Radio and the media regulation in Brazil

Bruno H. B. Rebouças
Universidad Complutense de Madrid | Spain | brunohbb@gmail.com
Elaine Nogueira Dias
Universidade Paulista | Brazil | elainedias@gmail.com

Abstract
This article aims to reflect on the project model of media regulation, mostly what is under discussion in Brazil, and especially how it affects the radio and the distribution of broadcasting concessions. The media regulation project proposes, among other topics, the economic regulation that attempts to control the formation of monopolies and oligopolies of communication groups. The junction between electronic media and political and economic groups mischaracterises the pluralism of media and information that are the pillars of democratic societies. In this paper, we will discuss the Cross-Ownership, the social function of the media vehicles, and whether such regulation would constitute a type of programming or content censorship.

Keywords
media regulation; broadcasting concessions; radio; Brazil

Introduction
The radio in Brazil has always had a strong presence of the State be it in the control of their concessions or exploited for political and electoral purposes or even as a means of official government propaganda. The Brazilian broadcaster develops in the same period as other countries around the world in the early 1920s, with the birth of the Rádio Sociedade do Rio de Janeiro, founded by Roquette Pinto. In order to develop the technology, the Federal Government granted certain private companies the right to exploit the
broadcast system, somehow dismissing one of the first goals of radio in the country, defended by Roquette Pinto, which was to bring education and culture to the mass population.

According to the “Map of Illiteracy in Brazil, of the Ministry of Education and the National Institute of Educational Studies Anísio Teixeira, 2003”, the illiteracy rate in Brazil among people over 15 years old reached 65% of the population in the decade of 1920 and 56.1% in the 1940s. The foundation of radio in Brazil was intended to be an audible communication tool able to bring educational and cultural content to the general population, especially the illiterate who could not access or interact with other means of information and art such as books and newspapers. In the first decree produced by the Brazilian government in 1924, according to Doris Fagundes Haussen (2001), it was established that radio broadcasting was in the national interest for educational purposes. “The government would promote the unification of the service in a national network and distribute the broadcaster concessions, renewable every ten years, to social and private organisations (Haussen, 2001, p. 32). The radio as a medium had a mission: to bring education to a country of continental dimensions, with most illiterate population, such as Brazil. However, almost one hundred years since the first radio broadcast, such mission would remain left to a few radio presenters and broadcasters.

From the beginning, radio aroused the commercial interest of businesses and corporations due to its power and potential for popularisation of goods. In 1927, the radio PRAK, later PRA-9, is founded by the trader Antenor Mayrink Veiga in Rio de Janeiro, then capital city of Brazil; and in 1931, the PRAX Radio Philips, owned by radio set manufacturers. Following the worldwide trend, the radio becomes a primary means of mass communication, and in Brazil it played a key role in politics, especially in the 1930 coup by Getúlio Vargas and especially in 1937 with the “Estado Novo” dictatorship.

This is when the radio content in Brazil goes beyond the educational and cultural spheres, with the broadcasting of theatre and opera pieces in the early years, and becomes increasingly popular through music programmes, soap operas and talk shows (Haussen, 2001), also developing a more commercial character with the decree-law 21.111 of 1932, which authorised the broadcast of commercial ads. Brazil was then adopting the American broadcasting model, starting to distribute grants without concern for the social and educational criteria, and most importantly without worrying about the formation of possible oligopolies in the communications industry (Moreira, 2000).

The United States created specific rules to create competition amongst business groups, based on economic and social criteria, through the Federal Communications Commission (FCC), responsible for regulating the broadcasting in the country since 1934. On the other hand, the Brazilian distribution of broadcasting concessions was purely political, used as currency
in the exchange of common interests between business groups and the
government, in addition to the ongoing dictatorial state and not having a
developed economy. Brazil lacked a strong and well-defined legislation to
protect the national and social interest of radio, avoiding its use for economic,
political, and electoral purposes.

Following the overthrow of the government in 1930, Getúlio Vargas
ruled for four years without a Constitution, which led to the “Constitutionalist
Revolution” in 1932, headed by the most harmed by the 1930 coup, the State
of São Paulo, ending the First Republic (1889 -1930), which command was
divided between the States of Minas Gerais and São Paulo. Therefore, living in
a State of Exception, the provisional government created propaganda
departments (that is, of censorship) in order to regulate the news and use the
means of communication and dissemination for propaganda purposes.

According to Haussen (2001), in order to recruit and mobilise the public
opinion the Department of Official Propaganda (PDO) was created, inserted
into the National Press. One of PDO’s objectives was to develop an official
programme of radio, forerunner of the “Hora do Brasil” (Brazil’s Time)
programme, and provide official information to the press. In 1934, the PDO
was expanded and turned into the National Department of Propaganda and
Cultural Broadcast (DNPDC) responsible, besides the abovementioned, for
studying “how best to use the cinema”, and the telegraphy services as
instruments of broadcasting (Garcia, 1982, p. 99 quoted in Haussen, 2001,
p. 38).

After the adoption of the Constitution of 1934, Getúlio Vargas was
elected president by the Congress and the government, but since not willing
to provide information to the media, decided to create its own radio
programme to be broadcasted compulsorily by all radio stations in the country.
“A Hora do Brasil” was created in 1935 and, in 1962, came to be called “A voz
do Brasil” (The voice of Brazil) and is still produced and broadcasted on a
flexible schedule. Before that, all radio stations were obliged to stop their
programming and transmit “A voz do Brasil” when demanded. Nowadays,
based on the Provisional Measure 2014, the radio stations are still required
to broadcast the programme, but they may choose between the schedule
between 19h and 22h.

It is then very clear that Vargas and his government elaborated, from
the beginning, a scheme relating to the political use radio and one of
the main weapons was the censorship. While newspapers and other
regular publications had censors in their newsrooms, the radio was not
only censored, disclosing news as for the government’s will, but also had
some stations closed. (Haussen, 2001, p. 43)

In 1939, with the creation of the Department of Press and Propaganda
(DIP), which joined all the propaganda machine of the government, the prior
restraint was institutionalised. Only in 1940, over 3.770 programmes, 1.615
sketches, 483 parts and 2,416 recordings were censored by the “Division of Radio” at the DIP, which is a surprising number considering that there were only 78 radio stations in Brazil at the time (Tota, 1987, p. 36 quoted in Haussen, 2001, p. 45). Besides the prior restraint, which basically served to further control the radio groups opposed to the government, Getúlio Vargas signs the Decree 29783 which modified the radio concessions system in a way that it was no longer renewable every 10 years, but every three. “Such measure would act as a pressure force against groups opposed to government policy” (Caparelli, 1985, p. 16 quoted in Haussen, 2001, p. 114).

In 1940, there is a direct interference of the Federal Government on the free competition and economic dispute between radio and national business groups. The dictatorial ruling of Vargas nationalised the Radio Nacional do Rio de Janeiro, the largest in the country, shifting the balance of the national radio. Even with the nationalisation, the Rádio Nacional continues to have ads during the programming, reassuring themselves as leaders of audience, being a state-owned enterprise with advertising investment from private companies: “the public investment plus the advertising revenue from the private sector turns this radio station into an unbeatable competitor”, says Sonia Virginia Moreira (2000, p. 29). Once again the regulators of the Brazilian radio broadcasting did not have a concern about the economic imbalance generated by the state intervention in the distribution of grants and, in this case, the state investment in a medium that, once nationalised, became a tool of the government propaganda, and also damaged the balance in the radio market by allowing a public broadcaster to make money from commercial advertising from private companies which had interest in not only place their brands within the country's highest-rated radio station but also to show their support for Vargas and his “New State”.

Only in 1946, after the end of the Vargas dictatorship, the Brazilian Code of Broadcasting was delivered. Up to that point only two decrees regulated the Brazilian broadcasting: the decree 120.047 of 1931 replacing the previous one approved in 1924, which defined radio as a means for educational proposes, and the decree 21111 of 1932 which regulated the broadcasting services in the country. In 1950, the TV transmissions start in Brazil, and only in 1962 the Brazilian Code of Telecommunications (CBT) is approved, governing the national broadcasting with the same laws and rules for the radio and television.

**Legal aspects of radio**

The regulation of the Brazilian radio services was created almost entirely based in the commercial model, following the North American norm. However, while the United Stated has the Federal Communications Commission (FCC) as the responsible for the regulation of the sound
transmissions since 1934, in Brazil the attempt to create a similar law was only possible in 1962, with the approval of the Código Brasileiro de Telecomunicações (CBT), number 4.117, still in use even though partially modified by the law 9.472/97, with exception of the penal content not included and other aspects of the radio and TV broadcasting.

According to Cassiano Ferreira Simões and Fernando Mattos (2005), despite some parts of the CBT having a very governmental appeal, such as article 10, chapter III: “it is the private right of the Union (the State) to keep the direct exploitation (...) the public services such as telegraph, interstate telephone system and radio communications (...) including radio and TV broadcasting” (Brasil, 2007, p. 86). The CBT proves to be based in a private model not concerned with the formation of monopolies. As a law, it concerned political aspects over economical.

Simões and Mattos highlight that what can be noticed is that an activity which is essentially public such as radio and TV “is based mostly in a liberal model, executed by the private sector and with clear need for regulation, in a country with nationalist tradition” (2005, pp. 38-39), where the regulation model almost disappears even with the double State personality of owner and regulator.

The CBT was created to regulate all types of electronic communication, however in 1997 the Lei Geral de Telecomunicações – LGT (General Telecommunications Law), number 9.472, excluded the telephone communications from the CBT. For Simões and Mattos (2005, p. 40) the creation of the Lei Geral caused the division between telecommunications and Radio/TV broadcasting. Such division showed even further lack of concern for the formation of monopolies in telecommunications and radio and TV broadcasting in Brazil, especially considering that the cross-ownership was allowed in a model created and developed to benefit the big communication groups during and after the military regime.

This is what can be found in the article 211 of the Lei Geral de Telecomunicações: “the right to the services of sound broadcasting and sound and image broadcasting is now excluded from the jurisdiction of the Agency, remaining as part of the responsibilities of the Executive”, not to mention that the Agency was the department created by the Federal Government to approve the LGT. The same law also states: the Agency should also create and maintain the respective plans for distributions of channels, considering also the aspects concerning the technological evolution.

Therefore, when separating telecommunications and radio and TV broadcasting, the government also disregarded the concerns about the formation of oligopolies in the market of telecommunications, especially the land and mobile telephone systems and Internet. This market was extended after the privatisation of Telebrás in 1998, one year after the LGT was approved. In the article 86 of LGT it says: “The concession can only be granted to companies constituted under the Brazilian law, with headquarters and
administration within the borders, created to exploit exclusively the services of telecommunications object of the concession”. According to such article, these companies should exclusively exploit the services of telecommunications, and unable to operate the transmission of closed signal TV channels – or cable TV, for example.

However, one of the winners of the privatisation of Telebrás, shared among 12 companies according to their region, was the Telefónica, a Spanish company that since its fusion with the Brazilian telephone company Vivo, and the purchase of the cable TV operator GVT, entered the cable TV market. According to the article 86 of LGT, the concession for the exploitation of telecommunications in Brazil should be granted “exclusively” to companies formed for such operations. When separating telecommunications from radio and TV broadcasting, there was no concern with the formation of such oligopolies and the concentration of economic resources in the hands of few companies. And since the cross-ownership is not forbidden in Brazil, it aggravates even more the lack of competition and pluralism in the communications in Brazil. Besides Telefónica, other telecommunication companies such as Claro TV and Oi TV also operate cable TV channels.

Cross-ownership in Brazil

Radio and television at first were regulated either as a strict public service under State monopoly, the case of Western European countries, or as a public service for private exploitation, the case of the United States which, despite having the Capitalism as their economic base, regulated activity and exploitation of broadcasting services through specific laws and regulations, the most significant being the Communications Act of 1934, designed to promote competition and try to avoid the concentration (Ramos, 2005, p. 66).

The model of regulation in the US is of private origin based on the stimulation of competitiveness, reason why the creation of three major chains such as CBS, NBC and ABC was possible. In Brazil, the control only allowed the concentration by the big media groups that maintained their power or generated other large and private hegemonic groups (Simões & Mattos, 2005, p. 41), those who agreed or worked in line with the government, such as the Diários Associados and the Rede Globo. Based on this model the television and radio were built in Brazil: “of expressive liberal inspiration, but without regulatory bodies concerned with an optimal level of taxation that fomented its development and plurality” (Simões & Mattos, 2005, p. 40).

Unlike other countries, in Brazil there is no clear prohibition against cross-ownership, which is a law/rule that limits in some countries, including the United States, that the same media group holds a newspaper, a radio station and a TV broadcaster (of open and closed signal) in the same city or state. In the text of the law 10.610 of 2002 (about the participation of foreign
capital in news companies and radio broadcasting and sound and image broadcasting), attempting to stop the cross-ownership in Brazil, as in the article 38, letter G of the referred law, “the same person should not participate in the administration or management of more than one concessionary (...) of the same type of broadcasting service, in the same locality”.

However, this law that should prohibit the cross-ownership in Brazil’s communication is actually a loophole in the law, because it doesn’t express prohibition of the property itself. The text is vague and provides an inconclusive interpretation of what administration, management and ownership actually are. As in many articles of the Brazilian law, there is a clear loophole in this article and in the sole paragraph of the same Law (10,612 / 02): “One cannot exercise administration or management of more than one concessionary (...) of service broadcasting when enjoying parliamentary immunity or special privileges”. That is, the law prohibits a political mandate to exercise the administrator role of a TV or radio, but does not prohibit this person from being the owner and/or partner of the same TV or radio.

In the 1988 Federal Constitution, in Article 54, it is stated that deputies and senators may not, from the day they start their mandate, “sign or maintain a contract with (...) concessionaire of public service (...)”, at the risk of losing their seat. And yet, 271 politicians are partners and directors of 324 communication companies in Brazil, according to a survey from “Os donos da Mídia” (Media Owners) group.

In order to avoid cross-ownership and the concentration of media under the power of a few groups, countries like France, the United Kingdom and the United States have created specific rules intending to guarantee the society is not harmed by monopolies and oligopolies when providing such public service, even though some of these countries may have allowed the flexibility of the law, as the United States did in 2007. There, the exception has been granted in accordance with the development of new technologies that led to some specific cases and places to be allowed to operate despite cross-ownership. In such cases, the audience of the TV channel and the number of independent media present in the same location must be taken into account. But this flexibility is for the 20 largest areas of the North American market, which has 210 areas in total, and only occurs if the network is amongst the four most watched and if there are another eight independent media sources (Brant, 2011).

In an article published in the Observatório do Direito a Comunicação (Right to Communication Observatory), João Brant (2011), coordinator of the Intervozes – Social Communication Brazilian Group –, explains that in France
there are rules at local and national levels regarding the cross-ownership. For example, no person or group is allowed to own both a television/radio license and a general-circulation newspaper distributed in the same range as the TV and radio. In the United Kingdom, no individuals or companies can be granted a license for Channel 3, which according to Brant is the second largest television network and the first among private networks, if they already hold one or more national newspapers that reach, together, 20% of the market share.

Among other things, limiting cross-ownership is first of all necessary in terms of economy, considering that, as in all areas, the concentration of any industry under the control of a few companies or few people is damaging to the society because there is a control on prices and quality of supply, and also because it discourages innovation and competition, and affects the pluralism of information which is the foundation of a democratic society. The second reason lays more on the social aspects and takes into account the social function of mass media.

The media is the main area of circulation of ideas, values and points of view, and therefore is the main source for citizens in the daily process of exchange of information and culture. (Brant, 2011)

We agree with Brant when he says that when the media does not reflect the diversity and plurality of information and opinions, it constitutes a threat to democracy and society.

**Cross-ownership In other countries**

Luiza Bandeira, Alessandra Corrêa, Marcia Carmo e Cláudia Jardim (2014) make a brief comparison between the media regulatory projects in the United States, United Kingdom, Venezuela and Argentina.

The authors claim that in the United States, for example, the focus of the regulation project is economic, and the contents produced by the media are controlled by the public opinion and the market itself, which means that there may be direct interference from the Judiciary in the case of transgressions. The cross-ownership is prohibited, the channels are required to broadcast a minimum of three hours per week of children’s educational programmes and content considered “indecent” are subject to payment of fines and legal proceedings in court.

In the UK, recent scandals involving tabloids called for a review of legislation to curb abuses of the press. Therefore, for newspapers and magazines, the Press Recognition Panel was established in the end of 2014, aiming to be self-regulated and with the power to impose fines and demand corrections and apologies. Membership is not mandatory but is encouraged through certain benefits. For radio and TV there is already another regulatory
group, the Ofcom, responsible for protecting the population from offensive material or invasion of privacy, for example, and also responsible for radio, TV, Internet, telephone and postal services.

In Venezuela, as a result of a polarised political scenario, the coup and protests across the country, the focus of the media regulation project is the freedom of speech for the press. A law from 2005 – Ley Resorte: Social Responsibility in Radio and Television – was intended to promote press freedom especially for opposition to the government at the time of the President Hugo Chavez. Of course that, as legislators, owners of the concessions and responsible renewing such concessions, the government would still be able to use the available resources to reduce the presence of opponents in the media. Contents that “incite violence and public disorder” are not allowed, the channels are required to broadcast a minimum of 50% nationally produced content, the actual duration of the concessions was shortened and they could not be passed on hereditarily. Sanctions can range from loss of signal for up to 72 hours to revocation of the concession. In 2010 the new standards for Internet content are also included in the law.

In Argentina, the focus is the dispute between the media corporations and the government, especially in reference to the Clarín group and the Kirchners. In this country, since 2009, there is the Ley de Medios (Media Law) with rules for radio and TV stating, for example, that minimum of 60% of national production and 30% of local news programmes be mandatory, plus the limitation of concessions and concession period, in order to democratise communication and encourage competition. This law mainly affected the Clarín group, which would need to give up more than half of their TV concessions throughout the country. The group has adapted voluntarily to some of the demands, and others are being discussed in the courts.

In Bolivia, according to Gilberto Maringoni and Verena Glass (2012) the Ley General de telecomunicaciones, tecnologías de información y comunicación (General Law for telecommunicatons, information technology and communications) announced in 2011 by President Evo Morales, has similar fundamentals to Argentina and Venezuela in the use of public concessions and limitations imposed on media groups, also intending for the democratisation of the broadcasting services. In Bolivia specifically, the law also refers to public biddings for concessions granting and the distribution of frequencies in order to favour the “original people” of the country, which means a portion of the concessions should be allocated to indigenous peoples, peasants and afrobolivians, subjected to the evaluation of their projects for the use of the concession.

Also according to Maringoni and Glass (2012), despite the movement around a new regulatory framework in Brazil in 2009, and the creation of specific standards for pay-TV services, for example, the country remains without specific legislation on the matter:
In Brazil, where the National Telecommunications Code of 1962 is still valid, despite the existence of new standards – such as the Cable Law (1994) and the Pay-TV Law (2011) – there is no comprehensive regulation in this area. A significant portion of organised society (popular movements and business organisations) and State representatives, held the First National Conference on Communications (Confecom) in the end of 2009, when six main points were discussed: a new regulatory framework for communication, regulation of article 221 of the Federal Constitution (which regards the television programming regionalisation), copyright rights, public communication (State broadcasting), the civil framework of the Internet and the realisation of the National communication Council. Discussions are still awaiting an outcome. (Maringoni & Glass, 2012, p. 78)

Barbosa and Moraes (quoted in Maringoni & Glass, 2012) state that, compared to other countries in Latin America, Brazil can be considered the slowest in terms of legislation, and that the resolutions obtained from the 2009 Confecom still only exist on paper. The authors also comment on the “inertia” of the various governments that have been in power since the promulgation of the 1988 Constitution in Brazil, and point out that the articles 220 and 221, supposed to prevent the formation of monopolies and oligopolies in mass media, have not yet, to this day, been put in motion.

The media regulation in Brazil

The discussion about media regulation in Brazil usually involves the theme of censorship versus democratisation, which causes confusion as to the understanding of the real advantages and disadvantages of the regulatory framework for society, and the real intentions of both government and media groups as the commitment to quality of provision of public service information and communications in Brazil.

The communications area has been particularly sensitive to demands for new operating rules. Media companies, since dealing with dissemination of ideas, values and subjective approaches, argue that the intention of those who advocate the creation of new standards is to implement the censorship and the restriction on the free movement of ideas. Supporters of the changes argue otherwise. Say the industry is monopolised and that a new legal agreement would be based on the defence of a pluralism of opinions. (Maringoni & Glass, 2012, p. 75)

In a country where public concessions are in the hands of politicians, and media groups are tied to the government, important discussions such as the media regulation are not carried out due to power maintenance strategies. In this scenario, the censorship discourse can be considered more a manipulation tool and a way to slow down the process, than a legitimate freedom of speech argument.
An example of a democratic country where the media is not properly regulated and therefore cause harm to society is Italy, where there is a law, for example, which regulates the ownership of the media corporations, but not fully implemented. The Constitutional Court, in 1994, declared that the *Mammi* Law, of 1990, was unconstitutional, claiming that it hurt the very principle of the pluralism of the mass communications. In 1997, the prime-minister Romano Prodi accepted the decision of the Tribunal and created the law number 249, better known as the *Maccanico* Law, with the objective of reorganising the communications sector in Italy, extending the number of television channels and, as a consequence, the competition. However, as Balbi and Prario explain, “the *Maccanico* law was never applied and the duopoly ratified by the Mammi law in 1990 was therefore never affected” (Balbi & Prario, 2010, p. 394).

According to Ferdinando Giugliano and John Lloyd (2010), Silvio Berlusconi is the owner of group Mediaset, with scope throughout Italy, and also owns shares and properties in France, Spain and Portugal, which results in the “creation” of a new system called “Mediaocracy”. According to these authors, the Mediaocracy happens when a country, be it a democratic or authoritarian country, is governed by the media corporations, in this case, specifically referring to the situation in Italy.

Berlusconi’s version is an extreme model and is based on the legal and cultural negligence of Italy regarding conflicts of interest. The result is a dominant politician, owner of the three major TV channels, the main publishing company, advertising companies and an empire of newspapers and magazines; and in power, he also controls the State television and the State broadcaster RAI. (Giugliano & Lloyd, 2010)

In fact, Brazil is not making progress around the media regulation theme, the difficulties posed by cross-ownership without limits and the delay of successive governments to address the issue, result in a State where the Mediocracy prevents the implementation of a real media regulation project. Our understanding is that the media regulation does not intend to simply establish censorship, but in fact, with the right planning and proper commitment from the government, a regulation plan must be established so that the use of public broadcasting concessions serve to fulfil their social purpose within legal limits, and imposing appropriate sanctions for transgressors. As we have seen in some Latin American models, only a serious regulatory plan will allow the constitutional right of access to information within

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1 “The *Mammi* law had two main effects on the Italian media system. First, it legitimised the status quo created over the previous 15 years of unregulated radio and television development, which saw Fininvest prevail over the other competitors. Second, and in some ways this was an even more important outcome, the Mammi law restricted the entry of new operators in the Italian broadcasting market by ratifying the public–private duopoly dominated by RAI and Fininvest”. (Balbi & Prario, 2010, p. 393)
the values of democracy, diversity and plurality to all citizens, prioritising the interests of society and ensuring the end of a Mediacracy in our country.

**Considerations**

As noted in the introduction, the radio was originally based in the educational and cultural interest that a means of sound communication could and should provide to the general population. However, with the development of radio as the primary means of mass communication, we saw that in Brazil the relationship of the media, especially the radio, always had a strong interference of the State, not only in terms of the operations but also as a propaganda tool by successive governments especially during the dictatorship. In addition to the political use by the State, it is possible to say that the media have always been concentrated under the “hand” of a few media groups, and some of them were and/or are owned by politicians who still active in politics and enjoying parliamentary immunity; and that the laws created for broadcasting highlighted political rather than economic concerns and were not designed to avoid the formation of monopolies and oligopolies.

Brazil is currently discussing a future project of economic regulation of the media that could clearly prohibit cross-ownership by large media groups, and not allow politicians in office to be partners or owners of media groups. The union between the media and political-economic groups is damaging to the plurality of information, essential in any democracy, and therefore harms society and hurts the duties of the press/media as an institution.

According to a report published on November 22, 2015 in the newspaper “Folha de S. Paulo”, federal prosecutors will go to court against 32 deputies and eight senators who appear in the Ministry of Communications list as owners and/or partners Radio and TV stations. The action is co-authored by Coletivo Intervozes (Intervoices Collective) and is based on the interpretation of Article 54 of the Constitution, which forbids federal deputies and senators of “signing or maintaining a contract with (...) concessionaire of public service (...)”, and aims to revoke the 93 stations owned by 40 members of parliament; have them offered again (bids), and prohibit the Union to provide grants to politicians named in the suit.

Besides this measure from the Jucidiacy, the Federal Government tries to expand the democratisation of broadcasting. Through the Ministry of Communications (MiniCom) the government presented the National Stock Option Plan (PNO) 2015/2016 of community broadcasting which aims to benefit 761 municipalities. According to MiniCom, from the 761 municipalities that will be fitted with new stations, 353 still do not have a community radio station, while in other 408 there is at least one authorised broadcaster. Currently, community radio stations are present in 3.935 Brazilian
municipalities, and the objective of this new plan is to expand the service to 4,288 cities, representing 77% of municipalities.

In addition to the PNO for community radio stations, the MiniCom launched the National Plan of Grants also for FM radios and Educational TVs hoping to benefit 236 locations throughout Brazil. According to the Ministry, all states will be awarded at least one grant. The aim of the PNO, according to the MiniCom, is to launch this plan in order to balance the ratio of stations across the country, especially in locations with population and fewer educational radio and television.

In an interview granted to us in October 2015, the National Secretary of Electronic Communications of the Ministry of Communications, Emiliano José, said the two plans are steps to try to democratise the broadcasting in Brazil, and that other measures by the Federal Government are necessary for this purpose, including the regulation project. “It is essential, the key issue – to have a project to control the Brazilian media (...) the plurality in Brazil will only happen when we [the Executive] ensure that there is effective democratisation of the media”.

Both plans have the objective to balance and increase the number of channels and therefore to increase the pluralism and democratisation of the information in the communities and states, especially in locations that have no legalised community radio. In the case of educational broadcasting concessions, the internal public bodies (federal, state, municipal and local authorities), and higher education institutions maintained by the private sector and foundations under private law linked to an educational institution will all be allowed to participate.

The great challenge of the Federal Government when launching such offers is to try to prevent the concessions from ending up in hands of political groups and supporters, since some private universities in the Northeast of Brazil (such as Rio Grande do Norte and Ceará), for example, belong to economic groups directly linked to political parties and groups, owners of commercial media, which already fall into the cross-ownership category. Despite the risk of falling into the hands of professional politicians and party groups, these concessions are more “protected” because they must be linked to an educational institution.

However, in our view, the greatest risk regarding politicians being entitled to more media space is precisely the PNO of the community radios. It must be noted that many community radio stations in Brazil belong to professional politicians, but are registered in the name of social institutions or individuals funded by those politicians. The list of owners of this kind media are shown in the Ministry of Communications website but it is not complete. Some radios stations display their trade name and legal and person, others just the name of the concessionary institution, but most of the information about the owners is unavailable. According to the report of Grupo Intervozes
(2007), it is estimated that half of the 2.205 licenses of this type were under
control of party groups or politicians with a mandate between 1999 and 2004.

We believe that even if the radio stations are owned by pro-community,
social, educational and minority groups, unless there is economic regulation
of the media in order to balance competition in the advertising market, and to
avoid the concentration of the media of different platforms in hands of
political, economic and media groups, these grants are more likely to be co-
operated by the economic power, which in Brazil is rooted directly with political
power, especially in the North-Northeast regions. In addition to expanding the
educational broadcasting concessions and community, the Federal
Government has to make allowances for these radios to be able to develop on
their own, without suffering the risk of being “taken over” by professional
politicians with elective mandates. And this can only happen when the Federal
Government, with the support of social institutions, decides to regulate the
media in Brazil thus allowing communication to be more democratic and
increase the informational plurality that every democratic country should have.

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