There are 764 education channels in the whole country, of which 459 are radio stations and 305 television channels. The other 'public' television channels in Brazil are: TVE-RS, Parana Educativa, TV Cultura SC, TVE-ES, TVE Bahia, TV Ceara, Rede Minas, TV Brasil Central, TV Rio Grande do Norte, TV Cultura PH and TV Palmas. The public sector platform and decision-making organ is composed also of the state radio stations, Radiobrás, Radio MEC, the Cabinet of the Presidency and the Rio state television, TVE Brasil.
- 4 Information obtained from UNESCO's press release, *Unesco no Brasil lanca projetos na area de desenvolvimento de midia*, available (consulted 6 May 2012) at: <http://www2.metodista.br/unesco/UNESCO-no-Brasil-lanca-projetos-na-area-de-desenvolvimento-de-midia.html>; and from the translated version of a UNESCO report, *Regulatory Framework of Communications in Brazil: An Analysis of the System in the Light of International Experience*, referred to (consulted 6 May 2012) in: http://portal.unesco.org/ci/en/ev.php-URL_ID=30555&URL_DO=DO_TOPIC&URL_SECTION=201.html
- 5 During the 1990s, various independent regulation agencies with state functions and public interest commitments emerged. *Anatel* incorporates mechanisms such as public councils, present also in the cable legislation. It is an organ which perhaps can be seen as the Brazilian equivalent to the UK's

Ofcom, although its duties relate to telecommunications and not broadcasting. Some of the key public interest principles that are stated in the mission of *Anatel* could be applied to the regulation of the media, including its intention to develop a competitive environment for Brazil telecommunications (one could substitute ‘communications’ for ‘telecommunications’).

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