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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 similarly to Anatel, the Federal Agency responsible for the telecommunications sector and for the implementation and approval in Congress of some of the key proposals drafted in the *Confecom* (National Confederation of Communications) 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 authoritarian legacy. As I argued in my last research (Matos, 2008), the growth of professionalism and of the objectivity regime in the mainstream media in the aftermath of the dictatorship had a largely positive effect, undermining right-wing biases and including new voices in the mediated sphere, acknowledging center-left wing groups and social movements as sources and emphasizing a journalistic ethos of social responsibility,, among others.

However, this is not a 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 heavy diet of entertainment, 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 signalled how 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. Many also believe that a stronger public media capable of being a counterweight to the commercial media is 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 that the media became more professional, including wider voices in the mediated sphere (Matos, 2008), is not reason enough to state that the struggles for media democratization are a thing of the past. In the UK and the US for instance, where journalistic professionalism and editorial independence are stronger and date 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 posed to public communication structures have been posing a threat to the capacity of the media to serve democratic politics and articulate different visions of citizenship. 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 more heavy entertainment-diet in contrast to other traditions, for example the British, where there is a greater balance between information *and* (quality) entertainment.

Political liberalization in Latin America has undoubtedly made it possible to revisit these debates on media democratization in a changed historical and political context. The current progressive center-left and left governments that have been in power in most Latin American nations recently have begun to adopt new approaches to media policy and reform. These governments are listening to pressures in favor 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 (Moraes, 2009; Matos, 2009). Democratic strategies are being envisioned as a means of reverting the region's current indicators of high media concentration and the predominance of the market in the media.

Due to limitations of space, this article focuses mainly on the public media and not on print, which I have explored in previous research (Matos, 2008). 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 that have taken place in recent years, including the discussions currently taking place in the Dilma government. As we shall see, there has been little progress 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 Organisations*

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 that 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 effort to create and update the regulatory framework for the media in the name of the public interest.

Media democratization revisited

As authors such as Voltmer (2006) and I (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 placed on media systems to provide better quality information, and a commitment to represent political diversity and the voices of different groups in society, which does not exclude the importance of professional standards. At its best, it culminates in a change of behavior in citizens’ understanding of, use of, and approach to the media as well as the press’ commitment to serve the public interest with accurate, honest and in-depth information capable of improving citizens’ awareness of the world around them.

In my last research (Matos, 2008) I talked about 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 campaigns, although media partisanship has not diminished and some even argue 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 the *Folha de São Paulo*, 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 program that the Lula campaign 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 of action, including the modernization of the current fragmented legislation through the creation of a more adequate model suited to the current era of the convergence of media technologies. 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, private and the state - can fully operate.

The Ministry of Communications of the Dilma government has already hinted at the possibility of establishing two communication agencies.² 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 on the same model as *Anatel*, with a council whose members are chosen by the president or elected, and serve for five years, the agency would be responsible for monitoring television stations and for applying penalties. It would be responsible for impeding the broadcasting of racist content, and ensuring that the limits on advertising on television and on journalistic programs are 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 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 controls 95% of the Brazilian paid satellite TV market.³

The new cable law nonetheless has included some positive benefits, which for many outweigh the negatives. These include the stimulus to competition, the fact that the services will reach more Brazilians, and there will be a bigger number of competitors in 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' (2010, vii).⁴ Thus a freer and more independent media and balanced press can only operate if they are not subject to either political or economic constraints (i.e. Hallin and Mancini, 2004), 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 (i.e. Voltmer and Schmitt-Beck, 2006; Curran and Myung-Jin, 2000; Sparks, 2007) 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. As Voltmer and Schmitt-Beck (2006) underscore, some countries in Eastern Europe did manage to implement PSBs with some degree of independence from both the state *and* from market competition. As we shall see, this is currently Brazil's main challenge.

The fact that the media has a key role to play in the process is thus central to any debate on the deepening of democratization in Latin America. 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 Senevirante, 2006). It is a cause of preoccupation for countries such as the UK and Brazil for different reasons, grounded in diverse historical developments of PSBs and the role that they have played in these nations.

The UK case is particularly interesting. The UK's PSB systems, including the BBC and C4 (Channel 4), have been considered examples of relatively successful public media services with democratic goals, having performed a cultural and national role in everyday life in Britain (i.e. 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, 1995, 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 a weak public service media, as we shall see.

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 commercial-inspired, entertainment style of the US (Sinclair, 1999; Straubhaar, 2001). This consists of privately owned television and radio stations and private newspapers financed by both private and public (state) advertising. A few companies control wide shares of the market, and there are a very few, 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.

Similar 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, or Brazilian Communication Company) 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 counter-weight to the dominance of the commercial sector in the 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 urges 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 by 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 the appointments to *EBC's* council. At the time of its launch, veteran journalist Alberto Dines underlined the lack of a proper partnership between *TV Brasil* and São Paulo's cultural station, *TV Cultura*, influenced by politicians from the PSDB (Partido da Social Democracia Brasileira, or Brazilian Party of Social Democracy), which controlled the state government. 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*.⁵

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 from the

beginning. Priolli⁶ also argues that ‘public television’ in Brazil is still far from being fully implemented:

‘In 2005, when the *mensalao* (or Congressional vote-buying) scandal 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....’

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 an 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 licenses 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 attempts at redirecting any station like *TV Cultura*, which is seen as being under the influence of the government of

São Paulo, run by the PSDB for 16 years, or even *TV Brasil*, linked to the federal administration, to the public interest highly problematic.

The public media sector in Brazil however suffers from various historical deficiencies. It traditionally has always been weak, composed mainly of the respected but resource-starved *TV Cultura* in São Paulo and its counter-part *TVE* in Rio, as well as other regional outlets controlled by local politicians and by sectors of the evangelical Church.⁷ The community channels are broadcast on cable television (i.e. *TV Senado*, controlled by the Brazilian Senate, etc), 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 *TV Globo*. The main media players in Brazil nonetheless – *Globo*, *Record*, *SBT*, *Bandeirantes* and *Rede TV!* – detain 82.5% of the national open television audience.⁸

The current Brazilian TV market, which is funded with public resources, includes the television stations *TV Cultura*, which has an annual budget of R\$ 160 million (about US\$87 million at current exchange rates); *Radiobras*, with R\$ 100 million (US\$54 million); *TVE*, which had R\$ 35 million (US\$19 million) in 2004, and has been incorporated into *TV Brasil*. There are also other resources which go to the television stations of the Federal legislative, state and municipal powers, plus *TV Justica* (Justice TV, devoted to the courts) and university channels (Possebon, 2007, 290), all of which have a low audience rating.

The total funding for *EBC* includes money from the Federal government as well as donations. According to the former Minister of Communications, Franklin Martins⁹, the new channel received a budget of R\$ 350 million (about US\$190 million). The main programming is provided by Rio's educational television (*TVE*), with two programs from *Radiobras*. The morning slot is largely dedicated to children's shows as well as distance 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 being 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 US and in Portugal. Moreover, a new mini-series called 'Natalia', about a young, poor and religious girl from the outskirts of Rio, will be broadcast shortly on *TV Brasil*, in line with the attempts of the public media of portraying 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 programs which represent more the needs, aspirations and consumerist lifestyle of the more privileged sectors.

Eugenio Bucci, former president of Radiobras, believes that the public media in Brazil has improved since the launch of *TV Brasil*. *TVE* and *TV Nacional* joined to form *TV Brasil*.

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, the first President of the Latin Union of Political Economy of Information, Communication and Culture (ULEPICC) and Professor at the Federal University of Sergipe and the Federal University of Brasília (UnB), emphasized that the public media still has the same space it had before: ‘What happened was a restructuring of public television, but public TV in Brazil still has the same space....in terms of audience share and effective production.’

According to *Abepec* (the Brazilian Association of Public Educational and Cultural Stations), with less than two years of existence, *TV Brasil* is watched regularly by 10% of the population and has 80% of the audiences’ approval. Twenty-two per cent considered the programming excellent, and 58% classified it as ‘good’. The research was conducted during the 18th and 22nd of August 2009, with 5,192 people being interviewed throughout Brazil. One of the most popular programs of the station is *Nova Africa* (New Africa). However, more research still needs to be done to evaluate *TV Brasil’s* role, and 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 differs most from the commercial stations is in relation to the production of distinctive cultural and historical programs such as *TV Brasil’s Almanaque Brasil*, *Sustentaculos* and *Brasilianas.org*. The first two examine various topics, ranging from stories about famous Brazilian novelists, the historical origins of culinary dishes and stories about the lives of small business people and entrepreneurs of the Northeast. The journalism staff at *TV Brasil* has also been built around largely professional standards. It includes the names of 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* are the cultural *De La Para Ca*, a programme of interviews presented by former *Globo* columnist Ancelmo Gois. There is also the news program *Reporter Brasil*, which shares some similarities with *Globo's* 'Jornal Nacional' (the most-watched news broadcast in Brazil).

In their fear of a stronger public media sector posing 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 underscored, 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 communication structures in favour of the public interest.

Only a new regulatory framework for the media could establish the difference between "state" and "public" TVs in relation to the commercial sector. The predominant scenario is of state television channels offering institutional communication for the public powers, including the executive, legislative and judiciary. These are represented by the stations *TV Justica*, *TV Camara* 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 channel, and is largely maintained by the Federal government. Scholars believe that what is pursued through *TV Brasil* and *TV Cultura* is the ideal of a genuine public media along the lines of the UK's BBC or classic European public service broadcasting.

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 relationship between the weak and partisan state media with politicians is one of the main reasons to condemn the restructuring of the PSB platform. The president also still

has control over radio and television. Former President José Sarney for instance has been widely accused of granting radio and television concessions to members of Congress in exchange for an additional year 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. Lima (2007) points out that at least 50% of the more than 2,000 community stations permitted to operate by the Ministry of Communications in Brazil belong to people linked to politicians.

As Saravia (2008, 72) reminds us, the whole notion of communication rights is a relatively new phenomena in Brazil. The first investigations of the concept occurred in the 1960s. The rights to communications were established in the 1988 Constitution, mainly in Article 220 which prohibits restrictions on freedom of expression. Although the Brazilian constitution reflects some progress in the 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 communication, to start with, 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 return to democracy in Brazil and the ratification of the new constitution in 1988, there have been demands from civil society for media reform. These grew during the

second mandate of the Lula government, and especially since 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 to and revival of the *Unesco* discussions which took place in the New World Information and Communication Order (NWICO) in the 1960s and 1970s. In short, it is sufficient to say that these debates favored a new global media order, more balanced flows between countries, more accurate and less biased international coverage done by the news agencies of developed 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 (i.e. Moraes, 2009) and seen as an example, in spite of some critiques, of successful media regulation. It has been contrasted to the slowness of advancing media reform in Brazil. In an interview given to the *Instituto Humanitas Unisinos*, Moraes argued that the new Argentine law clearly establishes the differences between the three camps which compose the communication sector - the public, private and 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 such as 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 problematic aspirations for democratic media change.

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 (1930-45), such as the power of the president to distribute broadcasting licenses, with the economic liberalism of the following, democratically-elected governments. Caparelli (1986 in Fox, 1997) has also pointed out that between 1965 and 1978, the code enabled the military government to distribute almost 60% of the television channels in Brazil to its friends. It 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 that 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 licenses were subject to federal government approval (Guedes-Bailey and Jambeiro Barbosa, 2008). According to the same authors (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 begun to be slowly implemented throughout the region, reaching center stage of the public agenda. The former government of Luiz Inácio Lula da Silva (2002-2010) has been accused by critics and others of not having done enough to change more sharply the concentrated media environment in Brazil (i.e. Moraes, 2009; Lugo-Occando, 2008). As I mentioned above, the former Lula government during the last six months of its administration ensured 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 (*Partido dos Trabalhadores*, or Workers' Party) defended again the approval in Congress of media reform, whereas the Dilma government has emphasized the need for more discussion. Suggestions include that media vehicles state clearly who they politically support as well as prohibiting the formation of oligopolies in the communication 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 nothing 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 her more resistant critics in the private sector. However, as I have examined in the book *Media and politics in Latin America* (IB Tauris, 2012), countries such as the UK have built sophisticated broadcasting regulations that ensure that all broadcasters comply with their public service obligations, something that does not constitute censorship.

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 analyzing the implementation by the government of media regulation policies, which are part of the project *Marco regulatório das Comunicações no Brasil: análise do sistema a luz da experiência internacional* (Regulation of communication in Brazil: analysis of the system in light of international experience) funded by the Ford Foundation. Its main aim is to encourage a culture of public regulation of the media through comparative analyses of Brazil with 10 other democracies.

Unesco also participated in the *Seminário Internacional das Comunicações Eletrônicas e Convergência de Mídias* (International Seminar on Electronic Communication and Media Convergence) which took place in November 2010 in Brazil during the end of the Lula

government.¹⁰ 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 grant licences, an activity which should not remain only with the executive and legislative powers.

Unesco is also in favor of greater transparency for radio and television concessions, which should adopt public interest criteria and introduce a scheme of performance assessment. It also defends self-regulation practices for Brazilian radio and television stations, including the creation of codes of conduct with accountability mechanisms for members of society to pursue if they consider it appropriate, similar to the institutions in place in the UK.¹¹

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, whilst 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 underlined how there is a concern that the telecommunications sector will exceed 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 include 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 current Dilma administration, has identified five main areas to tackle. These include: 1) the creation of a new regulatory framework for the media; 2) the regulation of article 221 of the 1988 Constitution; 3) the establishment of authors' copyrights; 4) regulation of the internet and 5) public TV regulation. According to Venicio de Lima in a recent article published in *Observatorio da Imprensa*,¹² two thirds, or 148 proposals, are already being discussed either in the Senate or 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 elected politicians from being owners of radio and/or television stations. The intentions are 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 defends the regulation of articles 220, 221 and 223 of the 1988 Brazilian constitution. The first prohibits the formation of monopolies and favors 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 be complementary.¹³

The ideological tensions that existed during the 1970s NWICO debates have not altogether diminished. It is possible to assert nonetheless that the timing is a much better one. As noted before, the resistance is largely posed by big media groups, including *Globo Organisations*, although the lack of popular understanding of what constitutes "positive regulation" has led to many sectors of Brazilian society manifesting fears with 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 by key media players. Newspapers such as *O Globo* and the *Estado de São Paulo* classified the measures as an attempt to control the press by “radical” governmental sectors.¹⁴ Representatives of the media have however proposed implementing a system of self-regulation for the press, which has been criticised by some but not totally abandoned.

The 1st National Conference on Communications (*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 proposals ranged from solid propositions, such as the necessity of 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 line between “positive” media regulation for the public interest and plain censorship. This includes proposals for wider systems of ‘control’ of the media and punishment of 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 deciphering all of them.

Civil society players and other organized groups have underlined the necessity of building a solid regulatory framework for the country to replace outdated laws such as the *Codigo Brasileiro de Telecomunicações*, or Brazilian Telecommunication Code (1962), and to follow from some initiatives of the 1990’s, including the creation of the Cable Law (1995) and the *Lei Geral de Telecomunicações*, or General Law of Telecommunication (LGT,

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 fully explore the Brazilian market.

The old LGT law was created during the presidency of Fernando Henrique Cardoso (1995-2002). 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 between 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* (National Agency of Telecommunications). These however were also defeated (Bolano, 2007, 47-93).¹⁵

Bolano has further affirmed in the interview with *FNDC*¹⁶ 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 favor 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 progressive stance and its defence of cultural diversity. Bolano has defended 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 administration.

As Lima (2007) has stated, a project that requires the regulation of the article on the regionalization of cultural and artistic production has circulated in the 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 (Lima, 2007).

The Social Communication Council, was created 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 many expectations amongst 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 underscored how the country has advanced less in media reform than its Latin American counterparts. In the eight years of the former Lula government, as some journalists and scholars have stressed, there has still been relatively little progress in the area of political communication, 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 during the last two decades in the mainstream Brazilian media, such as the strengthening of professionalism and other internal organizational reforms, can all be seen as signs of a slow but steady progress towards further media democratization. As the saying goes, hope is the last thing that dies.

Nonetheless, much more needs to be done, which is what has made many journalists and academics express doubt in regards to the intentions of politicians to deepen media democratization. Various authors (i.e. Curran, 2000; Matos, 2008) have defended the co-existence in societies of multiple media systems, 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 1988 Brazilian constitution, as we have seen, does envision a market with three key communication systems. Moreover, I have underscored elsewhere (Matos, 2012) how both systems (i.e. private and public) can be of benefit to the public in complementary ways. For media systems can negotiate texts,

directing them towards different audiences, understanding the latter either as consumers or citizens.

Therefore arguments about the *capacity* for a 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 times. Moreover, it seems evident that the philosophy and ethos of PSB have not died in the UK or in much of Europe, and that various developing countries who are pursuing an agenda of investment in public service platforms are not going against the tide. They are pursuing a legitimate path of democratizing knowledge by creating the means to strengthen public debate, providing 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 future generations in Brazil..

Notes

¹ This paper draws upon the book *Media and politics in Latin America: globalization, democracy and identity* (London: IB Tauris, 2012).

² “Bernardo diz que discussao caminha para ter duas agencias na area de comunicacão” (*Bernardo says that discussion is about having two communication agencies, FNDC, 16/02/2011*).

³ “Discurso nacionalista, negocios nem tanto” (“Nationalistic discourse, business not so much”, Gustavo Gindre in www.consciencia.net, 01/06).

⁴ The report was the result of the debates that were held in the 2006 *International Intergovernmental Program Council for the Development of Communications* (IPDC).

⁵ “Rede Publica de TV – O PSDB inapetente, o governo parece esfaimado” (Public television platform – the PSDB has no appetite, the government looks like it is very hungry, *Observatorio da Imprensa*, 04/12/2007).

⁶ Interviewed by phone on 16 December 2010.

⁷ There are 764 educational 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 Ceará, 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 by the radio state station, Radiobras, *Radio MEC*, the Cabinet of the Presidency and the Rio state television, *TVE Brasil*.

⁸ “Ipea sugere medidas para democratizar a mídia no País” (Ipea suggests measures to democratize the media in the country, Lara Haje, *Camara dos Deputados*, 11/11/2010).

⁹ Interviewed by telephone on the 5th of August, 2010.

¹⁰ “Unesco recomenda independência do órgão regulador no Brasil” (Unesco recommends independence for Brazil’s regulatory agency, Lucia Berbert, *Tele Sintese*, 09/11/2010).

¹¹ *Regulatory framework of communications in Brazil: an analysis of the system in the light of the international experience*. Information obtained from Unesco’s press release, *Unesco no Brasil lanca projetos na area de desenvolvimento de mídia*, and from the translated version of the *Unesco* report.

¹² Lima, V. de (2010) “Ecos da Confecom – Como transformar propostas em ações” (*Confecom echoes – how to transform proposals into actions* in *Observatorio da Imprensa* (15/06/2010).

¹³ “Franklin Martins defend regulamentação de artigos constitucionais” (Franklin Martins defends regulation of constitutional articles, Jacson Segundo, *Observatorio do Direito a Comunicacao*, 08/11/2010).

¹⁴ See “O Estado de Sao Paulo e O Globo criticam documento da Conferência de Cultura” (Thiago Rosa, *Portal Imprensa*, 19/01/2010).

¹⁵ During the decade of the 1990s, various independent regulatory 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 *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 of developing a competitive environment for Brazilian telecommunications (we could substitute the latter for “communications”).

¹⁶ See “Sem dar consequência, vamos perder o legado da Confecom” (*Without a [Congressional] response, we are going to lose the legacy of Confecom*, in Ana Rita Marini, *FNDC*, 13/08/2010).

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