

PARTICIPEDIA

Public Policy Council (Brazil)



Author: *Projeto Democracia Participativa PRODEP- UFMG*

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1st version 05/16 by Eleonora Schettini M. Cunha, UFMG, Brazil.



Definition

Public policy councils^[1] are permanent political-institutional structures linked to the administrative structure of the Brazilian State, in its three government levels (Union, states and municipalities) and related to a public policy area. These councils are hybrid in their composition – representatives of government, civil society and, in some cases, market - and have a bureaucratic structure to support their functioning. The law that established the council determines its nature, the specificity of your composition, as well as the objectives and the parameters of its structure and its functioning.

Problems and Purpose

In the process Brazil's redemocratization, after the military dictatorship (1964-1985), there was a strong demand of social movements and several civil society organizations for the expansion of spaces and opportunities for democratic participation and for the effective possibility of society to participate in the definition of public policy. The councils emerged as one of the different spaces that would enable the participation of society in formulating and controlling public actions and the results of public policies. They have been instituted in different areas of public policies (such as health, social assistance, environment, education, public patrimony, urban policies) for different purposes, which can be combined: Consultive, when instruct and advise governments in their decisions; Normative when establishes norms that organize a policy; Deliberative when its decisions are binding; and Control, when they have the power to monitor and control the policy (Buvnich, 2014). The councils' focus is the management of public goods, the establishment of guidelines and strategies for action, the definition of priorities (including budgeting), the regulation and standardization of actions in a particular area of public policy, and public control over the state (CUNHA, 2013).

History

In Brazil, verifies the existence of councils as a means of supporting the exercise of political-administrative power since the nineteenth century. In the Empire, the councils were composed of members of the intellectual, political and economic elite and aimed at reconciling governmental decisions with the interests of that elite. At the beginning of the 20th century, the social security area experienced institutionalized participation processes that admitted workers' representatives, but areas such as Education, Health, Economy and Finance, Social Assistance and Industry and Commerce instituted advisory councils composed mainly of notables and, in some of them, There was corporate representation or private interests. In the middle of the century, national councils acquired technical specialization characteristics, such as Education, which began to standardize the area, defining relevant aspects of this policy.

The advent of the military dictatorship not only maintained the councils in the structure of the Brazilian State but also increased its number (from 2, in 1956 to 6 in 1984), however with strong restrictions on its activities, which started to have strict government control as well as Suppression of employee representation (CORTES, 2002 apud CUNHA, 2013).

In addition to these national councils, in the decades of 1970 and 1980 some municipal governments have created community councils to mediate its relations with popular movements and organizations, as well as civil society initiatives emerged that created popular councils wich aimed establish pressure and negotiation with the Government, as well as the control over resources and institutions (GOHN, 2001 apud CUNHA, 2013).

The health area, on the other hand, developed experiences of community participation since 1979, creating interinstitutionalcommissions in the three levels of government counted on the participation of the private service providers and representatives of community entities, syndicate, etc. These experiences were inspiring for civil society to send to the Constituent Assembly, established at the final of military dictatorship and responsible for the formulation of a new Constitution (1986-1988), a manifestthat proposed the creation of mechanisms for participation in the municipalities of the country. The result of this mobilization was the registration of the Right to direct participation in the Brazilian Federal Constitution of 1988 and the constitutional provision for the participation of society in the definition and control of several areas of public policy, such as social security, health, social care and education. Other areas regulated participation in specific laws formulated afterwards. In common to these areas is the implementation of participation by means of councils.(MICHILES, 1989; TEIXEIRA, 2000 apud CUNHA, 2013).

As a result of this regulation of the public policy areas, there was an intense creation of councils at the municipal level, especially in the 1990s (Faria and Coelho, 2010) and the expansion at the federal level in the first decade of the 21st century. In 2013, more than 40,000 municipal councils were counted, and 90% of the Brazilian municipalities had at least 5 councils implanted, while at the federal level there were 36 (Buvnich, 2014).

These public policy councils differ significantly in comparison with their predecessors in reason of: autonomy of representation "the mandates of civil society are not subordinate to the public power"; Democratization of its composition (including representatives of various civil society organizations); the articulation between participation and representation (the members of civil society have links with distinguished civil associations); and of the incorporation of characteristic practices of civil society organizations (Cunha, 2013).

Participant Selection

The councils are consisted by a varied number of members (prevail from 10 to 20 members) (Faria e Coelho, 2010), wich represent segments of society and government in varied proportion (Some are parity between society and government, others tend to have more representation of society and others more government representation) and that have previous involvement with the public policy area, as professional, user, service provider (public and private), among others.

Hybrid composition of the Councils points to different processes of participants selection — in this case, representatives. The Government representatives are appointed by the government itself and correspond to members of public bodies responsible for politics and others related to its management. Civil society representatives are defined by different means, depending on the law establishing the council: chosen through open public processes to all interested, indicated by civil society organizations previously

defined by law, or appointed by the government. In the first case, elections are held that involve civil society organizations related to the area of public policy, which are previously registered.

Deliberation, Decisions and Public Interaction

There is great variation as to the processes of deliberation, decision and interaction with the public in the councils. In general, councils meet with some regularity (once a month is what prevails) to deliberate and decide about a guidelines previously defined. This guidelines can be build by the council or by its leaders (President and/or manager table) to following the demands of the government, civil society or even to citizens. Some councils change the guidelines during the meeting, at the request of any member or even of the participants non-counselors.

The meetings of the Councils are public, open to the presence of any person, given that some councils admit the vocalization of any participant and others restrict this type of intervention, conditional to a prior authorization by the council members. However, only the counselors can make decisions. The decisions, in general, are made by vote, which requires a simple majority of votes, and only if it requires special quorum (2/3 of the members) for the cases of amendment of the Internal regiment (Avritzer, 2010; Pires 2011). The decisions of the Councils must be formalized in resolutions which should give ample publicizing, especially those which are binding.

There are councils wich have an internal division (commissions and/or working groups), that are integrated by parts of the counselors, who analyze the issues on the guidelines prior to the meetings. These subgroups can rely on input from experts and stakeholders to analyze the issue at hand and to build a more informed position for the debate.. The results of this analysis are brought to the assembly and and it is up to it the final debate and decision-making on the issue.

The interaction of the councils with the public can occur during the meeting of the councils or in the interstices of these meeting, through individual contacts of councillors, of events promoted by the area of public policy, by different media (websites, newspapers, folders, among others) and, In some cases, through public policy conferences, another participatory institution that occurs periodically and regularly (every 2 or 4 years, depending on the area) and brings together thousands of participants at each level of government in which it occurs - municipalities, States and the Union.

Analysis

Studies about policy councils indicates different perspectives for its analysis, as well as different results. The main conclusions indicates that, in general, the councils are open spaces to the reception and processing of demands from civil society and that the institutional design is relevant, because this can compensate for socioeconomic inequalities and the informational between counselors and promote the democratization of own councils, as well as limit participation to those who are not organized or associated. Moreover, there are significant differences in vocalization capacity and deliberation and the types of decision, which vary according to the nature of politics and the source segment of the counselors. Another factor that affects the effectiveness of the councils is the Existence of proactive associations and organizations in the political scenario, as well as the support and the effective presence of the governor in decision making processes. Concerning the interaction with the public, it is verified that the contacts of the council with the public inform, but do not determine the decisions of the councillors. These conclusions point out that there are limits can be identified both within the councils, in relation to its rules, as also the political-institutional environment in which they are inserted.

Secondary Sources

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NOTES

[1] In addition to the policy councils, other kinds of councils are identified, such as those linked to government or thematic programs when dealing with a specific agenda (Tatagiba, 2002). Only policy councils are covered here.

Tags:

[method](#)

Method Data

Minimum Participants:

10

Maximum Participants:

80

Participant Selection:

[Open to all with targeted recruitment](#)

Communication Mode:

[Discussion, Dialogue, or Deliberation](#)

Public Interaction Method(s):

press office

Decision Method(s):

they made it through voting

Geographical Scope:

[National](#)

Typical Funding Source:

[National Government](#)

[Regional Government \(e.g. State, Provincial, Territorial\)](#)

[Local Government \(e.g. Village, Town, City\)](#)

Governance Contributions:

[Agenda Formation](#)

[Co-Production](#)

[Conflict Resolution](#)

Issue Polarization:

[3 - Somewhat Polarized](#)

Issue Technical Complexity:

[3 - Somewhat Complex](#)

Issue Interdependency :

[3 - Sometimes Interdependent on Other Issues](#)

Kind of Influence:

[Co-governance \(i.e. to share decision making with public authorities\)](#)

Best for:

[Achieving Public Goods](#)

[Addressing Identity-Based Issues](#)

[Distributing Individual Material Goods](#)

[Providing Social Goods](#)

Facilitated:

No

Typical Sponsoring Entity:

[National Government](#)

[Regional Government \(e.g. State, Provincial, Territorial\)](#)

[Local Government \(e.g. Village, Town, City\)](#)

Typical Implementing Entity:

[National Government](#)

[Regional Government \(e.g. State, Provincial, Territorial\)](#)

[Local Government \(e.g. Village, Town, City\)](#)