

STATE AS A BUILDER OF PUBLIC INITIATIVES IN LULA'S GOVERNMENT: an analysis of public system of communication in Brazil

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ABSTRACT

Public system is mentioned as one of the three communication systems in the Brazilian Constitution, considering also private and State ones, in agreement with the principle of mutual complement. This article is based on a bibliographical and documental research with special attention given to the recently created EBC – Empresa Brasil de Comunicação (Brazilian Company of Communication for the words in English), responsible for the implementation of TV Brasil (a State TV channel) and also for the first settings towards so called public television, that is today restricted to the Constitutional text of 1988. It analyzes players and elements involved in this situation – considering particularities of the Brazilian communication system – and highlights State responsibility for building a communication system based on public interest. It also considers Political Economy of Communication as an opportunity of understanding State as a regulator and executor of politics – and its role in the maintenance of hegemonic oriented ideologies. Brazil is a continental country with distinct economic realities and many diversified cultures, where nearly everybody speaks (Brazilian) Portuguese as a first language. Brazilian communication system was built under a national integrative perspective by military dictatorship in the 60's and 70's last century. And it relied on foreign capital, which was illegal according to our national constitution at that time, when three out of the five Brazilian regions were not so developed. The Globo network, one of the world's largest private broadcast networks, grew larger with the Time Life group's funds and was based on an extension of all regions, with all technical and artistic quality that money could buy. Media Community presented many initiatives that were actually a real challenge to organized social groups and movements in the field. TV Brasil started its transmissions in December 2007, occupying one of the channels managed by the State, according to the Decree that implemented digital television in the country. According to the current legislation, public initiatives led by social groups are considered productions, while community channels and other initiatives of the so called television's public field – though operating open and free at cable system – have no guarantee of their continuity in digital TV broadcasting.

KEYWORDS: public television – democratization of communication – Communication politics – TV Brasil – Empresa Brasil de Comunicação – public system of communication

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RESUMO

Este artigo tem por base a realização de uma pesquisa bibliográfica e documental, dando especial atenção à recém-criada EBC – Empresa Brasil de Comunicação, responsável pela implementação da TV Brasil no marco do governo Lula e a configuração da assim chamada TV Pública, diante de um sistema público de comunicação que ainda se mantém restrito ao texto constitucional de 1988. Analisa atores e elementos envolvidos nessa situação, levando em conta a particularidade brasileira em relação ao setor de comunicação e a responsabilidade do estado brasileiro em construir uma comunicação baseada no interesse público.

PALAVRAS-CHAVE: Televisão Pública – Democratização da Comunicação – Políticas de Comunicação – TV Brasil - Empresa Brasil de Comunicação – Sistema Público de Comunicação

RESUMEN

Este artículo toma por base la realización de una investigación bibliográfica y documental, dando atención especial a la empresa estatal recientemente criada EBC - Empresa Brasil de Comunicación, responsable por la implementación de la TV Brasil en el marco del gobierno Lula y la configuración de la así llamada TV pública, en relación a un sistema público de la comunicación que todavía se sigue habiendo restricta al texto constitucional de 1988. Analiza a agentes implicados y los elementos en esta situación, teniendo en cuenta la particularidad brasileña en lo referente al sector de comunicación y a la responsabilidad del estado brasileño en construir una comunicación basada en el interés público.

INTRODUCTION

Although Brazil is not a pioneer in creating a State television channel, its late implementation raised polemics over many contradictions about how public communication in Brazil has been conducted during Lula's government. This article makes a broad analysis of EBC – Empresa Brasil de Comunicação (Brazilian Company of Communication, for the words in English), at the beginning of TV and radio digitalization process in Brazil. It also takes into consideration the real possibility of an effective implementation of a national public system of communication and problematizes what role the State should play, considering the consolidated power corporate media companies have in the country.

Lula's government has – throughout almost two mandates now – successively abandoned historical claims from the movement for democratization of communication in Brazil, as well as changed its main mentors. Far away from being surprising or contradictory, Lula's government shows evidences of another kind of alliance. Definitions about community broadcasting, media digitalization and updating the sector's laws are continually postponed in favor of a policy that offers some still intangible benefits.

Even though this contradictory agenda was supported by investments that mobilized considerable social sectors, it hasn't yet shown concrete politics change towards real democratization. Since SBTVD – Brazilian System of Digital Television – was created, 22 universities and 1.500 researches from all over the country started experiments and inventions, good part of which was discarded. The one approved by the government, a middleware called Ginga, still needs a consistent regulation so as to be implemented in its plenitude. A Working Group was created with members from community radios associations of the country. They analyzed old and classic, proposed suggestions for the sector laws reform, but none of them were ever implemented or even considered as an improvement among debates at the National Congress. In an official note, signed by National Coordination of ABRAÇO (Brazilian Association of Community Broadcasting) in 2004, the government omission was already denounced:

National Board of ABRAÇO, when invited by Federal Government, took part actively of the Working Group of Communications Ministry in order to take care of questions related to community radios. The final result of this WG was a report that defined procedures giving to the government demanded solutions. In fact, the government put in practice none of those solutions, but increased repression, what made ABRAÇO charge them for the chaos and disorder we are in now and go formally judicial.

A General Law to regulate the sector didn't go far yet. The project was considered at the end of first Lula's mandate, but the lack of determination by the government to go on with the proposal made the theme nothing more than lucubration among sectors of the civil society, the government itself, and some media groups, when reached its direct interests. Without strength, at the same time that it assumes a progressive speech, preparing changes in future points, Lula's government consolidates an agenda of concentration to privilege corporative media and sponsors of the broadcasting sector in the country.

The EBC – Brazilian Company of Communication is symptomatic in this sense. Born in the context of 5820/2006 Decree, that define the main characteristics of Terrestrial Digital TV to be adopted in Brazil, counts on structures already created around Radiobras and TVE Brasil (broadcasting companies of brazilian government), and announces to count on independent sectors and the public field (associations like ASTRAL – Brazilian Association of Legislative Televisions and Radios, ABEPEC - Brazilian Association of Public, Educative and Cultural Broadcast Companies, ABTU - Brazilian Association of University Television and ABCCOM - Brazilian Association of Community Channels). The EBC keeps the polemics and generate many others.

1. New chapter: Brazilian Company of Communication and TV Brasil

The beginning of Brazilian TV, in 1950, is a part of communication history with lots of controversy. It all starts by the hands of Assis Chateaubriand, (a lawyer from Paraíba, Brazilian state in Northeast Region,) fighting for his own interests in businesses involving politics and the market. Maybe that's the reason why Brazil keeps the same problems in the communication sector, without a clear regulation or effective laws regarding media in the country, and not assuming the need to implement a real policy to affirm its public status.

The register of a broadcasting public system can be found at the Article 223 of the current Brazilian Constitution (1988), but not in a clear way, as it is a fact that, after 20 years, regulation was not tough enough and there is no common understanding about its final part, that says: “It competes to the Executive granting and renewing concession, permission and authorization for the broadcasting service of sounds and images, **observed the mutual compliment principle of the private, public and state systems**”.

Besides raising a lot doubts, the Brazilian legislation has a lack of regulation and update in some cases, what open gaps that makes media in Brazil to become an easy target for “opportunists”, who only see it as a chance to guarantee power and profit. According to Guillermo Godoi (2004, p.89), although the Social Communication chapter in the current Brazilian Constitution raise some basic aspects for the media in the country, “it was characterized at the end as a huge practical failure for the absence of the regulation and posterior applicability of its devices”. This said, the birth of Brazilian Company of Communication became the main subject for debate of politicians and civil society entrepreneurs.

Brazilian Company of Communication – working since December, 2007 – is a result of the Provisional Executive Order number 398 (MP 398, from the term in Portuguese “Medida Provisória”, in Brazilian Constitutional Law), published in October 10th, 2007. Before being validated, it appeared as a result of an executive order, adopted for the Republic Presidency in character of relevance and urgency (art. 62, Brazilian Federal Constitution of 1988).

We must remark that MP 398 does not mention clearly the meaning of “public broadcasting”. The text starts (art.1) declaring that “public broadcasting services explored by the Executive or by entities of its indirect administration, in the federal scope, will be given in agreement to the disposals of this Provisional Executive Order”. Moreover, the text affirms that its purpose is “the rendering of public broadcasting services and connected services, observed established principles and objectives in this Provisional Executive Order” (Art.6).

Other actors are not mentioned in scene. Only the Executive and the EBC subordinated to the MP 398 are mentioned.

The first great problem of the EBC constitution is presented: can it be considered a “public system”, as it has been defended for the federal government? To be truly public, it should be managed and financed by the society, with the State and maybe the Market participation. The result would be the quality of the programs determined by society participation and by the respect to the Brazilian public, the first step for media democratization in Brazil.

Tereza Cruvinel, president of the EBC, in an interview to the journalist Marcelo Copelli, said that “public TV does not have to be subordinated nor to the rules of the market nor to the politician power, but to a representative organism with effective power. In the case of TV Brasil, it should be subordinated to the Advice Council, **which** has majority of representatives of the civil society”.

The EBC structure is constituted by a fusion between Radiobras and the State companies of Roquette Pinto Foundation, as foreseen in the MP 398 “Art. 7º. The Union will integrate EBC social capital and will promote the initial constitution of its patrimony through capitalization and incorporation of movable or immovable goods”. And more: “Art. 9º: EBC will be organized in the form of an anonymous society of closed capital and will have its capital represented by nominative common shares, of which at least fifty-one percent will be from titles of the Union.”

According to article 4 of the MP 398, the public broadcasting services granted to the entities of indirect administration of the Executive will be given by EBC “and can be spread out and reproduced by its affiliates, associates, repeaters and public re-transmitters of public broadcasting system, and other public or private partner entities (...)”.

Although the State represents public interest, it does not substitute the public. And, in the case of a public system of communication, it cannot be taken as an exclusive sector, when considering its administration. According to the Art. 12, EBC “will be managed by an Administration Council and an Executive Board, and in its composition it will still count with a Finance Council and an Advice Council”. As the Executive Board and the Councils will be nominated only by the President of the Republic, according to the articles 13, 14, 15 and 19, is it then possible that only the Presidency can give the last word about the management of the EBC?

On the Law Project 29, MP 398 clarifies that pay TV systems “need to make available, for free, two channels destined to the Federal Executive, **to be operated by EBC**, one of them for the establishment of the National Network of Public Communication and other for the

transmission of acts and subjects of Federal Government interest”. But, how could a public system be responsible for the operation of a State channel?

It is important that government does not mix the public system with the State system. If its intention is to really create a public network of communication, they must build it and regulate it as it is, involving sectors directly interested in its management and its empowerment. It is a fact that EBC already became an easy target of the parliament and the market, being able to fail its conception before completing one year.

Opposite political parties arguments against MP 398 involve the high expenses involved with the media area, and that the government would be looking for taking advantages of a communication network. However, it is speculated that many politicians are working in favor of business broadcasters's interests. As Ben Bagdikian (1993) said, the media giants have two advantages: they control the public image of national leaders to favor their pretensions, thus these magnates also keep control of information and entertainment.

Politicians are not alone with their contrary positions in relation to the MP 398. Also market representatives don't accept the sprouting of the EBC, mainly when referring to the public broadcast companies in the Brazilian scenery, because they see it as very strong competitor that will have public financing, together with public and private resources. For Robert McChesney (2003, p. 231), media intervention and when dealing with the approval or not of the legislation that involves the own media is occurring in all countries, because media groups are setting themselves up as efficient lobbyists in local, regional and global levels. “The giants had strong hands in the creation of these laws and regulations, and the public tends to have little or no influence (...). The historical register shows that corporations use their media domain for their own benefit, thus cementing their political advantage”.

Besides, as pointed out by Bagdikian (1993, p.291), “internal media giants development is stimulated by many governments as an ideological preference for corporative powers”. Broadcasters don't have Brazilian communication improvement in mind, but only guarantying their incomes and keep their power, with the the support of political representatives of the people.

But the problem in the constitution and maintenance of a public system is not exclusive to Brazil. In France, for example, Nicolas Sarkozy defends no more advertising for the French public system of radio and TV up to 2009, because the ads don't differ from the ones in the private network. French analysts put it in question, because it's believed that the president wants to benefit the private media, as their owners are his personal friends and great media

entrepreneurs in the country, Martin Bouygues (owner of the biggest private network of the country, the TF1) and Vincent Bolloré.

As said in “Tele Synthesis” news, on January, 21st, 2008, the end of advertising in the French public system represents a loss of 800 annual million, needing more than 1 billion to keep itself functioning. Even if proposals for the maintenance of the system were studied, the fact is that “public television and radio finance themselves, in 64,3%, due to a tax paid to possess a television set, (similar to the English model), that contributes with about 1,8 annual billion”.

In Brazil's case, it is expected that federal government makes adjustments in the MP 398 and tries to dialogue with the civil society. No matter how hard EBC managers and if the Culture ex-Minister, Gilberto Gil, affirmed that the Brazilian Company of Communication is a great benefit for the Brazilian society in all aspects. The quality of the Brazilian media and the democratization will only be possible with support and participation of the society.

The Federal government must look at EBC not as a particular project and totally political, because then its duration will be limited and lost when facing capitalist interests. A really public system of communication must be constituted having also the involvement of the civil society and the market, guarantying its autonomy, quality and plurality in its daily programming.

2. State, Lula's government and the Communication sector

In Brazil, business broadcast companies of radio and corporative television perpetuate its politician power in relation to the sector and the subjects of national interest in close connection with successive governments, in spite of not assuming the economic power anymore because of the advance of the telecommunications sector, which acts in a different business model, offering services and charging final user directly.

The broadcasting sector is constituted in the country by public concessions. Its system is conducted by the Federal Constitution and on the basis of specific laws on public services (Law nº 8.987/95) and regulation on the own sector (the Brazilian Code of Broadcasting, approved in 62 and reformulated in 67). Law 9.472/97, that institutes ANATEL - National Agency of Telecommunications, characterizes the Executive ability to attribute grants to the sector in its article 211. The public service concession, on the other hand, is defined by the article 2º of Law 8.987/95, as “the delegation of its installment, made by the conceding power, by means of call for proposals, in the modality of competition, to the legal entity or a joint of companies that demonstrate capacity for its performance, at their own risk and for a determined stated period of time”. The Federal Constitution, in its article 223, paragraph 5, clarifies that “the stated period of

the concession or permission will be of ten years for radio companies and fifteen for the television ones”, and the Executive has the attribution of annulling, revoking, or to suspend if it is the case.

Even without standards there are clear and socially built, the concessions given for use of electromagnetic space when transmitting signals are public, regulated and operated by the State. From the State, enterprises are formed to manage the organized vehicles, under the concession’s criteria. The long range, related to radio broadcasting, allows corporations that work with vehicles and programming sets to impose their agendas, assuring the power these organizations have, (which is also instituted in the relation with public and private supporters) giving place to corruption, such as:

- non-payment of taxes, committed for some of those companies;
- maintenance of oppressive and alienating working relations, that are kept by vain promises of fame, social status and wealthiness, given just for a few;
- the limited incentive to liberal, local, and/or regional production, constituted by professionals which are not linked to those enterprises;
- censoring the freedom of speech, in a clear opposition to Article 19 on The Universal Declaration of Human Rights;
- opposition to public benefit, making use of philanthropic organizations and social enterprises to tergiversate and mobilize the masses of people;
- destination of the State’s budget and supporting of BNDES for private enterprises, such as Globo, which is the one who gets more benefits;
- faking the existence of an open and free television, when researches shows the advertisers move the advertising costs to their own products and services, accounting for the population’s budget;
- the arrangement of illegal concessions, by the Decree 5820/2006, which addresses extra band for the enterprises that have the regularized concessions.

Lately, after the deal between the Civil House and the Ministry of Communication, the conceders of radio and TV will have to send information about the execution of the Constitution principle’s, proving that “their programming sets are following the percentage demanded by the regularization, on their daily agendas”. As it manages only the declarations given by the conceders, if there are any questions made by the Congress, other information can be asked by parliamentarians.

By this time, there is not a real legislation that stipulates the implication of radio broadcasting concession’s, considering it as originating in the State, the checking devices are

very vulnerable to all kinds of pressure made in the Congress. There, there is a lot of parliamentarians direct or indirect linked with radio and TV companies, which should be considered unconstitutional according to the article 54, that clearly institutes that, since the certification is sent, parliamentarians cannot “make or keep a deal with any legal person, autarchy, public company, society of mixing economy or utility company concessionaire, unless the deal is under uniform clauses.” The situation, however, is different, and leads to a picture in which 1 out of 10 parliamentarians have participation in radio and television channels, and 133 parliamentarians have participation in some kind of media, according to a research provided by the own media.

This leads to the confirmation of Professor Venício Lima (2001, p. 96), who says the late transformations of medias “did not produce, until this moment, any fundamental alteration on the hierarchy of groups that have been historically on control of communication sector in Brazil”. The Commission of Science and Technology, Communication and Computing of Brazilian’s Parliament has been working hard, trying to regulate the concessions given to broadcasting companies. The specific sub-comission created one year ago had its work damaged because the Ministry of Communications did not attend to the auditions made to talk about the subject, and also, the parliamentarians did not get mobilized because it was an electoral year. Managed by Luiza Erundina (PSB-SP), the commission tries to find distortions in the process, prioritizing the whole regulamentation of article 223 of our Federal Constitution, which refers to the principle of complementing the public, state and private systems, showing a report that suggests changes in the adopted criteria, trying to institute a public and effective control in the sector.

The incapacity to show the problems related to the communication system in the country helps to evaluate how government, parties and even civil society sectors need the radio and TV broadcasting. The understanding that isolated politics do not supply demands started to show the need for implementing a large regulation of the sector, allowing the State to affirm its role as legislator and auditor of the private sector, also as a faithful depositary of public concessions and responsible for the fulfillment of the attributions relative to its functions.

If the problem relies on what responsibilities an activity that comes from public concession have, our starting point must be the human right to communication. Whatever the agenda will be like, the common claim of the movements for democratic communication can be translated in a plurality of voices and divers: the more they could be, more democratic communication would become. It is needed to institute actors who fight for those needs and

express them, trying to build environments that affirm the scene, and that's the biggest challenge.

Appropriation of the regulatory process in the sector needs to be set in a larger way in favor of all the specific movements that act for the communication's democratization. A movement that intends to democratize communication has to be based on the understanding that several other social sectors need to know the role played by the communication system, as a central component in its daily fights, fomenting activism with the request of inclusive public politics and new, diversified initiatives; mainly in actions that reaffirm historical fights, the militants and activists mobilization and qualification and the needed clarification to the society on subjects and events transformed by corporative media.

These people, groups and organizations are able to carry out their processes of building an identity, using the means and processes available to be vehiculated beyond the traditional actors that compose the movement for the democratization of the communication. In this way, not only initiatives in the scope of popular communication can and must be appropriate by distinct movements, as well as the role of the corporative media in the scope of the public interest needs urgently to be debated with the intention of a reorganization that allows the entrance of diverse and plural actors in the construction of these processes, restituting the involvement in the local, regional and national levels, preserving distinct cultures, spreading them in large-scale and consolidating them as a legitimate form of claim for democratic communication in the country.

Considering this, the continued repression to the community radios throughout Lula's government and the lack of understanding of the potential of this segment for the proper human and social development of the country are very symptomatic. The first responsible for commercial and community broadcasting fiscalization in the country, ANATEL - National Agency of Telecommunications – has been committing successive mistakes in the relation with community initiatives, that have been systemized for the social organizations constituted around these practices. The conduction of search commissions is arbitrary, and there were radio's members and participants arrested at the moment of the apprehension. Equipment was not devoluted, imputing to the radios the damage of having to acquire new equipment as to be able to work on air again. Certainly, an inquiry more focused rather on community radios than commercial ones is a shame not only for the sector, but for the whole country.

3. Public communications system

The whole definition of a public communications system could be taken by the existence of means and processes of communication managed not by public or estatal initiatives, but by collectives, both in the territorial community scope (a neighborhood or a region, for instance) and in the identity scope of affinities (women collective, African descendents etc). In a certain way, the public interest should guide the definition of the three systems manifested in the Federal Constitution, having its start with a deep debate along the State and private sectors, also involved in, on a broader scale, in the composition of the Brazilian communications system.

Such starting point would imply an affirmation of values such as plurality of voices and diversity of publishing spaces, inclusion of everyone in shared processes; interactivity involving not only producers, but the society in a whole, a potential producer when it comes to its diversified interests, equal rights to participating in the processes, which assures solidarity amongst all the parties involved in the development of the means and talkability for the establishment of reciprocal relations of knowledge building and social appropriation of the Information and Communication Technologies.

For SANTOS and SILVEIRA (2007, p.5), synthesizing the comments of Nicholas Garnham, the regulation of the sector aims at "promoting an unified infrastructure in order to reach three basic objectives: to assure the demand of radio and television devices; to help creating massive audiences essential to the Fordist marketing; and to provide a mean for the politic mobilization of the masses and the forming of public opinion".

It is important to remember, however, that the lower prices of digital production and publishing equipment and the strong development of alternative communications in Brazil and Latin America, mainly linked to social movements, but also connected to the independent production, would incorporate the necessity of a system able to cover this demand of use in an equitable form.

The First National Forum of Public TVs, taken place from 8 to 11 May 2007 in Brasília, defines itself, from the Ministry of Culture website, as "an initiative of the Audiovisual Secretary of the Ministry of Culture, along with the Civil House and the representative entities of the public sectors of television". They count on the adhesion of organizations such as the ABEPEC - Brazilian Association of Public, Educative and Cultural Broadcasters (that counts on both estatal and private participants), the ABTU - Brazilian Association of University Television (which also counts on private universities), the Brazilian Association of

Legislative Radios and Televisions (ASTRAL) and the ABCCOM - Brazilian Association of Community Channels.

A very concrete result, related with possible implications in the process of implementation of the Digital TV, from Decree 5820/2006, is the adoption of channels that can be explored by the Union, as the Executive Channel, the Education Channel, the Culture Channel and the Citizenship Channel. This being probable inspired by the current open channels of Cable TV, the propagation potential for the civil society organizations is still restricted, excluded from the public and private spaces, as the initiative to set or not the channel up is a responsibility of the own Union, following norms to be affixed by the Ministry of Communications, amongst others, in a context where civil society organizations do not take real control of the channel. A retrocession if we consider the already restrictive Cable TV Law.

The dimension of a possible public system, non-state and non-private, would not only be related to the community channels of Cable TV, community radios, but it would also involve telecenters, production cooperatives of communication, culture spots, also including initiatives that plan on appropriating the digital media. The existence of these means could be made possible using self-earned money, raised from collaborative work in the communities or even by institutional advertisements or sponsorships. However, more than financial support made possible by the effort of the own producers in relation to their closer sources, the possibility to count on supporting funds of the own government or agencies such as the BNDES – the National Bank for Social and Economic Development or the FINEP - Financier of Studies and Projects would be feasible considering a best definition on what the public system is in relation to what it is not nor can be.

Groups, producers and publishers organizations lack of proper qualifications, in a broader definition of the term than technical aspects, but including them. The existing initiatives also lack financial support that would give them real conditions to create quality content. This, which is not considered by the government yet, is what would make them capable of occupying media as the reflex of the diversity of social movements and organizations that resist in the fight for a fairer society and more democratic communication in Brazil.

Conclusion or not...

A new wave of mobilizations is appearing amongst civil society organizations, with their agenda directed to the affirmation of democratic communication: the accomplishment of a National Conference of Communications, in the molds of the other sectors such as Health, Social Assistance, that is: a multi-stakeholder process between social, public and private sectors, legitimated by a government that would participate with resources for these mobilizations – and similar structures would also be implemented in the municipal and state levels.

The pro-National Conference of Communications Movement (at <http://www.proconferencia.pro.br> – in Portuguese) is organized around a network of parliamentarians of the House of Representatives that are connected with the cause, congregated since the First National Forum of Public TVs, carried through in May 2007 in Brasilia. The mobilization has already the adhesion of more than 15 parliamentarians and many entities of the so-called public field, some of them composed also by various social organizations. At the same time, the Ministry of Communications took an isolated initiative to carry through its own understanding of the Conference in the sector, what later was called Preparatory National Conference of Communications, but now called the I National Conference on Communication for december.

On October 5th 2007, when some private concessions of the sector expired, civil society launched the website “You are the one who decides” (<http://www.quemmandaevoce.org.br/> - in Portuguese), involving people, groups and organizations from all over the country, promoting many mobilizations and congregating photos and other materials in its website. This builds within the population the understanding of what is and how public concessions of radio and TV work in Brazil. Together they propose, based on the existing legislation, the popular contract of concessions, for those concessionaires take the promise of following the public interest, within all its implications.

Although it is in fact a recombination of existing social articulations already in the sector, based on the definition of middle-time strategies and action, considering amplification of the involvement of State and Market, the new actions in course aim at not letting the mobilization weaken when treating of basic questions about the relation between State and Civil Society oriented by the public character of the governments’ actions.

The loss of vitality inside the organized sectors, based even on its proper dilution in the government apparatus, makes the joint confrontation a challenge to be invested, mainly in what it refers to relevant questions as the participation of parliamentarians in concessions, the

process of radio and TV digitalization, the repression to the community radios and the creation of the General Law of Electronic Communication.

Brazilian State needs to assume itself as a builder of the public in the Communication sector, and it is not yet if we consider the effective recognition of this strategy as part of the implementation of public politics for the sector, and that Lula's government made clear its lack of will in making the difference, two of its more significant cases being the process of creation of the Brazilian Company of Communication and its indifference on the effectiveness of the public system of communication.

As a collateral effect, the two mandates of Lula's government still provided a break in civil society actions, because they lack power to claim and accumulate forces capable to make the communication flag a demand assimilated by diversified and plural movements, in the principles of a democratic communication media affirmed as a human right.

The Brazilian Company of Communication is one of the projects of Lula's Government whose speech around its practices is much more positive, progressive and democratic than the evidence of its accomplishments. The understanding that a country as Brazil, with its communication system as it was consolidated throughout these years, needs a state TV fortified and supported by the society as a whole, as a consequence of a context that is different of the one that only defends the so urgent need of a public TV for the country.

According to information on its own website, the “National Forum for Democratization of Communication (FNDC) is in action for the creation of a parliamentarian front pro-public TV and the accomplishment of a public act in Brasilia”. In its turn, the NGO 'Intervozes' demands social participation in TV Brasil, presenting a document with many suggestions intrinsic to its proper dynamics.

The defense of a public system of communication that is not considered in TV Brasil lacks, therefore, a speech and a practice that could extend its upholding basis until being capable of evidencing the part of society that really yearns for and needs the recognition of its means of expression, seeing the State as the one that stimulates and foments its accomplishments, in the understanding that this substance – namely democratic media, products and processes of communication – is what determines the growth and the development of a country.

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