

Journal of Politics in Latin America

Dagnino, Evelina, and Ana Claudia Chaves Teixeira (2014), The Participation of Civil Society in Lula's Government, in: *Journal of Politics in Latin America*, 6, 3, 39–66.

URN: http://nbn-resolving.org/urn/resolver.pl?urn:nbn:de:gbv:18-4-7932 ISSN: 1868-4890 (online), ISSN: 1866-802X (print)

The online version of this article can be found at: <www.jpla.org>

Published by

GIGA German Institute of Global and Area Studies, Institute of Latin American Studies and Hamburg University Press.

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The Participation of Civil Society in Lula's Government

Evelina Dagnino and Ana Claudia Chaves Teixeira

Abstract: This article discusses the participation of civil society during the governments of President Lula, particularly in institutional public spaces. The participation of civil society in decision-making processes, incorporated in the Brazilian Constitution of 1988, has been a central principle in the political project of the Partido dos Trabalhadores (PT) since its foundation in 1980. This paper examines the extent to which this principle has remained effective and has been actively implemented at the federal level since the PT came to power in 2002. It also analyzes the concrete results of implementing greater participation and the difficulties faced in doing so. In addition, it explores both the continuities and new developments that have emerged during the government of Lula's successor, Dilma Rousseff.

Manuscript received 7 January 2014; accepted 28 September 2014

Keywords: Brazil, participation of civil society, Lula's governments, National Council of Public Policy, national conferences

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Introduction

The participation of civil society in decision-making processes - incorporated in the Brazilian Constitution of 1988 - has been a central feature of the Partido dos Trabalhadores' (PT) political project since its foundation in 1980. The PT reaffirmed its support for civil society participation in the Program of the Democratic Revolution at the party congress in 1999 (PT 1999). The Program claimed that significant sectors of civil society believed that Brazilian political institutions and elites, organized through liberal representative democracy, were and continued to be unable or unwilling to confront the striking levels of inequality and exclusion in the country. Deepening democracy and ensuring citizenship would thus require the excluded sectors to be directly involved in the policy-making process. To what extent has this principle remained effective and been actively implemented at the federal level since the PT came to power in 2002? What have been the concrete results of implementing greater participation and what difficulties have been encountered? This paper discusses the implementation of Brazil's so-called architecture of participation under President Lula, assessing the limits and possibilities thereof. In addition, we explore both the continuities and the new developments that have emerged and continue to emerge during the government of Lula's successor, Dilma Rousseff.

1 Participation: Theoretical and Political Context

For the reasons mentioned above, civil society sectors and social movements have demanded the creation of spaces for participation in Brazilian public policy making. As participation in these spaces became a heavily prioritized practice, the theoretical debate in the Brazilian literature – unlike that from other Latin American countries – focused on different conceptions of public space and their implications for participation (Costa 1999; Avritzer 2002; Telles 1994). Despite the significant influence of Habermas's seminal work, it has been criticized for failing to fully appreciate the role played by both public spaces and civil society in radicalizing democracy. Habermas's self-limited conception of civil society and its restriction to "influencing" the state through public spaces has gradually been replaced in the Brazilian literature by theoretical conceptions that are better suited to analyzing the forms public spaces are taking in the actual political process. These forms implied a close relationship between the state and civil society, often to the point of an intermingling between them (Tatagiba forthcoming; Gurza Lavalle and Isunza Vera 2010; Dagnino 2011).

For politicians, activists and researchers, Brazil represents a privileged context for studying and drawing inspiration from democratic innovation and citizen participation in public policy making (Santos and Avritzer 2002; Fung and Wright 2003; Avritzer and Navarro 2003; Dagnino, Olvera, and Panfichi 2006; Avritzer 2009). The expansion of participatory institutions has allowed for the incorporation of a dimension that was previously absent from representative democracy: deliberative processes that transcend electoral moments and that not only provide a basis for the inclusion of the claims from organized sectors of civil society but also stimulate their own political organization and create new forms of representative mediation between the state and society (Silva, Lopez, and Pires 2010). According to analysts, citizen participation has reached such a degree of institutional capillarity that it has been integrated into the juridical language of the Brazilian state (Gurza Lavalle 2011).

The Constitution of 1988, thanks to a favorable correlation of forces,1 consecrated the principle of participation in its first article and included mechanisms of direct and participatory democracy - such as management councils (Conselhos Gestores) - for public policy at city, state and federal levels, with membership equally divided between representatives of civil society and the state. Although there had been a few instances of popular participation in government decision-making since the late 1970s, the recognition of this principle in the 1988 Constitution opened the way to a multiplication of participatory mechanisms. The most important and well-known example of participation is the Participatory Budgeting program, which was initiated in Porto Alegre in 1989 under the PT administration and later spread to hundreds of other cities in Brazil and other parts of the world. Over the years a multiplicity of participatory experiments has gradually emerged throughout the country, representing what is today referred to as the "architecture of participation."2 This architecture is certainly larger and more consolidated than

¹ Such favorable correlation of forces would change after the election of Collor de Mello in 1989 with the beginning of the implementation of neoliberal measures in Brazil.

² The term "architecture of participation" was first used by *Inter-Redes*, a network of civil society networks and forums, at the beginning of Lula's government. It referred to the profusion of participatory spaces and the need for improved articulation and dialogue between them, especially between councils and conferences. At a 2004 seminar (see Teixeira 2004) the term and the debate reappeared, resulting in the *Plataforma dos Movimentos Sociais pela Reforma Política* (Social Movements' Platform for Political Reform). The term became widely

anything comparable in Latin America. This structure of institutionalized participation – which does not exhaust or exclude other modalities of participation, although it has incorporated most of the political practices of social movements and civil society sectors – includes councils, conferences, forums, public hearings (*andiências públicas*), participatory city planning meetings (*planos diretores participativos*), and a whole array of programs that involve some kind of social control and monitoring.

The nature of these spaces of participation vary: They can be more or less formalized. Some have deliberative functions. Others have only consultative or even simply informative functions. Most involve some participation by the state, though some are societal spaces for nonstate actors to debate and build internal consensus before engaging with the government. What they all have in common is the public exposure and debate of different claims and the expectation of having them being taken into account in political decisions and in the formulation of public policy. Hence, conflict is a constitutive dimension of these spaces. What also differs is precisely their capacity to have a real impact on policy decisions.

Such efficacy is particularly affected by the specific political contexts in which deliberations take place, the political forces involved and the power correlation between them, and how conflictive the interests at stake are. Furthermore, the commitment and qualification of state representatives, the organizational density of the represented civil society sectors, the technical and political qualifications of civil society representatives, and, most importantly, the resources available for policy implementation all have a bearing on the effectiveness of participatory spaces. Although impact is usually assessed in terms of concrete results with regard to public policies and/or legislation outcomes, from the perspective of civil society sectors – especially popular social movements – the simple act of participating can also provide significant gains. For example, participation in those spaces provides opportunities to gain knowledge about state agencies and their modes of operation, develop new relationships, and network.

The political context that made possible the incorporation in the 1988 Constitution of a notion of participation as sharing decision powers soon began to change. In the following year, with the election of Collor de Mello, the ascension of the neoliberal project brought other conceptions of participation to the scene, especially during the Cardoso gov-

adopted; see, for example, Teixeira, Souza, and Fiuza 2012; Isunza Vera and Gurza Lavalle 2012; Dagnino and Tatagiba 2007.

ernments (1995-2002). As part of neoliberal structural adjustments, the focus on the transfer of public responsibilities from the state to civil society (formalized in the 1998 state reform led by the then state reform minister, Bresser Pereira) and the conceptualization of social policies as duties to be shared with civil society through the so-called partnerships (parcerias)³ embodied in Brazil the neoliberal principles adopted at the global level. In addition to the privatization of state enterprises, the transfer of the state's social responsibilities to individuals, civil society and the private sector were considered fundamental to paring down the state and, with this, improving its efficiency. Thus, participation is conceived as assuming those responsibilities individually through voluntary work or through nongovernmental organizations' (NGOs) engagement with the state in the development of social projects. The decision-making power in relation to these projects, however, remained under state control (Teixeira 2003). The number of NGOs increased greatly during this period as they served as the reliable, nonconflictive, efficient partners the state needed. As a result, civil society itself was often reduced to those organizations, and social movements were marginalized, if not criminalized (Oliveira 1999).

These two radically different conceptions of participation continue to coexist on the Brazilian political scene and contribute to the tensions and contradictions associated with the implementation of participation (Dagnino 2004). At the national level, under PT governments, there has been a strong tendency to proactively reconfigure the role of the state. At the city and state levels, the predominance of each of these conceptions depends very much on the respective government's political orientation.

2 Assessing Lula's Governments

In assessing Lula's governments, there is a risk of judging exclusively on the basis of the expectations that he and his party have generated in Brazilian society. Therefore, any assessment that takes into account these expectations requires a realistic analysis of the conditions that made his election possible and the challenges posed by becoming head of state.

³ Partnerships with NGOs and the private sector to develop specific projects were formulated and implemented by the Solidarity Council (*Conselho da Comunidade Solidária*), the agency created by Cardoso at the very beginning of his government. The *Comunidade Solidária* also functioned as a think thank, producing theoretical analyses that legitimized the neoliberal approach to participation (Silva 2006; Franco 1999).

Such a cautious approach, however, is not an excuse for uncritical and complacent analyses.

In his fourth attempt to become president of Brazil, Luiz Inácio Lula da Silva was finally elected in 2002, supported by a heterogeneous political alliance (PT, Partido Liberal (PL), Partido Comunista do Brasil (PC do B), Partido da Mobilização Nacional (PMN) and Partido Comunista Brasileiro (PCB)). Subsequent appointments to higher government positions revealed that there would be a coalition government, where in negotiations between different and often opposed political forces are a constant. In his preelectoral "Carta aos Brasileiros," Lula reassured Brazilian society and specifically the financial market that contracts would be respected and that neither reform nor "an alternative national project" would be implemented abruptly, stating that "there is little maneuver room for economic policies in the short run" ("a margem de manobra da política econômica no curto prazo é pequena"). In addition, Lula reaffirmed the principle of respect of democratic rules and institutions, but did not mention the participation of society, which had been emphasized in the Program for a Democratic Revolution ("reforming institutions of representation and increasing democratic and direct control over the state") approved at the 1999 PT Congress (PT 1999; Baiocchi and Checa 2008).

In spite of Lula's cautious language, expectations were very high. Despite changes to their original political project during the previous two decades, Lula and the PT still inspired great hope among the poorer, progressive, and leftist segments of society that they could transform things for the better. Obviously, the continuation and, in some cases, the augmentation of neoliberal economic policies that marked Lula's first term frustrated his supporters and surprised conservative sectors. During his second term, Lula introduced a new direction by reinforcing social policies that tackled poverty, emphasizing economic development and strengthening the internal market, increasing the minimum wage, and generating jobs. Although there is a clear difference between his two terms - evidenced by Lula ending his time in office with a record approval rating (87 percent) - frustration remains in some assessments of his governments. We argue that any reasonable evaluation must take into consideration, first, the analysis of the concrete conditions that made possible Lula's election and the make-up of his government. As mentioned above, the heterogeneous alliances that enabled Lula to govern also ensured that the implementation of the PT's "original" project would be limited - a fact made clear in Lula's "Carta aos Brasileiros." Second, it is important to acknowledge that once installed in power, Lula and significant sections of the PT considered not only governability but also remaining in power a central priority. Thus, what can be called a "power project" emerged, which was at odds with the PT's historical proposals. Third, conflicting proposals had always coexisted within the PT. Despite Lula's election uniting the distinct factions, the positions assumed by his government highlighted the tense and complex dynamics present in the PT. Such dynamics included the defeat of some views and the privileging of others, at different points in time and in different governmental agencies. Finally, to reasonably assess Lula's governments, one must avoid ignoring both the ruptures and the continuities his governments represent in the Brazilian social and political scene.

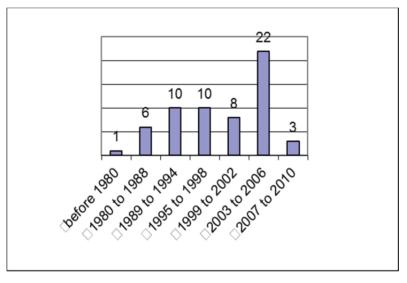
All these elements have clear implications for civil society's participation in public policy making, which we will discuss. Most importantly, they also inform our general argument on such participation: fragmentation, tension and ambiguities, and ruptures and continuities constitute the main characteristics of governmental actions with respect to the participation. Our analysis of civil society participation during Lula's governments does not uncover a linear process, but rather an uneven development marked by significant achievements, setbacks, and critical obstacles. This irregular progress reveals the effects of a heterogeneous coalition government, the subordination of the PT's political project to a "power project," the emphasis placed on the perceived needs of governability, and the internal differences within the PT itself - all of which existed throughout Lula's eight years in office. The process has also been influenced by (i) the limits of different civil society sectors, (ii) the dilemmas civil society faced in dealing with a "sympathetic" government, along with the ascension to power of a party that had strong historical links to civil society, and (iii) civil society's capacity for critical resistance and struggle.

3 Advances in Participation: The Numbers

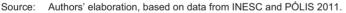
The most visible achievement in the process has been the growth and consolidation of the Brazilian architecture of participation at the federal level. This received its strongest boost during Lula's governments. The most significant channels of institutional participation have been management councils and, in particular, conferences.⁴

⁴ The councils are made up of state and civil society representatives and can be distributed in different segments. They provide a platform to discuss and formulate public policy for various areas. Some are nothing more than consultative, while others must have, by law, their decisions respected. The conferences are participatory processes that aiming at promoting dialogue and exchange be-

The number of new councils and conferences set up during this period is very impressive, as are the volumes of government resources, people and institutional investment. At the national level we identified 60 institutions that could be considered councils, and more than one-third of them were created during Lula's presidency. During President Cardoso's terms from 1995 to 2002, the total number of institutions created was 18 (INESC and PÓLIS 2011).







Among the new councils created during Lula's governments are *Desenvol*vimento Rural Sustentável (Sustainable Rural Development), Economia Solidária (Solidary Economy), Igualdade Racial (Racial Equality), do Idoso (Elderly), da Juventude (Youth), da Política Cultural (Cultural Policy), da Erradicação do Trabalho Infantil (Eradication of Child Labor) and da Erradicação do Trabalho Escravo (Eradication of Slave Labor). Taking national councils as a whole, 51 percent of the positions are reserved for civil society representatives, and 49 percent for those from governments at different levels.

tween representatives of state and civil society for the formulation of proposals for specific policy areas. They take place for a couple of days at city, state and national levels and usually must be specifically convened by the executive. Data on the national conferences are even more extraordinary: a total of 74 national conferences on 40 different themes have been held between 2003 and 2010, mobilizing around 5 million people and approving more than 15,000 proposals and 2,000 motions – 28 (or 70 percent) of which had not been contemplated before. The new conferences include, inter alia, *Igualdade Racial* (Racial Equality), *Direitos da Pessoa Idosa* (Rights of Older People), *das Cidades* (Cities), *da Juventude* (Youth), *da Cultura* (Culture), *do Meio Ambiente* (Environment), *das Mulheres* (Women), *da Comunicação* (Communication), *da Educação* (Education), and GLBTT (Gays, Lesbians, Bi-sexuals, Transvestites and Transgenders). Of these new conferences, 13 have been revised and 15 have remained in their original format (INESC and PÓLIS 2011).

Looking at the composition for the national conferences, we found that 70 percent of the participants came from civil society, while 30 percent were governmental members from national, state and city levels; for the national councils, 52 percent came from civil society, and 48 percent from governments. In the current mandates, 68.5 percent of the representatives in the councils are men and 31.5 percent are women, which is far less unequal than the patterns found in the Brazilian Parliament (the *Câmara Federal* consists of only 8.8 percent women; the *Senado*, only 16.9 percent). The make-up of the councils reflected great diversity among the civil society representatives: 34 percent represented social movements; 21 percent, business organizations; 15 percent, trade unions; the other 30 percent, religious organizations, universities, professional associations, and municipal and state councils (INESC and PÓLIS 2011; SGP 2010).

The number of public hearings (*andiências públicas*)⁵ held between 2003 and 2010 is also remarkable. Organized by the *Secretaria Geral da Presidência*, there were 515 hearings between the president and civil society. Of these, 326 were with business organizations, employers associations, and entrepreneurs. Thus, in this participation format, the entrepreneurial sector has been the interlocutor privileged by the government. Priority has not been given to social movements, which may be due to the fact they were already in dialogue with other ministries or were considered to have less strategic value or less capacity to pressure the government.

⁵ Public hearings are meetings convened by the government on specific themes and are open to concerned groups and individuals. In addition to those organized by the SGP, most ministries also convene public hearings (Pires and Vaz 2012).

An additional participation format was the Plano Plurianual (PPA, or Multiyear Plan) (valid from 2004 to 2007), which was seen by some as an innovative and important initiative that could introduce a participatory process to decision making on national investment priorities. By law, the elaboration of a PPA proposal is the prerogative of the executive, which sends it to Congress to be approved or amended. Under Lula's government, however, a consultation process with civil society took place during 2003 in all 27 states (involving more than 2,000 organizations) and culminated in a proposed document in August 2003. Nevertheless, the PPA was extensively modified by both the executive and Congress, resulting in a final document that ultimately privileged certain exporting industries (such as mining and agroindustry) and included various dam construction projects, which were heavily criticized by civil society participants. The PPA process invoked the language of participation but had an unclear mandate as far as linking participation to decision making. It became a process that included consultation but presented "technical decisions" on, for example, interest rates and budgetary priorities as the exclusive realm of government technocrats.

Further participatory institutions include meetings with "interest groups" (*Mesas de Negociação*) in which specific groups such as business and workers' unions meet with the government to discuss conflictive issues. In addition, *Ouvidorias* (ombudspersons) provide channels of communication between citizens and governments. Their numbers increased after the 1988 Constitution, and there was 1,043 of them by 2009 (Silva, Felix, and Pires 2012).

3 New Voices, New Themes: Innovation and Inclusion

In addition to the significant quantitative increase in new participatory spaces, an important achievement has been the extension of these spaces to new thematic areas.

The Food Security Council (*Conselho Nacional de Segurança Alimentar* (CONSEA)) is an interesting case of innovative development. Created in 1993, it was ceased by Cardoso at the very beginning of his government and replaced by the Solidarity Community Council (*Conselho da Comunidade Solidária*). Lula reactivated CONSEA immediately after his inauguration in 2003, as one of his key priorities was fighting hunger. Food Security Council national conferences followed, bringing together a growing number of increasingly diverse representatives from civil society. A new emphasis was put on family farming by the Food Acquisition Pro-

gram (*Programa de Aquisição de Alimentos* (PAA)), which required city governments to buy food from local producers, and the reformulation of the School Food Program (*Programa Nacional de Alimentação Escolar* (PNAE)). Collective actors linked to the agroecological and food security sectors have pushed for these programs in the CONSEA. In November 2012 the National Commission for Agroecological and Organic Production (*Comissão Nacional de Agroecologia e Produção Orgânica* (CNAPO)) was created to bring together government and civil society to formulate a national plan for the area.

In addition, representation in the CONSEA has been opened to a variety of social sectors – linked to, for example, hunger, human rights, women, blacks, indigenous peoples, *quilombola* communities,⁶ agrarian reform, consumer associations, food business, and several others – in an effort to increase inclusion. According to Costa (2008), this resulted in (i) the strengthening of food rights due to their connection with other rights, (ii) a fecund intermingling that broadened previously restrictive conceptions, and (iii) the gradual construction of interdisciplinary and pluralistic knowledge, a process obviously permeated by conflicts. Moreover, the criteria for representation were clearly established, thus ensuring that the diverse sectors of civil society could choose their own representatives – which stood in stark contrast to other councils as well as Cardoso's *Conselho da Comunidade Solidária*, for which representatives of civil society were chosen by the government based on their "social visibility" (Dagnino 2002).

Another example of the expansion of spaces for participation into new thematic areas can be seen in the area of cultural policy. Following Lula's campaign, artists and cultural producers also demanded channels for popular participation. Cultural policies under previous governments promoted an unequal distribution of power between different kinds of cultural production, aggravating the lack of articulation among them. Sectors linked to popular culture were completely ignored (Souza 2008).

Under Gilberto Gil, a well-known singer and composer then affiliated with the Green Party (Partido Verde), participatory processes were implemented for the first time. These included Culture for All Seminars (*Seminários Cultura para Todos*), the National Seminar of Popular Cultures (*Seminário Nacional de Culturas Populares*), and the redefinition of the composition and functions of the National Council of Cultural Policy (*Conselho Nacional de Política Cultural*). The Department of Institutional Articu-

⁶ *Quilombola* communities are formed by the descendants of slaves, who claim the right to their ancestors' land. There are more than 2,000 of these communities but only 207 have been granted land rights to date (SEPPIR 2012).

lation (Secretaria de Articulação Institucional (SAI)) was created with the task, among others, of implementing "cultural forums, responsible for the articulation between the ministry and the cultural community" (Souza 2008). According to Souza, and as can be seen in many other cases, the presence of one particular individual (Márcio Meira, head of the SAI) was central to dealing with the many resistances, both internal and external to the ministry, to the introduction of participatory processes in the area of culture. Finally, in 2005, the first national conference on culture took place, at which a national culture plan (Plano Nacional de Cultura) was discussed. Preliminary city and state stages mobilized 54,000 people in 1,192 cities, with 1,276 participating at the national level (half of whom were civil society delegates). Although, as in many other cases, there were many different obstacles to implementing proposals from the first conference, the process itself represented a breakthrough in the sector (i.e., the opening of an important space for diverse new actors and themes). The methodology adopted did not include a basic text from the government, opening up the debate to a vast array of new ideas and proposals. Most importantly, as put by a government officer interviewed by Souza, "the less powerful groups were the ones coming to the conferences; the big filmmakers, for instance, did not participate in the process" (Souza 2008: 109).

In the two processes described above, an important result was the widening of previous conceptions of the themes involved. Food security came to contain a concern with organic and family farming and environmental sustainability, which were eventually incorporated into policies. Likewise, the broadening of the very concept of culture and cultural policy to include cultural diversity and the idea of a right to culture were an outcome of civil society's engagement in the conferences (Souza 2008: 113).

Other important political decisions during Lula's period can be traced back to the pressure applied by civil society and social movements, even if not restricted to the institutionalized spaces provided by conferences and councils. For instance, the *Maria da Penha* Law sanctioned by Lula in 2006, which increased the punishments for violence against women, came about in response to the campaigning efforts of women's rights groups and NGOs. Similarly, affirmative actions directed toward the Afro-descendant population, which included quotas in public universities and other measures, have been demanded by the black movement for a long time. Pressure led to the creation in 2003 of the Secretariat for the Promotion of Racial Equality (*Secretaria de Políticas de* *Promoção da Igualdade Racial* (SEPPIR)), which is run by members of the black movement, which is also linked to leftist political parties.

Likewise, pressure from GLBTT movements determined advances in the fight against homophobia and the recognition by the judiciary in 2011 of the civil union between persons of the same sex – a central demand at the first GLBTT conference in 2007. Due to fierce opposition by religious groups, however, Congress did not approve the law.

In 2008, the conference on human rights approved the III Human Rights National Plan, which called for the establishment of a Truth Commission (*Comissão da Verdade*) to investigate human rights violations under the dictatorship. Faced with major opposition from the military, the government did not initially support the conference's proposals. But after lengthy negotiations, the commission was eventually approved in 2011 under the Dilma government.

4 The "Quality of Participation": How Far Did It Get?

There is no doubt then, that in quantitative terms, civil society participation at the federal level increased significantly during Lula's tenure. The extension of participatory mechanisms to new policy areas constituted an unquestionably positive response to civil society's demands. However, when we looked at the quality of participation, we found a less optimistic scenario.

With the relative consolidation of spaces for participation in Brazil and the advances in the process of democracy building, concerns with the "quality of democracy" and, therefore, the "quality of participation" became a focal point in various studies of participation (see, for example, the 20 articles published in Dagnino and Tatagiba 2007). Among the several dimensions of the notion of "quality," perhaps the most important one in this context is the effectiveness of participation – that is, the extent to which civil society representatives, in practice, share the power in public policy decision making. An additional dimension refers to whether the decisions taken in those spaces are adhered to and then effectively implemented.

There is a significant consensus in the literature that the effectiveness of participation and participatory institutions is very difficult to measure, given, among other factors, the precariousness of available information and the variety of the very notions of participation (Gurza Lavalle 2011; Pires 2011). An additional important difficulty refers to the fact that based on the nature of participatory institutions and the political contexts in which they are located, it is usually very hard to identify any single segment or actor responsible for their results. Given the increasingly close relations between state and civil society sectors that share concerns and similar political projects about policy areas, it is extremely difficult to pinpoint the origins of specific impacts on any policies. This is the reason why notions such as "policy communities" (which acknowledge the intermingling between state and civil society sectors and the alliances formed for specific policy issues) have been increasingly used in the literature (Cortes 2002, 2009; Cunha 2009; Wampler 2010).

The conception of participation as sharing decision-making powers was at the heart of the democratic participatory project (Dagnino, Olvera, and Panfichi 2006) that began to develop in Brazil from the mid-1970s onward and has been central to the PT's project since its foundation in 1980. As mentioned before, the hope for changes able to confront historical inequalities and exclusion underlay such view. There are, however, other notions of participation – notably, the neoliberal version that surfaced in the 1990s.

It is our contention that the power-sharing view has not been systematically endorsed during Lula's years, frustrating many of its defenders in civil society, especially social movements and some PT sectors. Furthermore, formulations such as "dialogue," "listening," and "working together" predominated, replacing previous, more radical terms that expressed effective participation in policy decisions.

The organization of popular participation was in charge of the Secretaria Geral da Presidência da República, which was headed by minister Luiz Dulci, who described participation ("one of the marks of Lula's government") as the creation of "a relationship of permanent dialogue and respect for the autonomy of the movements."⁷ In the 2010 document titled Participatory Democracy: A New Relation of the State with Society 2003– 2010 (Democracia Participativa: nova relação do Estado com a sociedade 2003– 2010, see SPG 2010) – which was intended as an assessment of the government's actions with respect to social participation – the most recurrent word used to refer to that relationship is "dialogue." Previously common expressions employed by the PT city and state governments of the 1990s – such as "sharing power," "co-management" ("co-gestão"), "inversion of priorities," and "deliberation" – are noticeably absent whereas terms like "hearing," "influencing," and even "coresponsibility" are part of the predominant vocabulary. The fact that 58 percent of the

⁷ See Teoria e Debate, 89, July/August 2010, interview with Luiz Dulci.

national councils created under Lula are consultative and not deliberative (INESC and PÓLIS 2011) seems to confirm this conceptual direction.

In spite of minister Dulci's open stance, the *Secretaria* was unable to discuss or design a general policy on participation for the government, which seems to indicate that such a debate was not among the government's priorities. This differs from previous experiences where general policies and institutional designs were widely discussed and adopted by the party's *Prefeituras* around the country (e.g., the Participatory Budgeting (PB) program implemented by PT municipal governments from 1989 onward). Furthermore, participation in programs like PB, for example, was originally based not on mere dialogue and attending hearings but on sharing decision-making powers with the state. Tarso Genro, former mayor of Porto Alegre and one of the PT's main intellectuals, described PB as a "nonstate public sphere" (Genro 1995, 1996, 1999) in order to emphasize the "withdrawal of the state from its monopolist power over decisions."

Without clear direction or even a space to discuss different conceptions, each governmental agency developed its own form of relationship with civil society, which resulted in fragmentation – a variety of forms, frequently connected to the composition of these agencies and of the social movements and other sectors of civil society involved (Souza, Teixeira, and Fiuza 2012). In agencies in charge of areas where social movements are strongly organized, their relationship with civil society was closer and participation reinforced.

One important factor, which made the Lula administration different than anything in the Brazilian past was the entrance of social movement activists into the government. As new departments and ministries were created (Women, Human Rights, Racial Equality, Agrarian Development, Solidarity Economy, Cities), members of social movements (or very close to them ideologically) moved to positions in the federal government. A sample survey of politically appointed employees at the federal level shows that 45 percent were unionized and 46 percent had participated in social movements - figures well above the national averages (D'Araújo 2007: 44). The recruitment of activists intended not only to strengthen the links between the government and social movements but to also reinforce the government's and the PT's position within the state apparatus vis-à-vis the state bureaucracy and the other parties within the heterogeneous government coalition. This approach, however, has very often been interpreted as co-optation and even clientelism, which reflects a rather simplistic and one-sided understanding of the meaning and implications of this strategy. Although there have been cases where these interpretations are pertinent, there is enough evidence in many case studies showing the important roles played by activists invested with positions in the state apparatus in the formulation and implementation of democratizing public policies (Feltran 2006; Tatagiba and Blikstad 2011; Cavalcanti 2006). Their links and commitment to social movements from which they originated have made a significant difference in enlarging the space for the latter's voices to be heard.

Needless to say, as the mode of operation of the different national councils and conferences varied, the quality and effectiveness of participation also diverged. This fragmentation of procedures for participation also harmed the integration of the different sectors in charge of public policies, an insistent claim of social movements – a problem, as we shall see later, that the present government has tried to face up to.

The lack of effective coordination left room for the emergence of disarticulated practices based on different conceptions of participation held by diverse government sectors that were occupied by the cadres of the PT and its allies. The resulting array of coexisting conceptions and practices included, for instance, those that emphasized the centrality of the relationship with Congress⁸ and those that clearly resisted any form of social control over key policy areas (e.g., the economy). The tension between these competing ideas reflected not only historical differences but also the new focus on governability and the prioritization of maintaining power. The contradictions between the PT's new "power project" and the democratic participatory project that had been at its core affected the advance of the quality of participation, which contrasted with the quantitative expansion of participation.

Hence, along with the significant advances in the expansion of the structure of participation that included new policy areas and themes, the disarticulation and fragmentation in the government's position resulted in mixed consequences. The recognition of social movements and their claims, the emphasis on "dialogue" and "listening," and the adoption of negotiating practices represent a clear rupture with the notion of participation under Cardoso. The overall attitude of the federal government to social movements during Lula's terms in office also differed sharply from those of other governing parties at city and state levels throughout the country, where repressive practices have been common.

But as emphasis on the governability took precedent over the need to develop a consistent and more radical view of participation, this

⁸ This, ultimately, opened the way to the "Mensalão" scandal, a perverted version of that relationship, which saw Congress members receiving monthly bribes in exchange for approving government proposals.

recognition of social movements often served as a way to smooth conflict. Furthermore, once dialogue practices took the place of expected power-sharing processes, there was a kind of infantilizing of social movements that sometimes undermined that very recognition. Lula's unquestionable charisma, his occasional flirting with a "father of the poor" image, and especially the hopes his ascent to power inspired played a role in this process. Thus, submission to the broader objective of ensuring Lula's capacity to govern constituted a serious dilemma for social movements themselves.

Some commentators, in a rather superficial use of the term, have described Lula's *style* of governance as populist. In Latin America populism has been characterized as a particular political arrangement in which governments have to rely on a single basis of legitimacy (i.e., the masses) in the absence of support from the dominant classes. This clearly was not the case with regard to Lula. It must also be noted that the trivial use of the term has been systematically adopted by conservative sectors to disqualify all Latin American governments that have assumed a clear position in the defense of the poorer masses.

5 Tensions and Contradictions in Practice

The adoption of negotiation practices has also been subordinated to the imperative of governability. In other words, the implementation of the outcome of negotiations faced clear limitations when powerful interests were at stake. Although spaces of negotiation have been sustained, in several cases the agreements arising from negotiations were not respected, with the "real" negotiations seemingly taking place elsewhere.

Two primary examples of the disregard of the practice of negotiations involve the cases of the construction of the Belo Monte hydroelectric plant and the transposition of the São Francisco River. In both instances numerous public hearings, meetings, and debates were held where a significant part of civil society organizations, including indigenous movements, opposed the planned projects given the potential environmental and social impacts on the region. Nevertheless, those spaces for negotiation proved to be nothing more than spaces for "hearing." Moreover, not only did the government not reconsider its decision to allow the projects to go ahead, but the government-agreed standards set to minimize the impacts of the ventures have largely been ignored. Work on the Belo Monte hydroelectric plant was stopped several times by the courts for not offering the conditions of adjustment for affected indigenous and local populations previously agreed to, such as housing, health care, schools, among others.

Furthermore, spaces of participation have been considered by some governmental sectors predominantly as arenas to present and legitimize their proposals, rather than spaces to debate and incorporate views from civil society or negotiate possible consensuses. The case of the first national conference on the environment offers a good example. The government coordinator of the conference, interviewed by Losekann, provided the following view of participation:

I think there is a basic contradiction that needs to be solved: if it was for us to have a process where environmental NGOs, large and small, would present their suggestions to the MMA [Environment Ministry], a set of demands to the MMA, we would make it different [...]. The conference is not this. The conference is a process of the state, in which you present a set of suggestions from the government, which is the basic text. You put all the actors around the table, discuss with the government and submit it to the decision process. It is different! (Losekann 2009: 106, our emphasis).

This envisaged role of national conferences emphasizes their legitimation functions with respect to the government's positions.

The case of the Ministry of Cities and the Council of Cities (CONcidades) provides a further illustration of the tension between the limits imposed by governability and the openness to social demands. The ministry was created in 2003 as an important priority in Lula's government. Olívio Dutra, the first PT mayor of Porto Alegre at the beginning of the Participatory Budget, was appointed the ministry's first head. Activists from the National Forum for Urban Reform (Forum Nacional da Reforma Urbana (FNRU)) – a network of social movements, NGOs and professionals that had pushed hard for the establishment of the ministry – filled up first- and second-rank positions within the new ministry. One of these activists, Ermínia Maricato, the ministry's secretary, said:

in promoting the participation of all – government and society – in the formulation of extensive public policies, which incorporate the agenda and demands of social movements, the federal government engendered spaces for a counterpoint to its own [economic] conservative policies (Maricato and Santos Jr. 2007: 166).

Two years later, following a political negotiation to maintain the government's support in Congress, Márcio Fortes of the conservative Partido Progressista replaced Dutra, and the activists withdrew from the ministry. Fortes subsequently relegated participatory spaces to a secondary role (Abers, Serafim, and Tatagiba 2011). This was followed by the introduction of policies that benefited real estate interests and had not been discussed in CONcidades, such as the My House, My Life (Minha Casa, Minha Vida (MCMV)) program, which was to finance low-cost housing. Plans to carry out sewage works with private-public financing, which were supported by the Finance Ministry, as part of the Program for Accelerating Growth (Programa de Aceleração do Crescimento (PAC)) were heavily criticized at the conference for cities (Rodrigues 2009: 48). Once again, this exposed the extensive heterogeneity found within governmental agencies. However, in an attempt to compensation, in 2009 an addition to MCMV, MCMV-E (Minha Casa, Minha Vida-Entidades), was destined to community associations and housing cooperatives. It expressed the government's acknowledgement of these collective actors. Although it had far fewer resources than the MCMV program given its goal was to create only 60,000 housing units compared to 2 million, the MCMV-E was a self-managed program run autonomously by social movements. It thus reinforced the collective organization of the beneficiaries, who were required to participate in all phases of the process.

The implementation of the Bolsa Família program, which under Dilma's government provides a minimum income to more than 11.1 million families and was by far the most successful social policy under Lula, also sheds some light on the tensions between different conceptions of the roles of the state and of participation. When Fome Zero, Bolsa Famílid's predecessor, was planned, local committees of the beneficiaries were called upon to supervise the program. Most importantly, these committees were intended to function as spaces for political organization and awareness ("emancipation" was the term adopted, very much in line with Frei Betto's conceptions. At the time an influential figure in the government and in the PT, linked to Liberation Theology and close to Lula, Frei Betto later left the program. It was also decided during the initial planning phase that participatory municipal social assistance councils should assume the task of monitoring the program. However, the committees were never implemented and the social assistance councils were unable to perform that task (Cohn 2012). Collective organization of the beneficiaries and their participation in the management of the program, as well as participatory mechanisms for its monitoring, were not a priority. Instead, priority was given to the relationship between the federal and the municipal governments (mayors and social assistance departments), to the building of a unified registry to ensure efficiency and enhance control over the distribution of resources, and to the direct relationship between the beneficiaries and the state.

6 Conclusion: Continuities and Distinctions in Dilma's Own Turn

All these tensions and contradictions not only express the diversity of positions towards participation within the government, they may also reflect the emergence of an arrangement that began during the Lula era and has seemingly become more pronounced under President Dilma Rousseff: a new configuration reminiscent of the developmentalist state that arose during Vargas' regime (1930-1945). This model reflects a sharp rupture with the neoliberal state and includes participatory democracy. It presupposes a strong, technically equipped state that is ready and willing to assume its regulatory functions and to intervene in the construction of a new project for development supported by an unquestionable popular legitimacy. We may be witnessing the revival of the conception of the state as the fundamental agent of social transformation, which characterized the desenvolvimentismo years. President Dilma's technocratic profile, her focus on efficiency, her own personal tendency to centralize authority, and, most importantly, the fact that she does not share PT's historical focus on participation as the main instrument to deepen democracy are significant ingredients in this scenario. Thus, the role of civil society participation in this new model still remains obscure.

The remaining question is to what extent this state is willing to share decisions about the route and substance of that social transformation with society, incorporating its voices in the formulation of this new project or whether participation would be nominally maintained but limited to its legitimacy functions. Indications that this remains an open question can be found in recent developments in Dilma's government in connection with participation.

In an effort to tackle the issues of fragmentation and inconsistency that undermined participation in Lula's governments, the *Secretaria-Geral da Presidência da República* prioritized the formulation of a general policy and a national system of participation in 2011. Headed by Gilberto de Carvalho, Lula's former *Chefe de Gabinete* and a close associate, the *Secretaria* recruited cadres close to social movements, including Pedro Pontual, a prominent figure with links to participatory practice and theory, who was put in charge of the new task. The Governmental Forum of Social Participation was created to discuss the principles of a policy that will be mandatory for all governmental agencies and implemented by 2014. According to the *Secretaria*, the national policy shall define the role of the state as a "promoter of the human right to participation" and seek the "institutionalization of a trajectory of democratization of the state" and the adoption of participation as "a method of government" (SGP 2013a and 2013b).

These efforts led to a number of initiatives, establishing a clear contrast with the position and actions of the *Secretaria* during Lula's tenure.⁹ Several national seminars, in which civil society participated heavily, have been held to discuss and formulate proposals on the matter (one of which being the creation of intercouncil forums (*Foruns Interconselhos*) to enable joint actions between the different councils).

These governmental efforts, not by chance, have been outshone by more urgent grassroots initiatives with respect to participation. The June 2013 protests that took millions to the streets and paralyzed large and small cities throughout the country came as a surprise to the government and to society itself. Huge numbers of people, most of whom had no previous experience of political activism, rapidly mobilized through social networks, presenting an unprecedented and enormous variety of demands. There was, however, one loud and visible common element amidst that diversity: they wanted their voices to be heard and they wanted to participate – as Lula himself recognized in an article in the *New York Times*.¹⁰

What the protests unquestionably showed is that the quantitative increase of the "architecture of participation" has not been able to fulfill civil society's demand for the right to participate. The fragmentation, inconsistencies, tensions and contradictions that limit the effectiveness of participation have been attested by events on the streets. Beyond the implicit critique of the insufficiency of existing mechanisms of participation, what has been pointed out by the protests is the distorted character of the political system in which they have been inserted. The unanimous claims for a political reform that could eliminate corruption and the vicious articulation between large business interests and politicians' deci-

⁹ A recent interview by anthropologist Carneiro da Cunha recognizes the role of the *Secretaria* and, at the same time, shows how fragmentation and inconsistencies within Dilma's government persist. In her words, "The *Secretaria Geral da Presidência* is doing an admirable work within the government, trying to promote the regulation of previous consultation with indigenous people, as determined by the [ILO] 169 Convention. But what is missing is concerting with the rest of the government, which acts in the opposite way" (in: *Folha de S. Paulo*, 14 July 2013).

¹⁰ Interestingly, in Lula's article, published on 16 July 2013, there was not a single mention of the "architecture of participation."

sions based purely on their need for survival demonstrated the general feeling of dissatisfaction. The extent to which this political system will be able to reform itself and establish a strong and transparent relationship with society as a whole, which must go well beyond institutionalized participation, remains to be seen. Judging from the first reactions, including that of President Dilma, the voices from the streets still have a long way to go to bring about real change.¹¹

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¹¹ This article was already finished when, after almost a year since the protests began in June 2013, President Dilma's decree 8243 proposing a National Policy on Social Participation (PNPS) faced harsh opposition from Congress and the media. It has been criticized for the following reasons: being "fascist"; trying to "revive soviets"; trying to establish a "Bolivarian revolution" intended to favor social movements linked to the PT; being "a communist coup", "an attempt to weaken democracy" and confronting legislative powers. The legal procedure utilized (a decree rather than a law) has also come under fire. The academics, jurists and other observers who have defended the proposal argued that it only consolidates the idea of participatory democracy as a "method of government" at the federal level and strengthens long-standing participatory institutions. Deputados and senadores from the opposition parties refused to vote on anything in Congress until the proposal was withdrawn. Finally, on 28 October, two days after President Dilma was reelected, the Câmara dos Deputados defeated the decree.

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A Participação da Sociedade Civil nos governos de Lula

Resumo: O artigo discute a participação da sociedade civil durante os governos de Lula, particularmente nos espaços públicos institucionais. A participação da sociedade civil nos processos decisórios, incorporada à Constituição Brasileira de 1988, foi um princípio central no projeto político do Partido dos Trabalhadores (PT) desde a sua fundação em 1980. Esse artigo examina em que medida este princípio permaneceu efetivo e foi implementado no nível federal, a partir da chegada do PT ao poder em 2002. Analisa também os resultados concretos da implementação de uma maior participação e os limites e dificuldades encontrados nesse processo. Além disso, explora tanto as continuidades como os novos elementos que emergiram durante o governo da sucessora de Lula, Dilma Rousseff.

Palavras-chave: Brasil, participação da sociedade civil, governos Lula, Conselhos Gestores de Políticas Públicas, conferências nacionais