Expanding National-Level Participation
Update on Brazil
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This report builds on the GIFT's previous case study analysis on participation and transparency in Brazil. The purpose of this update is to draw attention to new innovations, ongoing research on the impact of these institutions as well as how citizens and how these new institutions are affected by the current political moment. This short report will cover six areas:

1. Inter-Council Forum
2. National Public Policy Conferences
3. Participation Decree issued by President Dilma
4. Office of the Comptroller
5. Fragmentation amid a complex budget cycle
6. Impact of Participatory Budgeting on Social Well-Being

Since 2003, the presidential administrations of Presidents Lula da Silva and Dilma Rousseff made significant strides toward expanding the role of public participation in fiscal and budgetary processes. They strengthened a multi-tiered participation system in which there is an effort to link subnational levels to the national level. They created new mechanisms and selection criteria to incorporate policy experts into medium-term planning experiences. Their administrations founded new audits and then expand this system to incorporate public participation. Finally, the Brazilian federal government has sought to close the gap between line ministries and public participation venues through the integration of these venues into budget formulation.

This report will touch on each of the five areas identified above. This update accompanies the report written for GIFT in 2013.

1. Inter-Council Forum
Over the past decade, the Brazil Federal government has been more systematically incorporating citizens into fiscal and budgetary policymaking venues. The most important recent institutional creation is the national-level Inter-Council Forum (*Forum Interconselho*). In 2014, the United Nations recognized the Inter-Council Forum as one of the best public service programs that promoted public participation ([http://www.unpan.org/DPADM/AboutUs/tabid/420/Default.aspx](http://www.unpan.org/DPADM/AboutUs/tabid/420/Default.aspx)).

The purpose of the Inter-Council Forum is to allow national-level council representatives and elected NGO/CSO representatives to debate policy topics that cut across different line-ministries. The Inter-council Forum issues recommendations on Brazil’s multi-year planning document (2012-2015).

There is an explicit effort to incorporate policy experts into formal policymaking venues, which represents a move away from a mass-based process that had been central to the public policy conferences. The participants are elected from other participatory venues (34 national-level councils) or from specific segments of civil society (unions, NGOs, Academics), which increase the likelihood that they are qualified representative who are able to contribute to complex policy debate. Thus, the Intercouncil Forum is an attempt to modify participant selection. Rather than drawing from a base of ordinary citizens, it seeks to incorporate policy experts by drawing these experts from national level policy conferences. This marks a move to create mechanisms linking high-level government officials with outside policy experts.

In terms of impact, we can see that, in 2011, The Inter-Council the Forum submitted 629 policy recommendations, of which 77% were incorporated into the 2012-2015 planning document. This is a significant step forward in terms incorporating outside public input during the planning stages. However, it is important to note that we don’t have any systematic information regarding the
extent to which these policy recommendations were translated into specific policies.

2. National Public Policy Conferences

The wide-spread use of the National Public Policy Conferences gained prominence under Presidents Lula (2003-2010) and Dilma (2010—). The conferences act as a filtering process: wide bases of citizens participate at the municipal-level, a small number at the state level and an even smaller number at the national level. This allows for the filtering of ideas, thus allowing the most well-developed ideas to reach the national levels, as well as filtering of participants, thus permitting well qualified individuals to represent the broader community.

The is now a growing body of evidence that the national policy conferences impact the policymaking process. An important example was the ConSocial, which was a policy conference organized by the CGU. This conference helped to place pressure on the national congress to pass an important “Right to Information” law.

Thus, the conference act as a means to build the necessary political support to pressure Congress and the President to pass new legislation.

Dr. Thamy Pogrebinschi has been instrumental in demonstrating the impacts of the National Conferences on legislative outcomes. Most importantly, her work demonstrates that the conference system alters how the executive and legislative branches incorporate the public’s policy recommendation into formal, legal document.

3. Presidential Decree 8243
In May 2014, President Dilma signed an executive decree that sought to encourage all federal agencies and subnational units to integrate councils and conferences into their policymaking process. The decree was an effort to encourage recalcitrant agencies to use public participation as they set their policy agendas. No new institutions were created by it was an attempt to make better use of existing participatory institutions.

There was a sharp, strong backlash from President Dilma’s political opponents; they asserted that Decree 8243 was being used, by Dilma, as the eroding of representative democracy and forcing the implementation of soviet-style rule. In addition, government officials and bureaucrats working within the government were also reluctant to support the Presidential Decree because they believe that decision-making authority was being centralized.

The lower house of the legislature overturned this decree. In order for it to be officially null and void, the Senate must do the same. Although the decree continues to be a formal part of the law, the rejection by the lower house of the legislature now means that President Dilma’s administration is not actively advancing promoting this Presidential decree agenda.

A lesson for governments considering to adopt public participation venues is the importance of highlighting the complementary and additive value of new venues for public participation. President Dilma and her allies were unable to make a strong, clear case to the media, to their allies and to the opponents, that the purpose of the decree was to improve already existing public participation institutions. Therefore, it is vital that governments structure public participation as part of a broader policy process.

4. Federal Comptroller --Controladoria-Geral da União (CGU)
The CGU is now at the heart of national politics in Brazil because its policies and activities have systematically raised attention on corruption-related issues. There are several high-profile corruption cases currently under way, including of the Brazil’s oil company (Petrobas), major construction firms (Lavo Jato), and elected officials (Petrobas and Lavo Jato).

Importantly, there is greater attention to the misuse of public resources and the misuse of state authority than at any other time in Brazil’s history. The institutionalization of the anti-corruption measures now means that the Brazilian state is much better situated to tackle the misuse and abuse of public office.

One consequence is that the current government in power (led by President Dilma) receives extensive negative press coverage because the corruption is being exposed during her presidential administration. The corruption being identified by the CGU is being committed by political leaders of all parties, by high-level bureaucrats, and by private individuals. However, the Workers’ party, which has held national power since 2003, is the most strongly associated with the corruption investigations.

In addition, the CGU also administered the “Access to information” Law, which was formally adopted in 2011, and is now implemented. The CGU currently receives the information requests; they coordinate with the appropriate federal agencies to provide the request information. There are currently 7,000 requests per month, with an average turn-around time of 14 days.

Overall, the CGU represents an attempt to link transparency and public participation. Transparency involves their publication of open data and responding to Freedom of Information requests. Their emphasis on public participation involves engaging the public on the FOIA requests as well as holding a public policy conference that focused on public oversight. In Brazil,
public participation emerged earlier than an emphasis on transparency and oversight. These two processes, the promotion of transparency and participation, are now being linked within institutions like the CGU.

5. Fragmentation of the budgetary process

The Brazilian budget cycle lacks coordination between the different bureaucratic units that are responsible for different budgetary stages (i.e., formulation, enactment, implementation, oversight). This creates opportunities for different agencies and line ministries to initiate innovative reforms because they have significant control over their particular stage of the budget process. Three examples of innovations:

The Office of the Budget developed an online education program that is designed to teach civil servants and the public about how the budgetary process works. The General Secretary of the Presidency developed conferences that focus on bringing citizen input into budgetary and policymaking venues. The CGU focuses mainly on transparency but also makes strong efforts to combat corruption.

Importantly, these three agencies have minimal contact with each other, which means that there hasn’t yet been a systematic institutionalization of the informal ties that now exists. Thus, the drawback to a fragmented budgetary structure is that it is more difficult to sustain reform across a number of bureaucratic units. The interesting policy innovations that are now in place appear to be based on the efforts of specific groups of political reformers, rather than being spearheaded and coordinate by a single office.
6. Participatory Budgeting

Brazil is the birthplace of the now widely disseminated Participatory Budgeting (PB) program. After twenty-five years of PB, there is now growing body evidence that these programs have a positive effect on social well-being. Researchers now identify a wide range of positive results that connect the adoption and maintenance of PB programs to improvements in well-being throughout Brazil’s municipalities. Touchton and Wampler’s 2014 study was an explicit comparison between municipalities that adopted PB and those that did not between 1989 and 2008. They found that the adoption of PB increases spending on health care and sanitation, increases the number of civil society organizations in the municipality, and improves infant mortality rates. The effects of PB on each of these areas grow stronger over time. Sonia Gonçalves’ concurrent 2013 study also provided strong, compelling evidence that PB programs are producing positive improvements in social well-being, especially when compared to municipalities that did not adopt these programs. Quite simply, the evidence is demonstrating that the adoption of PB programs has a positive and beneficial impact on social well-being.

Conclusion

Brazil’s three-decade long experimentation with new forms public participation institutions continues. At the national level, the most noteworthy innovations are the Inter-Council Forum, the extensive use of public policy conferences and the Office of the Comptroller. The ongoing innovations reflect an interest in developing new institutional designs to address different problems. The development of the Comptroller was in response to the lack of adequate oversight processes. The development of the Inter-Council Forum was in response to need to better incorporate policy experts and CSO/NGO leaders into
a medium-term planning process. The extensive use of public policy conferences was part of an effort to find a role and place for citizens in the national budget and legislative processes. These examples attest to the importance of reworking public participation institutions in order to improve the “fit” between institutional design and the policy problem. Brazil continues to innovate because government officials and CSO leaders are willing to experiment to find solutions to a wide host of social and political problems.