

# National Culture Plan: legal analysis of the conception, processing and potentiality\*

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## Abstract

Originally scheduled to expire in December 2020, the ten-year National Culture Plan (PNC) seems to have contributed very little to the development of national culture, if only because of the official monitoring of its goals and the discrediting of the sector, evidenced by facts such as budget reductions and the demotion of the Ministry of Culture to the status of Special Department of the Federal Government. In order to understand the failure of the PNC, the present research, carried out based on the bibliographical and documental research method, investigating its conception, processing, and potentialities. Moreover, a comparison is made with the also ten-year National Education Plan (PNE), a paradigm to its cultural counterpart, aiming to understand its similarities and differences, in the mentioned aspects. Finally, we propose the classification of the 53 goals of the PNC, based on 5 criteria extracted from elements common to some of them, believing that, perceived in theoretical terms, they can highlight the preponderant characteristics of the Plan, making it more understandable. Less than 10% of the goals of the PNC are fully relevant and achievable. In more general terms, one reaches the conclusion that the flaws of the PNC stem from the fact that it bears more resemblance to a manifesto than to a plan for the cultural sector. It is believed that this is a pioneering research in the aspects reported, whose results can be useful in the elaboration of the new National Culture Plan for the next period, as determined by the Federal Constitution of Brazil.

## Keywords

National Culture Plan - Brazil – Analytical study – Comparative study – Ten-year renewal.

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\* English version by Artur de Moraes Cavalcante. The author takes full responsibility for the translation of the text, including titles of books/articles and the quotations originally published in Portuguese.

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## Introduction

The first National Culture Plan (PNC) of democratic Brazil was made to last from 2010 to 2020<sup>2</sup>, which implies the need to create a new one for the next decade, since this instrument of cultural policy derives from a determination of the Brazilian Constitution.

The creation of the new PNC, however, demands that, beforehand, there be an evaluation of what is ending, with the objectives of avoiding mistakes and going deeper into the successes observed. There is also the hypothesis of completely disregarding the fading Plan, but this is, at first sight, only a conjecture, since the objective of a ten-year planning is to give stability to certain elements of a given policy, in this case, the one related to the field of culture.

The evaluation of the first PNC that is intended to be carried out in this writing is not the observation of the fulfillment of its goals, which is supposedly done on a permanent basis by the Union's cultural management agency, currently, the Special Department of Culture of the Federal Government.

The intent, therefore, is to understand the logic under which the enigmatic and prolix Plan was elaborated, from steps that contemplate the observation of its historical path and the structure it has acquired, which includes the classification, in theoretical terms, of its goals; moreover, its main paradigm, namely: the National Education Plan (PNE), is observed in comparative terms. All of this as tools to understand its nature and conclude if, effectively, in terms of theoretical conception, it is able to materialize the constitutional objectives that determined its creation.

This option for an investigation closer to the theoretical conceptions also derives from public and notorious facts that, empirically, the PNC reflects a failure in the increment of the finalistic activities it proposes, the same happening with the structures that are supposed to support it, such as the Ministry of Culture itself, which, even before being administratively downgraded, suffered all kinds of budgetary and other kinds of depreciation.

In order to develop this endeavor, it is necessary to research documents related to the derivative constituent power that created Brazilian Constitutional Amendment no. 48/2005, the normativity that arose from it, the legal doctrine and doctrine of areas related to the theme, and also to make use of the knowledge of formal logic, in an attempt to understand if the elements of the Plan, nominated in a certain sense, correspond or not, in real terms, to such a designation.

At the end of the study, the intention, when presenting the conclusions, is to leave reflections that can be converted into contributions to the eventual confection of a new National Culture Plan, at least in terms of general ideas that help the legislator to make, in relation to the current one, pertinent exclusions, reasonable procedures, and indispensable inclusions.

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**2-** On what would be the last day of effectiveness of the National Plan for Culture, the Brazilian Provisory Measure no. 1.012, of December 1st, 2020, was edited, extending its effectiveness to 12 (twelve) years. This Provisory Measure was converted into Law by the Brazilian Congress on May 6th, 2021, as can be seen at: <https://www.congressonacional.leg.br/materias/medidas-provisorias/-/mpv/145627>

## A source of unanimities

The normative basis of the National Culture Plan is in § 3º of Art. 215 of the Brazilian Federal Constitution, added to it as of August 11, 2005, when *Constitutional Amendment nº 48* was published, promulgated the day before.

It is true that rules, depending on the circumstances that surround them, have greater or lesser effectiveness, achieve or not the goals imagined by their creators, preserve or change their meaning according to their interpreters and enforcers (VASCONCELOS, 2016). To know what effectively happened to the norm that created the PNC, it is worth investigating its origin.

One of the first official acts of processing is in the Brazilian House of Representatives Journal of December 7, 2000, in which the Proposal of Constitutional Amendment (PEC) nº 306 (BRASIL, 2000), of the same year, was published, based on an initiative of Representative Gilmar Machado, of the Workers' Party (PT) of Minas Gerais and Representative Marisa Serrano, of the Brazilian Social Democracy Party (PSDB) of Mato Grosso do Sul, and another 175 of their colleagues<sup>3</sup>, to fulfill the requirement that the proposal modifying the Brazilian Constitution demands at least one third of the members of one of the houses of the National Congress (Brazilian Federal Constitution, Art. 60, I), which means, in the case of popular representation, 171 signatures.

Regarding the writing of the text, even considering the fact that it has been going through a process of almost five years, it has not undergone any changes and, therefore, corresponds to what is now integrated into the Brazilian Federal Constitution, which will be transcribed in the next section of this article to serve as a basis for the legal analysis that is required (COSTA; TELLES, 2017).

When justifying the initiative, the proponents of the PEC praised what the Brazilian Constitution already had on cultural rights, in particular its fundamental character (CUNHA FILHO, 2000) and the amplification of the "concept" of cultural patrimony (SOARES, 2009), but understood that it "omitted an important aspect", precisely the National Plan of Culture, whose elaboration was adjectivated as "urgent", due to the fact that culture, in Brazil, "still does not constitute itself in an important aspect in the list of public policies, attested by the very few<sup>4</sup> resources that are dedicated to it in the context of the budget of the Union, the States, the Municipalities and the Federal District." (BOTELHO, 2016, p. 27)<sup>5</sup>.

In the Commission of Constitution and Justice, responsible for the formal analysis and constitutionality, the PEC was considered fit to be processed, for having met the requirements of the Major Law, however, now with the substitute text proposed by Deputy Murilo Domingos, of the Brazilian Labor Party (PTB) of Mato Grosso, which repeated the above transcribed content and added an article to establish that "this Constitutional Amendment shall enter into force on the date of its publication" (BRASIL, 2000), as seen in the House of Representatives Journal of August 9, 2001. The approval was unanimous.

**3-** In fact, the amendment proposal had 180 signatures; however, in the Senate, 3 of them were excluded because they did not match the existing parameters in the House, as can be seen in the Federal Senate Journal of August 7, 2003.

**4-** In the original there is the word "intimate" which, from the context, is understood to be a typo.

**5-** This author confirms and amplifies the perception of the problem, affirming that "the budget resources of public agencies, in all administrative spheres, are so little significant that their own institutions compete with cultural producers for private funding". (BOTELHO, 2016, p. 27).

According to what is stated in the House of Representatives' Journal of April 18, 2002, the Special Commission required for these cases was formed, composed of 31 congressmen, presided by Representative Osvaldo Biochi, from the Brazilian Democratic Movement Party (PMDB) from Rio Grande do Sul, and having Representative Lidia Quinan, from the PSDB of Goiás, as rapporteur. In this collegiate, it is worth noting the facts that no proposal to change the text was presented, as well as the fact that only one public hearing was held, in "face of the consensus around the PEC", attended by the then Minister of Culture, Francisco Corrêa Weffort, and a large part of his staff, composed of secretaries and directors of entities linked to the portfolio, who were also unanimous in expressing their full agreement with the proposal in question.

Notwithstanding, in the history of these participations, the Rapporteur consigns the punctual and specific demands of those subordinated to the Minister, favorable to the policies of books, reading, cultural heritage, cultural incentives, scenic arts, and the Portuguese language, which were rejected as to possible alterations in the text of the PEC, not because they were impertinent, but because there was an understanding that they were subsumed in its general precepts, giving the understanding that these specificities should be part of the Plan itself.

The support of Minister Weffort, for his part, came from the "conviction that Brazil is now ready for a National Cultural Plan", moreover, because "the great objectives of culture that are of national reach and that go beyond any differences of political, partisan, ideological, regional or whatever nature"; finally, because it is "a state policy", "that is to say, whatever the government policy or government, whatever the result of this or that election, as is proper in democratic procedure, the Brazilian State will have to follow certain goals in the area of culture, as well as in the area of education" (BRASIL, 2000).

In her conclusions, the rapporteur, "considering the great cultural and educational merit of the legislative initiative in question" (BRASIL, 2000), voted in favor of it, as did all her peers present at the session. The same lack of discrepancy (BARBALHO, 2019), always accompanied by much praise, occurred in the two rounds voting in the Plenary of the House of Representatives.

The pattern of praise and unanimity<sup>6</sup> was the same in the Federal Senate, where the PEC was given the number 57/2003, with emphasis on the report by Senator Marcelo Crivella<sup>7</sup> who, acting in the Commission of Constitution, Justice and Citizenship, according to the Federal Senate Journal of March 11, 2004, highlighted the "programmatic" character of the Plan, and considered it "indispensable for the consolidation and independence in relation to the supervening governmental conjunctures".

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**6-** The only dissenting vote was rectified, as can be seen in an excerpt of the proceedings: "Approved in the second round, with the following result Yes 56, No 01, Total 57, after Senators Hélio Costa, Marcelo Crivella, and Aloizio Mercadante had taken the floor, and Senator Heráclito Fortes had rectified his vote to YES" (BRASIL, 2003).

**7-** The emphasis given to this authority is linked to the fact that later, while Mayor of Rio de Janeiro, he acted against freedom and cultural incentives, in episodes such as the attempt to prevent the Queermuseu Exhibition, especially in municipal equipment (2018) and the compulsory collection of books in the Biennial of the city, considered immoral by him, and his intentions failed, because the exhibition was held in Parque Lage, from collective funding, and in the other case, was contained by decision of the Brazilian Supreme Court, in the Precautionary Measure in Suspension of Injunction No. 1,248, issued on September 8, 2019, by the President of the Court, Justice Dias Toffoli.

## The opposite of the paradigm

As seen, although a little lengthy, the constitutional legislative process of the National Culture Plan was smooth, abundantly supported and always referenced without disagreements. In substantial terms, the same text that was presented in 2000 became part of the Brazilian Constitution in 2005; literally, the paragraph transcribed below was added to Art. 215:

[...] § 3º The law will establish the National Culture Plan, of pluri-annual duration, aiming at the cultural development of the country and the integration of the actions of the public power that lead to:

- I- the defense and valorization of the Brazilian cultural heritage;
- II- the production, promotion and diffusion of cultural goods;
- III- the training of qualified staff for the management of culture in its multiple dimensions;
- IV- the democratization of access to cultural goods;
- V- the appreciation of ethnic and regional diversity (BRASIL, 1988, online).

From this device, it is necessary to decode its elements so that they can be better understood; this pedagogical effort suggests a schematized perception, as follows:

- Regulatory standard: “law”, which is necessarily national, since it is a plan of this nature, and therefore issued by the Union, in this case Brazilian Law No. 12,343 of December 2, 2010;
- Duration: “pluri-annual”, that is, the National Congress, from the preferential initiative of the Brazilian President<sup>8</sup>, could define a minimum of 2 years, in this aspect, but decided, immediately, in the above mentioned law, to start with 10 years;
- General goal: “cultural development of the country”;
- Strategy: “integration of the actions of the public authorities”<sup>9</sup>;
- Specific goal: to favor the “cultural heritage”, observed as a whole or from the assets that compose it, according to the description in the caput of Art. 215 of the Brazilian Constitution, in terms of “defense and enhancement”, “production, promotion and diffusion”, “training of qualified personnel”, “democratization of access” and “valuing ethnic and regional diversity” (URFALINO, 2015).

Thus, the National Cultural Plan was constitutionally designed, and its inspiration, which can be seen repeatedly in the documents relating to its processing, was the National Education Plan (PNE), which is why it must be known, in the same dimension as it appears in the Superior Law, so that one can compare one and the other. The paradigmatic Plan is foreseen in the following provisions of the Brazilian Federal Constitution:

**8-** The reasons for this preference of initiative will be seen below, anticipating that it has not been respected.

**9-** Although, at first sight, the “integration of public power actions” seems to be a second objective of the National System of Culture (SNC), it is observed that it does not represent a specific finality of the cultural field, but rather an instrument to that end. In the same sense, but in another normative-cultural reality, Jesus Prieto de Pedro (2006), after discussing the conceptual clash between ‘right to culture’ and ‘cultural rights’, focusing on Spain, reminds that, despite the achieved conclusion, “son sujetos pasivos de este derecho todos los poderes públicos” (PEDRO, 2006, p. 281), an assertion only partially valid for the Brazilian normative reality, considering that in this one there are cultural duties attributed to individuals and civil society.

Art. 214. The law will establish the national education plan, to last ten years, with the purpose of articulating the national education system in a collaborative regime and to define guidelines, goals, targets and implementation strategies to ensure the maintenance and development of education in its various levels, stages and modalities through integrated actions of the public authorities of the different federative spheres that lead to:

I – the eradication of illiteracy;

II - the universalization of school assistance;

III – the improving the quality of education;

IV - the training for work;

V - the humanistic, scientific and technological promotion of the country.

VI - establishing the goal of investing public resources in education as a proportion of the gross domestic product (BRASIL, 1988, online).

It is important to say that the above transcribed text is, in part, the product of the Brazilian Constitutional Amendment No. 59 of November 11, 2009; originally, there was no item VI and the head of the article had the following wording: “The law will establish the national education plan, multi-year duration, aimed at the articulation and development of education at its various levels and the integration of the actions of the Public Power leading to the [...]” (BRASIL, 2020a).

Some elements, from what has been seen so far about the PNE, are worth highlighting:

- It deals with a specific cultural right, that of instruction, which has been considered as such since 1948, by article 26 of the Universal Declaration of Human Rights (MEYER-BISCH; BIDAULT, 2014);

- By having the above focus, your specific goals are more easily transmutable into targets;

- For 21 years it was defined as pluriannual, since Brazilian Law no. 10,172, of January 9, 2001, which instituted the first PNE of this normative era, gave it a ten-year duration, a lapse that, as seen, was constitutionalized in by Brazilian Constitutional Amendment no. 59/2009 (VIEIRA, J.; RAMALHO; VIEIRA, A., 2017)10;

- Its execution is supported by the guarantee contained in Article 212 of the Brazilian Federal Constitution (BRASIL, 1988, online), according to which “the Union will apply, annually, never less than eighteen, and the States, the Federal District and the Municipalities twenty-five percent, at least, of the revenue resulting from taxes, including that from transfers, in the maintenance and development of education”.

In legal terms, the current PNE was regulated by Brazilian Law No. 13.005, of June 25, 2014, consisting of 14 articles and an annex containing its 20 goals and respective strategies.

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**10-** These authors, investigating official Brazilian government documents, report that it was “in 1962 that the first Brazilian PNE appeared, but this document did not emerge as a bill, but as a set of rules that aimed at some financial applications; [...] it was basically a set of quantitative and qualitative goals to be achieved within eight years” (Brasil, 2000, p.6)” (VIEIRA J.; RAMALHO; VIEIRA, A., 2017, p. 64-80).

Details of the proceedings of the norm that contains the PNE are indispensable to get an idea of its importance. The bill that gave birth to it resulted from an initiative of the Brazilian President (bill No. 8.035/2010), certainly to comply with the constitutional precept that laws that provide for the “creation of positions, functions or public jobs in the direct and indirect administration or increase in their remuneration” (Art. 61, § 1, II. a, of the Brazilian Constitution) are the exclusive initiative of that authority, an effect that is easy to see as a result of its goals.

In the House and Senate, besides deserving a specific parliamentary commission, it went through all the thematic commissions that, in some way, were involved in its writing; moreover, it was submitted to public hearings, regional meetings, debates in legislative assemblies, seminars, summoning of ministers, and received hundreds of amendments, some of which were incorporated into its text. Besides this, even though there was an intention that it be voted on terminally in the fractional organs of the parliamentary houses, it had to be submitted to the plenary sessions, based on regiment resources.

As for the body of the Law, it is worth highlighting the fact that it specifies guidelines, which encompass and surpass what is in Article 214 of the Brazilian Constitution; moreover: it lists the monitoring instances; defines the sources of resources, including the constitutional bindings and budget legislation; determines the holding of education conferences in all the federative spheres; establishes the collaboration of the public entities and determines that each one of them must create its own education plan.

As for the goals, twenty in number, almost all contain the forecast of quantitative expansion of educational services at different levels; the qualitative goals are measurable based on performance criteria; the most discrepant from this pattern, as it does not refer to an educational service, but to the pecuniary presence of the State, is number 20, which pleads for “expanding public investment in public education in order to reach, at least, the level of 7% (seven percent) of the Country’s Gross Domestic Product - GDP in the 5th (fifth) year of this Law’s effectiveness and, at least, the equivalent of 10% (ten percent) of GDP by the end of the decade” (BRASIL, 2010, online).

In this way, even a very preliminary comparison allows the perception of the unbalance between the two Plans, based on several elements, but the following are enough to show it: while the tried and tested and economically supported PNE is aimed at increasing a block of specific cultural rights, the newcomer and unfortunate PNC aims to take care of all the others.

## **A labyrinthine plan**

Brazilian Law No. 12.343, of December 2, 2010, according to what is stated in its summary, “establishes the National Culture Plan - PNC, creates the National System of Cultural Information and Indicators - SNIIC, and makes other provisions” (BRASIL, 2010, online). This rule resulted from Bill no. 6.835/2006, authored by Congressman Gilmar Machado (PT/MG), the same Congressman who presented Proposed Amendment (PEC) 306/2000, this time in partnership with his colleagues Paulo Rubens Santiago (PT/PE) and Iara Bernardi (PT/SP). In a preliminary legal observation, this initiative

is subject to the suspicion of unconstitutionality, for involving matter to be proposed by the President of the Republic<sup>11</sup>, as mentioned when dealing with the National Education Plan (SILVA, J., 2014).

Speaking of the PNE, a comparison of both parliamentary procedures shows that, at best, the PNC was melancholic: it only went through the constitution and justice and education and culture committees in each of the parliamentary houses, where it had a final vote, which is characterized by avoiding the matter going to the plenary session (VARELLA, 2014; FERAZ, 2013). Along the way, with the exception of substitutes by rapporteurs, it did not receive amendments from other parliamentarians.

Structurally speaking, the resulting law is composed of five chapters, as follows: I - Preliminary Provisions; II - The Powers of the Government; III - Financing; IV - The Monitoring and Evaluation System; V - Final Provisions. Thus exposed, the norm for regulating the PNC could be imagined as simple and operational, which in no way corresponds to what it effectively is; just to give an idea, observing the objectives, while in the Brazilian Constitution they are represented by five items, in the Law they are sixteen, which immediately leads to a cogitation of unconstitutionality, at least of the excesses in relation to the constitutional command, a hypothesis that does not deserve exploration, at this moment, but only this reference for the purposes of identifying the main characteristics of the Plan.

Not only that, the Law has an annex, also with five chapters, in which the guidelines, strategies, and actions of the Plan were specified, and whose names also show the complexity of the legislation: I - Of the State: to strengthen the State's role in the institutionalization of cultural policies, intensify the planning of programs and actions directed at the cultural field, and consolidate the execution of public policies for culture; II - Of Diversity: recognize and value diversity protect and promote arts and cultural expressions; III - Access: universalizing the access of Brazilians to art and culture, qualifying cultural environments and equipment for the formation and fruition of the public, and allowing creators access to the conditions and means of cultural production; IV - Sustainable Development: expand the participation of culture in socio-economic development promote the necessary conditions for the consolidation of the economy of culture induce sustainability strategies in cultural processes; V - Social Participation: to stimulate the organization of consulting instances, to build mechanisms for civil society participation, and to broaden the dialogue with cultural agents and creators.

The portentous dimension of the PNC can be measured from the information that "the Plan is composed of 36 strategies, 274 actions, and 53 goals. However, it is noteworthy that the goals were published through Brazilian Administrative Rule No. 123 of December 13, 2011," i.e., the regulation goes beyond the law (BRASIL, 2020a, online).

In turn, the goals do not fail to generate doubts, for various reasons; One of them is the transfer of attribution to other agencies, as is the case of No. 17, which aims at "20

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**11-** In ADI No. 2.079, with decision published on June 18, 2004, and in Extraordinary Appeal No. 745.811, with decision published on November 6, 2013, the Brazilian Supreme Court reiterated that "The legal rule resulting from a parliamentary amendment to a bill that is the exclusive initiative of the head of the Executive Branch and which results in an increase in expenses is unconstitutional in form (CF, arts. 61, § 1, II, a and c, and 63, I). Parameter of cogent observance by the States of the Federation, in light of the principle of symmetry". If the simple amendment, in the mentioned circumstance, is unconstitutional, more so is the entire bill.



thousand culture workers with knowledge recognized and certified by the Ministry of Education (MEC)” (BRASIL, 2010, online), on the grounds that such acts should be practiced “through the government body responsible for certification, the National Education Council (CNE), of the Ministry of Education (MEC)” (BRASIL, 2010, online), which does not correspond to the legal powers contained in Law No. 9. 131/1995. Furthermore, an autonomous and proper certifying power of the cultural agencies is given up.

Another uncertainty is that which refers to a possible entry into typical market issues (SIMIS, 2015), as occurs in target number 27, which aims for “27% participation of Brazilian films in the number of tickets sold in movie theaters” (SILVA, F., 2019, p. 22); this intent is quite different from the occupation of exhibition equipment, which can be solved with a screen quota; sales are a result of the public’s acceptance of the cinematographic work. This is also the case with goal 30, which calls for “37% of Brazilian municipalities to have a film club”, which are private and even informal institutions, in many cases; the public creation of film clubs transforms them into state organs. In this list would also enter the goal 53, which pursues “4.5% participation of the Brazilian cultural sector in the Gross Domestic Product (GDP)”, something that, in a market economy, is governed by the sign of constant variations (BÉRA; LAMY, 2015, p. 283-305).

Another potential problem is the insertion of specific government policies as if they were state policies, as is the case of goal 33, launched in order to achieve “1,000 cultural spaces integrated with sports and leisure in operation” (BRASIL, 2010, online), which are expressly linked to the “Sports and Culture Squares project”, of the cultural manager of the time.

Another alternative risks hurting the autonomy and the socio-administrative peculiarities of the entities of the Brazilian federation. This is verified in goal 37, directed to obtain “100% of the Federation Units (UF) and 20% of the municipalities, being 100% of the capitals and 100% of the municipalities with more than 500 thousand inhabitants, with exclusive culture secretariats installed” (BRASIL, 2010, online).

There is also a possible confusion between the fight for financial support for the cultural sector with the Plan’s goals; for example, nº 50 projects “10% of the Pre-Salt Social Fund for culture” (BRASIL, 2010, online), which forgets the temporary nature that the aforementioned fund may have.

## **Classification of the PNC goals**

These topical observations stimulate the organization of the PNC’s goals according to what they can effectively provide to the cultural field; as a result, it is anticipated that they can be classified as: instrumental, programmatic, transcultural, and assertive; besides these, there are some that could compose one of the blocks mentioned, however, for supposedly having significant congenital defects, they deserve a specific classification as legally and politically imprecise. Each of these types of goals are defined below, as well as the synthesis of their contents, omitting numbers and desired percentages because they are only circumstantial to the purpose of the reflection, i.e., it doesn’t matter much, at this point, the quantity tied to each goal, because the objective now is to understand, in thesis, the structure, the declared purpose, and the effective potential.

## **Instrumental goals**

Instrumental goals are understood as those whose objective is not the end-activity, but that aim to institute or strengthen the organic, political, informational, and instrumental means to the Plan in specific, and to cultural policies in gender. At least in 12 of the 53 goals of the PNC (~22, 54%) this characteristic is predominant; they are: 1, 2, 3, 5, 7, 8, 38, 39, 46, 47, 48, and 49, directed to the institution and strengthening of the National System of Culture or any of its subsystems, cartography, mapping, recognition, creation of bodies, instruments (platform) and procedures (conferences), consolidation of the representative system in panels.

In monitoring the execution of the Plan, these are, as a rule, the most successful goals, due to the fact that, as said, they are directed at the “machine” and not at the final activities.

## **Programmatic goals**

The designation of programmatic goals is based on a classification of legal rules, especially constitutional ones, which considers the criterion of applicability, because some precepts can produce effects directly from the very text of the Constitution (immediate applicability), others only after being regulated by a law (limited effectiveness) and some variable from what is proposed in terms of public policies (programmatic) which, as is known, are changeable as a result of multiple elements such as evaluations of previous results, emergence of new factors and elements, expansion or reduction of resources (SILVA, J., 1998).

É de se esperar, portanto, que um plano de cultura concretize de forma facilmente observável as normas de eficácia limitada e as programáticas, e não que postergue mais uma vez aquilo que deveria precisar. Somehow, this non-recommendable procedure happens, to a greater or lesser extent, with at least 10 of the 53 NHP goals (~18.87%), namely: 4, 6, 9, 18, 19, 24, 25, 34, 42 and 45.

Based on these goals, which specify certain percentages and/or quantities, the intention is to implement certain cultural policies, serve communities, support projects, expand qualifications, support, promotion, financing, and exchanges, as well as modernize certain cultural equipment, without specifying the policies, the type of service, or the understanding of what, for example, qualification, modernization, or communicative actions are.

When monitoring their effectiveness, such goals tend to suffer great oscillations, indicative of advances and returns, as they vary according to the policies effectively implemented or even the understanding of what they mean, even if there is no variation in the normative text that shelters them.

## **Cross-cultural goals**

Cross-cultural goals are understood as those whose execution depends, totally or partially, on other organs or powers, that is, the cultural instances responsible for the

materialization of the Plan depend on others, which is always a weakening element in the materialization of public policies.

Certainly, this type of goal derives from the principle of transversality of cultural policies that, by the very nature of culture, is present in all fields of human life; but this does not eliminate the mentioned difficulty. The situation induces one to ponder, even, if some goals of the PNC should not figure in other plans, such as the PNE or even be observed as permanent political struggles (CUNHA FILHO, 2018).

23 out of the 53 that are part of the PNC (~43.39%) are cross-cultural goals, and are numbered 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 30, 31, 33, 36, 37, 43, 44, and 50. They express dependence on other organs, sectors, structures such as tourism, the market, education, the other entities of the federation, the economy, organized civil society, and the legislative power, from attitudes such as the expansion of cultural tourism, formalization of cultural jobs, cultural activities in schools, educational accreditations and recognitions, increase in cultural consumption, cultural activities and equipment in States and Municipalities, allocation of resources for culture, among others.

In monitoring the execution, a low level of achievement of this type of goal is generally observed.

## **Legally and politically confusing goals**

Legally and politically confused goals are understood as those whose text immediately suggests some possible unconstitutionality or which, being aimed at obtaining a benefit, failed to consider that it could transmute into a harm; 4 of the 53 PNC goals (~7, 54%) come closest to this profile, which are numbers 35, 51, 52, and 53.

It seems to be linked to the first hypothesis the goal that aims at the qualification of a certain percentage of cultural managers, in this case, the totality, so that their organs or entities can be fomented by the Ministry of Culture, which generates doubt regarding which qualification, but above all regarding the constitutionality of the act of binding the exercise of a right to the fulfillment of a duty of a subjective nature.

The other cogitation refers to the goals that aim for fiscal benefits and investments favorable to culture in a certain percentage above the GDP, which was certainly projected when the Gross Domestic Product was booming; however, no thought was given to the possibility of this parameter decreasing, which, if it occurs, can take cultural resources to levels below those historically practiced, even if they are above the measure used.

It is possible, therefore, that the adoption of this measure results from a lack of understanding of this aspect of the economy, because as the Brazilian Institute of Geography and Statistics (IBGE) institutionally states,

GDP is not the total wealth that exists in a country. This is a very common misconception, as it gives the impression that GDP is a stock of value that exists in the economy, like a kind of national treasury. In reality, GDP is an indicator of the flow of new final goods and services produced during a period. If a country produces nothing in a year, its GDP will be null (BRAZIL, 2020b, online).

Generally, in terms of effectiveness, no progress is observed for these goals.

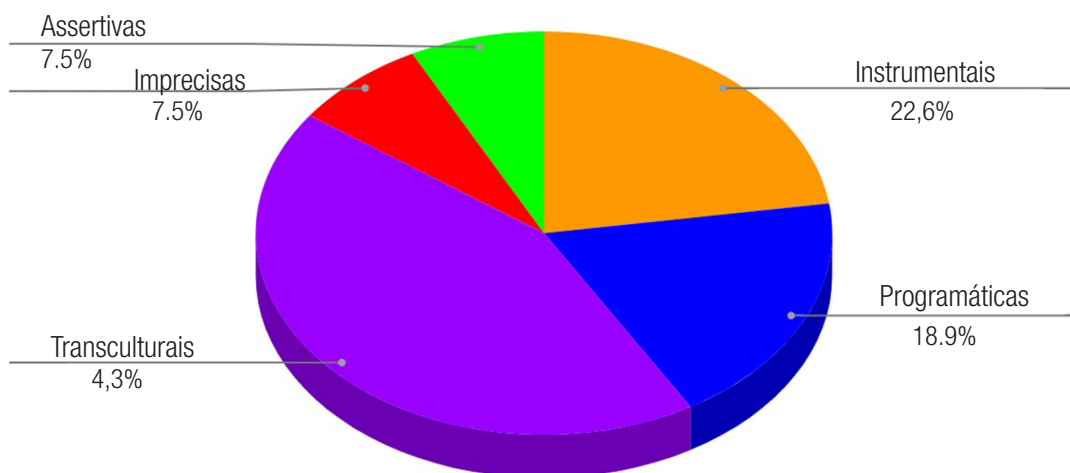
### Assertive goals

Assertive goals are considered to be those that are precise and whose realization is within the scope of the governability of cultural organs, being, therefore, much more feasible. In this case are also 4 of the 53 goals of the PNC (~7, 54%), precisely those of nº 29, 32, 40, 41, through which it is intended to endow a certain percentage of cultural equipment with accessibility, guarantee at least one public library per municipality, make available a certain percentage of content of entities linked to the federal organ of management of cultural affairs on the internet and the insertion of a certain percentage of libraries and museums' own collections in an information system (PONTIER; RICCI; BOURDON, 1990).

When following the execution of these goals, one can see that there is also variability in the success they achieve, but for reasons that are intrinsic and not extrinsic to cultural policies.

The classification of the PNC's goals is visually shown in a graph prepared by the author:

**Chart 1** - Classification of the PNC goals



Source: Elaborated by the author (2020).

Observing the different types of goals of the PNC, exposed above in flowing text and graphically, it is not difficult to conclude that its possibilities of success in terms of the final objective of propitiating the cultural development of the country are quite unlikely, since its autonomous structuring does not even reach 10% of its goals.

### **Conclusion:** inferences and projections

The route taken to rescue the history, the conception and the effective creation of the National Plan for Culture shows an origin based on the very easy conception of unanimity, so far little explored and that, probably represents only a communion of words

to which the interlocutors give different meanings and that, consequently, generates a convergence only apparent.

Although the PNC has emerged from a National Conference on Culture, the product of this conference was not discussed with society as a whole, which can be seen by the handling of the proposal without debate and even without interests being manifested. This negligence shows itself qualified when the Presidency of the Republic gives up an initiative that would be preferably its own; this, one could imagine as a deference to the Parliament or to a certain parliamentarian, but in fact represents a non-commitment to the effective implementation of the norm.

The observation and classification of the goals of the PNC, as well as the comparison made between it and the PNE, make it clear that it has almost nothing of an action plan and looks more like a manifesto that calls for attention for the cultural sector, supposedly imagining that its dignity lies in being able to do everything that the other fields do. As a result, if we look for its nature, we will certainly conclude that it is multifaceted and aimed at worsening the historical dependencies in the cultural field, with the election of goals full of conditionalities, pending definitions, and under the auspices of other State, social, and market structures.

Thus, aiming to leave elements that can be converted into contributions to the eventual confection of a new National Plan for Culture, at least in terms of general ideas that will help the legislator to make pertinent exclusions, reasonable procedures, and indispensable inclusions, one cogitates, obviously, on overcoming the problems pointed out, which could be added to the reminder that in the construction of a plan of this nature one cannot only think of culture in the abstract, but of the specific cultural rights and the fragilities that they present and demand sanitation.

It is also imperative that we reflect on certain aprioristic conditions that make the construction of a National Plan of Culture very difficult, as is the case of the optional nature of the entrance of the Brazilian federation in the National System of Culture (SNC), which generates a chain of multiple dependencies, on the other hand, can be completely avoided by adopting a system that integrates all the public entities, which, moreover, preserves their autonomy and diversity.

In spite of everything, for the simple fact of allowing analyses like the one presented here, the PNC created in 2010 was worth a lot as an experiment; but observing the lessons of this hard teacher, reality, one does not have the right to repeat the same mistakes in the formulation of the next National Culture Plan.

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