

**BRAZIL'S PARTICIPATORY INFRASTRUCTURE: OPPORTUNITIES
AND LIMITATIONS FOR INCLUSION**

Lindsay Mayka and Jessica Rich

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Steven Levitsky, and Deborah Yashar

Since the 1990s, participatory policymaking has become an inclusionary norm to which politicians on both the right and the left must at least pay lip-service. With the exception of Panama, every democratic country in Latin America has passed national mandates that create new participatory institutions. As noted in the introductory chapter, participatory institutions promise inclusion by opening up political access for previously excluded groups to shape public policy. In theory, participatory institutions incorporate citizens and civic organizations directly into the policymaking process by having them discuss and even vote on specific policy decisions. Moreover, these formal institutional channels can reduce the costs of collective action, making them particularly relevant for popular-sector inclusion.

Yet while the spread of participatory institutions throughout the region is undeniable, the potential of participatory institutions to truly amplify inclusion remains less clear. Scholars and policy practitioners have disagreed about the record of participatory institutions in effectively integrating historically excluded groups. Some studies suggest that participatory institutions can increase the voice of the poor and marginalized groups, and thus can counteract the structural social and political inequalities that block these groups from having a say in politics (Wampler 2015, Nylén 2003, Fung and Wright 2003, Pogrebinschi and Samuels 2014, Coelho 2006, Avritzer 2009b, Wampler 2007, Abers 2000, Wampler and Avritzer 2004, World Bank 2010). Another group of scholars are more negative, questioning the degree to which participatory institutions produce truly autonomous spaces for citizens to participate and apply pressure on the government (Herrera 2017, Wampler 2008, Montambeault 2011, 2015, Cortês 2011). Some find that participatory institutions simply replicate existing social and economic hierarchies that limit the voice of excluded groups (McNulty 2013, Altschuler and Corrales 2012, Gerschman 2004, Mansuri and Rao 2013). Still others have noted that nationally mandated participatory institutions have a mixed record in their implementation, undercutting the potential of these institutions to channel popular sector interests into the policymaking process in a meaningful way (Mayka 2019a, c, McNulty 2011, Selee 2009, Zarembek 2012, see also Goldfrank in this volume).

Acknowledging that in many situations, participatory institutions will fail to transform interest representation, this chapter explores a prior question: *Can* participatory institutions deepen inclusion? To address this question, we examine the inclusionary potential of Brazil's participatory institutions, a "most likely" scenario for inclusion due to the expansive institutional design, and ample political and material support for participatory policymaking. Our focus is on the formal design and implementation of Brazil's participatory institutions, given the importance of parchment institutions to structure incentives and distribute political resources, as noted in the introductory chapter to this volume. National laws in Brazil mandate citizen participation in policymaking across many policy areas and at all levels of government. Large amounts of government funding have been dedicated to supporting their development. Moreover, rates of implementation are high, meaning that Brazil's participatory infrastructure does not merely exist on the books, but operates in practice. Brazil is thus an analytically useful case for exploring the ultimate capacity of participatory institutions to foster popular-sector inclusion in a propitious

environment. We expect that the limitations to participatory policymaking that we observe in Brazil to be even more daunting in countries with weaker institutional frameworks and lower rates of implementation. Yet if participatory institutions do not enhance inclusion in Brazil, it is unlikely that they will do so anywhere.

To address the inclusionary potential of participatory governance in Brazil, we explore how Brazil's different types of participatory institutions work together to create what we call a national participatory infrastructure. Brazil's national participatory infrastructure consists of two broad categories of institutions: councils and conferences, which operate in diverse policy areas and at all levels of government. Councils are permanent spaces for a small number of civil-society leaders to collaborate with state actors in debating policy priorities, developing proposals, and monitoring policy implementation. Conferences are sites for large numbers of civil society activists to come together periodically to articulate their demands in a policy sector. The councils and conferences operate at across all levels of government and in diverse policy areas to incorporate the interests of popular sector interests into the policymaking process. We take a macro-level focus, which enables us to consider which societal groups can channel their demands into participatory institutions and which groups are excluded, and to what degree they can use these channels to influence policy. In other words, our macro-level focus enables us to analyze the ways that participatory institutions structure interest representation, much as previous scholars viewed inter-connected corporatist institutions as a system of interest intermediation (Collier and Collier 1977, Schmitter 1974, Malloy 1977).

In comparison to the corporatist system of the past, Brazil's participatory infrastructure has opened up important channels for the inclusion of the popular sectors into the policymaking process. We argue that when taken together, Brazil's participatory institutions create important new access points for groups in society to engage with the state on policy, at all stages of the policymaking process. The scope of interests incorporated through these new channels extends to a wide array of popular-sector actors, with a particular focus on those mobilized around social policy and the rights of marginalized groups, such as women and ethnic minorities. Nevertheless, there are limits to this inclusion: participatory institutions provide popular-sector interests with greater access in social rights policies than in other public policy areas, including economic policy. Moreover, interests that challenge state priorities are excluded from these spaces. This chapter suggests that throughout the region, participatory institutions can offer important opportunities for popular-sector inclusion, but are not a cure-all and will face many of the challenges experienced by institutions of representative democracy.

Below, we explore the origins and the trajectory of participatory institutions over time, followed by an overview of the institutions that comprise Brazil's national participatory infrastructure. We then assess the extent to which the Brazilian participatory infrastructure deepens the inclusion of popular-sector interests, focusing on two dimensions: the access they provide to the policymaking process, and which interests gain access to the state through these

channels. Through this discussion, we show that participatory institutions can deepen inclusion, yet face important limitations in incorporating popular-sector interests.

THE TRAJECTORY OF PARTICIPATORY POLICYMAKING IN BRAZIL

Whereas some national participatory frameworks stem from donor pressures,¹ the Brazilian participatory infrastructure has deep roots in domestic politics. Often erroneously thought of as a new experiment in democratic policymaking, both the policymaking councils and conferences first emerged in Brazil in the 1940s, during the corporatist era of President Getúlio Vargas. During Brazil's protracted democratic transition in the 1980s, activists reimagined participatory institutions as a means to include previously marginalized groups in the policymaking process. In other words, these social rights activists sought to reinvent the formerly exclusionary councils and conferences as vehicles for popular-sector inclusion. The participatory infrastructure expanded throughout the 1990s, as governments across the ideological spectrum introduced participatory institutions in new policy areas and increased investment in these spaces.

The Corporatist Origins of Councils and Conferences

Brazil's councils and conferences first emerged as an essential component of the corporatist system. In some ways, these early councils and conferences were the precursors of current participatory institutions in that they engaged non-state actors in debating public policy. However, they served a very different political purpose than their contemporary counterparts. Whereas participatory institutions today aim to incorporate popular-sector voices into the policymaking process, the original "participatory" institutions served as technocratic channels to amplify the access of elite interest groups while demobilizing the popular sectors.

Fitting with the underlying logic of Brazilian corporatism, many of these early participatory institutions were councils found in economic policy sectors. Some of these institutions offered a small set of officially sanctioned labor unions and employers associations an official vote over policy proposals. Brazil's labor courts, for example, were tripartite bodies that gave workers and employers a vote in wage-setting, as well as in dealing with worker grievances (Mericle 1977, 311-313). Others included labor and employer representatives as consultants, offering them a voice in policy deliberations without extending them a formal vote over the resulting policy decisions. Examples of this type of institution include Brazil's National Economic Planning Commission, the National Council of Industrial and Commercial Policy, and more specialized groups such as the National Petroleum Council and the Executive Commission for Rubber (Schmitter 1971, 125). Such councils granted a small subset of working-class groups access to the political arena, while excluding the majority of popular-sector voices. Moreover, state actors used the policy access they offered to unions as levers of control. These councils

¹ For discussions of participatory institutions initiated by international donors, see Goldfrank (2012, 2007) and Wampler (2009).

divided the interests of the included sectors of the labor movement from the interests of excluded sectors, and coopted labor leadership through individual perquisites linked to their special status in government (Mericle 1977, 313, Schmitter 1971, 340-344).

Councils and conferences in the realm of social policy also channeled elite interests, rather than popular-sector demands, into the policymaking process. Law 378 of 1937 created the National Education Council and the National Health Council, and established policymaking conferences in these policy areas as well. Prior to democratization in the 1980s, these social policy councils did not serve as sites to incorporate societal interests, but rather as technical bodies that brought together representatives from state agencies and policy experts to advise federal policy (Cortês et al. 2011, 43-44).² Similarly, prior to democratization, social policy conferences had three objectives: to increase technical knowledge of the federal government on health and education initiatives, to enhance government capacity for policy implementation, and to clarify the respective roles and responsibilities of different governments within the federal system (Leite de Souza et al. 2013, 27). Popular-sector organizations—including program beneficiaries and workers—did not participate in either the councils or conferences during this period. Thus, even in social policy areas, participatory institutions did not serve as vehicles of inclusion prior to democratization.³

Democratization, Social Rights, and Participatory Reforms

In the 1980s, Brazil's pro-democracy activists reinvented participatory institutions as a core element of their strategy for building a new, more inclusive model of democracy. These activists advocated for an expansive definition of citizenship that encompasses political, civil, *and* social rights, including the right to employment, healthcare, education, and nutrition (Fleury 1987, Dagnino 1998). According to their vision, participatory institutions would advance the inclusion of the popular sectors in two ways. First, and most immediately, participatory institutions would expand *political* inclusion by establishing new sites for citizens to gain access to the state. Second, participatory institutions also would deepen *social* and *economic* inclusion: by amplifying the voices of previously excluded groups from society, the reinvented participatory institutions would limit the ability of political elites to undermine new social-rights reforms through clientelistic practices and corruption (Mayka 2019a, Chapters 4-5).

² For a discussion of the evolution of the National Health Council prior to its reformulation in 1990, see Cortes et al. (2011, 43-47). On the trajectory of the health conferences, see Escorel and Bloch (2005).

³ During the 1970s, other participatory institutions emerged at the local level that *did* include popular-sector voices in decision-making, known as the popular councils. These councils were an important development in granting subnational governments experience with participatory experiments, and building popular-sector capacity for participatory policymaking (Gohn 2001, Tranjan 2016). Despite the significance of the popular councils, the national councils and conferences provided a more direct institutional template for Brazil's national participatory infrastructure that would emerge following democratization.

During the democratic transition period of the 1980s, activists achieved two key advancements in promoting participatory policymaking. First, civil society groups and activist bureaucrats cooperated to introduce a variety of new (or reinvented) participatory institutions. In 1986, for example, right-to-health activists working within the Ministry of Health convoked the first national conference open to broad participation from everyday citizens and civil society groups that represented workers and beneficiaries. In 1987, actors in the federal government created the National Council for the Rights of Women (Saffioti 1987). At the state level, mayors and governors active in the democratization movement experimented with wider range of participatory policymaking councils—most of which were later adopted at the national level as well. For example, governors in São Paulo, Rio de Janeiro, and Espírito Santo created councils in the policy areas of the environment, disability rights, education, health, security, rights of Afro-Brazilians, and rights of women (Gohn 2001, González 2019). The mayor of São Paulo, Mario Covas, installed a variety of social policy councils in areas such as housing and adult education (Tranjan 2016, 189).

Second, activists secured a mandate in the new 1988 Constitution that established participatory democracy as a fundamental principle of the Brazilian state. Articles in Brazil's 1988 Constitution mandate citizen participation in securing social rights across a range of policy sectors, including urban planning (Article 29, section XII); agricultural policy (Article 187); health (Article 198); and social assistance (Article 204). While the Constitution does not develop a concrete institutional design for participatory policymaking, it establishes a clear normative foundation to restructure the state to create new spaces for citizen participation.

Expansion of Participatory Policymaking

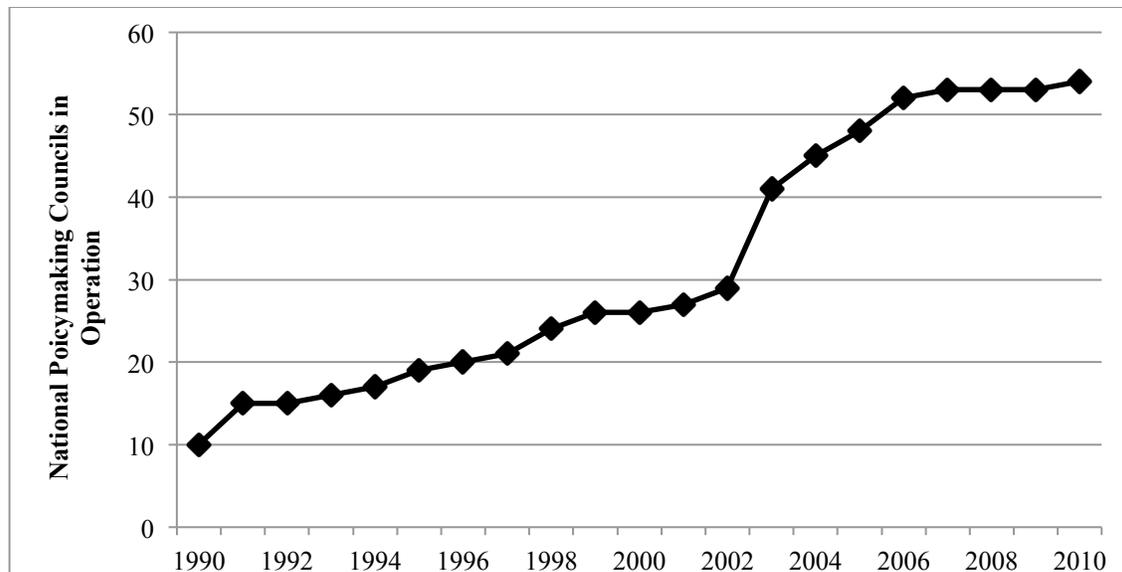
Throughout the 1990s and 2000s, state officials translated these broad constitutional mandates into enabling legislation that established participatory institutions at all levels of government and across an array of policy sectors. Some of these government actors, mostly state and local politicians on the left, were driven to support participatory policymaking because it directly supported their policy and partisan goals (see, for example, Abers 2000, Baiocchi 2003, Chavez and Goldfrank 2004). However, contrary to the popular attribution of participatory governance to Leftist rule by the Workers' Party, the expansion of Brazil's national participatory infrastructure began during right-wing and centrist administrations in the 1990s. This supra-partisan origin suggests that participatory policymaking has deep roots in Brazil, creating favorable conditions for these institutions to create durable openings for inclusion.

During the early to mid-1990s, under the right-wing and centrist Presidents Fernando Collor de Mello and Itamar Franco, Brazil's participatory infrastructure expanded along a path that reflected the broader trend toward expanding social policy and the recognition of rights for marginalized groups (see chapters by Garay and Hunter in this volume). For instance, national laws mandated the establishment of participatory councils for all national, state, and municipal governments as part of major sectoral reforms the areas of health (1990), the rights of children and adolescents (1991), social assistance (1993), and education (1995). Government officials

also created new councils that operate at the national level, including the Human Rights Council in 1990, and the National Culture Policy Council in 1991. By the late 1990s, under centrist President Fernando Henrique Cardoso, government officials had established participatory councils in increasingly diverse types of policy sectors. These new councils extend beyond social policy and the rights of vulnerable groups to include economic policy. Key examples include the National Energy Policy Council, established in 1997, and the National Tourism Council created in 2001. The range of participatory policymaking conferences also expanded throughout the 1990s. Between 1992 and 2002, 23 national participatory conferences were held in areas including health, social assistance, food and nutrition, rights of children and adolescents, and human rights. These conferences often played a crucial agenda-setting role during struggles over the implementation of major social rights reforms (Pogrebinschi and Samuels 2014, Escorel and Bloch 2005, Avritzer and Leite de Souza 2013, Mayka 2019b).

After ascending to the presidency in 2003, politicians from the leftist Workers Party (PT) expanded the participatory policymaking infrastructure even further. Building on the framework that had been established by his predecessors, PT president Lula da Silva made significant investments in participatory policymaking. By the end of Lula's presidency in 2010, there were 59 national participatory councils, covering 83% of ministries (see Figure 1.) Under Lula, national policymaking councils reached into diverse new policy sectors, such as urban policy with the Cities Council, crime and justice with the National Public Security Council, and foreign trade with the Brazilian Social and Participatory Council on Mercosul. The number of conferences also ballooned during PT rule, to an even greater degree than seen with the councils. During Lula's terms in office from 2003 to 2010, 59 participatory conferences were held—more than triple the number that been held during the presidency of his predecessor, Fernando Henrique Cardoso (1995-2002). As with the councils, conferences also expanded beyond social policy and the rights of vulnerable groups into a broader array of policy sectors, such as the environment, urban management, culture, and sports. Brazil's participatory infrastructure certainly expanded under the PT—but did so on a foundation constructed during non-left governments in the 1980s and 1990s.

Figure 1: Increase in Number of Policymaking Councils at National Level, 1990-2010



Source: (Mayka 2013, 31).

In sum, Brazil’s participatory infrastructure has expanded considerably over the past thirty years. The institutional model for participatory councils and conferences stemmed from decidedly un-participatory origins in corporatism and technocratic administration. During the process of democratic transition, however, social-rights activists re-invented the councils and conferences as part of their calls to make social citizenship in Brazil more inclusive of popular-sector interests. State actors across the political spectrum translated these demands into dozens of councils and conferences that span a range of policy areas.

AN OVERVIEW OF BRAZIL’S PARTICIPATORY INFRASTRUCTURE

The two sets of institutions that comprise Brazil’s national participatory infrastructure, participatory councils and conferences, are designed to incorporate new sectors of society into the policy arena. Yet the councils and conferences do so according to a different logic of participation. Whereas councils are permanent bodies for a small number of participants, conferences occur only periodically and are open to many more individuals.⁴ In this section, we outline the design features and logic of inclusion of the councils and conferences separately. Later in this chapter, we will analyze the ways that these two sets of institutions complement each other—each offering unique advantages for inclusion, and even compensating for the other’s inherent limitations.

Councils

⁴ For a similar analysis that compares the logics of participation and representation behind councils and conferences, see Teixeira, Leite de Souza, and Lima (2012).

Councils engage a small group of civil-society activists to represent broad sectors of society in government policy decisions. Each council participant serves as the representative of an officially designated societal group. For instance, Brazil's National Health Council includes representatives from disabled people's organizations, the national AIDS movement, health workers' unions, and hospitals associations, among others. Some of these civil-society representatives, such as the representatives from the Brazilian Nursing Association or the Brazilian Confederation of the Retired, Pensioners, and the Elderly, speak directly on behalf of the rank-and-file members of their organizations. Other councilors represent non-membership advocacy organizations that speak on behalf of another group in society, such as the representative from the Catholic Church's Pastoral da Criança (Pastorate for Children).

The councils are granted a formal role in policy decisions at all levels of government, and their involvement extends to all stages of the policy lifecycle: from setting top policy priorities, to developing and approving the specific policies that address these priorities, to monitoring and evaluating the implementation of these policies. The deep involvement of activists in policy decisions through councils is partly a function of the sustained nature of civil society participation in these spaces. Councils often meet several times a year, sometimes even multiple times a month, and participants serve for a prolonged period of two or more years.

Conferences

In contrast to councils, conferences are convoked periodically to elicit input from grassroots activists about the top policy problems and priorities in that policy sector (Avritzer and Leite de Souza 2013, Pogrebinschi and Samuels 2014). The entire process—sub-municipal conferences, then municipal conferences, then state conferences, and then national conference—can take nearly a year over its entirety. Participation is intense for the duration of the conference, particularly for those who are selected to participate in the national-level conference. However, conferences are isolated events: they are convoked, and then closed once the national conference produces its final report. While conferences are often repeated every two to four years, each is standalone.

Unlike councils, which engage only a small number of participants, conferences engage the participation of large numbers of activists. For instance, while Brazil's National Health Council involves approximately 40 councilors from civil society, the 2011 National Health Conference engaged 3,212 official civil-society representatives. Aggregating across the municipal, state, and national levels, a total of 600,000 members of civil society participated in the 2011 round of health conferences (Conselho Nacional de Saúde 2012, 159).

The conferences provide a mix of direct participation and representation of group interests. At the municipal level, individuals participate (although those who participate are typically members of some sort of civil society organization). Conferences are then scaled up to the state level, and finally to the national level, through a voting system in which participants select representatives to represent their territorial districts. As conferences are scaled up to higher levels, civil society involvement become more and more representative, and less centered on

direct participation. Similar to the councils, civil-society participants in national conferences serve as representatives that have been delegated authority to speak on behalf of a societal group. Due to the much larger number of participants, however, conferences incorporate a greater diversity of more narrow interests than the councils. For example, multiple members of a single union can participate in the same conference—thus giving voice to diverse union interests rather than the aggregated “union interest” that would be represented in a policymaking council. There is also more room for territorial interests in conferences than in councils.

Conferences play a major part in setting the policy agenda and developing the broad outlines of policy proposals, while being sidelined from more sustained processes of policy design and implementation. For example, the 1992 National Health Conference identified decentralization as the top priority in health, and diagnosed numerous problems that emerged from the incomplete decentralization of the sector. The 1992 National Health Conference went on to suggest institutional changes in financing and division of responsibilities among each level of government in the health sector (Ministério da Saúde 1993). In turn, the National Health Council then used the broad principles developed in the 1992 National Health Conference as a guideline as it developed more specific proposals for fiscal and administrative decentralization (Mayka 2019a, Chapter 4).

In sum, the councils and conferences follow different logics of political inclusion and participation in the policymaking process: the councils rely on a more corporatist structure that confers sustained participation throughout the policy process, while the conferences open up opportunities for a range of societal interests to engage in agenda-setting. To consider the degree to which participatory institutions enhance inclusion of the popular sectors, we must consider the ways that these different participatory institutions operate together as a system to create incentives and openings for popular-sector engagement with the state. The following section takes a macro-level view to analyze the degree to which Brazil’s participatory infrastructure creates opportunities for inclusion, and its limitations in doing so.

DOES BRAZIL’S PARTICIPATORY INFRASTRUCTURE FOSTER INCLUSION?

Brazil’s councils and conferences aim to incorporate civil society voices into the policymaking process—yet what is their impact in practice? This section considers the degree to which Brazil’s participatory infrastructure fosters the inclusion of the popular sectors in the policymaking process. Borrowing from Collier and Handlin (2009), we use two main dimensions to assess whether Brazil’s participatory infrastructure fosters inclusion: *access to the state* and *scope of societal interests*. “Access to the state” refers to how much space participatory institutions open for individuals to influence public policy. As citizens gain opportunities to influence more types of policy and more stages of the policymaking process, we consider citizen access to have increased. Conversely, if participatory institutions only cover a narrow slice of policymaking, we consider access to be limited. We define the “scope of societal interests” as the range of individuals in a society who are incorporated into Brazil’s participatory infrastructure.

As more societal interests are included into the participatory infrastructure, the broader we can say the scope of inclusion is—with positive implications for the quality of democracy. Conversely, if participatory institutions are closed off to most interests in society, we consider their scope to be limited. In line with the other chapters in this volume, we are particularly concerned with the extent to which the participatory infrastructure incorporates popular-sector interests, given the historical barriers to representation of the poor.

We argue that Brazil's participatory infrastructure has in fact deepened inclusion, both by increasing access to the state and by expanding the scope of societal interests that have a seat at the table in the policy process. Brazil's participatory institutions have been particularly impressive in fostering inclusion in the realm of social policy and the rights of marginalized groups. Yet there are also clear limits to inclusion: certain realms of the state are off-limits, and participatory institutions channel only some popular-sector voices, while sidelining those that challenge the priorities of the state itself.

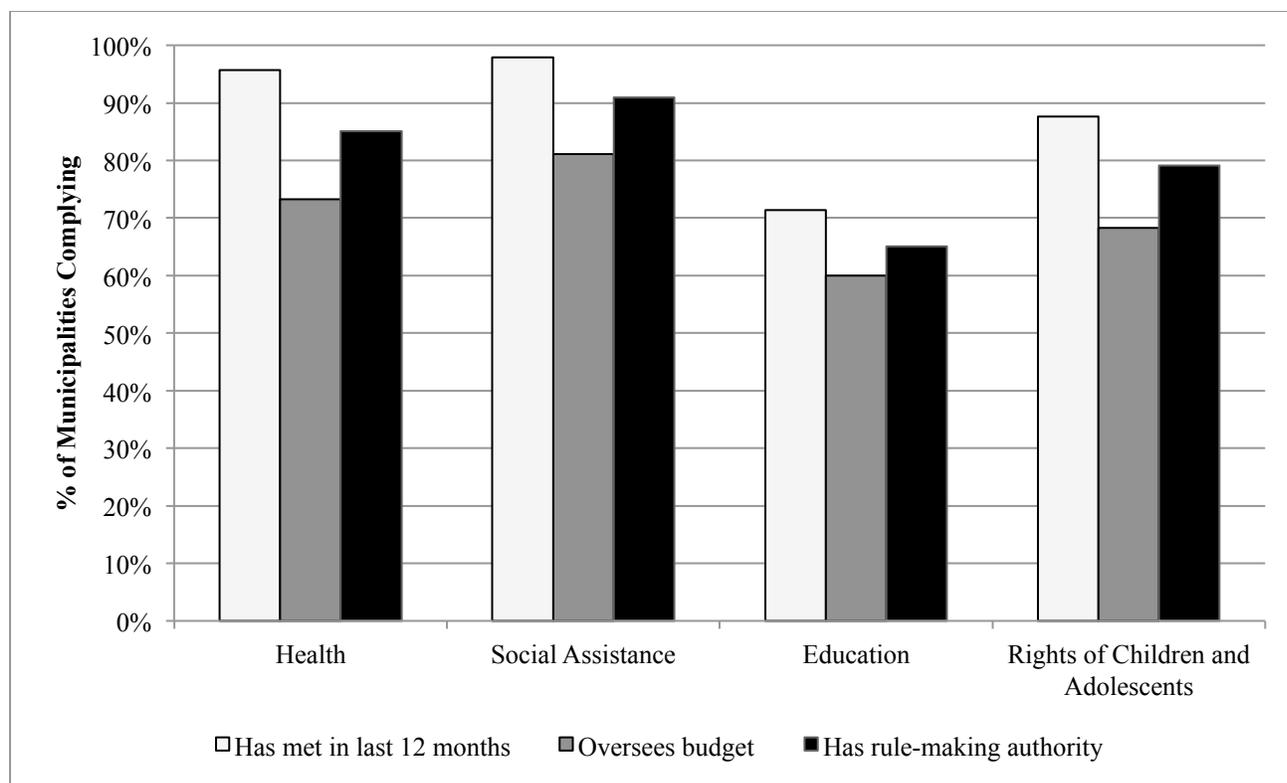
Access to the State

Brazil's participatory infrastructure has opened up considerable access to the state, granting societal interests a real seat at the table in the policymaking process.

First, Brazil's participatory councils and conferences exist not just on paper, but also operate in practice. The vast majority of Brazil's 5,570 municipalities have implemented the mandatory councils in health, social assistance, education, and the rights of children and adolescents—the main councils mandated in national law for subnational governments. As Figure 2 shows, around 95% of health and social assistance councils met in 2009, as well as nearly 90% of children's and adolescent's rights councils and over 70% of education councils. Moreover, the vast majority of these councils also meet their primary prerogatives of overseeing the budgetary process.⁵ For instance, the municipal social assistance council must review and approve the budget proposed by the local social assistance secretariat; if the government bypasses the council, or if the council does not consent to the budget, federal transfers from the National Social Assistance Fund will be halted. While it remains rare for participatory councils to exercise this power, it is not simply an empty threat: the federal government halted transfers to São Paulo in the mid-1990s because then-mayor Paulo Maluf excluded the municipal health council from health decisions. Furthermore, these councils should also have formal rule-making authority, meaning that their resolutions have legal standing and are considered to be policy, similar to decrees made by state agencies.

Figure 2: Municipal Compliance with Mandatory Features of Participatory Councils, 2009

⁵ This requirement holds for health, social assistance, and rights of children and adolescents councils, but not for education. This disparity in the legal prerogatives is a key reason for the lower levels of formal authority seen for the education councils in Figure 2.



Source: IBGE *Perfil dos Municípios* database, 2009.

Second, studies have also shown that Brazil’s participatory institutions exert influence over policy. Various studies of national conferences have shown that these institutions play a key agenda-setting role, even if they do not have formal policymaking authority. In studies of conferences across a wide array of policy areas, ranging from Women’s Rights to Fishing and Aquaculture to Health, scholars have traced new policy initiatives back to origins in directives approved during national conferences (Pogrebinschi and Samuels 2014, Petinelli 2013, Pogrebinschi and Santos 2011).

Likewise, councils have played a significant role in the policy process, particularly at the national level. For instance, members of the National Health Council were involved in designing major policies such as the national system of healthcare financing and the decentralization of healthcare management, as well as identifying challenges with decentralization on the ground and developing new policies to enhance implementation (Mayka 2019a, Chapter 4, 2019b). Today, the National Health Council is involved in more micro-level issues of program management than in the large questions of health system design (Cortês et al. 2011), but still plays a notable role in the policymaking process. Likewise, Rich (Rich 2019a, b) shows how participatory institutions connected to HIV/AIDS policy provided advocacy groups a strong degree of influence over policy through consultation and persuasion. Often, AIDS activists used their participation in councils, commissions, committees, and working groups to point out flaws in existing AIDS policies and, sometimes, to demand their reform. Frequently, AIDS-sector

bureaucrats immediately addressed the problems that were raised by civic-advocacy groups during these discussions. Participatory institutions also boosted activists' capacity to influence national AIDS policy via back channels. Through their participation in these institutions, AIDS activists had the names and phone numbers of bureaucrats to contact with political concerns, or for clarification about new policy decisions or issues. Bureaucrats themselves also called activist leaders for advice and technical assistance in developing new policies and even to engage activists in helping them draft national AIDS policy legislation and guidelines.

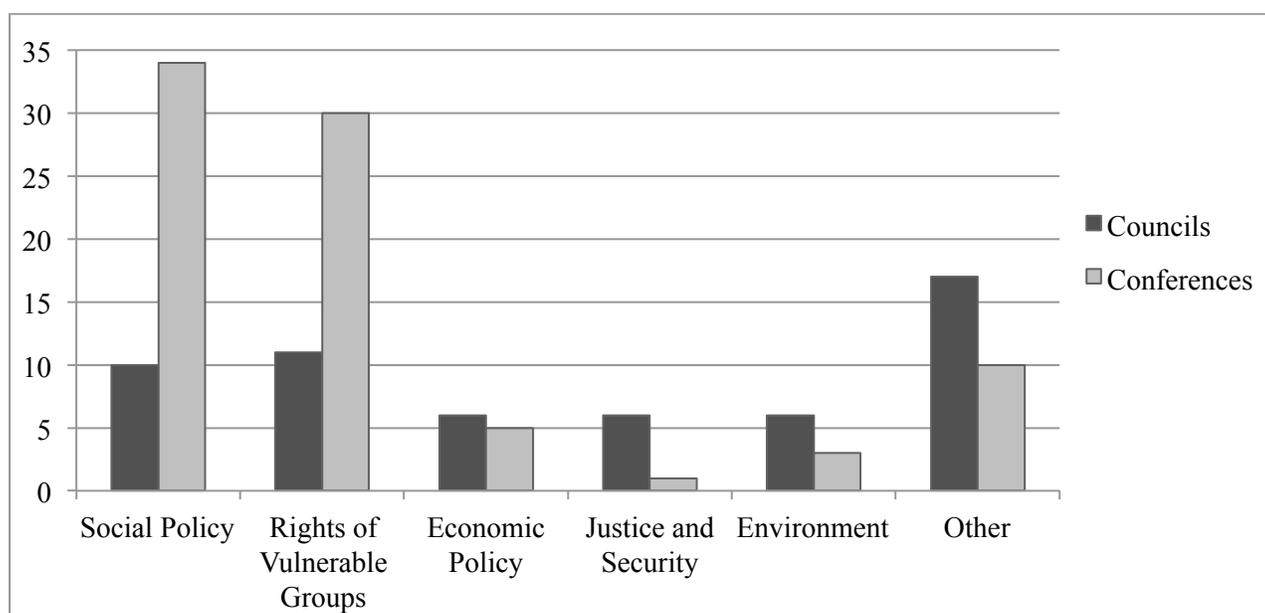
Inevitably, the influence of councils and conferences varies across policy sectors, and across locales for those mandated at the state and municipal level.⁶ Gurza Lavalle, Voigt, and Serafim (2016) find that the municipal councils with a more developed formal institutional framework—including health, social assistance, and the rights of children councils—take on a greater policymaking role than councils in other areas. Yet even for the voluntary councils that lack a strong legal foundation, Touchton, Sugiyama, and Wampler (2017) have shown that council implementation is key to advancing pro-poor policy outcomes. Other scholars have highlighted the importance of supportive local governments and prior civil society mobilization in shaping the policymaking role of participatory institutions (Avritzer 2009a, b, Fuks, Perissinotto, and Souza 2004, Wampler 2008). In our view, the question is not whether Brazil's participatory institutions *always* have a major impact on the policy process, but rather whether they have proven to be a viable institutional tool that *can* be used to channel societal input into the policy process. In this regard, the expansion of participatory institutions represents the emergence of an important new institutional channel for civil society to engage the state (Avritzer 2009b, Pires and Vaz 2012).

Third, Brazil's councils and conferences work together to open citizen access to all stages of the policymaking process. As we described above, conferences open access to the agenda-setting stage of policy, while councils focus on the longer-term work of crafting specific policy proposals and overseeing the implementation of policies and programs. For example, the National Health Conference brings together government and civil society actors every two years to discuss broad national priorities and potential improvements to the health system. By contrast, the National Health Council brings together government and civil society actors on a monthly basis to debate the top policy concerns regarding the implementation of the country's health system. The National Health Council advises on the creation, management, and oversight of specific programs, such as the Popular Pharmacy program, which provides essential medicines at low or no cost to the public. The Council also approves the annual health budget of the Ministry of Health. Moreover, the National Health Council is charged with supporting the operation of state and municipal health councils throughout the country. In this way, the design of Brazil's councils and conferences complement one another to cover major stages of policymaking.

⁶ For critiques of the shortcoming of councils in shaping policy agendas, see Almeida and Tatagiba (2012) and Cortês (2002, 2011), among others.

Fourth, Brazil’s participatory infrastructure spans a wide range of policy areas and operates at all levels of government, and is most concentrated in policy areas related to social rights. These policy areas include social policy (e.g. health, social assistance, education, nutrition) and the rights of vulnerable groups (e.g. children and adolescents, women, people with disabilities, racial and ethnic minorities). As seen in Figure 3, the concentration in social policy and the rights of vulnerable groups is particularly striking for the conferences; between 1990 and 2010, 77% of all conferences were in these social-rights focused areas of policy. At the national level, policymaking councils tend to be concentrated in areas related to social rights, though they do have presence across a greater variety of policy areas, in comparison with the conferences. Sub-nationally, however, participatory councils are implemented most frequently policy areas connected to social rights. All four of the nationally mandated participatory councils are in these areas—health, social assistance, education, and the rights of children and adolescent. Additionally, the voluntary councils are adopted most often in areas tied to social rights (e.g. housing, rights of the elderly, or nutrition and food security).⁷

Figure 3: National-Level Councils and Conferences by Policy Area, 1990-2010



Source: Authors’ elaboration.

The high presence of councils and conferences related to social rights stems from these participatory institutions’ associations with grassroots civic activism. Since the 1980s, Brazil has

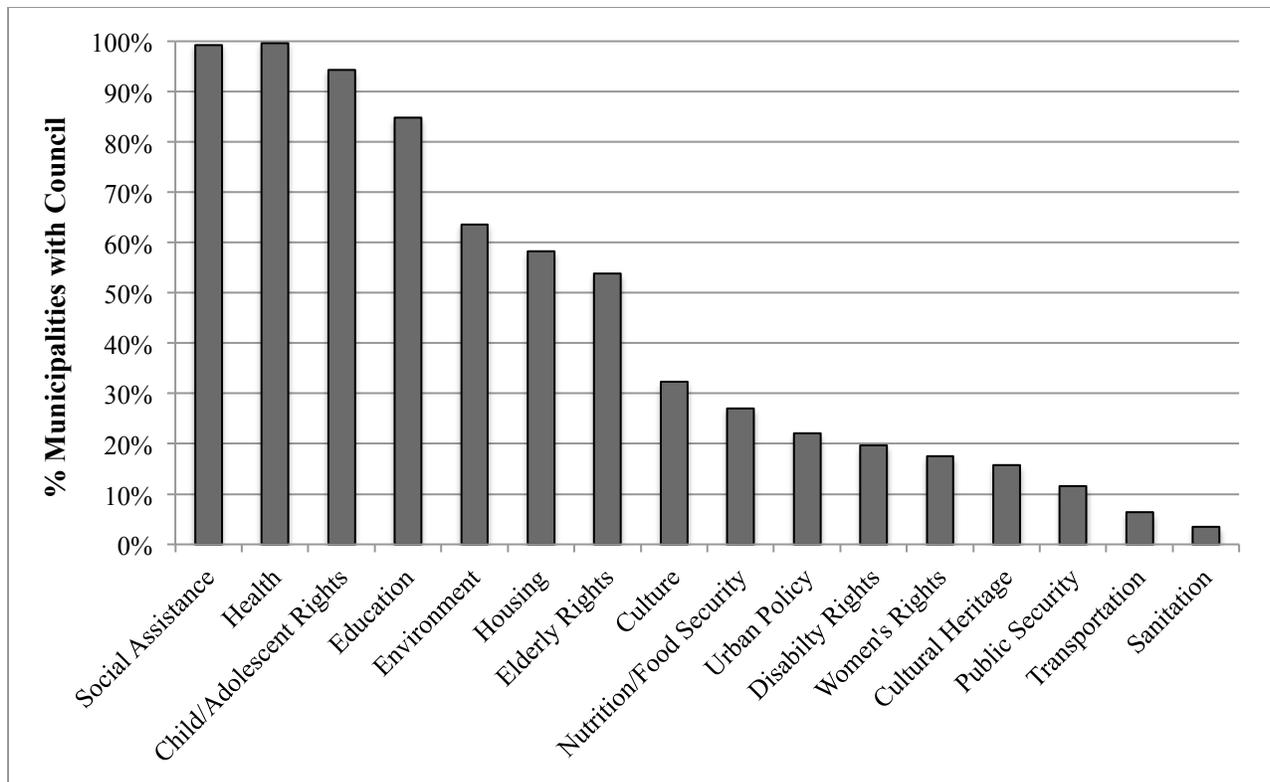
⁷ Voluntary subnational councils are also adopted in areas of high rates of popular-sector associational activity—namely, in the environment and urban policy. Social movements and other civil society organizations active in these policy areas worked with social-rights activists in the 1980s and 1990s. Urban policy, in particular, was included as part of social rights through right to the city movements. On urban movements, see (Holston 2008, Wampler and Avritzer 2004, Gurza Lavalle, Acharya, and Houtzager 2005). On environmental movements, see (Hochstetler and Keck 2007).

experienced a surge of civil society activity, particularly among the urban working class and poor (Gurza Lavalle, Acharya, and Houtzager 2005, Avritzer, Recamán, and Venturi 2004). This mobilization has called for an expansion of state services and recognition of new kinds of citizenship rights, alongside greater opportunities for participation in policymaking—including the creation of new participatory institutions (Wampler and Avritzer 2004). Thus, the expansion of participatory policymaking has followed trends in civic mobilization among the poor.

In addition to the national-level participatory institutions described above, councils and conferences have been instituted at the municipal and state levels, as seen in Figure 4. Councils are mandated in national law for state and municipal governments in a number of policy areas, including health, social assistance, education, and the rights of children and adolescents.⁸ Rates of compliance with these national mandates are high, including essentially 100% compliance in health and social assistance, 94% compliance in the rights of children and adolescents, and 85% in education. Thousands of subnational governments also have *voluntarily* established participatory councils in other policy areas that are not mandated by the federal government. For example, as of 2012, 64% of municipalities had an environmental council, 32.3% of municipalities had an cultural policy council, and 20% had a disability rights council (IBGE 2012). Moreover, councils are implemented even more frequently in cities and towns with at least 50,000 residents, which cover the vast majority of the Brazil’s population. For instance, 80.9% of these municipalities have an environment council, 75% have a housing council, and 40.2% have a women’s rights council.

Figure 4: Implementation of Mandatory and Voluntary Municipal Councils by Policy Area, 2011-2013

⁸ National mandates for subnational governments to implement participatory councils in these policy areas emerged as part of broader policy reforms to foster inclusion in the 1990s. The federal government requires that subnational governments install functioning participatory councils in order to receive federal transfers for that policy area.



Source: IBGE *Perfil dos Municípios Database*, 2012. Health Council and Women's Rights Council data come from 2013. Education, Housing, and Sanitation Councils data comes from 2011. Social Assistance, Health, Child/Adolescent Rights, and Education Councils are mandated in national law; all other councils are adopted voluntarily by municipal governments.

Many important policy issues that directly affect the lives of vulnerable populations—particularly in the areas of economic policy—offer fewer opportunities for participatory policymaking. Social policy, urban policy, and the rights of vulnerable groups are not the only areas that shape the well-being of the poor; economic policy is also central. Economic policy—including macroeconomic policy, as well as industrial policy in different sectors of the economy—influence patterns of employment for low-skilled workers, wages, rates of economic growth, and inflation. These policy areas are perhaps the most important ones in determining the overall advancement and resources of the poor.

There have been only a handful of conferences tied to economic policy, though there *are* a number of national-level economic policy councils. Nevertheless, these councils—such as the National Agricultural Policy Council and the National Energy Policy Council—are less visible, less influential, and receive fewer resources from the state, compared to those tied to social rights. Moreover, a number of vital state agencies have *no* affiliated participatory institutions—for example, the National Development Bank, and the Central Bank of Brazil.⁹ There are few

⁹ These state agencies that were created with explicit institutional buffers to insulate them from the influence of societal interests (Evans 1995, Geddes 1994).

opportunities for popular-sector groups to shape the policies undergirding the poor's potential for economic advancement.

In addition to these gaps in economic policy, Brazil's participatory infrastructure does not cover issue areas that cannot be neatly matched to a policy sector with an associated bureaucratic apparatus. Participatory institutions have emerged in areas that can be mapped onto the bureaucracy's organizational chart—often overseeing a specific fund, or branch of a ministry. Yet some issues in public sphere are not part of a specific agency, meaning that there are no institutional opportunities for participation in these areas. For example, there was little way for the millions of Brazilians with concerns about the 2016 Rio Olympic Games to use participatory institutions to voice their concerns. In a July 2016 poll, 63% of Brazilians believed that the Olympics would bring more harm than good to the country. These people turned to protest rather than participatory policymaking to signal their discontent.¹⁰

Similarly, councils and conferences provide little opportunity to address the systemic political corruption that has ravaged Brazil in recent years. There is no council or conference that deals with Petrobras, the parastatal oil industry that was at the center of the Lava Jato scandal,¹¹ and informal and illicit corruption extends far beyond the scope of participatory institutions that focus on strategic planning and policymaking in the realm of *formal* state activities. Participatory councils and conferences cannot offer the tools to address some of the most pressing political issues facing Brazil today, limiting the potential for meaningful inclusion. This gap in inclusion helps to explain recent evidence of widespread skepticism of democratic government, such as from the 2014 LAPOP survey, in which 23% of Brazilian respondents strongly disagreed that the government cared what they thought or that it was open to their participation (LAPOP 2014).

Scope of Societal Interests

Which civil society voices are incorporated into policymaking through the Brazilian participatory infrastructure? Overall, we find that Brazil's councils and conferences have engaged a diverse array of societal interests, particularly those representing the poor, while also replicating old inequalities to some degree. Millions of individuals participate in Brazil's participatory institutions, providing an impressive initial measure of societal inclusion. Between 2005-2010, approximately six million Brazilian adults (and four million Brazilian children) participated in at least one conference (Avritzer 2012, 12). While the policy councils engage fewer individuals than conferences, the number of councilors is still quite impressive; roughly 300,000 individuals serve on policy councils (Wampler 2015, 264).

By including *both* participatory councils and conferences, Brazil's participatory infrastructure engages both highly involved and dedicated activists, as well as concerned citizens

¹⁰ Paulo Roberto Conde. "Para 63% dos brasileiros, Olimpíada vai trazer mais prejuízos do que benefícios." *Folha de São Paulo*. July 19, 2016.

¹¹ For more on the *Lava Jato* scandal, see (Taylor 2016, 68-70).

with less interest or fewer resources to commit to sustained civic engagement. Given their permanent nature and frequent meetings, councils only are open to a small number of activists that are able to develop expertise in substantive issues of public policy. However, conferences provide an opportunity for citizens to engage in participatory policymaking in a more flexible and ad hoc basis, dedicating a couple of hours or perhaps several weekends. Compared to councils, conferences are more open to rank-and-file members of organizations, rather than permanent and paid staff of NGOs and unions. Thus, Brazil's participatory infrastructure creates openings for civic actors with varying levels of commitment and abilities to participate.

Evidence shows that Brazil's participatory institutions are open to a great diversity of popular-sector interests, particularly in comparison to the corporatist system of the past. Under state corporatism, labor unions (and sometimes peasants unions) served as the primary representatives of popular sector concerns. Those without an official union representative, including workers in the informal sector, were left without a voice. Concerns that did not map onto union priorities—such as issues related to gender, the environment, or human rights—were excluded from corporatist venues (Collier and Handlin 2009, 70-71). In contrast, Brazil's participatory institutions provide ample opportunities for intersectional interests to be heard. Lower-income individuals may participate in health councils or conferences as unionists, or as advocates of LGBTQ+ rights, or as members of their local neighborhood association. In other words, the Brazilian participatory infrastructure incorporates both territorial interests and an array of different functional interests. For example, in her study of local health councils, Vera Schattan Coelho (2006) shows that these bodies include a truly diverse group of popular sector interests—ranging from popular health associations, to unions, to homeless people's movements, to religious organizations. Brazil's participatory infrastructure enhances the inclusion of the popular sectors by recognizing the inherent diversity of interests within the popular sectors.

Even though participatory institutions create opportunities for diverse groups to participate, it is possible that in practice, the costs involved in participation could limit the involvement of the poor, as noted in the introductory chapter. Initial studies of councils and conferences have suggested some degree of class bias in favor of the middle class—yet to a lesser degree than we might otherwise expect, given the historical degree of popular sector exclusion in Brazil. Several studies have shown that compared to the community average, participants in policymaking councils and conferences are more likely to be more educated and to have a higher income (Gerschman 2004, Fuks, Perissinotto, and Souza 2004, Almeida 2013, Cunha 2013). On the policymaking councils, the poor that do participate are more limited in effectively advocating their positions, compared to their middle-class counterparts (Cunha 2009, Gerschman 2004).

Nevertheless, other works demonstrate that the class bias is considerably lower than we might normally expect. As Gurza Lavallo et al. (2005) note, participatory councils incorporate civil society organizations, not individuals, and Brazilian cities have a greater density of popular-sector associations than groups representing more elite interests. Moreover, the councils include

seats for representatives of low-income groups, including community associations or mothers' groups in poor neighborhoods. These institutional design features act against the tendency to exclude the poor (Coelho 2006, 658-659), particularly in comparison to a more pluralist system that does not explicitly prioritize the incorporation of popular sector voices.

One reason for these surprisingly high levels of popular sector inclusion is that participatory institutions are concentrated in policy areas of particular interest to the popular sectors (Wampler 2015). As mentioned earlier, participatory councils and conferences are most prevalent in policy areas central to the expansion of social rights for the popular sectors: social policy and the rights of vulnerable groups. The poor have more of a stake in these policy areas than middle-class or upper-class Brazilians. For example, lower-income Brazilians are more likely to depend on Brazil's public health system than wealthier Brazilians, who tend to use private insurance. Similarly, poorer Brazilians are more likely to depend on public education than those of a higher socio-economic status, who have abandoned public schools. Consequently, poorer Brazilians will have a greater stake in health and education policy than those in the upper- or even middle-class, creating an additional incentive for their participation in health and education councils and conferences.

Furthermore, the Brazilian government takes key steps to lower the costs of participation in order to open up access to popular-sector voices. In 2009, for instance, Brazil's federal government spent a total of US\$1.6 million to support the logistics of social assistance councils operations, and US\$5.5 million to support participatory institutions and civil society engagement in health. Across all policy sectors, US\$2.3 million more was earmarked for the "amplification of participatory management practices," and US\$500,000 for the "amplification and strengthening of participation and societal mobilization." (Presidência da República 2012) This money is in addition to the resources provided by state and municipal governments to support participatory policymaking. The federal government covers the costs of travel and provides per diems for national councilors, which significantly reduces the financial barriers to participation. As Rich's research has shown, state actors in specific agencies have also invested in reducing the costs of collective action for popular-sector groups—paying for regular workshops and other network-building activities that allow civil-society leaders to build skills and expertise, and subsidizing travel so that the poor can participate (Rich 2013).¹² State officials have also proactively encouraged low-income beneficiaries to participate in national councils; bureaucrats from the Ministry of Social Development recruited a leader from the National Homeless

¹² While substantial, this support is smaller than that seen during state corporatism, in which state requirements for closed-shop unions yielded dues a means of financing the unions, thereby sharply reducing the costs of collective action.

Population Movement to serve as a councilor on the National Social Assistance Council.¹³ Through these supports, the state reduces the barriers to popular-sector participation.

However, efforts to mobilize the poor have centered on councils and conferences connected to social policy and the rights of marginalized groups, rather than those participatory institutions linked to economic policy. In economic policy areas, council composition more closely resembles the corporatist institutions of the past: participants primarily include representatives from business associations, unions, and the state; other popular-sector groups are largely excluded. As such, participatory institutions do little to deepen inclusion for the popular sectors.

While the scope of societal interests incorporated into the policymaking arena has expanded with the introduction of Brazil's participatory infrastructure, it is important to note that certain interests are excluded from this system. Individuals who are not connected to civil society organizations are underrepresented in Brazil's participatory institutions. The council model presumes that individuals can connect to the representative of their "sector" and have that councilor advocate on their behalf. Those individuals that do not fit within a clearly defined sector remain disconnected. Moreover, there are no accountability mechanisms to ensure that councilors truly represent the concerns of those they claim to represent (Gurza Lavelle, Houtzager, and Castello 2006). The conference model opens up participation to a broader array of actors, including at the subnational level those not affiliated with a civil society organization. Nonetheless, most people who participate in conferences are connected to civil-society organizations, which play a key role in mobilizing people into the conference and coordinating interests to produce a coherent set of demands at the conference (Cunha 2013).

Overall, the evidence shows that participatory institutions have expanded the scope of societal interests included in the policymaking process, particularly in comparison with corporatist models of the past. Brazil's participatory infrastructure has mobilized an impressive number of diverse interests, reflecting the increasing political salience of post-materialist and intersectional identities and grievances that has emerged in recent decades. While the Brazilian councils and conferences channel middle-class interests, they also serve as important vehicles for popular-sector mobilization and inclusion in policymaking.

CONCLUSION

Since democratization, Brazil has established an elaborate participatory infrastructure that operates across diverse policy areas and at all levels of government. The Brazilian experience suggests that participatory institutions can serve as a powerful instrument of popular-sector inclusion in the policymaking process. Particularly in comparison with the corporatist institutions

¹³ Interview by Lindsay Mayka with Samuel Rodrigues, Movimento Nacional da População da Rua. Brasília. March 2, 2009.

of the past, Brazil's participatory infrastructure has opened new points of access to the state for diverse popular-sectors interests. Nevertheless, there are important limits to inclusion. While participatory institutions have provided access to many parts of the state, especially those related to the expansion of social rights, other parts of the state, such as those related to economic policy, remain closed off. Moreover, participatory institutions favor interests mobilized into civil society organizations, leaving out many individuals with pressing concerns.

What implications does the Brazilian case hold for the inclusionary potential of participatory institutions across other Latin American countries? While nearly every country in Latin America has adopted a national legal framework for participatory policymaking, these participatory infrastructures differ considerably in the degree to which they provide access to the state and the scope of societal interests involved, and thus vary in their records of inclusion, as noted in Goldfrank's chapter. The Brazilian case offers three important lessons for how and when participatory institutions can foster popular-sector inclusion.

First, and most immediately, participatory institutions that are not implemented cannot offer channels for inclusion. State officials in Brazil took various steps to ensure that the elaborate national legal framework behind participatory policymaking was constructed on the ground—investing considerable material, human, and political resources in guiding implementation. Yet in other countries, participatory institutions exist only as parchment institutions. For example, Colombia's local health councils only exist in 1% of municipalities, and receive negligible support from the national government (Mayka 2019a, Chapter 7). Other participatory institutions, such as Mexico's Municipal Planning Committees or Chile's Municipal Civil Society Councils, are weakly implemented and operate in only some parts of the country (Fundación Multitudes 2015, Selee 2009, 68). The most basic step in examining the inclusionary potential of a participatory institution is to assess its implementation on the ground.

Second, we should consider not only the implementation of individual participatory institutions, but also how different participatory institutions work together to create policy access within different parts of the state. Brazil's participatory infrastructure created ample access to the state and engaged a broad array interests within the popular sectors precisely because it was not limited to just one participatory institution. The mix of councils and conferences across in many policy sectors stand to address diverse grievances among popular-sector groups. By operating at many different levels of government, Brazil's participatory institutions produce a range of potential access points and routes to political influence for each of these interests. The inclusionary effects of participatory governance are amplified when we analyze Brazil's participatory infrastructure in the aggregate versus when we analyze the effects of a single institution. By the same token, the Brazilian experience suggests that countries relying on a single form of participatory governance, such as participatory budgeting, will not capture the diversity of interests of the popular sectors and will leave the vast majority of the state outside the realm of participatory oversight.

Third, as the introductory chapter notes, participatory institutions do not inherently amplify popular-sector voices. Investments of resources are required to participate in such institutions and to effectively advocate from within them—resources that are more available to the middle classes than to the popular sectors. The Brazilian case shows that the bias towards wealthier participants can be counteracted by creating seats for popular-sector interests, subsidizing the costs of participation, and recruiting popular-sector activists. The Brazilian experience thus suggests that individuals and civic associations representing the poor are best able to engage in these new spaces when government actors, NGOs, and/or international donors make investments to ensure their participation.

Rather than thinking of participatory institutions as a solution to the endemic problem of popular-sector exclusion, that chapter suggests that we should consider them to be a potential tool that can be used to enhance inclusion. Ultimately, participatory institutions are subject to many of the same shortcomings as representative democratic institutions: they can be crippled by institutional weakness, and can over-represent elite interests while excluding important voices. Participatory institutions are not a silver bullet, yet they *can* serve to channel the demands of the popular sectors into the state. In the end, participatory institutions have the potential to deepen inclusion by offering tools for voice and access—even if these tools sometimes fall short.

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