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Paper: *Public service broadcasting and media reform in Brazil in comparative perspective*

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Introduction

Public service broadcasting (PSB)s has been under threat in Europe for both ideological and technical reasons since the 1980s, from the expansion of media commercialisation and proliferation of new technologies to the impact of the deregulation trends in the US and throughout the world which resulted in the rapid growth of cable and satellite television. Following from Jakubowicz's (2006) discussion on the role that public service broadcasting can have in democratization, it seems to me that a key role for PSBs in the future anywhere is one of assisting globalization and contributing for wider international dialogue and understanding between countries, as well as functioning as a national public sphere, giving space for nations to debate their own problems.

One thus should ask what is precisely the role of the state in communications in the digital age, in a scenario of multi-channels and new technologies, and what should it be in the future? As Santos and Silveira (2007, 76) have correctly affirmed, the reasons why the state should still have a role include its capacity to organize the use of limited resources, stimulate technical advancements, guarantee fair competition and favor national development. This paper gives an

overview of the role that PSBs had in European democracies and their relationship to the public interest. I argue here that there is much to learn from the tradition of PSB in Europe and that, in a moment when public service broadcasting (PSB) is in serious crisis in advanced democracies like the UK, they are a source of inspiration for countries like Brazil in their attempts to fortify the democratic project. This assessment is done in a comparative perspective to the ways in which Latin American countries are aiming to strengthen their public service broadcasters and conduct media reforms in favour of the public interest and in line with international demands.

This chapter starts by defining PSB and its relationship to the public interest, moving on to the assessment of European PSBs and the current problems they are facing. The second half of this paper pursues an assessment of Latin American media systems and their tradition of misuse of public communication structures, before focusing on the case of Brazil and the challenges regarding media reform, broadcasting policy and democratization of communications more generally.

Defining PSB and the public interest

There has not yet been a standard and precise definition of what 'public service broadcasting' is, but many theories and debates on what PSB should stand for in a democratic society, and the relationship it has and should have with the public interest, has been developed extensively by various UK academics (i.e. Keane, 1995; Scannell, 1989). The classic arguments have been mainly grounded on the assumption, as correctly highlighted by Keane (1995, 59), that the public service model is the main forum which permits the whole nation to talk to itself. This view has also been influenced by the *Habermasian* concept of the public sphere. Writing in the context of the 1980s, academics like Scannell (1989, 85) emphasised how public broadcasting and its programming

served as a public good, contributing to the democratization of everyday life in the UK. Scannell (1989) stated in his examination of the BBC that the UK's PSB has helped voice the opinions of all members of society regardless of class and socio-economic status. This is still precisely the role that is required of the public media in democratic societies, and the one that it is destined to have in developing countries.

Other critical voices have pointed out that the initial motivation behind establishing PSBs in Western Europe has been one more aligned with a paternalistic stance and view of broadcasting. As the critical argument goes, the necessity of PSBs comes from an *elitist* (bourgeoisie public sphere) conception or desire to see the media function in a specific way in our democratic societies, thus establishing a particular type of relationship with the public and audiences deemed at worse as patronising. This more paternalistic stance claims that the intellectual intelligentsia knows best and is better equipped to feed 'high-brow' programmes onto unwilling audiences. Some of these critiques have been made by sectors of the left also in the context of the debates on the 'crisis' of PSBs in the UK, and their need to rapidly adapt to a digital environment and to the changing needs and tastes of contemporary global as well as national audiences.

Comparative analyses and data taken from different European countries also reveals variations among PSB and public service media cutting across time and space, and differing according to nation and to specific historical factors and types of pressures. In an age of excessive commercialisation of the media and growing global economic and social inequality, the abandonment of the ideal of a media system that can cater to the public interest, be socially inclusive, boosting educational and cultural levels and helping a society discuss its problems, would be a vital error. As Seneviratne (2006, 22) affirms, the audio-visual techniques, multimedia formats and the possibilities of interactivity that PSB offers – i.e. the case of the BBC and its investment in online platforms and other forms of interactivity are good examples – stresses the centrality still of its role as an educational force alongside libraries and other information resource

centres. It also signals to the fact that public communication systems *can* adapt to digital technologies and new audience consumption habits, and are not simply old dinosaurs which must suffer a slow death.

Jakubowicz (2006, 95) affirms also that the debate on the role of PSB in the democratic polity is a discussion about the 'values and principles governing society and social life'. It is above all an 'ideological and a sociological discussion about *the kind* (my emphasis) of society we want to live in'. It is precisely the contestation of this fact that makes the engagement with the different ideological understandings of the role of PSB so vital a task. In the current digital age context, as Jakubowicz (2006, 101) states, the concept of 'public service broadcasting' should be understood by taking on boarder technological aspects, such as PSBs growing presence on *all platforms* (i.e. online transmissions). According still to Jakubowicz (2006, 104), to keep up with the changes in user behaviour and in the media environment, PSB must be able to offer all types of services, ranging from national, generalized channels to an Internet-delivery 'personalized public service'.

Public forms of communication media have undoubtedly certain characteristics which distinguish them from commercial market media and can have a role in both national development as well as providing a means of dialogue between countries in an age of globalization. In this rapidly changing technological environment, PSBs are also being obliged to refocus their aims regarding both the local *and* the global (Raboy, 1995, 5). It is precisely PSBs' role in contributing to globalization, in fostering more mutual understanding between countries and more cooperation in the fight against global and economic injustices, that makes them the more worthwhile. I will first give an overview of some of the successes of public communication policies in Europe and the UK, and their relationship to democratization and the public interest, before moving on to look at Latin American broadcasting and the current challenges to broadcasting regulation and further media reform in Brazil.

Public communication policies, the state and regulation in Europe and the UK

The state's participation in the ownership or regulation of the broadcast media in liberal democracies has been largely based upon the need to guarantee standards of 'neutrality', minimising political bias and working to secure democratic standards. As Baldwin and Cave (1999, 9-13) state, many of the rationales behind the philosophy of regulation can be described as focusing on correcting 'market failures', and function as attempts to produce results in accordance with the public interest. These can also be conceived as being 'positive' examples of regulation and should be understood in opposition to "censorship" practices applied by the state. Notably, even in an age of globalization, the fact that states can still have a role in regulating for the public interest attests to their continuous importance in shaping the very structure of media markets. This includes their capacity to continue to be able to put legislation through that effects national media industries.

Without a doubt the search for emancipation through regulation is a delicate issue which must be rethought in the current context of multiple channels, increasing media commercialisation and concentration and legitimacy of a market-based understanding of the 'public' interest. Attempts of regulation in favour of the public interest nonetheless need to be differentiated from censorship, associated with the practices of authoritarian regimes. Hardy (2008, 239) argues that it is through comparative analysis that one can overcome the simplistic evaluation of the merits of the 'state' versus the 'market' in media regulation. It can also be seen as worthwhile in assisting in the construction of agendas for democratic media reform at both national and transnational levels. The state can have a role in assisting in the extension of the public sphere through regulation and subsidy (Hardy, 2008).

In the case of the UK, Dunleavy (1987) has argued that public service broadcasting regulation in the country has managed to act as a counter-weight to the press, neutralising or balancing the

biases of the partisan British newspapers and tabloids by offering more 'trustworthy' information. Thus the role that regulation has had in broadcasting is seen as one which is tightly connected to the public interest and to the uses of public media for educational and cultural services (Santos and Silveira, 2007), securing political coverage that is impartial between parties and in favour of the collective good.

British television with its mixed public service broadcasting tradition and commercial channels has been considered to be somewhere between the US and the European continental model. When it comes to broadcasting regulation, the UK has also been seen as having established a sophisticated system of funding of PSB which has made it easier for broadcasters to be less obsessed with audience numbers and more preoccupies with the public interest. Set up under the 2003 Communications bill, the UK's broadcasting regulator, *Ofcom,* has been an example of reference in media regulation in Europe, defining a solid framework of regulation for British PSB.

According further to Forgan and Tambini (2000, 03, in Santos e Silveira, 2007, 73), regulation in the UK developed through time. With technological expansion, a system based on complaints post-transmission began to emerge whilst self-regulation by the sector increased (Forgan and Tambini, 2000 in Santos and Silveira, 2007). Regulation nonetheless has traditionally been supported by regulation bodies, with established codes of conduct. Gradually rules began to be created to attend more to the expectations of consumers.

The regulator *Ofcom* for instance states in its website that its main duties consist in furthering the interests of citizens *and* consumers, and that it is not swayed by party politics and wants to ensure fair competition.[i] *Ofcom* is further responsible for limiting publicity, establishing gender quotas, independent production, protection of privacy and combating of offensive content as well as establishing impartiality criteria. It also organises audience consultations with the aim of analysing content, permitting that the population has a critical view of the media[ii].

The ideology towards television regulation nonetheless changed from the 1980s onwards with the governments of Thatcher and Reagan. These governments paved the way for the expansion of deregulation trends and the commercialization of television with the growth of cable and satellite TV. The deregulation trends that began to take place in the UK did not necessarily mean relaxing controls over programme content. The commercial broadcasters in the UK for instance have onerous PSB obligations in the same way as the public broadcasters, with the public service remits of the commercial broadcasters being set out in their licences with the ITC (Independent Television Commission).

As Mughan and Gunter (2000) affirm, TV deregulation has gone further in the US than in the UK. The proliferation of cable and satellite were largely encouraged in the former country. The Reagan government in 1987 rejected the Fairness Doctrine on the grounds that spectrum scarcity did not justify it anymore. The Federal Communications Commission (FCC) allocation of the spectrum and assignment of TV licenses in the early 1950s had been initially intended to promote localism. The Fairness Doctrine, which requires broadcasting to devote a 'reasonable percentage' of broadcast time to public issues in a way that presents contrasting viewpoints, was relaxed by the Federal Communications Commission (FCC) from the 1990s onwards.

The objective of state regulation in broadcasting has been generally defended with a view of favouring the public interest and securing an independent media. The Fairness Doctrine in the US and the public service obligations imposed on the BBC and on other commercial (PS) broadcasters are thus quintessential of these public service ethos and principles. Government regulation has been deemed necessary by many liberals and democratic theorists in order to ensure that the media provide the kind of information and debate required for an informed electorate (Lichtenberg, 1990). According to this argument, robust debate can be achieved more fairly through government regulation, with the state being sometimes required to interfere and install measures so as to enrich public discussion and guarantee pluralism. Nevertheless, this is not to say

that broadcasting regulation does not have its limits. Iyer (2006, 140) makes the case for defining regulation as being either 'negative' or 'positive', with the former involving the restriction of certain types of content and the creation of loopholes for censorship or wider forms of control in opposition to the democratic public interest concerns of the latter.

Thus broadcasting regulation can be in overall successful, as it has managed to be, largely because it has been attentive to citizens and consumers' needs, responding to the public's urge for regulation around issues such as diversity, plurality, political balance and educational purposes (Petley,1999). The next section looks at the contradictory scenario in Latin America and the reasons for the absence of a strong public media in Brazil and a sophisticated regulatory framework for broadcasting and media regulation.

Broadcasting policy and media regulation in Brazil

In most Latin American countries the regulation of broadcasting clashed with national and international forces standing behind commercial broadcasting. The history of public service broadcasting in the whole of the region has had a troubled life. There have been attempts of constructing a public media platform to serve the public interest, and which have been pursued by governments since the decade of the 1920s. Given its political stability in the 1930s, Uruguay managed to finance culture and its public service media (Fox, 1997). Politicians have also traditionally maintained an interest in using the state (public) media to reach out to voters and to gain political support, starting from the Vargas period in Brazil in the 1940s to the Peron years in Argentina (Fox, 1997, 13).

Since its origins in the 1920s, Latin American broadcasting has not managed to have a role in social and economic development (Waisbord, 2000). Due to largely state sponsorship, countries like Mexico and Brazil were capable of developing the largest broadcasting industries in the

region. In most Latin American countries, the state performed both an arbitrary authoritarian role as well as serving as an investor in the construction of the telecommunication infra-structure and a supporter of the private media. State intervention in South America has had the main aim of reinforcing governmental powers rather than promoting democratic communications (Waisbord, 2000; Matos, 2008). The assumption that the state could have a role in promoting national development and education did exercise some influence, and these positions were mainly predominant during the 1960s and 1970s in the context of wider discussions on development.

Notably, the broadcasting model that developed in Latin American countries was very similar to that of the commercial-inspired, entertainment style encountered in the US (i.e. Straubhaar, 2001). It consisted of privately owned television and radio stations and private newspapers financed by both private and public (state) advertising. Few companies controlled wider shares of the market, and there were very few under-funded public (state) television channels dedicated to educational interests.

In countries like Brazil and Chile, public television has had a historical record of failures. Broadcasting in Brazil has been largely built on a combination of political control and limited regulation. Various efforts have been made to strengthen a public media system since the return to democracy. Fox and Waisbord (2002, xxii) pointed out how 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, undermining aspirations for the democratization of the media.

Educational and state channels are mainly owned by sectors of the Church and oligarchic politicians. National broadcasting policies in Brazil have also been traditionally aligned with political interests and state control. Broadcasting regulation has been under control of the Ministry of Communication, with presidents using the distribution of radio and television licenses as a form of political patronage. According to the 1988 Brazilian Constitution, the Executive body has the

power over television and radio concessions, with Congress having to ratify or not the decision. Because of this, state interventionism in Brazil has been characterized by a mixture of *clientelistic* practices, political patronage and censorship control and less by democratic concerns.

Guedes-Bailey and Jambeiro Barbosa (2008, 53) have underlined how Vargas' *Estado Novo* government saw broadcasting as a service which needed to be regulated by the state, as the electromagnetic spectrum was 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 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. Caparelli (1986 in Fox, 1997) 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.

Thus the relationship between the public media and the state has always been an uneasy one in the history of broadcasting in Brazil. The president still has control over radio and television concessions to begin with, although current civil society pressures are for a more transparent system. Former president Jose Sarney in the mid-80's was accused of granting radio and television concessions to MPs in exchange for a longer term in office (Guedes Bailey and Jambeiro Barbosa, 2008, 54). Brazil has also traditionally had a weak public media sector, composed mainly of the respected but funded-starved *TV Cultura* in SP and its counter-part *TVE* in Rio, as well as other regional outlets controlled by local politicians and by sectors of the evangelical Church.[iii]Other stations include executive legislative TVs (Senate TV); community channels and TV stations linked to state and federal governments as well as to universities.

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 structures of the public media. The promiscuous relationships shared between the weak and partisan state media with politicians stand

as among the main reasons to condemn the restructuring of the PSB platform. Lima (2007) has underlined how at least 50% of the more than 2.000 community stations permitted to operate by the Ministry of Communications in Brazil belonged to people linked to politicians. According further to the journalists Felipe Bachtold and Silvia Freire in a report published in the *Folha de Sao Paulo* newspaper, local stations of the private main television channels, *Globo, Record, SBT* and *Bandeirantes*, and small radios, are owned by 61 politicians elected during the 2010 elections. Of the 61 elected MPs, at least two participate in the Congress' Communications Commission. In the State of Maranhao, the four biggest television stations are in the hands of politicians, including the local *TV Globo*, which belongs to the Sarney family; *SBT*, which has links to Senator Edson Lobao (PMDB); *Record*, which belongs to the MP Roberto Rocha (PSDB) and *Bandeirantes*, connected to Manuel Ribeiro (PTB).[iv]

As Azevedo (2006, 34) claims, although the current legislation limits to five the number of television channels per group, the national television stations explore loopholes of the law. They associate themselves with stations owned by others which merely repeat the channels or the national programme. Thus public service media and broadcasting does not have a democratic history or a genuine commitment to the public interest, with the market media having largely taken on this role and being allowed to develop unregulated. When one looks at the series of communication policy measures in the country, one is dazzled by the complexity and the number of laws and regulations which change in accordance to political mood and market pressures (Santos and Silveira, 2007, 50).

The ties with the state were weakened from the 1990's onwards but still somewhat maintained. The state continued to control and regulate vital legislation concerning the media system, many of which benefitted the private media. The 1988 Federal Brazilian Constitution confirmed the government's authority as well as Congress' co-responsibility in licensing radio and TV broadcasting services, as stipulated in article 223 (Guedes Bailey and Jambeiro Barbosa, 2008,

99). Certain legislations that were of interest for the media market were approved in the last few years by federal governments, including the privatization of the telecommunications system and the permission for the participation of foreign capital in the national market after the revision of articles in the Constitution.

As Saravia (2008, 72) reminds us, the whole notion of communication rights by itself is a relatively new phenomena in the country. The first investigations of the concept occurred in the 1960s. The rights to communications were established in the 1988 Constitution, mainly in the article 220 which prohibits restrictions on freedom of expression. Although the Brazilian Constitution has contained advancement, critics have argued that not much has been done to actually make these rights effective (Saravia, 2008, 75). The constitutional articles that deal with social communications to start with have not all been officially regulated.

Political liberalisation in Latin America has undoubtedly opened the avenue in the continent to revisit debates on media democratization and publication communications in a changed atmosphere from the NWICO discussions of the 1970s. In Brazil pressures have been placed in favour of the formulation of a media regulatory framework capable of providing wider access to citizens to the means of media production. Debates on the necessity for media reform and regulation in Brazil culminated in the realization of a conference on the theme in December 2009, *Confecom* (National Communication Conference).

Notably, the formation of a sharply divisive and black and white scenario of 'big business and media barons' on one side and 'trade unions' on the other during the conference regarding the creation of media regulation policies exacerbated the ideological tensions between the camps, making negotiations difficult and impeding further advancements during the Dilma administration. Civil society groups are currently defending the ratification of the articles of the 1988 Constitution which deal with regional programming, and which suggest a preference for cultural and educational television outputs, among a series of other proposals that were discussed during the

Confecom debates, including the adoption of new broadcasting regulation, wider transparency in TV and radio concessions and an end to the marginalization of community radio.

New media policy measures aimed at stimulating diversity and the public sphere have begun to be slowly implemented throughout the region and Argentina is emerging as a model for countries like Brazil. The Law of Audio-visual Communication Services was presented by president Cristina Kirchner and approved on September the 17th 2009 by the Chamber of Deputies, proposing limits on the power of media conglomerates and impeding that any private television to have more than 35% of the media. It demands official publicity to be regulated and licenses to be renewed every ten and not 20 years, with no firm alone having more than 10 radio and television concessions. It also allocates a third of the electronic radio spectrum to non-profit organisations, prohibiting horizontal and vertical concentration and establishes minimum quotas for national productions. It is being seen by experts as ground-breaking, and a sign that the whole region might follow this example soon afterwards (i.e. Moraes, 2009).[v]

As Moraes (2009) has argued, the debates taking place in Brazil in the last years concerning the communication field and the role of the state can actually contribute to revitalise the public sphere and the regulation capacity of the state in socioeconomic and cultural life, reinforcing in the state a social-democratic ethos. Some of the key governmental initiatives that have encountered some level of success, as well as other proposals and challenges for media democratization in Brazil, are explored next.

Challenges for the Brazilian public media and future reforms

The former government of Luis Inacio Lula da Silva (2002-2010) has been accused by critics as not having done enough to change more sharply the concentrated media environment in Brazil (i.e. Moraes, 2009; Lugo-Occando, 2008) beyond the realization of the *Confecom* debates in the

end of 2009 and the creation of *TV Brasil* in 2008. Political commitments in the area of democratic communications were announced by the government nonetheless, with the programme for the social communications sector that the Lula candidature presented in 2006 underscoring that the democratization of communications was a necessary step for further democratization. It underlined knowledge as an important tool in the development of a nation, envisioning two main strategies of 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 aimed at guaranteeing a market where three communication systems (public, private and state) can operate.

Confecom emerged as an important milestone in the recognition of various sectors of society of the urgency of discussing public policies on communications. The debates resulted in the approval of 672 proposals put forward by representatives of the former government, social movements and entrepreneurs. The ratification of the constitutional articles on the production of regional, educational and cultural programming, as well as the article 220, which prohibits the formation of monopolies, were some of the key proposals. These initiatives were met with hostility from key media players, with newspapers like *O Globo* and *Estado de Sao Paulo* classifying the measures of *Confecom* as an attempt to control the press by radical sectors of the government.[vi]

A key novelty of the debates was the significant presence of both progressive bloggers and entrepreneurs. The outcome of 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, legislation on media concentration, to other more controversial suggestions that many would deem less realistic, and which could either open loopholes for censorship or raise tensions with the already reluctant market media, such as proposals that argue for wider systems of 'control' of the media and punishment for journalists.

Various scholars (i.e. Saraiva, 2008) also defended the strengthening of community media as a means of democratization further social relations in Brazil, the registration of all the concessions in order to evaluate if those given to particular entities are not operating against the law and the implementation of Internet regulation and ratification of article 221 of the Constitution, which obliges TVs to prioritise national content. The initial official commitment towards the adoption of a new regulatory framework for the media and telecommunications committed to the public interest, and intended on replacing the outdated laws created before the dictatorship, was taken on by sectors of the government during the First National TV Forum debates held in 2007 and shortly afterwards in the *Confecom* debates held in 2009 in Brasília.

Civil society players and organised groups have underscored the necessity of building a solid regulation framework capable of replacing outdated laws such as the *Codigo Brasileiro de Telecomunicacoes* (1962), following from some of the initiatives of the 1990's, including the creation of the Cable Law (1995) and the *Lei Geral de Telecommunicacoes* (LGT, 1997). The latter two were seen as having benefitted mainly commercial groups. According to Bolano (2007), the public policy laws for the communication sector mainly consist of the *Codigo de Telecommunicaoes* and the 1997 LGT. Broadcasting is still controlled by the old law, whereas cable TV and other forms of paid TV are linked to the telecommunications sector.

The 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 moralising and modernizing them. This did not impede the Cardoso government from making political use of the radio and television concessions. 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-politicisation 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).[vii] According to Bolano (2007), during the first Lula administration there were clashes within the government's own forces, with the Ministry of Culture supporting the democratization of culture and communications, whilst the Ministry of Communications took on a more right-wing stance.

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 came close to the progressive stance and their defence of cultural diversity. A proximity between the two camps occurred during the end of the Cardoso government around the defence of Anatel (Bolano, 2007, 90-92). Conservative forces in Congress managed to impede further advancements during the Cardoso administrations (1994-2002).

In an article about the clashes between the Lula government and the media ahead of the 2010 elections, Lima (2010)[viii] argued that the eight years of the Lula government did not represent a threat to the media. The only project of public policy, already indicated in article 223 of the 1988 Constitution, was the implementation of *EBC*, which can be seen also as a complement to the mainstream media. Similarly to the ways in which many Americans oppose an active regulatory role for the state because of their fear that state intervention will encourage partisan manipulation, in Brazil similar worries were expressed at the time of the emergence of the *Empresa Brasileira de Comunicacao* (EBC), responsible for *TV Brasil*. Nonetheless, many argued that attacks on EBC died after the organization managed to show commitments to professionalism.

Lima further underlined however how the former Lula government backed down in various issues, including the creation of the Federal Council of Journalism (in 2004); the rejection of ratifying the new regulation for community radio (2003 and 2005); the project concerning the General Law of Mass Communications and the withdrawal of proposals on communication rights.

In the last six months of its administration, the former Lula government prepared a series of proposals for the communication sector, including the idea of creating a new regulatory agency, the National Agency of Communications (ANC), to regulate the content of radio and TV. The text stipulates that firms can charge for broadcasting programmes considered offensive, prohibiting also politicians with mandates to be owners of radio and television stations as well as advocating improvements in the current process of new station channel concessions, making them more transparent to the wider public.

After conducting a seminar with regulators and experts from across the world on the topic, the Brazilian government announced its intention to implement new regulation policies, which were put on hold and given to the government of Dilma (2011-2014) to evaluate. The Ministry of Communications of the Dilma government hinted to the possibility of establishing two communication agencies:[ix]Anatel would continue monitoring technical aspects, whereas the other agency would ensure that the articles of the Brazilian Constitution are respected. The proposals on media reform have also been abandoned by the Dilma government, with many civil society players seeing this move as a step backwards from the commitments assumed on media democratization by the previous administration.

How then should public policy be developed in a way which guarantees commitment to the public interest whilst also not 'suffocating' but complementing the market? This is currently a core dilemma that civil society players and others interested in media democratization need to tackle as a means of undermining the resistance of the market to media reform and regulation. To start with, there must be more debate between the differences of regulation for the public interest in democracies from attempts of censoring the media, as I discussed briefly in this paper. For there are differences between a democratic public service model from one of direct government control and interference, more associated to the practices upheld by authoritarian regimes. The former requires the placement of regulatory structures that institutionally guarantee balance and quality in

programming and information, safeguarding public communications from political and economic pressures.

Many Brazilian journalists and academics and academics however have expressed doubts in regards to the real intentions of politicians to deepen media democratization, and hope that this not a distant dream, and that change will inevitably come in the midst of the persistent pressures for the advancement of the democratization project. In the light of the massive protests for further reforms in health, education, public services and transport that occurred all over Brazil in June 2013, it remains to be seen how requests for media reform can add to these wider demands in a persistent way, resulting in more signs of reform in the next years to come.

Conclusion

Countries like the UK since the 1980's have seen a decline in the reliance on the state and public service broadcasting, including ties with communities and political parties, shifting towards a resurgence of the market forces in all spheres of social, political, economic and cultural life. The changes in European societies have had a direct effect on the media: political scientists, journalists and academics have been engaging in ideological debates on the role that the media, and especially public communication structures and public service broadcasting (PSB), have still in advanced democracies. Questions arise regarding how public communication structures they should be preserved in an age of increasing economic pressures, commercialization and shifting consumer habits. In contrast to Europe, public communications are emerging as potential tools for development in Latin American nations as in Brazil.

Many Brazilian academics have underscored how the country has advanced less in media reform in contrast to other Latin American nations. In the eight years of the Lula government, as some scholars have stressed, there has been little concrete advancement in the area of media

reform and broadcasting. 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 some funds to support regional players and the commitment assumed by the government in favour of media reform and broadcasting regulation, have been among the key achievements.[x] It seems evident that the debate regarding public communications in Brazil needs to move beyond the more straightforward issue of 'to regulate' or 'not to regulate', or to be understood as being either a form of censorship, to one of *how* to design a model of broadcasting regulation and media reform that can be capable of contemplating the interests of the country's multiple publics.

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[i] The broadcasting duties include the licensing of all UK commercial TV and radio services, such as 1) TV channels; 2) digital TV services like Sky and Virgin Media and digital radio; 3) Internet TV services including Home Choice and 4) Community radio.

[ii] In Portugal, the regulation agency ERC is independent and monitors the written press as well as broadcasting. It also has the National Authority of Communications, which regulates the market of telecommunications.

[iii] 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 by the radio state station, Radiobras, *Radio MEC*, the Cabinet of the Presidency and the Rio state television, *TVE Brasil*.

[iv] See "61 politicos eleitos sao proprietarios de radios e TVs" ("61 politicians are owners of radio and TVs", *FSP*, 17/10/2010). The law permits politicians to be partners in radio and TV stations, but not to manage them.

[v] Will Cristina do what Lula could not do? ("Conseguira Cristina fazer o que Lula nao fez?", Venicio A. De Lima, 10/3/2009 in *Observatorio da Imprensa*. Another editorial published by the newspaper *Estado de Sao Paulo* (15/10/09) criticised the measure and accused it of being an attack on press liberty. The law nonetheless has been supported in the country by various sectors of society, including the opposition, as well as social organisations and universities. It was also approved by the Freedom of Expression section of the Organization of American States (OEA) and by Unesco.

[vi] See "O Estado de Sao Paulo e O Globo criticam documento da Conferencia de Cultura" (Thiago Rosa, *Portal Imprensa*, 19/01/2010).

[vii] During the decade of 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 *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 Brazil telecommunications (we could substitute for "communications").

[viii] "Razoes para a hostilidade crescent" (*Reasons for the growing hostility*, *FNDC*, 22/09/2010).

[ix] "Bernardo diz que discussao caminha para ter duas agencias na area de comunicacao" (*Bernardo says that discussion is about having two communication agencies*, *FNDC*, 16/02/2011).

[x] See "Novas leis e projetos na America Latina esquentam polemica entre midia e governos" (*New Laws and projects in Latin America heat polemic between media and governments*, *FNDC*, 29/09/2010).