

Civil Society Representation in the Participatory Budget and Deliberative Councils of São Paulo, Brazil

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1 Introduction

Civil society organisations participate as representatives of a range of social groups, values and interests in the participatory budget and deliberative policy councils in the city of São Paulo, Brazil. This participation is significant, both in terms of numbers of organisations and in terms of organisations' assessment of the value of participation. In our study of civil society organisations who work with or for the urban poor and working class, 59 per cent had some form of participation and the vast majority of those who participate stated that doing so was very important or indispensable. One of the questions this poses is how do organisations that participate differ from those that do not and, what increases the likelihood of participation?

Organisations' differential capacity to participate has remained hidden in studies of citizen participation. Most studies on participation share a civil society perspective that makes few analytic distinctions within civil society and pays little attention to factors, such as institutions, that shape actors' differential capacities for action. Most work, for example, does not distinguish, empirically or at the level of theory, between the participation of individual citizens and that of civil society organisations.¹ Yet the two obey quite distinct logics; individuals and organisations have different capacities for action (including participation) and these capacities are likely to be shaped by different constellations of factors. In this article we therefore suggest a polity perspective on civil society participation that is sensitive to the differential capacity for action and to institutional effects.

The dispersed and heterogeneous nature of

citizen participation, its relative youth in many parts of the world and the particular epistemological and historical origins of the debate on civil society and participation, has meant that the state of knowledge in this area in fact lags behind the concrete experimentation that is being undertaken. Most empirical research has taken the form of case studies of particular experiments or of particular civil society organisations.² To draw conclusions that are reasonable across diverse contexts, analysts have had to engage in forms of comparative anecdotalism, that is, idiosyncratic cases from different contexts are herded together into a single explanation or generalisation. Furthermore, most studies select on the dependent variable, that is, they focus on actors who are participating, making it impossible to compare the characteristics and strategies of actors who are in participatory spaces with those who have stayed out of them.

This article is based on a unique survey of 229 civil society organisations that work with or for people in low-middle class, working class and poor neighbourhoods to solve individual and collective problems and/or to provide some degree of representation *vis-à-vis* government in São Paulo (municipality, population 10 million). The survey sought to identify factors that increase the propensity of such actors to engage with policy-making participatory institutions. It used modified snowball sampling to meet the challenges posed by the diverse and dispersed nature of civil society actors. It generated a representative sample of civil society actors that are *more active* and hence, most likely to enter and use the three types of participatory policy-making institutions in São Paulo: the

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participatory budget, deliberative policy councils and an aggregate type of all forms of participation in policy-making institutions.³

The findings support the claims that, in the case of São Paulo, there are powerful institutional effects on the participation of civil society organisations. The best predictor of whether an organisation participates, in any of the three types of spaces, is the presence of relations to traditional institutional actors: the Workers' Party or the State, and the design of the institutions. The organisational form actors take, in terms of a typology of organisations developed in the article, also has a significant impact on who participates. What we call advocacy non-governmental organisations (NGOs) are less likely to participate than community associations and coordinators. In contrast, the wealth of an organisation does not influence participation, nor do the issue-areas in which an actor works, nor how it works.

2 Perspectives on civil society participation

Theorising in this area has hardly begun but it is possible to speak of a "civil society" and a "polity" perspective on participation. These two perspectives point to different constellations of factors that shape collective action such as participation.

The civil society perspective, shared by the literatures on civil society, deliberative democracy and empowered participation, holds the assumption that it is relatively unproblematic for individual or collective actors to reach and use institutional arrangements for citizen participation.⁴ The core of the perspective is a dichotomous reading of the relations between state (authoritarian), which for some includes political parties, and society (democratic). The conviction that authentic civil society actors are a democratising and rationalising force of public action because of their deliberative logic (versus interest-based), decentralised nature and rootedness in the social life of local communities and autonomy (for most people, from the spheres of the state, political parties and interest groups politics).⁵ These features, it is believed, give civil society a particular democratising logic that contrasts favourably to that of the interest-based logic of representative bodies, the techno-bureaucratic logic of state agencies and the exclusionary logic of the market. It is an article of faith in the civil society perspective that citizen

participation increases the opportunity to influence policies for lower income and other excluded populations, whose interests are marginalised in classic representative institutions.⁶

The polity perspective suggests that participation is a contingent outcome, produced as collective actors (civil society, state and other) negotiate relations in a pre-existing institutional terrain that constrains and facilitates particular kinds of action.⁷ Whereas the civil society perspective has paid little attention to sociologically real actors and political institutions, the polity perspective is foremost concerned with the historical and comparative analysis of institutionally situated actors. In this theoretical context, the notion of *institutionally embedded actors* suggests that it is those actors who have ties to institutional political actors; in the context of Brazil, it is political parties, union movements, certain organised religious groups and the state that have the capacity to reach and engage the new institutions for citizen participation.

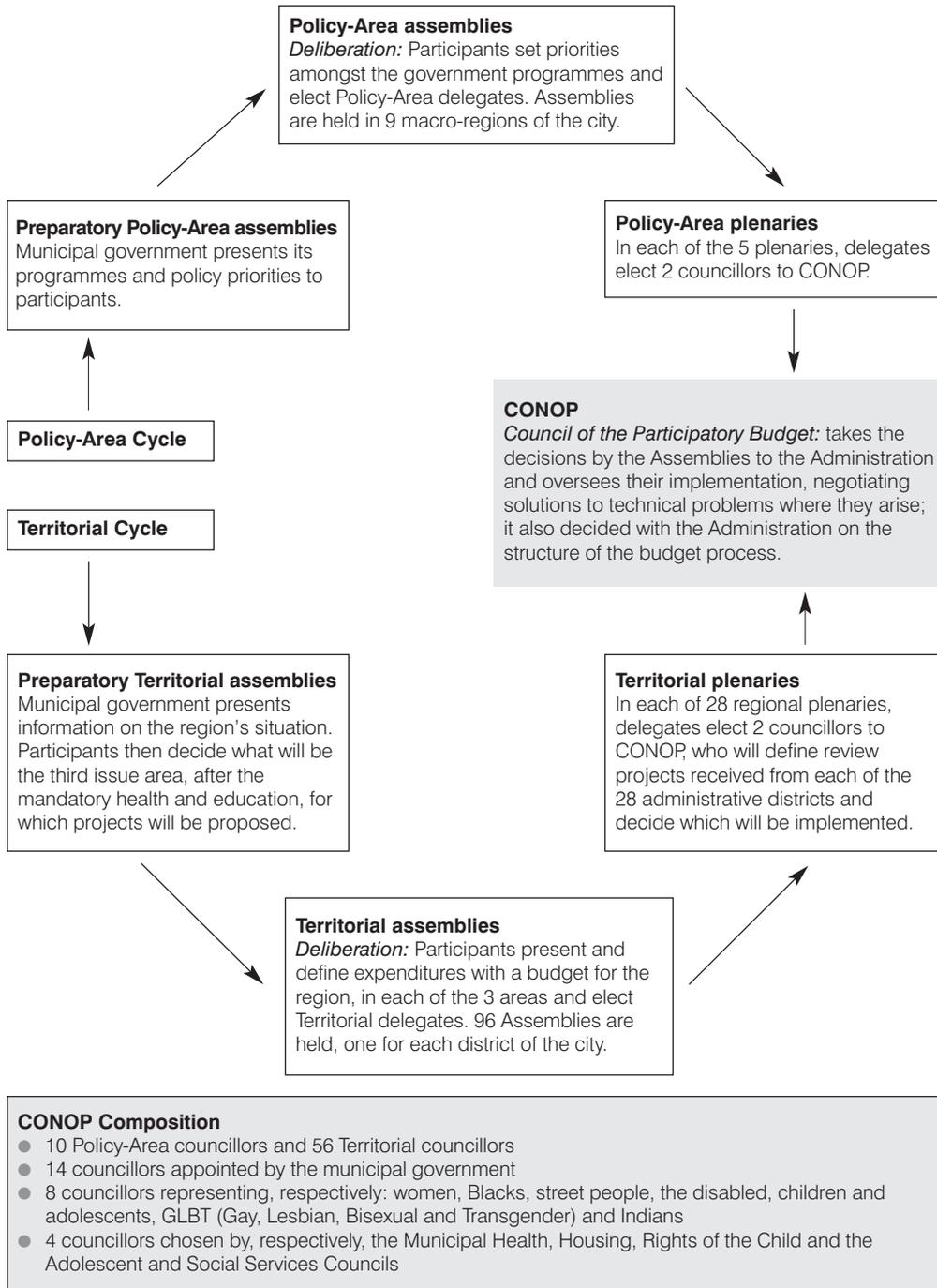
3 What is participation?

There has been a remarkable proliferation of institutionalised participatory arrangements throughout Brazil and at all levels of the state (municipal, state and federal). In the city of São Paulo, a veritable institutional jungle has emerged, populated by diverse (along every dimension imaginable) types of institutions for direct participation. In each of these institutions, there are multiple ways in which actors can participate. This article focuses on the most cited arrangements in the São Paulo survey: the *participatory budget*, the deliberative *policy councils* and a third category we call all *institutional forms of participation*.⁸

Organisations can participate in different ways. The new participatory institutions were intentionally designed to include civil society and, in some cases individual citizens, in the different moments of public decision making and action; in the design of policy and regulation, in supervising or monitoring implementation and even in the implementation of policy or management of programmes. In the councils, for example, it is possible to be a sitting member of the council, a recipient of financing from a council-managed fund, or a participant in public hearings held by the council. Although in the case of such participation in councils, we are relatively sure that actors would have indicated participation if they were sitting

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Figure 1: Structure of the participatory budget in the city of São Paulo



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members of the council, for the purposes of this article, the important point is that these forms of participation are organised in institutionally predefined mechanisms.

The *participatory budget* is the best known experiment in the democratisation of public policy in Brazil.⁹ In São Paulo, the budgeting process is currently in its second year. In 2002, the spending priorities of approximately a third of the municipal budget for public investment, or 12 per cent of the total municipal budget, were set in the participatory budgeting process. The municipal administration estimates that 55,000 people participated in that year's budgeting exercise (São Paulo 2003). Participation is complex and occurs at several distinctive moments and spaces. The process has two cycles: a Policy-Area Cycle and a Territorial Cycle (see Figure 1), each of which appear to have been designed to favour the participation of distinctive actors. The Policy-Area Cycle starts with assemblies in nine macro-regions of the city, where, after the municipal administration's Secretariats present their projects and programmes to participants, the assembly defines the priorities for the next year and elects policy-area delegates to Policy-Area plenaries. The Territorial Cycle follows a similar process, but with a few notable differences when it comes to the breadth of citizen participation and the types of demands participants are allowed to make. The preparatory assemblies occur in 270 small Territorial divisions that cover the entire city and the deliberative assemblies are organised according to the city's 96 administrative districts.

Deliberative policy councils are part of a baroque universe of participatory spaces with distinct mandates and organisational features. This universe can be divided into four categories: deliberative policy councils, programme councils, policy-area councils and public unit and autarky councils. The policy councils fit most closely with the widely held image of deliberative participatory spaces and they have the highest levels of participation of the councils within our sample.¹⁰ They are federally mandated by the 1988 Constitution and are organised in a federated structure that parallels that of the government, in policy areas that the Constitution itself defines as high priority. They are, therefore, institutions whose creation and areas of competence, in addition to the forms of civil society participation, are legally mandated and guaranteed. They provide equal representation to

civil society actors, public authorities and professional associations involved in the relevant policy area. The number of seats each sector receives is determined by specific enacting legislation or by the Council's internal statutes, the content of which is ratified by newly elected councillors at the beginning of their term.¹¹

The variable *all institutional forms of participation* includes, in addition, a mix of different institutionalised forms of citizen participation that link societal and state actors to facilitate consultation, regulation, or the design or implementation of public policy. These forms range from programme councils and public infrastructure councils, to working groups, committees and commissions, as well as the tutelary councils which attend the public on issues related to the rights of the child and adolescent.

4 Who participates?

In our sample of more active organisations, 135 of 229 collective actors, or 59 per cent, participate in some kind of policy participatory space, 33 per cent in the participatory budget and 34 in the deliberative policy councils.¹² Participation is substantial.

Rich and poor organisations, defined by budget size, participate at about similar rates. This finding gives strong support to the hypothesis that the new participatory institutions create opportunities for social groups excluded from other public decision-making arenas. This is a significant finding with potential implications for democratic theory and for policy making. Potential, because the finding cannot shed light on how responsive participating actors are to the groups they claim to work for or represent. Shedding light on this responsiveness will require a different research design and further conceptual work on forms of responsiveness and representation.

There is strong support for the idea that actors who are *institutionally embedded* have a higher propensity to participate. Statistical models help to specify that the ties that matter in the case of São Paulo are to the Worker's Party or to the government via contracts to deliver services. Having such ties, together with being either coordinators or an association, are the best predictors of participation in all three types of participatory spaces. Ties to the two other large institutional actors in Brazil, unions and the Catholic Church, did not affect participation.¹³ The findings do not imply that

IDS Bulletin 35.2 New Democratic Spaces?**Table 1: Typology of civil society actors**

Category	No.	(%)	Relation to beneficiaries	Nature of activities	Examples
Associations	62	27	<ul style="list-style-type: none"> • Territorial-based imagined community • Members that are individuals 	<ul style="list-style-type: none"> • Service delivery • Individual mediation • Representation of neighbourhood • Demand making • Other 	<ul style="list-style-type: none"> • Neighbourhood associations • Community associations, such as civic/cultural organisations • Local social movement organisations
Coordinators	45	20	<ul style="list-style-type: none"> • Members that are collective actors • Issue-based imagined community 	<ul style="list-style-type: none"> • Representation • Demand making • Community organising 	<ul style="list-style-type: none"> • Popular Movements Central • Association of Brazilian NGOs • Association of Housing • Movements of São Paulo
Advocacy NGOs	62	27	<ul style="list-style-type: none"> • Target population 	<ul style="list-style-type: none"> • Demand making • Define problems as public issues and influence policy debates 	<ul style="list-style-type: none"> • Popular education and community-organising centres • Institutes working on gender, race, reproductive rights, AIDS, the environment, etc.
Service Non-profits	35	15	<ul style="list-style-type: none"> • Individual clients 	<ul style="list-style-type: none"> • Service delivery 	<ul style="list-style-type: none"> • Baptist association for encouragement and support • Centres for social promotion • Centres for professional training
Others	25	11	<ul style="list-style-type: none"> • Varies 	<ul style="list-style-type: none"> • Varies 	<ul style="list-style-type: none"> • Corporate and other foundations • Catholic church pastoral organisations • Rotary and Lions clubs
Total sample	229	100			

institutionally embedded actors lack autonomy, but rather that the results consistently point to the analytic cost of placing too much emphasis on civil society autonomy.

4.1 Which civil society organisations?

Exploring whether the organisational form and substantive concerns of civil society actors influence participation requires a typology of civil society actors. The categories used in existing typologies, such as those that distinguish between NGOs and community-based organisations (CBOs) and social movements, are of limited use. The ambiguous use of the category NGO in the social sciences is mirrored in civil society. Over 40 per cent of the actors in the sample identified themselves as NGOs,

but these self-proclaimed NGOs were an extremely diverse group. Many actors appear to use the label “NGO” for the purposes of public self-representation and the concept has lost what little analytic content it might have had.

We therefore created a typology to capture diversity of civil society organisations, that is, those that do not have as their primary concern accumulation of material wealth or exercising public authority. It is based on two dimensions: how actors work (the type of activities in which they are engaged) and the nature of their relation to their stated members/beneficiaries. Table 1 provides further information on the five types identified in the sample: advocacy non-governmental organisations (ANGOs), Associations (ASSN), Coordinators

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(COORD), Service Non-Profit (SERVNP) and Others (OTHER).

Organisational form has a significant influence on participation. The three models identify important differences in the levels and forms of participation of different types of collective actors. This confirms that the categories of civil society actors in the typology capture important distinctions that, among other things, influence participation. The three models do not support a narrow focus on ANGOs as the principal participatory agents; ANGOs are no more likely to participate than non-ANGOs. Instead, they show that local associations and coordinators have substantially higher propensities to participate. In addition, the models identify a division of labour between associations and coordinators when controlled by two strong factors: relations to the Workers' Party (PT) and government through the service delivery contracts. Associations participate at high levels in the participatory budget and at much lower levels in the policy councils. Coordinators participate at high levels in the councils and at lower levels (including lower than associations) in budgeting. In contrast, local associations and coordinators participate at far higher rates.

Disaggregating civil society actors into the five categories of the typology also makes it possible to identify whether an actor's relations to other civil society actors influences participation. Being a coordinator is the strongest indicator for participation in a council (nearly six times more likely than non-coordinators), yet having relations with such bodies makes it far less likely that an actor will participate. The explanation for this inverse relationship between participation in councils and ties to coordinators may lie on the one hand, in the limited number of seats available on councils and on the other, in a division of labour amongst civil society actors in which the seats are in large measure occupied by coordinators. Associations with ties to coordinators would therefore tend not to participate. This interpretation has some support from the fact that coordinators have in large measure been created by other civil society actors, particularly advocacy NGOs, which do not have a significant participation in the councils.

4.2 Design of participatory institutions

The design of participatory institutions, that is, the specification of their legal mandate, formal criteria and procedures for participation, physical distribution of spaces for participation, etc., also

appears to influence who participates. Design effects are statistically significant. Their interpretation is complicated, however, by evidence of "interaction effects", that is, the influence of design varies according to the type of actor.¹⁴ Coordinators have far higher participation rates in councils than they do in the participatory budget, while associations have the reverse pattern. In the participatory budget, the design of the electoral processes through which spending priorities are determined and delegates elected to the budget council generally favours actors with territorially or community-based roots (e.g. ASSN). Councils, in contrast, are municipal-wide bodies and territoriality is not a factor in selecting civil society participants.

The impact of institutional design should also be apparent when we look at the issue areas in which actors work. Policy councils, as well as the other kinds of councils and institutions, have authority to act in particular policy areas (health, education, housing, etc.), while the participatory budget, in its territorial cycle, mandates that spending decisions have to be made in health and education, in addition to areas the participants choose to address. Surprisingly, the models do not show any evidence that the issue areas in which actors work affect the propensity to participate, including in policy councils. There is one interesting exception, discussed below.

In the case of the policy councils, it is very likely that the lack of statistically significant results is related to the small number of actors who participate in any one council. When all policy councils are taken together, the number of participating actors in the sample is substantial, but when disaggregating by individual councils the statistical results are not significant.¹⁵

The participatory budget provides a more interesting result. Actors who have health as one of the primary areas are significantly more likely than other actors to participate. This may be best explained by the fact that health is one of two mandatory issue areas in the participatory budget and hence there are institutional mechanisms and incentives that encourage participation in this area. The importance of institutional design receives some support from this finding. The other mandatory policy area in the budgeting process, education, does not stimulate similar participation. Institutional design therefore cannot be the entire explanation. It is likely that the vitality and long

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history of São Paulo's health movement, which has long played a substantial political role, including in the 1980s transition politics, is also an important factor in explaining why actors working in health have a higher propensity to participate. In contrast, the "education movement" is poorly organised and many of the organisations involved in educational issues also work in other issue areas. Taken together, institutional incentives to participation and civil society actors' capacity for action offer a reasonable explanation for why health is an exceptional case.

4.3 Other factors

The processes leading up to the foundation of these institutions, and specifically who was involved in creating them, was not found to have an effect on participation within them. This suggests that path-dependence, rooted in the foundational moment does not exercise an influence on the propensity to participate; actors constituted prior to the democratic transition period or after it are as likely to participate as those who were formed during the period of political and institutional flux that characterises transitions.

We did find that actors who engage in mobilisational politics (protests and demonstrations) are considerably more likely to be involved in the participatory budget. This finding is consistent with arguments in the social movement literature that groups who engage in extra-institutional activity are often also involved in institutionalised channels of politics (McAdam *et al.* 2002). The result runs counter, however, to the arguments frequently voiced in the public arena that groups involved in

protest are either marginalised people acting out frustrations or irrational (and destructive) impulses, or are marauding gangs of anti-social elements. This second type of argument aims to criminalise protest activity and, thereby, legitimise a state response that is primarily coercive.

Finally, there is a positive relationship between involvement in civil society fora and in policy councils. In the sample, a significant number of civil society actors participated in both. One possible explanation for this pattern is that fora provide an institutional setting in which civil society actors can deliberate and reach common positions prior to engaging with state agents in formal (legally defined) deliberative spaces. This suggests there may be a relation between the creation of institutions for participation in policy making and the creation of civil society fora.

5 Conclusion

The findings leave little doubt that civil society organisations vary in their capacity to participate and that to identify and theorise this variation, we need an approach that is sensitive to the effects of (1) political institutions, (2) organisational form of actors, and (3) design of participatory spaces. Fung and Wright's 'empowered participation' (2003) has made important advances on the last of these three components. Yet this approach would not reveal to us the importance of institutional embeddedness for participation, nor that of the organisational form organisations take. We suggest that a move from a broadly civil society perspective to a polity perspective can also shed light on the former two.

Notes

* This article is based on our *IDS Working Paper* 210, 'Who participates? Civil society and the new democratic politics in São Paulo, Brazil' (2003), which offers a fuller account of the findings, survey methodology and statistical analysis. The article can be downloaded free of charge at www.ids.ac.uk/ids/bookshop/index.html. The research on which this article is based is part of a larger multi-country study entitled 'Rights, representation and the poor: comparisons across Latin America and India'. A summary of the project is posted at www.ids.ac.uk/gdr/cfs/research/Collective%20Actors.html

1. See Abers (1998); Baiocchi (2001); Avritzer (2003); Santos (1998 and 2002); Heller (2001).
2. See, for example, the large multi-country projects undertaken by Santos, with MacArthur Foundation support,

'Reinventing social emancipation', www.ces.fe.uc.pt/emancipa; the Ford Foundation, 'Civil society and Governance Project', www.ids.ac.uk/ids/civsoc/index.html; as well as research of The Johns Hopkins Center for Civil Society Studies at www.jhu.edu/~ccss/. Exceptions include Heller and Chaudhuri's ongoing work on 'The people's campaign for decentralised planning', in Kerala, India, as does some of the work on the participatory budget in Porto Alegre.

3. Snowball techniques use "chain referrals" to build up samples that are purposefully targeted and hence not random. They are best suited for reaching difficult-to-access populations, or to identify populations that remain invisible when using other sampling techniques. We started the snowball at 20 different entry points, which were selected using four distinctive sources and were

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distributed evenly across four distinct lower-income regions of the city.

4. On civil society, see Keane (1992); Costa (1994 and 1999); Dagnino (2003); on deliberative democracy, see Avritzer (1998 and 2003), Elster (1997) and Cohen (1998); and on empowered participation, see the essays in Fung and Wright (2003) and Fung, forthcoming.
5. See Keane (1992); Cohen and Arato (1992); Costa (1994 and 1999); UNDP (2002). These features are part of a turn-of-the-century polycentric zeitgeist that appears to have a particular hostility toward large political organisations, be they state entities, political parties, or supra-local organised groups such as labour movements and professional associations (Houtzager 2003).
6. Although not contributing to the civil society perspective, the bilateral and multilateral actors who stand behind initiatives to make neoliberal globalisation a reality, have since the 1990s sought to append their own normative and programmatic content. Advocating a market-based economic and social model, decentralisation and participation have been placed alongside deregulation and marketisation. Civil society organisations and NGOs in particular, are viewed as solutions to market failure. Traces of the peculiar civic neoliberal mix that results, are common in the policy statements and official publications of multi-lateral and some bi-lateral actors (World Bank 1997 and 2001).
7. See Skocpol (1992); Skocpol and Fiorina (1999); Tilly (1978 and 1997). See also Evans (1995 and 2002) and Houtzager (2003).
8. The advantage of the last category, which includes within it the first two, is a large statistical universe with which to work and the ability to include in the analysis a diverse grouping of participatory spaces that are rarely studied.
9. One estimate places the number of municipalities that undertake some form of participatory budgeting at around 150. Depending on definitions of participatory budgeting,

however, that number could be significantly smaller. As a growing number of political groupings, with highly variable political and administrative practices, claim to be engaged in such budgeting exercises, there is a new discussion about where the conceptual boundaries should be drawn.

10. Among policy councils, the municipal, state and national Health Councils and the Council for the Rights of the Child and Adolescent (Conselho dos Direitos da Criança e do Adolescente, DCA), created in 1991 and 1992, respectively, have the highest participation rates.
11. Furthermore, in most cases the number of seats for civil society actors is legally specified and in a few instances even the actual actors are specified.
12. The statistical techniques used in this section are appropriate for dichotomous variables: univariate relative risk ratios and multivariate logistic regressions.
13. Although a substantial share of actors in the sample did have relations with labour unions or sectors of the Catholic Church, both close to 40 per cent of the sample, none of the statistical exercises show any effect of these relations on the propensity to participate. Research on Evangelical churches (non-traditional Protestant churches), suggests that they tend to depoliticise and demobilise their members, hence actors with relations to such groups might have lower propensities to participate. The dataset does not contain enough cases of actors with such relations to test this hypothesis.
14. The significance level for the type of organisation varies across the three types of participatory institutional arrangements.
15. There is an exception when housing is one of the two principal issue areas in which an actor works. In such cases, there is an inverse relation to participation. This could be explained by, on the one hand, a large number of actors involved in housing issues and, on the other, the housing council's inactivity.

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