

THE PROBLEM OF DEMOCRACY IN TWO BRAZILIAN GOVERNANCE EXPERIENCES¹

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1. Introduction

This paper puts into question the relation between the State and civil society in Brazil from the standpoint of the notion of governance. Initially, it describes the context in which the idea of governance arrived at the debate concerning the state in Brazil in the 1990s. The country had completed a long process of democratization, after the military dictatorship. Reflecting on the historical experience allows putting into perspective themes such as popular participation, social control and political decentralization, which set the foundations for the democratic state in Brazil, as established in the 1988 Constitution. Next, two cases are presented, the Participative Budget in Porto Alegre and the Porto Maravilha Project in Rio de Janeiro.

The Participative Budget of the city of Porto Alegre is an emblematic case of popular involvement in decision-making over public investments. It gained widespread reputation as an innovative form of political participation that suggested that the “radicalization of democracy” could become reality. Prior to the use of the notion of governance in government rhetoric, civil society participation and direct democracy were considered the dominant alternative to the elections based liberal model, often resembling the authoritarianism of the military regime. Popular participation would guarantee permeability of the State to societal demands, and therefore, would ensure legitimacy to public administration.

The Porto Maravilha Project, in the city of Rio de Janeiro, is a case where the Urban Development Corporation for the Port Area of the city (CDURP) functions as a mediator to public interest. This company, one of the outcomes of the largest public-private partnership (PPP) in Brazil, holds a public concession to develop and manage a strategic

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area of the city. The project is justified in terms of its economic importance. The strategy of engaging the city into circuits of globalized capital, places into the hands of entrepreneurs the responsibility for the development of the area. In political terms it means that the benefit of all is to be achieved under the control of a few.

The practices that these two experiences exemplify are concrete expressions of the concept of public governance, that is, mechanisms to displace decision-making processes from state bureaucracy (for some because it is inefficient, for others because it is biased towards powerful interests) and, simultaneously, to create a counterpart decision-making body, constituted either as a group of citizens exercising their rights, either as a network of relevant stakeholders in collaboration in order to facilitate common interests. The experiences introduced represent opposing sides of the political debate over democracy, therefore serving as references to reflect on the meaning and possibilities that the notion of governance may actually have in Brazil. Such consideration is the purpose of the final part of this paper.

2. The Notion of Governance in Brazil

The term “governance” associated with public affairs does not have a definite signification in contemporary Portuguese. Originally derived from French, it is known in Portugal since the XV century with a derogatory connotation (Cunha, 2010, Figueiredo, 1913; PRIBERAM, 2011). In Brazil the term was not used until it appeared in the late 1980s, mostly as a result of new guidelines for public management imposed by multilateral agencies like the World Bank (1992), at the rise of neoliberalism. This time translated from English, governance was renewed in meaning.

An important dictionary of contemporary Portuguese language², published in Portugal, explains the contemporary sense of the term in relation to its use by the European Union: a “form of governing based in a balance between the State, the civil society and the market, at the local level, national and international” (Porto, 2013). According to this description, governance involves an ideal, that is, the absence of conflict, achieved by a balance of powers (political, social and economic). It implies a normative orientation as well: to impose limits on the participation of civil society, to ensure legitimacy to the state apparatus, and to institutionalize the involvement of economic forces in political decisions.

Considering the dominant ideas on the subject in Brazil, it can be stated that from the point of view of practice, governance is primarily related to the organization of decision-making processes. Its spatial reference is the network, an arrangement that involves decentralized, and, to some extent, diffused mechanisms by which a policy is formulated or a development is planned.

The definition of who gets to participate is also a central issue, because such arrangements depend on the collaboration between its agents. Thus, governance relies on the ability to identify proper participants. One way to handle this is to focus on

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stakeholders coming from the business community; another way is to give prominence to agents stemming from the local community. Of the alternatives envisioned in practice, a definition results that serves to understand how different political and ideological positions dispute the organization of local government in Brazil: governance, as a measure for the relation between State and civil society in Brazil, in the context of neoliberal globalization.

3. Political Openness and Democratic Ideals

To reflect on the relation between State and civil society in Brazil in the context of neoliberal globalization, it is necessary to examine the end of the military dictatorship, when issues of participation and social control over public affairs increasingly attracted the interest of society. Political attitudes of that time serve as a reference to understand how these same themes are to be delineated today.

The military regime crisis began in the 1970s, with the increased questioning of its capacity to deal with the economic recession. The loss of purchasing power of the middle class, the rejection of the business community to economic policies deemed to be recessive, and the reduction of real wages reinforced the loss of the regime's political support. Authoritarianism and centralization of decision-making power at the federal level came to be regarded as a reason for the increase of inequality, while participation was treated as a way to direct the actions of the State in the interest of the society, and therefore to promote social justice.

'Abertura Política' (Political Openness), as Brazilian democratization was called, was an intricate political process. Though launched by the military in 1974 as a top-down process, popular pressure, partly tolerated because of the regime's progressive relaxation, added a bottom-up orientation to it. As a result, while the authoritarian regime was still strong, important social transformations occurred, significantly impacting political culture, particularly in the build up of a consensus around the idea of democracy and its formulation in terms of participatory processes.

Consensus about democratization does not necessarily imply consensus around models of democracy. In fact, in Brazilian society at the time, diverse opinions concerning the future of democracy in the country coexisted. There were also different perspectives on who were the subjects, or the agents, of democracy. Cardoso (1989) arranges these views in terms of three competing schools. The first, a functionalist school: associated to liberal democratic thought, it emphasized free individual initiative and the need of the state to retreat and to assume the role of the guardian of social order. The second, a Statist perspective, subscribed a liberal conservative view: it advocated the state as the guardian of public will, therefore demanding an elite capable of controlling it, and a system of representation to speak (and speak only) about the 'Nation's aspirations'.

The last school adopted a grassroots perspective. It departed from a perception of intrinsic structural biases in capitalist development that were responsible for the maintenance of class differentiation: it emphasized the idea that democratization would

be achieved through communal solidarity, with organized and autonomous groups, independent from the State, pursuing their own wants and needs. This view stressed that collectives, and not the individual nor the state, were the subjects of democracy (Cardoso, 1989).

These differing understandings of democracy, its mechanisms and subjects were interwoven into programs and strategies of new collective organizations, that is, political parties, labor unions and popular associations formed during the democratic transition. Nonetheless, the convergence of diverse and even conflicting ideas into a common goal deserves to be highlighted. As one examines the social context of the 'Abertura Política,' it becomes clear that this reconciliation of perspectives was accomplished through the image of civil society as the antithesis to the State. According to Telles, "faced with the state as the common source of oppression, society appeared as a political alternative" (1994).

4.Organized civil society and direct democracy

Despite the diverse standpoints that coexisted in the period of democratic transition, the first half of the 1980s was marked by a predominance of a more radical approach to democracy, that is, participative democracy. At the time, there was both an emphasis on collective decision-making, with a strengthening of "collective-popular subjects," (Cardoso, 1989, p.323) and a widespread challenge of authority, observed in the vocabulary: the replacement of the personal pronoun 'I', usually employed by a leader, by 'we', which refers to the collective, or by 'a gente', expression that indicates an "indeterminate subject – expanded with the concrete sense of 'those present'" (Cardoso, 1989, p.323).

The promotion of popular participation as part of the democratization process cannot be explained without making reference to the overall influence of the grassroots level, and to the work of mediating agents that helped translate perceived economic difficulties into ideas of social change by integrating critical viewpoints to the social process (Mainwaring, 1987). In the Brazilian case, two important agents were the Catholic Church and the political left, particularly the Workers' Party (Mainwaring, 1987).

The Catholic Church promoted the idea of solidarity communities, organized as cell groups (Krischke, 1991). Ecclesial Base Communities (CEBs) were first and foremost religious groups where people met to worship, but also for the discussion of collective problems. Concrete changes in several communities were attributed to the development of new forms of social action, including repertoires for self-help and for bargaining with the State. It is usually explained that the emphasis on democratic decisions within CEBs contributed to the strengthening of communities' ties. Then, since each member would participate in other collectivities, there was a natural dissemination of the participative practices experienced within CEBs into society (Krischke, 1991).

The Brazilian political left also played a significant role in the formation of collective organizations. It initially stood out for focusing on revolutionary struggle; however,

sectors of the left shifted the arena of disputes to institutional politics, emphasizing collective organizations. Leftist groups contributed to popular movements by disseminating a vision of the broader political and economic context in which questions with local relevancy could be considered. This helped in the translation of groups' aspirations into articulated political ideas. Another contribution had a strategic dimension: with the association of different movements, fragmented efforts gradually formed amalgamations of social movements (Mainwaring, 1985; 1987).

In the dictatorship years, CEBs were one of the few spaces that allowed for political gathering. They attracted activists from the different political orientations. With the emergence of new collective organizations during the dictatorship relaxation, and particularly, after the formation in 1980 of the leftist Workers' Party (PT), this situation began to change. Not only had a political space been made available, but there was also a migration of many of CEBs' leaders to the PT. Nonetheless, through these activists, the grassroots experience influenced the party, which adopted, as one of its main agendas, participative democracy and the primacy of popular will over vanguard visions (Bank and Doimo, 1989; Mainwaring, 1985).

In the following years, the Workers' Party would remain deeply committed to the idea of popular participation, and would continue to elaborate its practical definition. Popular participation became, then, one of the main aspects of the municipal ballot campaigns carried on by PT in the 1980s (Alvarez, 1993). It was a way of ensuring accountability and political legitimacy as much as a response to popular pressure: despite concerns about state interference, grass-roots movements came to support the institutionalization of spaces for participation as a way of giving authoritative expression to their demands (Cardoso, 1989). These movements gradually found room for expression in institutional environments (Gohn, 1990).³

Participation as formulated in this context was simultaneously a means to attain social changes and a realization of the democratic principles. Community groups organized themselves in search of autonomous solutions to their problems, and as a form of exerting political pressure upon public authorities so that local priorities would be addressed. These groups had democracy as a method for reaching decisions in collective matters. Furthermore, participation was seen as the fulfillment of democratic principles, and the realization of the ideal of self-government. The local democratic experience was of particular importance in the political context of the end of the dictatorship as it defined a new standard for decision-making that contrasted the prevailing authoritarian and detached model.

4.1. Popular Participation at the Local level

Although experiences of popular participation in municipal governments have occurred since the late 1970s, usually in smaller cities, it was in the 1980s that they proliferated in

³ The Federal Constitution of 1988 institutionalized the idea of social control over public affairs, treating as a precept the participation at the local level through organized groups or representative associations. In these terms, the basic unit in participation is not the single citizen, but a collective of individuals. Political decentralization and strengthening of municipal governments were additional marks of the Federal Constitution, counterpoints to the previous centralization of power (Cardoso, 1989).

municipalities administered by the political left. Given its political base and its origin in popular organization, the Workers' Party presented innovative solutions to municipal governments while centralizing public policies were being dismantled at the federal level. Proposals were based on the idea of direct democracy, and aimed at promoting an "inversion of priorities", meaning the precedence of the people's demands over all other matters.

Souza (1999) identifies three experiences in the 1980s that indicate the different "Workers' Party's modes to govern." Each experience was affected by conflicting relationships between those interested in the formulation of public policies, those concerned in the consolidation of the political authority of the re-democratized State, and those determined to contribute to the organization of a society with autonomy and decision-making power.

In Diadema (municipality of the Metropolitan Region of São Paulo, the largest city of the country), municipal popular councils were important forums for political decisions and the formulation of public policies. However, these councils were marked by divergences: while certain political groups advocated the creation of spaces where mobilized collectives could actually control public affairs, others aimed at councils limited to an advisory (as opposed to deliberative) role, and referred to policies formulated elsewhere, on the basis of a systemic view of municipal issues. According to this perspective, the councils would serve as strategic spaces for the consolidation of governmental agendas (Souza, 1999).

In Fortaleza, the municipal government favored popular mobilization and organization, and supported the occupation of unused urban areas. At the same time, the government sought to organize public administration to implement sectoral policies for social services, like health and education. According to Souza, "On one hand the revolution and on the other, the need to organize the administration in order to implement public policies" (1999). Internal divergences led to the expulsion of the mayor from the party in 1987, still during her tenure. The experience in Porto Alegre, a better-known example, was based in the idea defended by Tarso Genro of "another relationship between State and society, which, in turn, would express itself in a new public sphere" (Souza, 1999).

4.2. Porto Alegre's Participative Budget

In the city of Porto Alegre, before the creation of the Participative Budget, there had already been an experience of political participation based in neighborhood organizations. The Union of Neighborhood Associations of Porto Alegre (UAMPA), founded in 1983, held with its first congress in 1985, the year of the first municipal elections. According to Menegat, in the congress "the urban social movements outlined guidelines for the democratization of municipal administration which included popular participation in the definition of the public budget" (Menegat, 1998).

The UAMPA supported the elected candidate, Alceu Collares, though it did not succeed in enforcing its participative proposals, nor did they succeed in promoting the neighborhood associations' demands (Abers, 1997). In 1989, Olívio Dutra, of the Workers' Party, became the mayor of Porto Alegre. Jointly with community leaders a

commission was formed to plan investments for the next year. According to Abers (1997), that commission was the antecedent of the Council for the Participative Budget.

The Participative Budget was created as a space for direct democracy in which people decide on the allocation of a part of public resources destined to investment. Participation of popularly elected delegates takes place in two types of boards dealing with regional and sectoral demands. Regional Forums are responsible for discussing the allocation of resources in the city's neighborhoods. In the Thematic Plenaries, representatives from all of the regions debate priorities for common themes (Abers, 1997). Members of the two boards constitute the Council for the Participative Budget.

In terms of its operation, The Regional Forums function as assemblies formed in each of the sixteen regions, each of which encompasses several neighborhoods. In addition, there are assemblies formed in neighborhoods and micro-regions. The regional and the neighborhoods assemblies appoint the delegates who participate in the Regional Forum for the Participative Budget. Delegates meet in order to conciliate the different neighborhoods' demands in relation to the sectorial priorities for each region. Accordingly, a second assembly is formed in order to present the priorities to the municipality and to elect delegates who will participate in the Council for the Participative Budget.

The Thematic Plenaries were created in 1994, to guarantee the participation of social groups which are not involved or not interested in local questions, and to permit discussion about the different sectoral politics at the city scale (Abers, 1997, González, 1997). There were five plenaries, organized by themes: (1) Transport and Traffic; (2) Education, Culture and Leisure; (3) Health and Social Services; (4) Economic Development and Taxation; (5) Organization of the city and Urban Development. Each plenary elected delegates for the Council for the Participative Budget.

Forums and Plenaries functioned during the whole year in order to monitor the implementation of the Budget (Abers, 1997). The Council for the Participative Budget, with a one-year mandate, should decide on the distribution of resources of the municipal departments between regions and thematic groups. The council proposed priorities in order to categorize the different types of investments that were presented to the correspondent municipal departments.

Even though it is presented as an instrument for direct participation, the Participative Budget is a mixed form of democratic space that combines direct involvement in plenaries (where an agenda of priorities is conceived) with the election of delegates who will follow later stages of the decision-making process and monitor results. Delegates act as representatives in the Council, defining the criteria for the hierarchy of priorities, subsequently discussed with the municipal government (González, 1997).

Abers (1997), who studied the Participative Budget from 1993 to 1996, identifies limits to the participation in the plenaries. This author believes, however, that the activity is important for the assertion of democracy because it contributes to political learning. Individuals learn rules and practices of participation, which contribute to the democratic decision-making not only in the immediate community, but also in other spaces.

The relation to the policy makers and other public servants results, in turn, in mutual learning. When having their localized (particular) interests confronted with the city wide (universal) perspective demanded to the public administration, participants learn to negotiate and gain critical knowledge concerning the capacity of the local government to address demands. Pressured to explain technical impediments in attending certain demands, the government, in turn, sees itself obligated to better justify and explain its arguments.

The analysis of the early years of the Participative Budget demonstrated that meeting demands of better-organized groups stimulated the strengthening of existing groups or the emergence of new community organizations and leaderships. Moreover, participation instills an individual interest in political involvement: at the time of the research, close to half the participants of the regional assemblies were from communities which already had their own interests addressed (Abers, 1997). This author's analysis coincides with that of Pateman in which participation, as a form of political interaction, can be said to have a socializing role: it teaches the individual "to be a public as well as a private citizen" (Pateman, 1970), and to make decisions while cooperating with others, judging personal interests according to collective concerns.

The capacity to organize and participate would depend on access to economic and cultural resources, besides availability of time and political experience. Such resources are proportionally limited to those who have more needs and, in this way, the participative practice could contribute to aggravating their exclusion: in theory, considering the competition for scarce resources, decisions tend to be monopolized by better organized groups, neglecting the demands of others (Abers, 1997). However, in practice, Abers (1997) notes that a division of interests tends to minimize the unbalance of cultural and economic resources: groups of higher income and schooling were less interested in the Regional Forums while proportionally better represented in the Thematic Plenaries.

Two other factors contribute to balance the process, the first being a cooperative attitude and a sense of solidarity between participants. Abers (1997) noted an acknowledgment between the better-organized groups that neighborhoods with low participation tend to be the ones with higher needs, and should be included in the process. Solidarity is explained either as strategic motivation, in order to deal with even better organized groups, or for ethical motives, in response to immediate needs of certain localities.

The second factor is the municipality's role in spreading among participants a culture that values distributive justice. According to Abers, "the influence of city officials in the participative process can promote cooperative behaviors and more systematic forms to justly distribute resources" (1997). According to this perspective, the State has an important role in overcoming the tendency of the perpetuation asymmetries in democratic processes. Abers (1997) observes that one indication of such role in the early years was the proposal coming from City Hall for the implementation of a system to elect delegates to the Council for the Participative Budget that would guarantee the involvement of minority groups.

According to Abers (1997), new public spaces do not substitute traditional spaces of representative democracy. They actually incite tensions. The experience of direct participation in neighborhoods, and the relation established between community leaders and the decision-making forums, destabilize practices of political patronage, common in the mandates of the Municipal Council. Accordingly, this diminishes the possibility of city councilors demanding investments in the name of communities, which relativizes their political power. It is true that the budget still depends on the approval of the Municipal Council, however, approved in spaces of significant popular representation, it is most unlikely that it will be rejected.

A critical view of this relation between social movements and Porto Alegre's local government is presented by Gonzáles (1997), who completed a study approximately in the same period, between 1994 and 1996, during the consolidation⁴ of the Participative Budget in Porto Alegre. For this author, the process functions as a sort of state regulation of the form of demand considered acceptable. In other words, it is a way by which government interferes in civil society, at the same time ensuring legitimacy for decisions made by City Hall, presented as if they had been taken by the public (Gonzáles, 1997).

The Participative Budget, for González (1997), functions as a mediator and refractor of a variety of political pressures. At the same time, the Executive would be relinquishing the duty to act in the collective interest. This problem is amplified in function of the dominant individualistic culture to the detriment of a democratic perspective, based on the collective interest: "The type of participation is of a corporate nature or of an interest group, not a social movement, not aspiring social transformation, but individualized selective benefits" (Gonzáles, 1997).

Moreover, González (1997) considers the Participative Budget as conflicting with other legitimate forms of democracy: the City Council and the Sector Councils. The City Council is founded in elections (where voting is mandatory) and is organized in terms of political parties. In turn, the Participative Budget is based on the involvement of volunteers, often motivated and associated through interest groups. According to González (1997), the distinct ways they were institutionalized confer greater legitimacy to the City Council, when compared to the Participative Budget. Counselors also use this argument: they resent the reduction of their representative function, and the popular pressure to approve the Budget.

With regard to Sector Councils⁵, González (1997) observes that the municipal government resolves the conflict of jurisdiction: prominence is given to the Participative Budget, since Sector Councils' propositions are submitted to the Thematic Plenaries. That author understands that a "form of semi-institutionalized participation (Participative

⁴ According to Cabannes (2004) participative budgeting was formalized in cities like Porto Alegre and Santo André (both governed by the Workers' Party). This author believes that the first phase of the experience (1989-1997) was experimental, restricted to a few cities. This phase was followed by a massive spread of the Participative Budget (1997-2000). The current period corresponds to the diversification of experiences and its expansion abroad (Cabannes, 2004; UNDP, 2004).

⁵ Sector Councils are institutional arrangements, consisting of representatives of the Municipality and civil society, who meet periodically to define plans and to monitor different sectorial policies. The Federal Constitution establishes the existence of Sector Councils.

Budget) is prioritized, to the detriment of a legal institutionalized form (Sector Councils)” (González, 1997).

4.3. Recent criticisms and popular dissatisfaction with the Participative Budget

As opposed to authors interested in changes in the political culture, Mororó (2009) focuses on the objective results of the participative process, that is, the application of municipal economic resources. In his opinion, the positive image that is usually conveyed concerning the Participative Budget in Porto Alegre does not correspond to its results. One of the examples the author provides is the fact that the offer of social housing, the key item in popular demand, was not incremented in the nineties, having decreased at the end of the following decade.

In his analysis, Mororó (2009) observes that the inversion of priorities cannot be explained as a consequence of the Participative Budget, nor is it a specificity of the experience at Porto Alegre, since the reorientation of the municipal investments that took place in the nineties was similar to those in countless other Brazilian cities. The improvement in public services was also noted in places where participation is not institutionalized.

Mororó (2009) actually disagrees with the notion that the decisions concerning public investments in Porto Alegre occur in a participative way. According to him, investments are mostly defined by the government, and not by those involved in the process. The Participative Budget would be, therefore, a discourse strategy, employed in order to build and legitimize a certain perspective on reality, as well as a myth that caters to political and ideological interests. The main motivation for the embracing of the Participative Budget, even by governments of different political orientations, would be, thus, that it legitimizes, before the municipal legislative branch, the investment proposals formulated by the executive branch.

Criticisms denote a disenchantment with the participative experience (Novais, 1998). Baierle (2012) suggests a crisis in urban popular movements, related to the decrease in space for political participation. The crisis is also installed due to the fact that political gain is not carried out in material and economical terms – the democratic mechanisms have not contributed to income distribution. The lack of ability to contribute to an improvement in living conditions for the population discredits the participative process and frustrates popular expectations.

Baierle (2012) believes that a sociopolitical situation in which exception prevails has been consolidated. It presupposes the development of an apparatus geared towards ensuring the consent of those in the lower strata of society in regards to the control and the subordinate condition which they are subjected to. Thus, the centrality conferred to the executive branch adds to the strengthening of the third sector – whose mission is to offer compensations to popular demands not met by the government – and contributes to reduce the political influence of neighborhoods, besides facilitating the intensification of work exploitation.

Local political groups were organized, according to Baierle (2012), in a model of dependence on municipal public authority. The political collective (of a neighborhood, for instance), began to be confounded with the legal entity (the Community Association that represents the neighborhood), whose leadership gained autonomy vis-à-vis the collective to negotiate with other Associations and public or private institutions. Baierle believes the Participative Budget “upholds a community oligarchy that runs poverty management programs,” this being a major hindrance for the participative democracy (2013, p. 3).

The control by dominant classes is also performed through the situation of legal instability in which the latter are kept. In Baierle’s perspective, the settlements of the low-income population do not constitute an expression of resistance or defense before the established order, but a “formula of coexistence between legal formality and social reproduction” (2012). The low-income real estate market operates as a formal market – it emphasizes private property and stimulates the commoditization of the land – contributing, thus, to reproduce the marketing logic all over the city. The belief in a project of improvement in living conditions that mirrors the practices of the dominant classes ends up frustrating the emergence of alternative proposals that could contribute to changes. To the contrary, it reinforces a politically precarious and economically peripheral integration.

According to Baierle (2009, p. 7), in 2007, the expenses with institutional advertising were three times higher compared to what was spent in the implementation of Participative Budget decisions. In the following year, only 1% of the total amount of investments of the city was subjected to popular debate. Since 2000, although social housing is the main demand in Porto Alegre, the decisions that are made in the Participative Budget forum are not implemented. The local deficit was heightened due to urban mobility works, related to the 2014 FIFA World Cup (soccer championship). The projects were negotiated directly between the government and construction companies, resulting in countless evictions.

Despite the evictions and the protests that followed, Baierle (2012) observes that the number of those involved with the Participative Budget has remained stable over the years, amounting to 15,000 people (1% of the city), a figure that has been considered a positive indicator of this experience. Baierle refers to the relationship between the denial of one’s rights and the active involvement in the Participative Budget as “participative exclusion”. This expression denotes the way in which the excluded individuals consent and participate in their social exclusion. In the author’s own words, it is a paradigm characterized by the “substitution of content for recognition” (2012).

From the possibility of democratic radicalization up to the disenchantment and dissatisfaction with the “participative exclusion” there is a history, which Baierle (2009) divides in phases: from the “Participative Budget as a class struggle” to welfarism (“the functionalization of poverty”). An important inflection point in this trajectory was the substitution of the *Partido dos Trabalhadores* (Brazilian Workers’ Party) in the Porto Alegre government, in 2004. The Participative Budget was maintained, but with certain adjustments that resulted in the reduction of the amount of investment. The changes also

sought to ensure the participation of the business community, among other things (Langelier, 2011).

The limitations of the Participative Budget cannot, however, be only attributed to the institutional fragility of the process, subject to the changes imposed by each government. According to Baierle, there is a lack of confrontation regarding the capitalist State, which has proved to be resistant to change, leaving to the participative practice the role of an interaction mechanism with the civil society (Baierle, 2009, p. 25; 2013). With this type of relationship, the problems of representative democracy end up being replicated in local practice. Langelier (2011) suggests the return of patronage.⁶ Furthermore, circumventing the democratic entities, there is a direct relationship between the government and the business community, the “direct democracy of capital” (Vainer, 2012).

5. Public-Private Partnerships: opportunity for direct democracy of capital

During the 1990's in Brazil, at the moment of a major advance of neoliberalism throughout the country, there was a spread of Public-Private Partnerships (PPPs). The terminology designates associations between private and public institutions around objectives taken as common. The distinction of PPP from other forms of relations between the public and private sectors relates to its corporate character. As explained by Compans (2005), alternatives like outsourcing and privatization imply the unilateral definition of the contractor as to the goals and obligations of the contracted, while the participation in advisory councils does not involve counterparts, either in providing the means or in the splitting of results.

While for the general public PPPs are always justified by their ends – projects are advertised for promoting the welfare and economic development – to the private sector, it could be said that their legitimacy is referred to the means used to their own realization. This means, in managerial terms, PPPs are treated as ways to overcome the lack of resources for State investments and to circumvent bureaucratic barriers in public management. In this sense, they represent, according to Compans (1998), nearly a consensus between government authorities whatever their level of government, location in the country, ideological orientation or political party.

Public-Private Partnerships are welcomed among public managers because of the possibility they create for the completion of projects that would not be achievable due to the difficulties imposed on the public sector for the execution of construction works, as well as for the provision, maintenance and management of infrastructure and urban services with the quality that the certain development plans require, and at the speed necessary to seize opportunities, particularly to ensure such achievements within the duration of a political mandate. As for corporations, they see in PPPs the opportunity to harness public resources – political and financial – to private projects, assuring governmental commitment and protection.

⁶ In 2008, according to Langelier (2008), the percentage of government supporters that were pleased with the meeting of their demands was five times higher compared to the supporters of parties of the left.

The possibility that PPPs bring to overcome administrative inertia or slowness of the public sector – caused by imposed controls, although improperly interpreted as an expression of an intrinsic inefficiency – is complemented by the chance they offer to channel toward specific projects, resources which are, in principle, diffused. These partnerships result in the building of networks of relationships which connect much more than the public and the private, if considered as two abstract entities: they stimulate the association of political groups, frequently promoting the alignment of different spheres of government, they encourage uniting large corporate groups interested in the monopoly of public services or works; finally, they provide the opportunity to relate the interests of concrete political groups with those of concrete business groups.

The participation of the private sector in the provision for urban services has a long history in Brazil. In Rio de Janeiro, which was once the capital of the country, there are railway transport, electric energy, gas and basic sanitation companies, currently owned by large corporations, whose foundation by English and Canadian companies dates back to the early twentieth century (Compans, 1998). Later examples are related to the economic crisis of the 1970s and the advance of neoliberalism. The reduction of resources for state investments arising from the public debt crisis (which hit the industrialized countries of Latin America) marked the beginning of two decades of economic recession. This period contributed to a shift in the role of the State.

The International Monetary Fund (IMF), Inter-American Development Bank (IDB) and World Bank (WB), which were prominent during the period of economic recession in the 70s and 80s contributed to the spreading ideas and encouraging practices in which public financing and management of infrastructure and services would be the responsibility of the private sector. In many situations, as a condition for signing agreements and releasing new loans, IMF and WB imposed the adoption of processes that reinforced the privatization of public companies and the introduction of practices leading to new modes of relation between state and private capital. Barcelona (Spain) constituted an important reference of this mode of management at the municipal level. Compans (1998) observes that in the preparation of the Olympic Games of 1992, the public administration of that city created twenty-three municipal companies and institutions, in addition to two private and thirty-four mixed economy companies (Compans, 1998). Rio de Janeiro mirrored Barcelona's example for many public initiatives of administrative nature, related to the internal organization of City Hall, or aimed at services offered by the municipality or urban planning and intervention.

5.1. The renovation of the Port Area in Rio de Janeiro

The project for the renovation of Rio de Janeiro's Port Area had the objective to develop this historical area considered to be physically degraded and economically depressed. Physical degradation, related to the obsolescence of local facilities, was mainly the result of changes in the organization of port activities at an international scale. As a consequence, there was a reduction of economic activities, which led to the vacation of properties and the degradation of the surrounding areas. The residential occupation of predominantly low-income population, in the hills, in tenements and shanties (in the area

lies the city's first favela, whose occupation began in the late nineteenth century), would further reinforce the idea of deterioration.

Nonetheless, the project area, which corresponds to about half of the city center, has a privileged location, especially considering the city's connection with the outside, that is, with the metropolitan region and with other cities in the country and abroad. In addition to the port, which still receives transatlantic tourist ships, the project area, is adjacent to the main avenues of the city center, and connected to the access roads to the city. Likewise, in the area, or contiguous to it, are the intercity and the interstate bus stations, as well as the two railway stations of the city.

The urban renovation project has as its main strategy the change of the use of the old port and its surroundings, seen as a way to change local economic dynamics – from industrial and commercial, to real estate activities –, in addition to boosting land prices, which is probably the most attractive aspect for investors. Besides the City Hall (PCRJ), three institutions have joined forces to conduct this renovation project: the Docks Company (CDRJ), equivalent to the Port Authority of Rio de Janeiro, a mixed-capital company whose major shareholder the Federal Government, the Commercial Association of Rio de Janeiro (ACRJ), and the Federation of Industries of Rio de Janeiro (FIRJAN). The last two (ACRJ and FIRJAN) are business associations, representing distinct economic sector, respectively commerce and industry (Compans, 1998).

In 1983, the ACRJ elaborated a proposal for urban renovation in order to transform the Port Area into a space (with hotels, restaurants, telecommunication ports, offices, convention centers and expositions) that would show the city's role as the commercial center of the country, thus becoming a reference for foreign business. (Compans, 1989; Carvalho Filho, 2013). The CDRJ resisted the proposal because, at the time, it was unwilling “to share decisions with [private] entrepreneurs on the operation of Rio's port” (Compans, 1998).

The CDRJ was subjected to criticism of the business community, regarding the management model under which port administration authorities operated. It was argued that the bureaucracy of the public administration inhibited investments in infrastructure, contributing to inefficiency and high costs of freight transportation in the country. Only ten years later, in 1993, the decentralization and the administrative and financial autonomy of Port Authorities began to be effectively implemented in the country. This process was oriented to allow concessions of the port management to private initiatives, in order to achieve the benefits associated with them: investments and flexibility (Rocha-Vidigal and Morato, 2009).

The municipal bureaucracy represented an additional obstacle to the claims of ACRJ. Municipal officers, expressing the view of some sectors of society, recognized the historical value of the Port Area, and sought measures to prevent its adulteration. Controlling legislation on the use (activities permitted) and occupation (measured in terms of density and building height) of urban land, the Municipality of the City of Rio de Janeiro (PCRJ) limited the claims for urban transformation in the area, in the 1980s. In 1987, the Area for the Environmental Preservation of the Port Area was created. This was

the legislation that stimulated housing projects in the region as a means to protect buildings of historical and cultural interest (Compans, 1998; Diniz, 2013).

The pressure on the PCRJ to deal with the economic decline of the area brought the creation of a Working Group with the participation of ACRJ and CDRJ in 1991. The group proposed new zoning – the Area of Special Urban Interest (AEIU) – changing the construction indexes of the region in order to stimulate the renovation and restructuring of the place. This measure, breaking the previously dominant preservationist approach at City Hall, was intended to allow the completion of large real estate projects (Compans, 1998).

The Working Group was the result of an agreement signed between the Municipality of Rio de Janeiro and the Docks' Company, whose objective was to “associate social agents involved in the process of revitalization of the port in an entity which will administrate the development program for the area” (Working Group, according to Compans, 1998). According to this agreement, the City Hall would be responsible for preparing the urban project and for carrying on legal and administrative steps for its implementation. The CDRJ would set the economic guidelines for the new development. Compans (1998) presents two reasons for why the proposal did not advance. Firstly, there were internal divergences in the group regarding the urban design proposal and, secondly, because electoral disputes at the end of 1994 hindered agreements between these institutions, as they represented distinct levels of government, dominated at the time by different political parties.

The CDRJ, owner of approximately 500 000 square meters of real estate in the area proposed an Urban Revitalization Program, developed as a part of the port area and in its warehouses. To carry out this program, landowners, entrepreneurs, real estate developers and community members invited by the CDRJ would form an organizing consortium. The real estate holdings would compose one Real Estate Fund, coordinated by a company responsible for the planning, management and investment in the area (Compans, 1998).

The urban design proposed by City Hall — which did not own property in the area — had as a reference the possibility of creation of mixed capital companies, that were to be stimulated by an amendment to the Municipal Charter which would extend the deadline for public service concessions, attracting private interests by allowing a longer time for the return of invested capital (Compans, 1998, 2005). The municipality also submitted to the City Council a proposal for the creation of the Municipal Company for Urban Development, a mixed capital company focused on the implementation of a Program for Urban Development for the city.

The bill was filed due to the change of interest of PCRJ, while at the same time the business groups involved created the Agency for Urban Development in Rio de Janeiro, a private body for urban planning. The Agency was a non-profit organization, launched at City Hall and installed in a municipal office building to the end of the mandate of Mayor Luiz Paulo Conde, in December 2000. The relationship between the Municipality of Rio de Janeiro and the private sector was further manifested in the elaboration of the Strategic

Plan for Rio de Janeiro, completed with consultation by Catalans hired by ACRJ and FIRJAN.⁷

The 1990s marked a change in the orientation of the municipal urban policy, an expression of the articulation between local government and groups from the business community. The cooperation between the public and the private sectors would be one of the ways to overcome difficulties associated to legal and operational obstacles, such as the limited duration of the concessions for the exploration of public services, the rigidity of the urban zoning for the area, the absence of conditions for urban monitoring and law enforcement, and the insufficiency of public resources (Compans, 2005). Projects proposed at the time were not actually implemented, however the way was open to effecting changes to the area: the legal barriers had fallen for large real estate operations.

5.2. The Porto Maravilha Project

The Porto Maravilha Project started to become a reality when the city of Rio de Janeiro won the bid to host the 2016 Olympic Games. Shortly after the announcement of the result of the selection process, on the grounds of meeting the agreements made in the bid application, the municipal government succeeded in approving, through an emergency procedure which exempted some regimental formalities, three municipal laws that created:

- (1) The Area of Special Urban Concern (AEIU) in the Port Area, which modified the Master Plan, augmenting construction rates and changing permitted uses of the area;
- (2) The Consorted Urban Operation (OUC), accompanied by the Certificates of Additional Building Potential (CEPACs). The establishment of an OUC involves a modification in the urbanistic parameters and building regulations of the area. The new urban regulation sets a basic coefficient for land occupation, which developers are allowed to raise up to a maximum, also defined in the regulation, by acquiring “building potential” (a permit to increase the height and / or the total built area). CEPACs are meant as a mechanism for private financing of operations.
- (3) The Urban Development Company for the Urban Region of the Port of Rio de Janeiro (CDURP), responsible for the financial transactions required for the works and services in the project area. Although organized under a private legal regime, CDURP works with public funding and takes advantage of financial transactions relating to the Urban Operation and to the CEPACs.

The bill that created the Urban Operation, although recorded as authored by City Hall, as shown by Oliveira (2012), reproduced almost entirely the planning proposal formulated in the “Report of Urban Operation of Porto Maravilha”, by a consortium of large

⁷ According to Ferreira’s analysis (2000), upon completion of the plan, there was no representative of social organizations in its Directing Board, composed mostly of representatives of private companies and of other interests related to large projects for the city (the renovation of the port area was among the projects considered priorities for the City Strategic Plan).

contractors that later won a public tender to run and manage the works and services related to the Operation. Several mechanisms have been implemented in order to attract private investment, among these, tax breaks, both for the companies that won the public bidding for the project, forming the PPPs, as other companies that may settle or act within the area, particularly in the construction sector.

The implementation of the project, however, is being supported by public funds. The first phase of the Porto Maravilha project was funded with 139 million dollars from Department of Public Works, and executed by the Saúde-Gamboa consortium (formed by the contractors OAS, EIT and Odebrecht). This phase included the construction of water, sewage and drainage networks in the avenues Barão de Teffé and Venezuela, the urbanization of Morro da Conceição, the restoration of the Jardins Suspensos (Hanging Gardens) and of the piers Cais do Valongo and Cais da Imperatriz, besides expansion of the capacity of telecommunication networks and streetlights (Diniz, 2014).

The second phase, budgeted as 7,6 million dollars, conducted through a Public Private Partnership, takes advantage of private funds arising from the sale of CEPACs. However, with the launch of this phase, in September 2011, the Caixa Econômica Federal (CEF), a public bank, acquired all of the CEPACs issued by the municipality, an operation of 3.5 billion reais, carried out with financial resources from FGTS, a major retirement and unemployment public fund. CEF took the responsibility for the subsequent sale of CEPACs, however this sale transaction operation continues to be economically disappointing. In October 2012, CEF offered 100 000 titles, but only 26,000 were traded, according to the official data of Porto Maravilha. By December 2013 only 7.1 percent of CEPACs were used (Diniz, 2014).

The PPP model created for the port area of Rio de Janeiro was innovative in Brazil. The combination, in the same agreement, of construction projects, maintenance of the area for the duration of the contract, and privatization of public services, was unheard of in the country. The contractual innovation was also accompanied by institutional rearrangements. It is worth noting that the process of design and approval of the urban operation in the port area involved the dismantling of the administrative structure of the Instituto Pereira Passos (IPP), research and planning agency for the municipality, and the replacement of part of its workforce by former employees of the consulting firm McKinsey (Oliveira, 2012).

As background for these innovations and transformations, are the preparations for sporting mega-events in Rio de Janeiro. Based on Oliveira (2012), it can be stated that for its implementation, a mega-event fosters the creation of decision-making arenas that allow the repositioning of social actors in social space and the redistribution of their possibility to exercise power. In other words, these events contribute to redesign the physical and socioeconomic spaces (they rearrange the opportunities for different social groups to access urban infrastructure and services), as well as the conditions for governance.

The organization of sport mega-events (2007 Pan American Games, 2014 World Cup, and 2016 Olympic Games), have provided opportunities for new institutional arrangements. Having to justify the fulfillment of commitments made at the time of the

bid, numerous legal and institutional modifications were conducted by different levels of government (Oliveira, 2012). The Differential Contracting Scheme, created to expedite the works for the 2014 World Cup and 2016 Olympics, relaxed the criteria for the conduct of public procurement in the country. At the same time, federal law authorized an increase in the indebtedness of municipalities when dealing with loans for infrastructure of sports mega-events. Finally, new special management structures were created at all levels of government, with no space for participation of civil society (Oliveira, 2012).

The participation of the private sector in the definition of the project was beyond the conception of the plan for renovation of the port area. The outlines of institutional and financial arrangements approved by Municipal Law relied on individuals with prominent roles in the business community. According to Oliveira (2012), the legal and institutional changes met different interests, indicating the web of relations this project raises. Those at the federal level would be geared to meet global scale interests, such as the World Cup and Olympics organizers and their sponsors. Changes in local legislation are targeted for the benefit of business sectors that operate in specific areas of the city such as the hotel and real estate sectors.

Created public agencies sought to channel decision flows in order to provide greater speed and control – needed to complete the works within the planned timeframe, before the beginning of the events –, and simultaneously circumvent bureaucratic barriers and established beliefs (often indifferent, eventually disapproving of the interests of private investors). At the municipal level, the Department of Economic Development, whose mission was to attract private investment, was the place at the municipal level where projects were conceived or made possible (Oliveira, 2012). During its existence, the Department of Economic Development was directed by an executive (coming from the consulting firm McKinsey) whom accumulated other functions at City Hall: President of the Municipal Council for Economic Development (COMUDE) and President of Instituto Pereira Passos (IPP). According to Oliveira (2012), this executive was the one that effectively coordinated the economic modeling and coordination of stakeholders in the revitalization of the Port Area.

6. Conclusion

The notion of governance is evoked in Brazil to indicate management processes fine-tuned with the dominant representations over contemporary society. In the academic milieu, the usage of this term suggests dissatisfaction with reified means of explaining the State (descriptive dimension). In the public space, governance denotes expectations concerning the adequate form of the relationship between the State and the civil society (normative dimension). In this case, the notion suggests removing from the bureaucratic apparatus the exclusivity of the decision-making process on public matters.

The word governance is usually employed in reference to a network of stakeholders that share decision-making power. In this usage, this term tends to obliterate the social statuses of the decision-makers in relation to society. Nevertheless, the relevant matters in

societies with high inequality levels are related to the actors that formulate a certain policy, plan or project. In other words: Who decides? In order to identify the spectrum of answers that the notion of governance might suggest, two experiences have been discussed. They indicate opposing ways for democracy in Brazil.

The Participative Budget emerged as an institutionalized way of ensuring social control over municipal public investments. The initiative arose from social movements (Santos, 2002, p. 69) and was conceived as a way to democratize the decision-making process and avoid reproduction mechanisms of political and/or economical dominant groups. In theory, the citizen is the decision-maker in political associations, taking part in transparent processes. This experience was presented as a possibility of radicalizing democracy. However, little remains of its original character, frustrating the expectations that it was supposed to meet and being seen with skepticism.

The direct democracy of the Participative Budget of Porto Alegre aims at other possibilities for the local society – it is not by accident that the slogan of the World Social Forum, organized in the city, is “another world is possible”. In the partnerships between the public and private sectors, realism prevails; decisions consider what is probable, likely to happen. They are suggested as alternatives to the lack of capacity or efficiency on the part of the State (as opposed to the market) in providing services and public construction projects. The launching of the Porto Maravilha project shows a certain inaccuracy in regard to the nature of the places where public decisions are made: at times in private spaces, often in conditions protected from popular pressure. As to the decision-makers, considering the interests that the project accomplishes, one can affirm they come from the business community.

In these experiences, distinct in their characteristics, but similar in the aspiration of dismantling the State, the limits of governance – a term that came to Brazil with neoliberal winds – can be found. It regards a rudimentary notion, restricted to indicating a form: the network. It also presents itself as a biased idea, suggesting a model to be followed. At last, it shows to be politically limited, for, by focusing on the form, it is not attentive to the elements that grant the relationship between State and civil society its dynamic: the collective construction of goals and the social status of the stakeholders that participate in this construction.

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