

SOCIAL PARTICIPATION AND DECISION-MAKING PROCESS IN COMMUNICATIONS IN BRAZIL: THE 1ST NATIONAL CONFERENCE ON COMMUNICATIONS

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Abstract

This article analyzes the initiative of Brazil's 1st National Conference on Communications (1st CONFECOM), which took place in Brasilia on December 14-17, 2009, after its regional and state stages, along with the final stage with a nationwide reach. This conference established a new way of debating communication policies in the country, as the state, private and civil-society sectors were organized in one same forum with the purpose of jointly discussing and deciding on important topics of this area. The recent understanding of communications as a human right under the scope of the Inter-American Commission on Human Rights and other events, such as the World Social Forum and the election of Lula in 2002, entailed the emergence of a new perspective of political construction at the same level for areas such as Health, Education and others, in which the multilateral mobilization for decision-making has taken place – for better or worse – based on a popular claim for changes, from which the 1st CONFECOM emerged as a direct consequence. This study is based on a descriptive research that focused some important concepts related to the study on the 1st CONFECOM and the pro-democratization movement of Communications in Brazil, and it will also examine important areas, themes and decisions of the 1st CONFECOM, based on official documents and analyses by researchers and activists, as well as on the expectations and the forms of organization around the future of democratic communications in the country.

Keywords: Democratization of communications; policies of communications; National Conference on Communications

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In the academic and social environment of communications, the first quarter of 2010 will be remembered for the interval between the much expected and polemic 1st National Conference on Communications (1st CONFECOM) and the electoral process that resulted in the succession of President Luís Inácio Lula da Silva, after eight years as the leader of the country. The 1st CONFECOM approved almost 700 proposals related to several themes of a historical agenda in the field of democratization of telecommunications. And the elections-year that followed brought up not only the debate on the adequate type of communications for the country, but also on the type of social participation and decision-making that we desire in a process that may be seen as democratic.

This article analyzes the initiative of the 1st National Conference on Communications in Brazil, which took place on December 14-17, 2009, and which was organized in local stages at the regional and state levels, along with a final national stage. This conference organized the State, the market and the civil society in one single forum, thus producing a new way of debating the policies of communications in the country with the purpose of jointly discussing and deciding on important topics for this area.

The 1st CONFECOM was not deliberative, but it produced many distinct conclusions and analyses that may increase the potential for future conversations on distinct areas such as education for the medias, the ethical dimension of advertisement and also the technological convergence of radio and telecommunications, with a more participative and inclusive process, in spite of its daily difficulties in the field of Communications.

The Movement for the Democratization of Communications and the FNDC

The consolidation of the movement for the democratization of Communications in Brazil took place with the creation, in the late 1980s, of the National Forum for the Democratization of Communications (FNDC), which gathered in one single space movements linked to the field of communication-workers and other organizations of activists and students. Along the 1990s, the FNDC has reached some relative conquests, such as the approval of acts on cable television (in 1995, incorporating in its text the mandatory adoption of the community channel, among others, in the composition of cable-TV packages) and the 1998 Act on Community Radio which makes legitimate the initiative, albeit in a quite restricted mode of 25 watts of power for each radio station, among other limitations. These acts brought to the scene some new organizations at the national and local levels, linked to the organization of these initiatives around the country.

The fight for the democratization of communications in Brazil resulted in an initiative that is connected “to the efforts for restructuring the Brazilian society, with the establishment of guarantees of access to public services, to work and to decent life conditions by all Brazilians (BASES, 1994). According to Murilo César Ramos (2000, p. 93), professor of Communications at the University of Brasilia (UnB), this fight emerged from the mobilization of a “public opinion with the power to make decisions and follow up on these decisions, for instance, based on popular councils and other productive

organizations with a prevalence of cooperative property or other forms of autonomous management".

The FNDC-slogan translates its way of acting: "democratizing the communications for democratizing the society". It affirms the need for making the communications more democratic as a precondition for the democratization of the society, and fulfills a double role, as it highlights the role of empowering the communications in the specific fights of several social movements and the particularities of communications as an area of its own within a restrictive and excluding system that inhibits an effective participation in its production process.

But the practice that stems from such understanding, placing a priority on the legislation to be democratized, has generated throughout the years a concentration of knowledge on the specifics of the distinct theme areas by a restricted circle of activists, while it has forgone an effective participation by the social movements in the more visible actions and initiatives.

The more democratic act projects that have emerged under the scope of the FNDC in the 1990s as fronts of the fight were neither at the reach nor in the agendas of most of the organizations that have taken part in them, and for this reason the democratization of communications has not been achieved by the civil society as a group in its daily actions. Instead, it has been achieved through transformations to be effected in the legislation that rules the sector. The challenge at the time was to call attention to vital issues in the field of communications for the transformation of society, in order to conquer an effectively qualified and participative action.

Democratically communicating the human right to communication

The recomposition of the movements linked to the democratization of communications has produced a wearing out of the FNDC-slogan in the practical life, thus opening the path for the emergence of another concept that has revitalized the debate and the actions of the civil society both at the global and local levels: the right to communication.

If, on the one hand, democratizing the communications means to recover the vital part of this activity, that is to claim the original dimension of a dialogue and of horizontal communications, on the other, the idea of fighting for the right to communication is directly linked to the mobilization both of those who seek to exercise it more directly in the practical life – activists and journalists, for instance – and to expand this right to all who are entitled to it, in other words, to society as a whole.

In the international debates, including the field of the civil society, the communication-right as a concept has several understandings: one may refer to it as the claim by the unavailable means of communication – as if it were only restricted to expanding their dimension; or as the breadth of the right to communication as currently available, with a focus on the consumption of products and medias by the general population. However, this concept is related to the right of communicating in its essence, such as it should have never ceased to be, and such as it seeks to affirm and disseminate itself.

Its origin is the Article 19 of the Universal Declaration of Human Rights, which affirms: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (DECLARAÇÃO, 2004).

Commenting the statement of Jean d'Arcy, for whom the human right to communicate should be included in the text of the Universal Declaration of Human Rights, Cees Hamelink (in MELO and SATHLER, 2005, p. 144) shows that since the introduction of this right by UNESCO in 1994, "the right to communicate is perceived by its leading actors as something more fundamental than the right to information, as currently expressed by the international acts". The reshaping of article 19, based on the many subsequent debates, allowed the emergence of the Platform for Communication Rights, a group of NGOs formed in 1996 in London, which, on its turn, founded the CRIS campaign.

The ripening of the promoted articulations led to the need of understanding the right to communication itself as a human right, as currently claimed by organizations such as the AMARC, which manifests itself through the Letter of Principles of the CRIS-campaign as a support to the human rights: "Our vision of the 'Information Society' is grounded in the Right to Communicate as a means to enhance human rights and to strengthen the social, economic and cultural lives of people and communities" (LA CARTA, 2005). In the same way, the presentation text of the Platform agrees to:

work for the Right to Communication to be recognised and guaranteed as fundamental to securing Human Rights founded on principles of genuine participation, social justice, plurality and diversity and which reflect gender, cultural and regional perspectives (PLATFORM, 2005).

On its turn, the AMARC Charter of Community and Citizen Radio Broadcasters, issued in 1998 at the 7th AMARC European Regional Assembly, stated that "communication is a universal and fundamental human right" in all its implications, which are described in other documents available through AMARC's Latin American sector, in particular the People's Communication Charter.

In a general way, the perception of the importance of communication for social change has contributed to rescuing the right to communication of all, for all and by all in the dimensions of conceiving, producing, transmitting, disseminating and incrementing the participation of more actors. Such meaning is translated in a stronger way in this context than simply through the idea of democratizing the activity, including other notions such as the freedom of expression and of the press, the right to information and the right to communication, as well as the democratization of communications, cultural diversity and issues related to the appropriation of knowledge. And in a certain way, as McIVER, BIRDSALL and RASMUSSEN (2004) affirm, "the recognition of communication as a basic universal right was not reached until a significant technological innovation had been provoked", referring to the development of the Internet, yet keeping a general consonance with the community media.

Therefore, the current formulation of the communication-right is linked to the definition of public policies and regulatory marks in the form of principles to be defined and claimed by the many organizations that take part in the CRIS-campaign, as well as in other more recent initiatives, beyond the pro-democracy laws to be enacted in the many countries. In other words, the mobilization for democratizing the communications, which was taking shape in other forms in other countries, now becomes globalized, in the search for a common agenda based on realities that are increasingly seen as similar.

The 1st CONFECOM as a consequence and historical context

The demand for a Conference on Communications is not recent, dating back at least to the movement of the Constitutional Assembly in 1988. After the dark period of military regime in Brazil, with persecutions to political organizations such as unions and parties, with tortures and political imprisonments, and with the censorship of Institutional Act 5 (AI-5), among other curtailments and abuses, freedom of expression was a basic claim for restructuring democracy. Much beyond the abolishment of anti-democratic laws and the enactment of laws to reconstitute the general freedoms, the process of discussing these new rules would be the guarantee that the dictatorial aspect was not going to last by any further means, either through a party, economically or in any other way.

Along with the examples of the conferences in sectors other than Health, but also in the fields of Culture, Education, Human Rights and, more recently, Public Security, the consciousness of the importance of this process for the communications' sector is not new either, and it has been strongly present in the agenda since the 1980s. This is due to the publicization of the results of the work by UNESCO's International Commission for the Study of Communication Problems, through the Report "Many voices, one world: Communication and society, today and tomorrow", or MacBride Report. This report dealt with the unequal international flux of information and highlighted 14 fundamental points for the democratization of communications (UNESCO, 1980: 265-267). It was a product of the discussions promoted by UNESCO in the 1960s and 1970s, and pointed out to the importance of communications for strengthening democracy. In the MacBride Report, we find a landmark in the debate on the right to communication as a human right, reaching beyond the status of a mere right to receive information.

Nowadays, communication is considered as an aspect of the human rights. But this right is increasingly conceived as the right to communicate, thus stepping beyond the view of a right to receive communication or to be informed. It is believed that communication is a bi-directional process, and that its individual or collective participants keep a democratic and balanced dialogue. This idea of communication as dialogue, against the monologue-idea, is the basis of many current ideas that lead to the acknowledgment of new human rights (UNESCO apud RAMOS, 2005: 247).

It can be said that the foundations of the Conference on Communications are precisely the experiences with new media forms and information technologies around the world in the latest decades, which have awakened a longing for the maximum attainment of the right to communication as the bedrock of democracy and individual freedom,

which would have the power of producing a space where the peculiarities of identity could be manifested and appreciated. It does not mean that communications have been definitely democratized in the world, now that the media monopolies are not only a Brazilian exclusiveness. The difference is the possibility of increasingly strengthening discourse-forms opposed to the monopoly-establishment of the communications, allowing us to glimpse at other possibilities of logic in the sector, beyond the logic that MacBride sees as unidirectional.

The legacy of a new social participation

In spite of the facts that a significant span of time has elapsed since the 1st CONFECOM took place in Brasilia on December 14-17, 2009, and that new analyses can be already sketched from other standpoints, one cannot say either that the event served no purpose at all, or that it was the landmark of a new time in the public policies, as if it could by itself turn democratic communications into an effective human right in the country.

As a matter of fact, such ‘best of the worlds’ was not even among the most optimistic expectations in relation to the 1st CONFECOM in the months before the event. If one considers the way how it was called for, regulated and led in the course of 2009, it was conceived as a different moment in the relations between the State, the market and the civil society in the formulation of communication policies, yet it was identified as the first stage of a long process, constructed as the lessons of a tripartite dialogue on a historically delicate theme of the national politics. At the time, no one could anticipate that the final document of this first stage would already serve to decrease the extension of this path.

From the euphoria of the initial evaluations to the real-world pragmatism

The initial evaluations ‘straight from the battle front’ had two common characteristics: they pointed at a sequence of episodes regarding the emotion of those who intensely experienced the four days of the 1st CONFECOM, which sometimes obstructed the comprehension of the people who were looking from outside the process; and they sought to highlight the quality of the final result of the event based on the sum-total of relevant proposals approved, anticipating a future with a better comprehension of the achievements of the sector, although acknowledging the difficulties of the process that had previously taken place.

The 1st CONFECOM underwent repeated attempts to empty out the participation of the civil society (including threats of substantial cuts of funding); it also comprehended and accepted all the pressure imposed by the entrepreneurial sector (and in spite of that, it still saw the disbanding of a significant part of this sector, due to the imposition of a leftist policy by the civil society with the support of the government). The Conference also had a set of regulations that, up from the establishment of sectors for the voting process, harmed the participation of the civil

society vis-à-vis the other social segments.

For a final document conceived under such circumstances, there was something left out of the last-minute analyses, which ended up taking place and has not yet been properly noticed. The civil society may have been able to overcome all the initial difficulties, by attaining the eventual compromises along the process all the way up to the efficiency of the final document. Or else the segments were not sufficiently capable of apprehending the platforms and expectations of others in relation to the event, as they have identified the common points, in the willingness to dialogue throughout the Conference, which led to resulted in a more converging agenda than what was expected.

The agenda of the following months was intense and significant enough to threaten the continuation of the dialogues of the process that resulted in the final document of the 1st CONFECOM. On the side of the Brazilian government, there were expectations as to the announcement of the standard of digital radio to be adopted in the country, and on the steps towards the enactment of the National Broadband Plan (PNBL), involving structures that were already operational in the government and also others that would be reactivated, such as TELEBRAS and ELETRONET. Regarding the Ministry of Communications, there was also the frustrated expectation of the announcement of the regulation on the Citizenship Channels by Decree 5820/2006, which introduced the Digital TV in Brazil. We must also remember the reaction of the entrepreneurs of the commercial media to the announcement of the National Program of Human Rights (PNDH 3) in regard to the issue of media-control, among other topics outside the field of Communications, which was made evident through the 1st Forum on Democracy and Freedom of Expression, promoted by the Millennium Institute, demonstrating that the threat and the discomfort experienced by the corporate media led it to mobilize its intellectual and manual armies for the maintenance of its interests.

The end of the 1st CONFECOM: an announcement of a new movement?

Parallel to this agenda, several individuals, groups, organizations and movements of the civil society in the sector have been once more in the dilemma of providing answers to these and other more immediate questions, and/or to move forward in the process of reconfiguring their collectivities and articulations at the municipal, state and national levels along the lines of the results of the Conference. From those articulations that are moving on with their specific agendas to those that are awaiting the guidance of entities more directly linked to their areas, they are altogether a gain, as has been duly identified in the analyses during the 1st CONFECOM, especially in regard to the emergence of networks acting on the local agendas.

However, the current and future expectations regarding its continuity, from the above-mentioned standpoint that this is the first stage of a long process, lead to distinct views on the final document of the 1st CONFECOM. Beyond its successive stages, it is important to point out that the first stage has not yet reached its term, as all proposals approved at the 1st CONFECOM are products of a common comprehension that was reached at that moment, yet without the commitment of their effective

implementation. And given the complexity of the social movements acting in this area, and the historical moment of a year in which the successor of Lula must be elected for the presidency of the country, there will also be the task of identifying priorities in regard to the set of proposals approved and the ways of seeking a better implementation for them, thus recomposing, in a certain way, the final result of the event, as there will be proposals to be considered as more important than others.

Another expectation in regard to the legacy of the 1st CONFECOM is the willingness of the civil society to implement a social movement on communications, and to be guided by it in spite of the external linkages of its members. Instead of producing successive recollections on the four days of the 1st CONFECOM, it is important to recall the meaning of the civil-society plenary on the day before the opening of the Conference, when the benches of the national entities with a seat in the Committee that organized the event were absent from the meeting to decide if they would once again yield to the demands of the entrepreneurial sector, thus securing that the event would take place while taking into consideration the guarantee of an equivalent participation by the three sectors. As no agreement was reached, the plenary that voted the bylaw on the following day produced a consensus-proposal among the leaders of these organizations, with the support of most of the delegates who attended it, which proved itself satisfactory at the end of the works.

The communications-movement consists basically of national entities linked to organizations of workers of the sector, along with its (additional) party representatives – most of them, with a leftist orientation. There are other organizations closer to the definition of social movements that place the dichotomy of capital-labor in a new context without overcoming it, or even disconsidering it, such as organizations linked to counter-hegemonic initiatives of communications and those that emerged from the movements of students of Communications. There is also a countless number of organizations from other sectors, which have been incorporating communication- and media-issues in their agendas, given the increasing importance of these issues for their claims, such as the movements of women, African-Brazilians and, more recently, the LGBT [lesbians, gays, bisexuals and trans-sexual] movement.

Even facing the affirmation of a work-dynamic and of political actions that resulted in a reference for the consolidation of the communication policies for the coming years, the issues that budge the organizations that keep the current hierarchy in the context of such diversity may once again promote a drifting from the path in terms of materializing the constitutive proposals of the final document of the 1st CONFECOM. This is the possibility of an irreversible new country with an extremely more desirable reality of communications. On the other hand, such new texture of social movements that see communications as a strategic theme, using the technologies and the regulatory process, reinforces the potential for the effective existence of a new, cross-sectional type of traditional movements linked to the labor-issue and to the new social movements, which affirms in its practices the claims and the importance of communications for the contemporary society, as these movements defend another possible world.

Such is the challenge that goes beyond not only the implementation of Communication policies under the scope of the conferences as spaces of multi-sectorial articulations, and that asserts itself for the entities that seek to affirm

democratic communications in their daily fights, based on a series of provisions on political action as indicated by the final document of the 1st CONFECOM.

Achievements and expectations

It is important to include two relevant questions in the comprehension of this process of a different political construction regarding the participation of the society and the decision-making in the field of Communications: the importance of the local dimension in the formulation of the action-axes, taking into account its particularities, perceptions and challenges, and, on the other hand, the impasses established by the mechanism that implements the policies in the conception of this model of conferences.

If securing pluralism in communications becomes a basic assumption for the democratic affirmation – considering a democracy that goes beyond the mere will of the majority, based on a regime that secures the legitimacy of the minorities –, it is in the municipal and state discussions that this assumption can be effectively fulfilled according to the regulatory landmark to be established from the decisions of the 1st CONFECOM.²

With that, it is expected that national policies will be designed for the areas defined by the regional questions. This is a quite coherent action-course in a country of continental proportions, such as Brazil, where each region has its own peculiarities. With this process, it will be also easier to secure mechanisms of expression for groups without large numbers, or groups with a very local work, for instance strengthening communications at their communities, among other initiatives.

A unanimous point at the conferences was the need for implementing an interlinked network of Communication Councils at the municipal and state levels, and, in the case of the federal level, to reactivate the National Council of Social Communications. Such network of councils would be an instrument to establish social control on the activities of the sector. Although its responsibilities are not yet a consensus under the scope of the municipal conferences, it is sought to secure mechanisms of action along with the public power by those who work and benefit from the communications as an instrument to secure citizenship – a quite interesting instrument for democracy.

The proposal to create permanent forums on Social Communications, strengthening the stimulus to citizenship before the media, would have the objective of becoming a space of debates, linkages, cooperation and collective planning for activities related to the communications in the communities. One would therefore secure a space of continuous discussion and a strategic space inasmuch as it creates a linkage with the public life of the city, allowing progressive actions to raise awareness on the right to communicate.

Its existence would make the Municipal Councils feasible in each city, as they have

² Here, taking into consideration the contribution of the essay written by Clarisse Monteiro Fernandes in the course of Social Communications of the Federal Fluminense University, supervised by the author.

the capacity to mobilize the popular action in relation to the sector. The Forum has the capacity to deliberate on local issues, such as, for instance, ways of collectively thinking on the potential use of media points and tele-centers, as well as of community radios and newspapers. The Forum would also have the role of organizing the next municipal conferences on communications, which is quite beneficial as it secures, from the start, the popular participation in the process. Finally, it represents an important mechanism of social control and participation, due to its character of mobilizing, educating and preparing a conscious use of the Municipal Council.

Another constant point at the conferences was the importance assigned to the measures of education for the media. Discussions were held on the importance of school subjects at the basic teaching-level related to the production and to the critical analysis of the media, as well as to the provision of free courses of the same nature. As to the school issue, an element that must be critically approached is what type of professional would teach such subjects, as they would demand a specialized type of expertise.

In this sense, the challenges would be to think about the qualification of educators and to create an adequate policy in order to de-bureaucratize the process of issuing public calls, and purchasing and maintaining the necessary equipments, so that the measure will not become unfeasible due to an exceedingly complex or problematic praxis.

Another common point of the conferences regards the need for better developing and strengthening community radio, safeguarding the differences among community radio and community TV. As to the low-power community radios, the central question is their decriminalization. Act 9612/98 is restrictive to their full development, on account of the complicated process of permit-granting, and of technical limitations, thus generating a process that can last from two to ten years – a process in which a political linkage does make a significant difference.

On its turn, the question of the community TVs comprises the guarantee of a broadcast signal, including the digitalization process of the TV and the so-called Citizenship Channels, which were established with the implementation of Digital TV in Brazil.

There has also been a proposal to motivate community spaces at the tele-centers and culture points, along with the existing community TVs and radios, as places of popular appropriation of communication technologies for the free expression. These spaces exist as such by definition, but their potential is discouraged by insufficient funding and restrictive policies. Securing the sustainability of these initiatives is a central feature of their good functioning. Workshops on free media and on capacity-building for popular communicators would also be included in these spaces.

The creation of Municipal and State Funds to foster public communications was seen as a key element in the implementation of the proposals presented for the democratization of the media. The resources of the Fund seem to have been conceived in order to step beyond the use of funds for the maintenance of the communication-outlets, attempting to stimulate and strengthen free courses of capacity-building for the media, tele-centers and culture points, plus increasing the research and the implementation of free computer softwares – in short, it is meant to foster all

initiatives that may stimulate the democratization of communications on either a public, public-State or independent basis.

Affirming the local level as a space of activities

- Communication Councils

At the conferences, there was a unanimous approval of the need for implementing an interconnected network of Communication councils at the municipal and state levels, while reactivating the National Council of Social Communication at the federal level. Such network of councils would be an instrument to attain the social control of the activities of the sector. As to its character – whether of a propositional, consultive or deliberative nature –, no consensus has been reached: the municipal resolutions of Niterói and Rio de Janeiro, for instance, bring no specifications on this point; on its turn, the resolution of the Eastern State of Rio de Janeiro demand a deliberative nature and representation by the segments of the sector – the civil society, professionals of communications, entrepreneurs and the public power. If attributions change according to their character, the role of such councils is to secure mechanisms of action along with the public power by those who work and benefit from communications; in the last instance, it is an instrument to guarantee citizenship – a quite interesting instrument for democracy. The network-format would represent a way of polarizing and expanding the possibilities of social participation in the sector, accumulating the emerging contributions of the local realities, as it was difficult to secure the full activities of the now deactivated National Council, precisely due to its function.

But how can the participation of the society be secured in a council without running the risk that this council will drift away from its purposes? A first question, therefore, will be to create regulation-mechanisms for these councils with the potential for preserving their principles as much as possible, that is, to secure a real representation by the local actors. It is worth highlighting that the best possible exit will always bear in mind the question of awakening the citizens and participative actions by raising the social awareness on the role and the importance of these councils and of many other mechanisms that make the presence of the society effective in communications. Finally, there must be a movement of critical and constructive approximation between the society and the media.

- Permanent Communication-Forums

A quite relevant proposal for the question of stimulating citizenship before the media, which strongly emerged especially at the Conference of Niterói, regards the creation of a Permanent Forum of Social Communications at the municipal level. It would have the goal of becoming a space of debates, articulation, cooperation and collective planning for activities related to communications in that community.

Thus, a space would be secured for the constant discussion, in other words, it would be a strategic space inasmuch as it creates a link with the public life of the city, allowing progressive actions for awakening the right to communication. Its existence would make the Municipal Council feasible, as it would have the capacity to mobilize

the popular action in relation to the sector. The Forum has the capacity to deliberate on local questions, such as, for instance, ways of collectively thinking about the potential use of media points and tele-centers, as well as community radios and newspapers.

In Niterói, it was also decided that this Forum would be responsible for devising the operations, the structure and the activities of the Niterói's Municipal Council of Communications.

- Education for the Media

The importance of educational measures for the media was also quite highlighted. There were discussions on the importance of primary-school subjects on media-production and critical analysis, as well as on free resources of the same nature. Specifically in Niterói, the issue included the provision of production and transmission equipments.

Regarding the question of the free courses, beyond the observatories, it is also necessary to think more deeply about its praxis: would they be connected to media observatories, free schools, culture points, community TVs and radios or any type of special project? Or could they operate as a form of university extension open to the general community, or even act based on a mixed model including all these possibilities or others? All this has been brought up in the discussion, but no path has been consensually agreed on.

The question of education for the media goes beyond fostering specific lessons on the theme; the mobilization of Councils, Forums and Conferences also plays a role in this type of education. They are actually distinct elements of one single process.

- Strengthening Community-Media

Another common point at the conferences regards the need for better developing and strengthening community radio, with the proviso that the problems of the radios are different from the problems of the TVs.

As to the low-power community radios, the central question is their decriminalization. Act 9612/98 is restrictive to their full development, due to the complicated process of permit-granting, and to technical limitations. The process is notoriously slow; it takes at least two, and up to five years to be concluded. For many community radios, it may take even ten years to overcome this stage.

The Federal Police ends up confiscating equipments and arresting the workers of these radios, even when they are in the process of obtaining their permits. Such process of criminalization twists the function of community radios before the society, as if they were similar to the pirate radios. The great defense of the segment in all conferences is the amnesty of the criminalized radio operators who were working as the permit-process was in transit at the justice. Furthermore, there is a frequent claim in favor of some type of publicity for these radios, to cover their maintenance costs,

due to strong deficiencies and to the lack of funding for such initiatives. They would keep their non-profit nature and their additional principles, among them to contribute to citizenship, to democratize the access to the means of communication, to secure public and collective management, to appreciate the local culture and to disseminate the social mobilizations, having their programs linked to the needs of each specific community.

Regarding community TVs, their main claim is securing the broadcast signal. Only then the communities would have effective access to these TV stations, which are theirs by right. Another proposal was to encourage the community spaces of telecenters and culture points, along with community TVs and radios, which are defined as places of popular incorporation of communication technologies for free expression. These spaces exist as such by definition, but their potential is discouraged by meager funding and restrictive policies. Securing the sustainability of these initiatives is a key factor for their good functioning. Additionally, workshops of free media and capacity-building for popular communicators would be added to these spaces.

- Social-Communication Fund

The creation of Municipal and State Funds to foster public communications was seen as a fundamental element in the implementation of the proposals for the democratization of the media. But the way how such funds would be composed is variable. The use of the FUST (Universalization Fund for Telecommunication Services) and of the FISTEL (Fund for Inspection of Telecommunications) – both managed by the Communications' Council – was considered as an option, as well as the use of the resources for public advertising at the federal, state and municipal levels, directed to public communications, particularly community-communications.

Another possibility taken into consideration is the creation of a new tax, which should be paid by the commercial media for using the electromagnetic spectrum of frequencies. This claim is supported by the assumption that the spectrum is a public and scarce good, and that even when its use is a concession for commercial purposes, the companies that use it should still provide a general counterpart of a public nature.

The background-issue is that there is no consensus on what the concept of 'public' means in terms of communications. Its distinct conceptions can be divided into two. One of them would be that of the group that conceives the public domain as the domain of the State. The newly-approved Argentine legislation on communications brings a clarification on this. There would be three systems of communication: a public-State system, a commercial private system, and a non-commercial private system.

Along with Argentina, some Latin American countries such as Ecuador and Bolivia are adopting a system of communications divided into three parts, based on the sectors of the State, of the private initiative, and of a third sector by the civil society. Among other reasons, such view is inspired by the document of the Inter-American Commission on Human Rights entitled "Declaration of Principles on Freedom of Expression", which states that "the concession of radio and television broadcast frequencies should take into account democratic criteria that provide equal

opportunity of access for all individuals".

According to the way how the question was taken to the conferences, the public character appears as an assumption so that it can be considered democratic. One of the proposals approved at the 1st CONFECOM describes such conception of public system of communications:

Regulate article 223 of the Federal Constitution, which defines the public, private and state systems. The first must be understood as composed by organizations of a public character managed in a participative way, based on the possibility of universal access by the citizen(s), including its direction-structures, and social control (1st CONFECOM, 2009).

The association between the public-status and democracy must not be faced as natural. There could have been a movement in favor not of a public character properly speaking, but of an alternative or independent character as a space of pluralism, such as is more frequent, for instance, in the field of movies, with the existing alacrity around this way of making movies independently of large companies or of the State.

Leaving aside the disagreements in regard to the definition of public system, the use of the Fund seems to be conceived in order to step beyond the use of resources for the maintenance of the communication-outlets, seeking to stimulate and strengthen also the free courses on capacity-building for the media, along with tele-centers, culture points, improvements in researches and the adoption of free computer softwares, in short, all initiatives that may stimulate the democratization of communications, whether of a public, public-State or independent nature.

Conclusion

The 1st CONFECOM appears in this scene as the consequence of a new stage in the production of communication policies, making evident the similarity with the debate established along the process of the World Summit on the Information Society (WSIS), which was held in two parts: the first one in December 2003, in Geneva, and the second one in November 2005, in Tunis. Differently from other conferences, this Summit has counted since the beginning with a stronger participation by the civil society and by the private initiative in its conception. It was prepared from several spaces taken as open platforms of discussion, action and consensus-building on the contents, processes and aspects related to the WSIS, which defined the many texts related to the themes to be affirmed in this Summit.

The complexity of these themes and the diversity of contending interests has not only led to an extremely rich learning experience for all; they also opened the path so that the theme of communications could be finally raised to the status of a higher concern around the world. This is true especially due to the contradiction that we are experiencing the introduction, in several sectors of the society, of a specific technology capable of connecting the planet, but it is still accessible to only a small part of the population, while affecting the interests of the public and private sector, and also of the civil society.

The idea of public control, which lies at the foundations of the actions of the National Forum for the Democratization of Communications, builds on the capacity of the civil society “to put in perspective the nature of the property of the means of communication as a factor that conditions and exclusively determines its operations and the fulfillment of its social role” (BASES, 1994: p.5). However, the public nature that stems from such articulation needs to be assimilated as a consequence, and instead of as a cause, of the involvement of the civil society with the theme of communications – a reality that is still far from taking place.

In a certain way, in a particular moment, the institutional channels and the channels of direct action must meet, and it is becoming evident from the movements of both sides that the direct actions will underlie a consensus-based type of regulation by the governments, either through the force or the demands of the society, in favor of regulatory actions. While this moment is still not built in a satisfactory way, the streets are becoming increasingly filled with experiences of the most distinct hues.

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