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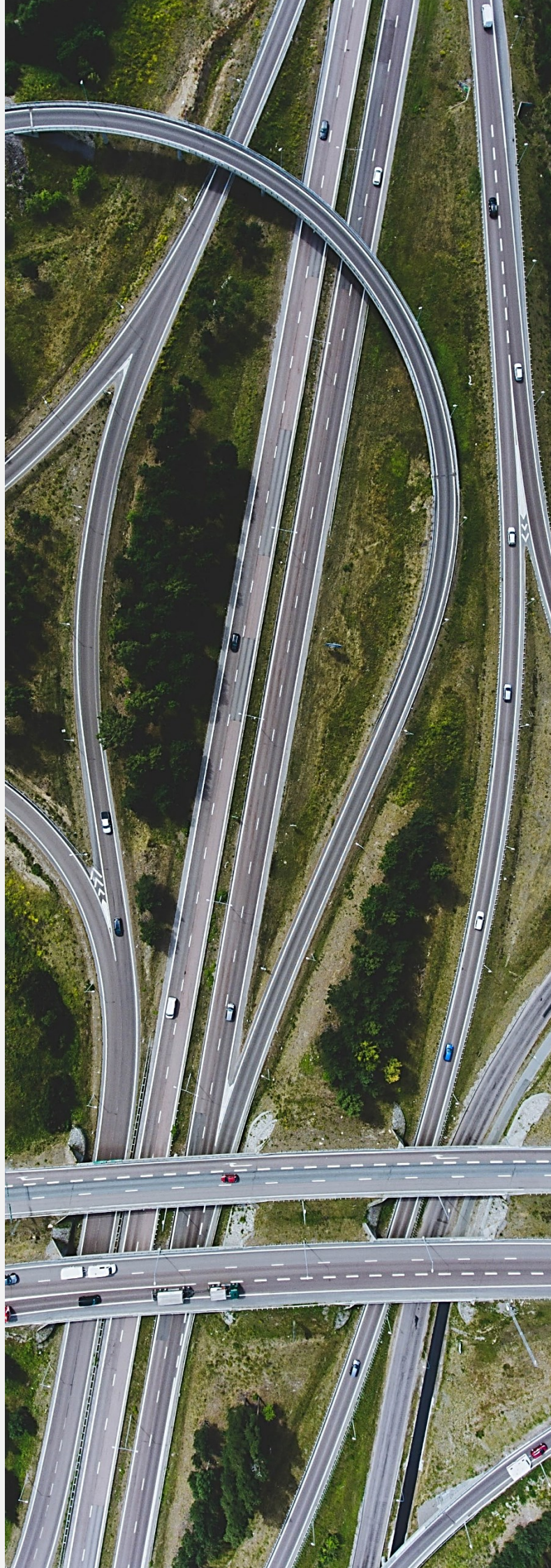
DOSSIER

**Beyond the theoretical debate:
limits and potentialities of the
integration between foreign
policy and public policy**

*Más allá del debate teórico:
límites y potencialidades de integración
entre política exterior y políticas públicas*

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EDITORIAL

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Dear members of the Editorial Board, editing assistants, readers, authors, reviewers, and other users: we are pleased to present the second Brazilian Journal of Public and International Policies (RPPI) issue of 2020 (vol. 5, n. 2, 2020). Keeping up with the focus on academic-scientific dissemination grounded in an interdisciplinary profile, RPPI brings to the academic community, researchers, students and other interested readers, an up-to-date debate on associated and integrated topics connected to public policies and international cooperation.

Aiming in achieving a better dissemination of its published articles as well as meeting internationalization standards, RPPI now publishes papers in two languages, namely: Portuguese and Spanish or English, by the choice of authors. Additionally, our new electronic system allows access in three languages (Portuguese, English and Spanish), meeting the same criteria of access to authors, readers and international dissemination of both the journal and the articles published. With these improvements, we hope to increase the reach of our publications and meet the criteria for records and the indexing bases of national and international academic and scientific productions (Web of Science, Scopus, Scimago, h index, and others). The improvement made in the system also aims to expand our reach and attract international publications, as well as to contribute to the dissemination of the debate on public policies of domestic and international scope.

In this issue, there is a special dossier entitled - Beyond the theoretical debate: limits and potential of the integration between foreign policy and public policies - organized by professors Rodrigo Barros de Albuquerque (UFS) and Cairo Gabriel Borges

Junqueira (UFS). The main target of this dossier is to bring contributions for new debates and to advance this discussion beyond its traditional conceptual axis, bringing new reflections, applied investigations or also case studies.

There are also six original articles presented at the 3rd Meeting of the National Association for Teaching and Research on the Public Field (ENEPCP), held in Natal (Brazil), in August 2019. The papers selected by the event organizers were evaluated by RPPI reviewers and subsequently revised by the authors. We thank the Board of ANEPCP and the coordinators of Thematic Sessions of ENEPCP for the careful selection and partnership.

Here, we also pay a special tribute to Professor Augusto de Oliveira Tavares, (Federal University of Cariri - UFCA), who participated in the selection of these papers as coordinator of Thematic Session 06 of the ENEPCP. He unfortunately passed away just before seeing the articles published in the RPPI. The Public Field in Brazil misses one of its pillars, whose work was basal for consolidating the field in national and regional levels. From 2015 to 2017, Augusto Tavares served as Director of Extension of the National Association for Teaching and Research on the Public Field (ANEPCP), having organized and participated in several scientific events in the field (ERECAP, ENEAP and ENEPCP). For his valued contribution to the Public Field and to this number of the RPPI, we express our posthumous gratitude to Professor Augusto Tavares.

This is how we present volume 02 of 2020, with articles on different topics, concerning the PGPCI and RPPI proposal. Thus, we target to advance the academic and scientific dissemination, opening space for the plural, integrated production, promoting areas that link knowledge to practice, and bringing back information to society. We, the editors and editing assistants, thank the authors for their contributions, the work of reviewers and hope you will enjoy RPPI's 02/2020 volume.

Alexandre César Cunha Leite 
Editor-in-Chief of the Brazilian Journal of Public & International Policies

PRESENTATION

Dossier “Beyond the theoretical debate: limits and potentialities of the integration between foreign policy and public policy”

Rodrigo Barros de Albuquerque¹ 
Cairo Gabriel Borges Junqueira² 

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The Public Policy field is fast-growing in Brazil. Recently, the number of specific graduate programs in the field has exceeded the graduate programs in Political Science and International Relations, in the large area of Political Science and International Relations of the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (Capes). Among the many policy areas which are usually studied under the public policy umbrella, in the last 20 years research in Brazil has produced attempts to examine foreign policy through the same theoretical and analytical tools (Couto, 2004; Sanchez, et. al. 2006; Pasquarelli, 2010; Milani, & Pinheiro, 2013; 2016; Salomón, & Pinheiro, 2013; Sorgine, & Santos, 2018)

However, in Brazil the well-known literature review papers on public policy (Melo, 1999; Souza, 2006) ignore this approach, either because studies which unite both fields were few and still very recent at that time, or because it was difficult to establish a clear and unequivocal nexus between them, demonstrating the possibility of studying foreign policy as public policy. Recent reviews (Brasil, & Capella, 2016; Batista,

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Domingos, & Vieira, 2020) are no exception, they show that the general situation has not changed: to a large extent, foreign policy is not an issue usually approached by the researchers, journals and more traditional papers in the field of public policy.

Although abroad, in the foreign scholarly community, this approximation between the fields is much older (Hermann, 1963; Milbrath, 1967; Rourke, 1972; Zimmermann, 1973; Cohen, 1973; Ingram, 1988) and there has been an attempt to define foreign policy as public policy in Brazil (Wrobel, & Silva, 1993), with some criticism (Lima, 2000), papers seeking to establish connections between fields with the aim of open new theoretical avenues began to arise a few years later. Pioneer approaches such as Couto (2004) about judicialization and foreign policy and the one from Sanchez et. al. (2006) on the need for constitutional reforms to turn the foreign policy formulation in Brazil more akin to other public policies' formulation have paved the way for the development of a research agenda which bridges gaps between the fields of foreign policy and public policy.

Some other works go through different ways, focused on bridging theoretical gaps between the fields, or on empirical demonstration to show their feasibility. Pasquarelli (2010), for instance, examines the diplomacy of Fernando Henrique Cardoso (1995-2002) and Luiz Inácio Lula da Silva (2003-2010) through public policy analytical lenses; Milani and Pinheiro (2013; 2016) study the pluralization of actors and agendas in foreign policy issues that shows it belongs to the public policy field; Silva and Klein (2016) examine the proposal of creating a National Council of Foreign Policy and the experience of the Brazilian Committee on Human Rights and Foreign Policy.

In all such cases, there seems to be a willingness to establish a bridge between different fields that allows foreign policy to be examined through other lenses than the traditional approaches to International Relations. In most cases, there seems to be a guideline to follow: they define foreign policy and public policy, explain why these two fields of study are connected and what are the advantages of studying foreign policy this way and defend why it should be done. In some cases, as noted in the previous paragraph, the authors empirically demonstrate their argument.

In this sense, this dossier aims to contribute to this research agenda by offering a diversified set of papers that brings together studies on public policy and studies on foreign policy. Here, there are no literature reviews on the subject, that has already been

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done before and competently. Our contribution to this debate is to gather papers that help to renew and revive the debate.

The first paper, titled “The tasks of Foreign Policy in the Brazilian constitutional order: public policy with permanent and conjunctural objectives”, receives authorship of Osvaldo Quirino de Souza Filho and it problematizes the foreign policy delimitation as a state policy, government policy or even public policy. It presents the long debate about differences between policy, polity and politics, arguing that foreign policy can be better understood as public policy, as Souza Filho brings together the Theory of the State and the Brazilian Federal Constitution of 1988 to conclude that the Brazilian foreign policy’s main objective is to defend the national interest, which could be also understood as public goods and services provider.

The next paper, by Ademar Pozzatti Junior and Luiza Witzel Farias, “Transfer and diffusion of health policies via international cooperation in South America: lessons from the empirical evidence of international law”, argues that foreign policy, besides being considered as public policy, stimulates other policies’ internationalization, using empirical evidence from the International Law. By examining South American health policies, the authors conclude that cooperation in health issues is strongly enacted through policy transfer and regional institutions may have a catalyst effect in stimulating public policies, highlighting that new research in the subject could be progressively developed with further interdisciplinary studies.

In continuity with the institutional analysis, but in a different issue and another scope, Camilla Geraldello writes “Brazil and WTO dispute settlement: an analysis of the Brazilian decision-making process” aiming to verify the motives behind Brazil’s decision to initiate disputes in the World Trade Organization from 1995 to 2018. Based on a case study about orange juice, the author uses a relational approach between different levels of analysis to show that Brazilian performance in search of dispute settlement may be explained through the interactions between different ministries, including Itamaraty. As Itamaraty is the main foreign policymaker in Brazil, this fact opens new agendas for future research seeking to include other domestic actors that look forward to international objectives.

Brazil is also examined by Daniel Wanderley Caliman in “Instrumentalization of Brazilian foreign policy to hegemony building: from Cardoso’s neoliberal bloc to Lula and Rousseff’s neodevelopmentalist’s”. Through an analysis tying Foreign Policy

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Analysis and hegemony concepts from Antonio Gramsci and Nicos Poulantzas, the paper examines the former presidents’ foreign policies seeking to observe its particularities around the search for greater autonomy in the international system. Also alluding to the connections between foreign policy and public policy, Caliman concludes that domestic disputes between certain sectors for national hegemony, as the bourgeoisie and the working class, affect the central government’s foreign actions, as well as on the international hegemonic arrangements.

Isabela Gerbelli Garbin Ramanzini and Natanael Gomide Junior explain other analytical dimensions over the central theme of the dossier, in “Social Participation in Human Rights Regimes: comparative study between the Inter-American Human Rights System and the Mercosur Institute of Public Policy on Human Rights”. Through democratic governance, the authors try to observe the link between international and regional organizations with public participation, affirming that its operational dynamics are opposed to each other. However, the two human rights regimes are directly influenced by non-state actors, such as organized civil society, epistemic communities and non-governmental organizations, and they are interconnected, reaffirming that human rights public policies’ matter in the American continent, including the Southern Cone.

The last paper in this dossier, “Transparency and access to information in the international performance of the municipality of São Paulo”, by Danilo Garnica Simini and José Blanes Sala, highlights the internationalization of cities as public policies provider. São Paulo’s analysis is important as it pioneered the decentralized internationalization in Brazil, and it also has its own municipal bureaucratic apparatus for foreign relations. The paper verifies if São Paulo has advanced through information access concerning public transparency, noting that this is an ongoing process at a slow pace, but with great potential. It is still up to civil society to note the relevance of the city’s international actions to further public policies also in times of crisis such as the new coronavirus outbreak.

We hope that this dossier, “Beyond the theoretical debate: limits and potentialities of the integration between foreign policy and public policy”, reinforce the potentialities of the interaction between these two fields of study, showing that despite having its own particularities, the fields of public policy and foreign policy complement each other in substantial ways. The debate is still open for new approaches, analyses and observations; it is up to the Brazilian academic community to promote this multidimensional dialogue.

Referências

- Batista, M., & Domingos, A., & Vieira, B. (no prelo). Políticas públicas: modelos clássicos e 40 anos de produção no Brasil. *BiB – Revista de Informação Bibliográfica*, 2020.
- Brasil, F. G., & Capella, A. C. N. (2016). Os estudos das políticas públicas no Brasil: Passado, presente e caminhos futuros da pesquisa sobre análise de políticas. *Revista Política Hoje*, 25(1), 71-90.
- Cohen, E. C. (1973). *The public impact on foreign policy*. Boston: Little, Brown.
- Couto, E. F. (2004). Judicialização da política externa e direitos humanos. *Revista Brasileira de Política Internacional*, 47(1), 140-161.
- Hermann, C. F. (1963). Foreign policy. In S. Nagel (Ed.), *Encyclopedia of Policy Studies*. New York, Basel: Marcel Dekker.
- Ingram, H. M., & Fiederlein, S. L. (1988). Traversing boundaries: A public policy approach to the analysis of foreign policy. *The Western Political Quarterly*, 41(4), 725-745.
- Lima, M. R. S. (2000). Instituições democráticas e política exterior. *Contexto Internacional*, 22(2), 265-303.
- Melo, M. A. (1999). Estado, governo e políticas públicas. In S. Miceli (Org.), *O que ler na ciência social brasileira (1970-1995)* (2ª ed., Cap. 2, pp. 59-100). São Paulo: Sumaré.
- Milani, C. R. S., & Pinheiro, L. (2013). Política externa brasileira: os desafios de sua caracterização como política pública. *Contexto Internacional*, 35(1), 11-41.
- Milani, C. R. S., & Pinheiro, L. (2016). The politics of Brazilian foreign policy and its analytical challenges. *Foreign Policy Analysis*, 0, 1-19. doi: 10.1093/fpa/orw027
- Milbrath, L. (1967). Interest groups and foreign policy. In J. N. Rosenau (Ed.), *Domestic Sources of Foreign Policy* (pp. 231-51). New York: The Free Press.
- Pasquarelli, B. V. L. (2010). Política externa como política pública: Uma análise da atuação diplomática brasileira durante o Governo Lula. *Revista Política Hoje*, 19(1), 187-221.
- Rourke, F. E. (1972). *Bureaucracy and foreign policy*. Baltimore: The Johns Hopkins University Press.
- Salomón, M., & Pinheiro, L. (2013). Análise de política externa e política externa brasileira: Trajetória, desafios e possibilidades de um campo de estudos. *Revista Brasileira de Política Internacional*, 56(1), 40-59.

Albuquerque & Junqueira. Presentation – Dossier “Beyond the theoretical debate: limits and potentialities of the integration between foreign policy and public policy”

Sanchez, M. R., et. al. (2006). Política externa como política pública: Uma análise pela regulamentação constitucional brasileira (1967-1988). *Revista de Sociologia e Política*, 27, 125-143.

Silva, D. C.; & Klein, M. (2016). A política externa brasileira como política pública: A proposta de um Conselho Nacional e a experiência do Comitê Brasileiro de Direitos Humanos e Política Externa. *Mural Internacional*, 7(2), 203-218. doi: 10.12957/rmi.2016.26899

Sorgine, G. F., & Santos, M. H. C. (2018). A política externa brasileira como política pública: Elementos para análise e debate. *Meridiano 47 – Journal of Global Studies*, 47(19), 1-18. <http://dx.doi.org/10.20889/M47e19009>

Souza, C. (2006). Políticas públicas: Uma revisão da literatura. *Sociologias*, 8(16), 20-45.

Wrobel, P. S., & Silva, A. M. (1993). Entrevista com Celso Lafer. *Revista Estudos Históricos*, 1993, 6(12), 271-284.

Zimmerman, W. (1973). Issue area and foreign-policy process: A research note in search of a general theory. *American Political Science Review*, 67, 1204-1212.

PRESENTACIÓN

Dossier “Más allá del debate teórico: límites y potencialidades de integración entre política exterior y políticas públicas”

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El campo de las políticas públicas está creciendo rápidamente en Brasil. Hace poco, el número de programas de posgrado específicos en el área superó a los de Ciencias Políticas y Relaciones Internacionales, en la amplia área de Ciencias Políticas y Relaciones Internacionales de la Coordenação de Pessoal de Nível Superior (Capes). Entre las diversas políticas sectoriales que suelen estudiarse bajo el signo de las políticas públicas, en los últimos 20 años han surgido en Brasil intentos de examinar la política exterior con las mismas herramientas teóricas y analíticas (Couto, 2004; Sánchez, et. al. 2006; Pasquarelli, 2010; Milani, & Pinheiro, 2013; 2016; Salomón, & Pinheiro, 2013; Sorgine, & Santos, 2018).

Textos clásicos de revisión de la literatura sobre políticas públicas en Brasil (Melo, 1999; Souza, 2006), sin embargo, ignoran este enfoque, ya sea porque los estudios que combinan las dos áreas aún eran pocos y recientes en ese momento, o por la dificultad de establecer un vínculo claro e inequívoco entre las áreas, demostrando la posibilidad de estudiar la política exterior como política pública. Comentarios recientes (Brasil, & Capella, 2016; Batista, Domingos, & Vieira, 2020) no escapan a la regla y siguen

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demostrando que el panorama general no ha cambiado mucho: en gran medida, la política exterior no es un tema adoptado por autores, publicaciones periódicas y estudios tradicionales en el campo de las políticas públicas.

Aunque en el extranjero esta aproximación entre las áreas es mucho más antigua (Hermann, 1963; Milbrath, 1967; Rourke, 1972; Zimmermann, 1973; Cohen, 1973; Ingram, 1988) y ha habido un intento de definir la política exterior como política pública en Brasil (Wrobel, & Silva, 1993) y crítica a este proyecto (Lima, 2000), comenzaron a surgir estudios que buscaban establecer conexiones entre los ámbitos con el objetivo de abrir nuevas vías teóricas unos años más tarde. Enfoques pioneros como el de Couto (2004) sobre judicialización y política exterior y el de Sánchez et. al. (2006) sobre la necesidad de reformas constitucionales para adaptar el proceso de formulación de política exterior en Brasil al de otras políticas públicas han hecho espacio para el desarrollo de un programa de investigación que acerque las dos áreas.

Otros escritos siguen diferentes caminos, ora centrados en la aproximación teórica entre los ámbitos de la política exterior y las políticas públicas, ora en la demostración empírica de su viabilidad. Pasquarelli (2010), por ejemplo, examina la diplomacia de los gobiernos de Fernando Henrique Cardoso (1995-2002) y Luiz Inácio Lula da Silva (2003-2010) con una herramienta analítica en el área de las políticas públicas; Milani y Pinheiro (2013; 2016) investigan la pluralización de actores y agendas sobre el tema de la política exterior que la acercan al carácter de la política pública; Silva y Klein (2016) examinan la propuesta de crear un Consejo Nacional de Política Exterior y la experiencia del Comité Brasileño de Derechos Humanos y Política Exterior (2016).

En todos los casos parece haber una voluntad de establecer un puente entre los diferentes ámbitos que permita que la política exterior sea examinada por otros sesgos distintos de los enfoques tradicionalistas de las relaciones internacionales. En la mayoría de ellos, también, parece haber un manual a seguir: define la política exterior y el orden público, explica por qué son campos conectados y cuáles son las ventajas de estudiar la política exterior de esta manera y se defiende porque hay que hacerlo. En algunos casos, como se ha visto en el párrafo anterior, los autores demuestran su argumento con el análisis empírico.

En este sentido, este dossier busca contribuir a esta agenda de investigación ofreciendo un conjunto diverso de artículos que aporten enfoques que acercan estudios de política pública y estudios de política exterior. No habrá revisiones de la literatura en

este puente, esto se ha hecho antes y de manera competente. Nuestra contribución al debate es a través de la reunión de apartados que ayudan a renovar y revivir el debate.

El primer artículo titulado *Las Tareas de La Política Exterior en el Orden Constitucional Brasileño: el orden público con objetivos permanentes y actualizados* recibe la autoría de Osvaldo Quirino de Souza Filho y reflexiona la delimitación de la política exterior como política de Estado, política gubernamental o incluso política pública. Retomando el amplio debate sobre las diferencias entre *policy*, *polity* e *politics*, se argumenta que la propia política exterior puede entenderse mejor como vinculada al orden público, ya que, poniendo luz sobre la Teoría del Estado y el tratamiento de la Constitución Federal de Brasil de 1988, Souza Filho concluye que la política exterior tiene como objetivo principal defender los intereses nacionales, que también pueden entenderse adecuadamente como proveedores de bienes y servicios públicos.

A continuación, Ademar Pozzatti Junior y Luiza Witzel Farias presentan la contribución *Transferencia y Difusión de Políticas Sanitarias a través de la Cooperación Internacional en América del Sur: lecciones de la evidencia empírica del derecho internacional*. En ella, los autores sostienen que la política exterior, además de ser considerada como política pública, sirve como un estimulante para la internacionalización de otras políticas, utilizando pruebas empíricas del Derecho Internacional. Con el tratamiento específico de los asuntos de salud sudamericanos, se concluye que la cooperación en el área de la salud se lleva a cabo fuertemente a través de transferencias de políticas y las instituciones regionales pueden tener un efecto catalítico en la estimulación de las políticas públicas, aumentando el hecho de que las nuevas investigaciones en la zona pueden desarrollarse progresivamente con investigaciones más interdisciplinarias.

Continuando con el análisis institucional, pero esta vez con otro sesgo temático y alcance distinto, Camilla Geraldello escribe el texto *Brasil y litigios en la OMC: un análisis sobre el proceso de toma de decisiones brasileño* con el objetivo de verificar cuáles fueron las razones por las que el país se involucraba en disputas en la Organización Mundial del Comercio (OMC) entre 1995 y 2018. De acuerdo con un estudio que involucra el tema del jugo de naranja, la autora utiliza un enfoque de relación entre los diferentes niveles de análisis para demostrar que la acción brasileña en la búsqueda de soluciones de disputas puede explicarse a través de interacciones entre diferentes ministerios, incluyendo Itamaraty, que es el principal formulador de las acciones

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internacionales del país, hecho que abre un flanco para futuras investigaciones que buscan insertar otros sectores internos en la búsqueda de proveer ciertas demandas internacionales.

Brasil es también objeto de estudio de Daniel Wanderley Caliman en el artículo *Instrumentalización de la política exterior brasileña para la construcción de la hegemonía: del bloque neoliberal de Cardoso al neodesarrollador de Lula y Dilma*. Desde un amplio marco que vincula el Análisis de Política Exterior con las concepciones de hegemonía propuestas por Antonio Gramsci y Nicos Poulantzas, el artículo investiga la política exterior de los expresidentes citados buscando observar sus particularidades en torno a la búsqueda de una mayor autonomía en el sistema internacional. También aludiendo a las conexiones existentes entre la política exterior y el orden público, Caliman concluye que las disputas internas entre ciertos sectores internos, como la burguesía y la clase trabajadora, en la búsqueda de una mayor hegemonía nacional, terminan afectando directamente las acciones externas de los gobiernos centrales, así como los propios acuerdos hegemónicos internacionales.

Isabela Gerbelli Garbin Ramanzini y Natanael Gomide Junior explican otras dimensiones analíticas sobre el tema central del dossier en el artículo titulado *Participación Social en Los Regímenes de Derechos Humanos: un estudio comparativo entre el Sistema Interamericano de Derechos Humanos y el Instituto Mercosur de Políticas Públicas de Derechos Humanos*. Con el sesgo de la gobernanza democrática, los autores tratan de observar el vínculo entre las organizaciones internacionales y regionales con la participación popular, atestiguando que su dinámica operativa se opone. Sin embargo, los dos regímenes de derechos humanos reciben influencia directa de actores no estatales, como la sociedad civil organizada, las comunidades epistémicas y las organizaciones no gubernamentales (ONG), y hacen interconexión, reafirmando la importancia de las políticas públicas en materia de derechos humanos en el espacio americano, incluido el propio Cono Sur.

Por último, la finalización de este dossier, la aportación *Transparencia y acceso a la información en el desempeño internacional del municipio de Sao Paulo* escrita por Danilo Garnica Simini y José Blanes Sala destaca el desempeño internacional de las ciudades como promotor de las políticas públicas. El análisis de la capital es relevante debido a su espíritu pionero en Brasil en términos de internacionalización descentralizada, además de tener su propio dispositivo burocrático municipal para tratar las relaciones

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internacionales. El artículo investiga si ha habido progresos en la búsqueda del acceso a la información en torno a la transparencia pública por parte de la sociedad civil, concluyendo que este proceso se ha estado produciendo a un ritmo lento, pero con un gran potencial de expansión. También vale la pena señalar la pertinencia de la acción internacional municipal para estimular las políticas públicas también en tiempos de crisis como la actual, en la que experimenta los efectos de la pandemia del nuevo coronavirus.

Esperamos que el dossier *Más allá del debate teórico: los límites y potencialidades de la integración entre política exterior y políticas públicas* refuerce las posibles capacidades de esta interacción entre dos ámbitos que tienen sus particularidades, pero se complementan sustancialmente. El debate sigue abierto a nuevos enfoques, lecturas y observaciones, y corresponde a la academia brasileña estimular aún más este diálogo multidimensional.

Referências

Batista, M., & Domingos, A., & Vieira, B. (no prelo). Políticas públicas: modelos clássicos e 40 anos de produção no Brasil. *BiB – Revista de Informação Bibliográfica*, 2020.

Brasil, F. G., & Capella, A. C. N. (2016). Os estudos das políticas públicas no Brasil: Passado, presente e caminhos futuros da pesquisa sobre análise de políticas. *Revista Política Hoje*, 25(1), 71-90.

Cohen, E. C. (1973). *The public impact on foreign policy*. Boston: Little, Brown.
Couto, E. F. (2004). Judicialização da política externa e direitos humanos. *Revista Brasileira de Política Internacional*, 47(1), 140-161.

Hermann, C. F. (1963). Foreign policy. In S. Nagel (Ed.), *Encyclopedia of Policy Studies*. New York, Basel: Marcel Dekker.

Ingram, H. M., & Fiederlein, S. L. (1988). Traversing boundaries: A public policy approach to the analysis of foreign policy. *The Western Political Quarterly*, 41(4), 725-745.

Lima, M. R. S. (2000). Instituições democráticas e política exterior. *Contexto Internacional*, 22(2), 265-303.

Melo, M. A. (1999). Estado, governo e políticas públicas. In S. Miceli (Org.), *O que ler na ciência social brasileira (1970-1995)* (2ª ed., Cap. 2, pp. 59-100). São Paulo: Sumaré.

Milani, C. R. S., & Pinheiro, L. (2013). Política externa brasileira: os desafios de sua caracterização como política pública. *Contexto Internacional*, 35(1), 11-41.

Milani, C. R. S., & Pinheiro, L. (2016). The politics of Brazilian foreign policy and its analytical challenges. *Foreign Policy Analysis*, 0, 1-19. doi: 10.1093/fpa/orw027

Milbrath, L. (1967). Interest groups and foreign policy. In J. N. Rosenau (Ed.), *Domestic Sources of Foreign Policy* (pp. 231-51). New York: The Free Press.

Pasquarelli, B. V. L. (2010). Política externa como política pública: Uma análise da atuação diplomática brasileira durante o Governo Lula. *Revista Política Hoje*, 19(1), 187-221.

Rourke, F. E. (1972). *Bureaucracy and foreign policy*. Baltimore: The Johns Hopkins University Press.

Salomón, M., & Pinheiro, L. (2013). Análise de política externa e política externa brasileira: Trajetória, desafios e possibilidades de um campo de estudos. *Revista Brasileira de Política Internacional*, 56(1), 40-59.

Sanchez, M. R., et. al. (2006). Política externa como política pública: Uma análise pela regulamentação constitucional brasileira (1967-1988). *Revista de Sociologia e Política*, 27, 125-143.

Silva, D. C.; & Klein, M. (2016). A política externa brasileira como política pública: A proposta de um Conselho Nacional e a experiência do Comitê Brasileiro de Direitos Humanos e Política Externa. *Mural Internacional*, 7(2), 203-218. doi: 10.12957/rmi.2016.26899

Sorgine, G. F., & Santos, M. H. C. (2018). A política externa brasileira como política pública: Elementos para análise e debate. *Meridiano 47 – Journal of Global Studies*, 47(19), 1-18. <http://dx.doi.org/10.20889/M47e19009>

Souza, C. (2006). Políticas públicas: Uma revisão da literatura. *Sociologias*, 8(16), 20-45.

Wrobel, P. S., & Silva, A. M. (1993). Entrevista com Celso Lafer. *Revista Estudos Históricos*, 1993, 6(12), 271-284.

Zimmerman, W. (1973). Issue area and foreign-policy process: A research note in search of a general theory. *American Political Science Review*, 67, 1204-1212.

Transfer and Diffusion of Health Policies via International Cooperation in South America: lessons from the empirical evidence of international law¹

Transferência e Difusão de Políticas Sanitárias via Cooperação Internacional na América do Sul: lições a partir das evidências empíricas do direito internacional

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*Los que hacen de la objetividad una religión, mienten.
Ellos no quieren ser objetivos, mentira:
quieren ser objetos, para salvarse del dolor humano.*
José Coronel Urtecho to Eduardo Galeano, El libro de los abrazos

Abstract: This paper argues that beyond the perspective of foreign policy as public policy, the former may also be a precursor of the internationalization of other policies, via international cooperation. Thus, based on the empirical evidences of international law, this research investigates how the processes of policy transfer and policy diffusion occur in bilateral and regional levels, in the health sector, starting from Brazil and focusing on South America. Due to the normative approach of this undertaking, some questions about the research demands arising from the recognition of these processes are also addressed, discussing some obstacles and possible strategies, involving the International Relations and International Law disciplines, to solve them.

Keywords: Policy Transfer; Policy Diffusion; Structuring Cooperation in Health; Health Policies; International Law.

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Resumo: O presente trabalho argumenta que para além da análise da política externa como política pública, a primeira pode ser também precursora da internacionalização de outras políticas, via cooperação internacional. Assim, a partir das evidências empíricas do direito internacional, a presente pesquisa investiga como os processos de transferência e difusão de políticas ocorrem nos níveis bilateral e regional, em matéria sanitária, a partir do Brasil e com foco na América do Sul. Devido ao componente normativo desta empreitada, também são desmembradas algumas questões sobre as demandas de pesquisa decorrentes do reconhecimento desses processos, discutindo alguns obstáculos e as estratégias possíveis, envolvendo as disciplinas de Relações Internacionais e Direito Internacional, para resolvê-las.

Palavras-chave: Transferência de Políticas; Difusão de Políticas; Cooperação Estruturante em Saúde; Políticas Sanitárias; Direito Internacional.

1. Introduction

Given the strong influence of the realist theory in the field of International Relations (IR), foreign policy (FP) has been understood as an isolated area from other public policies (PPs). But such isolation is strongly challenged by the intensification of the relations between the international and national scopes (Sanchez et al, 2006). The connections between FP and other PPs have been approached from the normative point of view, starting with the comprehension that the decision-making process in polyarchies should be a *continuum* from the national to the international (Milner, 1997). Likewise, they were approached from the point of view of Political Science, in which the similarity of FP to PPs was verified either due to its subjects, distributive or redistributive politics for instance (Ingram & Fiederlein, 1988), or due to the similar decision-making processes in democratic States (Ingram & Fiederlein, 1988).

In addition to the analysis of FP as PP, this article seeks to argue, based on empirical evidences of international law, that the former can also be a precursor of the internationalization of other PPs, such as the health ones, through specific mechanisms of international cooperation.

According to Constantine and Shankland (2017), the relation between policy transfer (bilateral, discussed in the first section of this article), policy diffusion (multilateral/regional, debated in the second section), and international cooperation has been increasingly important for two main reasons: (1) the exchange of knowledges, and (2) the demand for substitution of unidirectional knowledge transfers, a feature of north-south cooperation (NSC), for multidimensional transfers and mutual benefits among cooperation partners, which are the principles of south-south cooperation (SSC). Also,

because of these reasons, a generous amount of contemporary lessons concerning these processes are found in the Global South. Even so, empirical studies about this process in the South are scarce.

Therefore, this paper seeks to discuss in three sections both processes of internationalization of policies (transfer and diffusion) in the health sector in the Global South, based on empirical evidences from international law. In the first section, the goal is to discover which cases regarding internationalization of PPs can be verified by international agreements in the health sector that have been signed bilaterally between Brazil and other independent South American countries. The main argument in this section is that the internationalization of health policies, or components of it, in this case, is being conveyed by a specific model of cooperation developed in Brazil: the structuring cooperation in health (SCH)⁴. The validity of this assessment is tested through the content of the international agreements signed in this sector between the countries mentioned above, according to Pozzatti and Farias' (2019a) survey.

The second section seeks to discuss how regional integration institutions can facilitate the process of internationalization of PPs. It is argued that, despite the institutional engineering with less intention of being supranational, institutions like the Union of South American Nations (Unasur) may set the path for processes of diffusion of health policies in the region. This assertion is tested based on the discussion of other empirical studies, such as those conducted by Agostinis (2019) and Bueno, Faria and Bermudez (2013), and literature review, such as the one led by Pozzatti and Farias (2019b). Finally, the third section looks to dissect the question concerning the demands of empirical research resulting from the recognition of this processes, discussing which are the obstacles and the possible strategies available in the fields of IR and International Law (IL) to solve them.

⁴ Some scholars translate “cooperação estruturante” as “structuring cooperation” (Constantine & Shankland, 2017, p. 107) and others as “structural cooperation” (Almeida et al, 2010, p. 23; Ferreira & Fonseca, 2017, p. 2129). We chose “structuring cooperation” to emphasize more the movement, the process of structuration, than the structure itself, although we recognize that this process strengthens those structures that already exist and builds structures that do not yet exist in the State partner. For us, “structuring cooperation” seems capture this meaning of action and transformation in a better way.

2. Policy Transfer as the Construction of Capabilities in the Bilateral Scope: Brazil's experience with other South American countries

This section argues that Brazil's FP, insofar as it implements SCH with other South American independent countries, does so through transfers of policy, policies' components or health expertise. Thus, in addition to the perspective of FP as PP, the former may also be a precursor of the internationalization of other PPs aiming to build and/or strengthen the capabilities of other countries from Global South. Based on this, some strategies regarding the continuity of the study about this thematic in the fields of IL and IR are enumerated.

SCH is an international cooperation model which is an exponent of SSC. The model is based on the Brazilian practice with other South American countries and other Portuguese speaking countries (Almeida et al, 2010), and it was theorized by researchers from the Oswaldo Cruz Foundation (Fiocruz), who describe it as a form of cooperation

Centered on strengthening recipient-country health systems institutionally, combining concrete interventions with local capacity building and knowledge generation, and promoting dialogue among actors, so that they can take the lead in health sector processes and promote formulation of a future health development agenda of their own" (Almeida, De Campos, Buss, Ferreira & Fonseca, 2010, 2010, p. 26)

SCH distinguishes itself in the prospect of what nowadays is being applied as *capacity building*, once it is being engaged toward the training of human resources and the construction of capacities (Ferreira & Fonseca, 2017, p. 2130). This model has three conceptual premises that, according to Fonseca and Buss (2017), define how it operates: the social determination of health, the international cooperation in a collaborative spectrum, and the strategic planning in health.

In the survey of all international agreements in the health sector signed between Brazil and other independent countries of South America, that were in force, totalizing 145 agreements⁵, Pozzatti and Farias (2019a) put aside a thematic regime to aggregate agreements intended to specifically positivate the SCH, which they have denominated

⁵ In force and available on the portals of the Division of International Acts of the Ministry of Foreign Affairs (in Portuguese, Ministério das Relações Exteriores - MRE) of Brazil (Concórdia Platform), of the International Advisory of the Ministry of Health of the same country (in Portuguese, Assessoria Internacional do Ministério da Saúde - AISA), of the official website of Unasur (now extinct), and the official website of the Southern Common Market (Mercosur) - these last two institutions from which the multilateral agreements mentioned in this section came from - until June 6, 2018.

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institutional strengthening regime (made up of 18 agreements). Furthermore, they have also made a second classification in which 50 agreements dealt about “sectorial strengthening”, a thematic regime “that differs from the first one, in which are grouped acts that deal with the strengthening of an institution in general, deal about strengthening institutions, actions and programs in a specific subject or capacity” (Pozzatti & Farias, 2019a, p. 376-377, our translation).

Within these 50 international acts, nine of them are also part of the thematic regime of institutional strengthening⁶. Besides that, eight of the 50 agreements are multilateral, signed in the framework of the Southern Common Market (Mercosur) and Unasur. These eight acts refer themselves to the formation of networks of structuring institutions and an exchange platform, thematics with regional scope, which are addressed in the second section of this paper. Thus, in this section, the content of 51 international agreements⁷ are being considered, regarding the sum of the bilateral international agreements both of sectorial and institutional strengthening.

Regarding the sectorial strengthening acts, when dealing with the strengthening of specific institutions in other countries and in terms of specific capacities, it can be asserted that they do so following the logic of policy transfer. That is because, (1) the expertise exchanged by the Brazil is obtained according to its own PPs in all cases, and (2) that also includes Brazilian aid to the construction of PPs – according to its own – in other countries. This logic is also verified through interviews considering the practice of cooperation in the health sector promoted by Brazil: either in other regions, and from the perspective of the technicians of the country that apprehends the transfer, such as in the interviews led by Milani and Lopes (2014) with Mozambican technicians; or in the case of specific institutions, as is the case of the Centre of Excellence Against Hunger – a Brazilian institution in partnership with the World Food Program (WFP) of the United Nations (UN) – in which this logic is also described by technicians of the Centre and Brazilian diplomats interviewed by Dri and Da Silva (2019).

⁶ This is because the initial classification of Pozzatti and Farias (2019a) considered the main theme of each agreement, and the second classification, aimed at seeking structuring possibilities even in agreements whose main theme was not institutions, and it was the one that led to the sectorial strengthening regime, which permeates the others.

⁷ On August 1, 2020, there were no new international health agreements in force between Brazil and none of the other South American countries, as reported by Concordia. As well as all the 51 acts analyzed for in this paper were still in force and available on this portal.

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This finding allows us to infer that: capacity building via SCH means - mostly - exchanging/transferring policies. Examples of that are the six international acts responsible for strengthening the national response of other States regarding the HIV epidemic, an issue in which Brazil was the third country in the world - and the first developing country - to adopt a policy of treatment as prevention, making universal access to antiretroviral drugs available to the population living with the virus (UNICEF, 2016). Also fitting here is the example of the Human Milk Banks (HMB), in which Brazil developed one of the most complex and efficient networks in the world, and subsequently exported on a large scale to developing countries (Dri & Pittas, 2017). The implementation, consolidation, and expansion of HMBs are the content of ten of the international sectoral strengthening acts with countries in South America analyzed here.

Furthermore, by being similar to other PPs, at the same time that FP makes possible their transfer, it is itself an object of transfer, and that is verified at least by two of the international acts analyzed, aiming to strengthen international advisory services of Ministries of Health of other countries through the transfer of “knowledge about management of international technical cooperation in the health sector”⁸.

Regarding the nine bilateral acts related only to institutional strengthening, they deal mainly with the exchange and the training of human resources from the other countries in terms of management and planning, having as reference the Brazilians programs and institutions⁹, and also looking for ways in which to expand the regulatory dialogue between health authorities¹⁰, for example. The generality of these functions makes the causal inference between those international acts and specific PPs impossible, just by this research source. Perhaps with other sources, such as “executive projects” and “results reports”, or even using distinct research methodologies than the documentary analyze, like interviews, this analysis could be done.

⁸ As Article I, item 1, of the “Complementary Agreement to the Basic Agreement on Technical Cooperation” between the Government of the Federative Republic of Brazil and the Government of the Republic of Colombia for the implementation of the project “Institutional Strengthening of the International Advisors of the Ministries of Health of Brazil and Colombia”, signed on 05/07/2007.

⁹ As does the “Complementary Agreement to the Basic Technical Cooperation Agreement” between the Government of the Federative Republic of Brazil and the Government of the Republic of Colombia to implement the project “Support for the process of restructuring of the Invima seeking its institutional strengthening”, signed on 26/10/2011.

¹⁰ As does the “Complementary Agreement to the Basic Technical Cooperation Agreement between the Government of the Federative Republic of Brazil and the Government of the Republic of Paraguay to implement the project “Institutional Strengthening of the National Division of Sanitary Surveillance of the Ministry of Public Health and Social Welfare of the Republic of Paraguay”, signed on 24/05/2012.

Even so, it is important to note that, in addition to the cooperation achieved through the transfer of a specific PP – or some of its components -, the cooperation focused on the construction of capacities via expertise transfer, overall, as is the case of the nine acts on institutional strengthening, can also be analyzed through the heuristic of policy transfer (Dolowitz & Marsh, 1996), an approach borrowed from Political Science. Policy transfer is defined as “a process in which knowledge about policies, administrative arrangements, institutions etc. in one time and/or place is used in the development of policies, administrative arrangements and institutions in another time and/or place” (Dolowitz & Marsh, 1996, p. 344), and its objects can be “policy goals, policy content, policy instruments, policy programs, institutions, ideologies, ideas and attitudes and negative lessons” (Dolowitz & Marsh, 2000, p. 12).

Therefore, by institutionalizing the cooperation, international law plays the important role of projecting PPs from one country to another, in a way that when it is operated horizontally, it can fertilize the local practices with the external experience. A distinguished feature of the policy transfer built through international cooperation is their formalization, once it can be accessed via international agreements: an international act can be both an element of prestige, since it registers international solidarity, and part of a much bigger movement of resistance, in which the expertise of a developing country is required by another country of similar status, both interested in the autonomous strengthening and development of the Global South, which is a core premise of SSC. In this sense, by addressing values (such as solidarity, autonomy and horizontality), international law also increases the gains and/or the political costs of its effectuation, or of the abandonment of international commitments signed by international acts.

By combining instrumentalism with formalism, Koskenniemi (2011) asserts that the function of international law is to act as a process, since, insofar it is a tool of power (the classic instrumental perspective), it also creates and delimits power (formalist, normative perspective). Thus, the role of international law is to act as a hermeneutic circularity which involves both instrumentalism and formalism. In his own words:

International law certainly seeks to realize political values, interests and preferences of various international actors. [...] however, it also appears as a standard of criticism and means of controlling those in powerful positions. Instrumentalism and formalism connote two opposite sensibilities of what it means to be an international lawyer, and two cultures of professional practice, the stereotypes of ‘the advisor’ to a powerful actor with many policy alternatives and ‘the judge’

scrutinizing the legality of a particular international behavior” (Koskeniemi, 2011, p. 242).

In this process, international law - as a political-institutional practice - operates as a catalyst for the export of PPs. Even so, as it will be demonstrated in the third section of this paper, IL understood as an academic discipline must also incorporate narratives such as the SCH one, if it wishes to be closer to the politics and its transformations. That is because the theoretical description of SCH informs its commitment to certain values and results, since

a) it integrates strengthening human resources with organizational and institutional development; b) it builds on endogenous resources and capacities to enable local actors to take the leading role in the formulation and sustainable implementation of county health agendas (Ferreira & Fonseca, 2017, p. 2130-2131)

Understanding how SCH is positivized involves dismembering and getting to know each part of its processes, but even so, it does not yet lead to an understanding of the whole. Understanding this entire process depends on research questions committed to practice rather than to the isolated theoretical development of an area, as well as access to sources and researcher’s eager for them.

Further investigating this process involves, for example, thinking about the questions of the policy transfer heuristic: (1) why transfer?, (2) who is involved in transfer?, (3) what is transferred?, (4) from where, (5) degrees of transfer, (6) constraints on transfer, (7) how to demonstrate policy transfer?, and (8) how transfer leads to policy failure? (Dolowitz & Marsh, 1996). This heuristic also opens possibilities for several other research questions, linked to specific axes or theoretical approaches.

Among these possibilities, one example would be to ask how the method of implementation can be another characteristic that distinguishes horizontal from vertical cooperation, or what is the impact of technology transfer versus policy transfer in shaping up an autonomous development, in the case of international cooperation studies in the discipline of IR. Or even questioning what types of transfer would be in fact committed with a decolonial approach of IL and IR.

3. Diffusion of Health Policies within a Regional Scope: Unasur’s experience

The purpose of this section is to discuss the experience on the diffusion of health policies within the scope of the Unasur’s networks of health’s structuring institutions,

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starting from empirical studies, such as those by Agostinis (2019) and Bueno, Faria and Bermudez (2013), and literature review, such as the one led by Pozzatti and Farias (2019b). This discussion seeks to think about how this process occurs and which academic demands emerge to deeper its study in the fields of IL and IR.

The regionalism produced in Latin America since the 2000s undergoes a crucial paradigm shift. It is no longer oriented by rules (rule-driven) and become oriented by policies (policy-driven), insofar as that the national State comes back to the center of the debate as inducer of these policies (Lima & Coutinho, 2006). This development (five decades late), meets what Jouannet (2012) considers as a transformation of the purposes of international law, moving from the coexistence to the promotion of the cooperation between States to accomplish social rights, especially those that need a present State rather than an absent one to do so (Torronteguy, 2010). In this scenario, “to offer an effective response to these new challenges, the international legal system must be able to influence the domestic policies of States and harness national institutions in pursuit of global objectives” (Slaughter & Burke White, 2006, p. 328).

In this period (the 2000s), more specifically within the scope of the South American regionalism, the emergence of the “social turn” (Riggirozzi, 2014) positioned the social policies in the center of the integration process. In this context, “health has become a strategic policy driver redefining the terms of regionalism in South America, and hence new forms of regionalization are unfolding ‘on the edges’ of its most usual approach to market-led integration” (Riggirozzi, 2014, p. 434).

In the same period, the competition for the regional leadership makes of Brazil the Unasur’s main investor, and of Venezuela the main investor in the Bolivarian Alliance for the Peoples of Our Americas (Alba). Both States implemented different strategies of international insertion and ways of cooperating (Faria, 2012). In the first case, cooperation was

more diversified and more focused on the transfer of what has been called “social technologies” (and also other forms of technology), but also a cooperation that has a greater degree of institutionalization, both with regard to its domestic organizational bases as well as with regard to its support by international organizations and institutions (Faria, 2012, p. 365, our translation).

In the second case, there was more financing and authoritarianism, and less worry with the result and the institutionalization of a model of cooperation (Faria, 2012). Alba

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“became restricted to a much smaller number of countries and succumbed quickly in the wake of the Chavism crisis” (Faria, 2018, p. 67, our translation), while Unasur was abandoned by its member States in April 2019. About the political inertia of Unasur, Mijares and Nolte (2018) assert that:

The organization's loose plan, which served so much to reach its initial consensus, finally undermined its unity, and could no longer create a supranational institutional fabric capable of going beyond transitional government projects. National autonomies had the last word, so they were superimposed on regional autonomy, and South America no longer counts as an actor in the international system (Mijares & Nolte, 2018, p. 110, our translation)

However, before of the abandonment of its member States, Unasur built in its core an institutional structure composed of six networks of health's structuring institutions: the Advisory Network of International Relations and International Cooperation in Health (in Portuguese, Rede de Assessorias de Relações Internacionais e de Cooperação Internacional em Saúde - REDSSUR-ORIS), the Disaster Risk Management Network (in Portuguese, Rede de Gestão de Riscos e Mitigação de Desastres - GRIDS), the Public Health Schools Network (in Portuguese, Rede de Escolas de Saúde Pública - RESP), the International Network of Health Technicians Education (in Portuguese, Rede Internacional de Educação de Técnicos em Saúde - RETS), the Network of National Institutes of Health (in Portuguese, Rede dos Institutos Nacionais de Saúde - RINS) and the Network of National Cancer Institutes and Institutions (in Portuguese, Rede de Instituições Nacionais de Câncer - RINC).

Bueno, Faria and Bermudez (2013) use Agranoff's (2003) classification of intergovernmental networks, such as Informational Networks, Developmental Networks, Outreach Networks and Action Networks, to classify Unasur's networks of health's structuring institutions as simultaneously networks of development and action, the reason for this, according to the authors is that:

[the networks] are dedicated to the generation and exchange of knowledge (and good practices), and to create spaces that promote these exchanges, such as seminars, conferences, and workshops. In addition, they develop common strategies, which members are encouraged to adopt and, in some cases, with the validation of the Council - ministerial instance with sectoral decision-making power -, formalize regional/multilateral collaborative actions (Bueno, Faria & Bermudez, 2013, p. 95, our translation).

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Even so, the authors assert that a substantial portion of the cooperation empirically verified in the networks is still mainly bilateral, generated in networks, but not actually of its institutional action as a network. This production of bilateral cooperation generated by the use of these networks as a forum is not a surprise, given that for some time, Latin American regionalism, overall, “has mentioned post-liberal formats and a return to sectorial dialogue and to cooperation” (Dri, 2016, p. 02, our translation). To Pozzatti and Farias, “when they are forums, these networks assure that Unasur’s genetic code will not be destroyed alongside it, instead they will find echo in the national institutions” (2019b, p. 14, our translation). For the same authors,

These national institutions are precisely the focus of contemporary international law, which, in order to solve the current global problems, born from the domestic scope of States, need to be able to act through national sovereignty and use these institutions in the pursuit of the global objectives for which it is established. In the case of Unasur, national autonomy is not something that is easily conceded, and this is clear when one looks at the state of the art of sub-regional integration projects. In this context, because the networks conserve national autonomy and work via international cooperation, they seem useful in this effort of making agreements resist around global objectives, in a context where the nation-state also resists (Pozzatti & Farias, 2019b, p. 14-15, our translation).

Agostinis argues that “RIOs [regional intergovernmental organizations] such as Unasur catalyze transnational diffusion not by enforcing binding regional norms (as in the case of the EU [European Union]), but by bridging member States’ shared functional needs and asymmetric capacities in specific policy areas” (Agostinis, 2019, p. 1111). The diffusion to which the author refers is conceptualized as “a horizontal process of voluntary internalization of new policy instruments and institutional arrangements triggered by the establishment of regional institutions” (Agostinis, 2019, p. 1112).

Agostinis (2019) conducted four case studies about the transnational policy diffusion produced by Unasur’s network of health’s structuring institutions. For him, both the cases of Colombia and Uruguay in the Network of National Cancer Institutes and Institutions (RINC), the case of the Terry Fox National Tumor Bank (BNTTF) in Colombia, and the Uruguayan case of Public Health Schools Network (RESP),

show how the creation of UNASUR Health’s structuring networks bridged member States’ FN [functional needs] and AC [asymmetric capacities] by facilitating the sharing of policy relevant knowledge and

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the articulation of bilateral cooperation initiatives among national health bureaucracies (Agostinis, 2019, p. 1119).

One of the main hypotheses empirically verified by the author is that

The establishment of RI [regional institutions] enables State officials with a common expertise in a specific area of public health to gather and exchange information with high frequency in technical settings insulated from direct political pressure, creating conditions conducive to interbureaucratic learning (Agostinis, 2019, p. 1115-1116).

Thus, Unasur's political inertia obstructs and decentralizes various processes, but it does not end with the process by which regionalism becomes motivated by policies. This is the representation of a contemporary international law that intends to project itself domestically (Slaughter & Burke-White, 2006), and of the possibilities of South American politics, extensively linked to national autonomy (Onuki & Oliveira, 2006; Ruiz, 2012). These networks and bilateral communication are not extinct alongside its formal structure, so that they can remain being fed by those responsible for sectorial politics (bureaucrats, technicians, specialists), when high politics - moved by the main decision makers - suppress strategies of effectuation of human rights. According to Pozzatti and Farias,

when international law succeeds in penetrating domestic membranes, it establishes deeper roots, roots that can reproduce itself, maintaining the genetic code, or the initial agreed value, and more than that, it ceases to be an agreement that ends, to be an agreement that fertilizes. And this possibility of fertilization can be kept alive when it reaches structuring institutions, because human resources do not change as ephemerally as in the case of the presidential sphere. Even when it comes to Ministries, when reaching out to those who design and implement public policy action plans, the schemes are referring more to technicians than Ministers [of Foreign Affairs] themselves (Pozzatti & Farias, 2019b, p. 10, our translation).

In the same sense, Faria argues that

regionalism encourages and facilitates the establishment of international alliances by domestic interest groups and social movements. Through these channels, new ways of defending their interests and promoting their agendas are instituted both at the transnational and national levels (Faria, 2018, p. 80, our translation).

In this scenario it is appropriate to remember Haas' (1992) epistemic communities, to whom these communities of specialists can both elucidate possible solutions to problems in their respective areas, as well as clarify processes and define the

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self-interest of States. In South America, technicians and experts seem to have occupied a prestigious place in the periods studied by the cases analyzed here, in terms of internationalization of PPs, and as a result, they have acted in the movement of regional and social gears that did not seem to be moving with such development before.

Nevertheless, even though the idea of epistemic communities was born with the neofunctionalist perspective of the European integration, it remains being an insufficient perspective to think about experiences such as Unasur. The reason is because this approach is causally linked with the goal of building a new political community of a supranational nature (Hurrel, 1995), which does not translate the way in which such epistemic communities seem to interact in Unasur's networks. Nor could the prospect of neoliberal institutionalism be sufficient, although state-centric, since it connects to a specific route of integration densification, the economic one (Hurrel, 1995), and therefore, also does not reach the necessary emphasis on the health sector, in which Unasur has had success in starting the diffusion processes. Obstacles such as this will be discussed in the next section.

These findings regarding the relationship between the regional institutions and the building and diffusion of social policies, as well as the influence of specialized knowledge in the effectiveness of this relationship, make it necessary to think about other questions that are transversal to the fields of IL and IR. One example would be to think about which measures and theories are really useful to examine the success or failure of the regional institutions in specific contexts, like the South America one, region on which most of the examples cited here are based, and that are so distinct from those where traditional approaches to these regional institutions were written. That does not mean that one should ignore the relevance of the heuristics developed by the traditional theories, but primarily, that is necessary to diagnose with empirical and local fidelity the *modus operandi* and the problems of each region – and specific institution – that one seeks to analyze.

In the meantime, if the policy diffusion can be used as a measure of evaluation in this sense, it is important to reflect on the reasons why the disciplines of IL and IR focus so little on them. If regional institutions can serve as a catalyst for national public policies to enforce human rights, why do jus-internationalists focus less on them than on the generalist universal agreements? Even when scholars recognize the need to mobilize domestic institutions to give effect to international law in contemporary times, in which global problems are born more from inside the States than from their interstate relations

(Slaughter & Burke-White, 2006), not even the policy transfer and the policy diffusion, not even the bureaucrats, technicians and specialists that make them possible, are preferred objects or sources of scientific investigation in the field.

4. Research demands arising from the recognition of the processes of transfer and diffusion of policies via international cooperation

This section is responsible for discussing the possible challenges and strategies for resolving two main demands arising from the recognition of the processes of transfer and diffusion of health policy, carried out through international cooperation, either the bilateral SCH, or the use of Unasur's networks of health's structuring institutions as forum, as mentioned before. The first is the need for more empirical studies, which can enable the understanding of the specificities of these processes and the lessons that Constantine and Shankland (2017) foresee to exist on the thematic in the Global South. The second is the need for recognition and dialogue with the actors - bureaucrats, technicians, and specialists - who carry out these processes, and whose knowledge need to be absorbed by the IR and IL theories that seek to think about them.

Tomazini (2017, p. 46) lists as one of the main challenges of managing SSC “the compilation of primary sources in digital database”, and this can also be considered one of the main challenges for the empirical research in this field. Tomazini (2017) acknowledges that there was already some progress on the resolution of this challenge, in Brazil, in 2017. She referred particularly to the various publications of the Brazilian Cooperation Agency (in Portuguese, Agência Brasileira de Cooperação - ABC), and to the Report of Brazilian Cooperation for International Development (in Portuguese, Relatório de Cooperação Brasileira para o Desenvolvimento Internacional - COBRADI), published by the Institute for Applied Economic Research (in Portuguese, Instituto de Pesquisa Econômica Aplicada - IPEA), with four editions already published up to date, which depart from their own survey methodology, and are mainly useful for understanding public spending in the area and the ideas that circulate within Brazilian practice.

Still, in the Ibero-American context, the “Ibero-American General Secretariat” (in Portuguese, Secretaria Geral Ibero-Americana - SEGIB) gathers data on bilateral, triangular, regional and inter-regional SSC promoted by the 22 member States of Latin America and the Iberian Peninsula, in editions of the Report on South-South Cooperation

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in Ibero-America. Since 2015, it gathers this data through the Ibero-American Integrated Data System on South-South and Triangular Cooperation (in Portuguese, Sistema Integrado de Dados da Ibero-América sobre Cooperação Sul-Sul e Triangular - SIDICSS), which is the first online and regional platform of survey, and the first regional report of information about this type of cooperation (SEGIB, 2018).

This Report, whose last edition from 2018 collected the data related to 2016 and gather historical series about the previous decade, has the potential to assist several other research questions, as it presents the profile of countries altogether and individually, as well as the roles they take on, the main thematic of cooperation projects and actions, among others. The Report also gathers opinions from different actors and countries regarding challenges and advances in the field. In addition, it exposes the limits within which the statistics it produces operate, such as the case of the deficit of information on data on the costs of cooperation in each country (SEGIB, 2018).

In the specific case of the international agreements signed by Brazil, the Concordia platform, supported by the Ministry of Foreign Affairs (in Portuguese, Ministério das Relações Exteriores – MRE), is wide and currently has on its system 11.892 international agreements, signed since 1822 (MRE, 2020). In the advanced research tab, there are several filters available that can refine the searches, or not. In the case of the survey carried out by Pozzatti and Farias (2019a), for example, there was no use of thematic markers for the search for international acts, only the selection of the “in force” filter. In the case of the health sector, the authors found that the thematic markers are not able to cover all the subjects that can be enclosed by the health sector. Besides, some of the documents attached to the information of a certain agreement are not in fact the document of this agreement, but of some other, uploaded there at random.

Regarding the database organized by the International Advisory of Brazil’s Ministry of Health (in Portuguese, *Assessoria Internacional do Ministério da Saúde - AISA*) (AISA, 2020a), there is no proper communication between them and Concordia, insofar as “the lists of agreements in health sometimes provide a link for a document, and other times a link to a page of the referred international agreement on the Concordia platform” (Pozzatti & Farias, 2019a, p. 371, our translation). In this context, divergences have been found related to the in force *status* of some acts, for example, between one platform to the other. This is the reason why Pozzatti and Farias (2019a) decided to set

preference over information in one platform over another, giving preference to the MRE's Concordia.

Unasur's website did not have organizational tools beyond the search for words mentioned in the body of the text or in the title of the digitalized documents. Even so, when it was extinct without any previous warning, this website took with it a myriad of possibilities of empirical research, and a considerable part of the history of the South American regionalism. And all that is left of it is what can be asserted based on past research experiences. Mercosur's online website (MERCOSUR, 2020), unlike the others, is an example of classification, dividing documents by normative types and year by year.

Beyond the international acts, some of the "executive projects" set by the coordinating institutions (defined in the international acts), at least in the health sector, are available in the "International Cooperation Actions and Project Management System" (in Portuguese, Sistema de Gestão de Projetos e Ações de Cooperação Internacional - SISCOOP) (AISA, 2020b). This database is organized by countries, and has pages of information about the projects and the documents themselves available for download, but occasionally, the information described is incongruous with the document, and sometimes the document is not available for download, or it is a document referring to the act accessed on the page.

Thus, despite advances in the production of qualified reports, there is still a lack of organization and reliability, especially in databases in which the data are international agreements. About these same sources of investigation, it is important to note that, once the document is found, it is crucial that the researcher has the necessary skills to analyze the data. At this point, academic training of researchers to conduct interdisciplinary investigations are decisive to understand the processes and results of policies transfers and diffusions.

Brazil is the fourth largest provider of SSC through projects in Latin America, but it is far from occupying the first positions in the role of offering actions. Projects and actions are distinct in terms of duration and costs since the former have vaster dimensions in the two variables. The authors of this paper, despite verifying the register of actions in SISCOOP, did not verify treaties that positivize actions, as it is done with the projects, resulting in the hypothesis that the latter are object of greater institutionalization and therefore, also have greater possibility of measurement, either of their processes or of their results. In this sense, there is a clear demand for interdisciplinarity involving IL and

IR studies, since IL not only appropriates international cooperation as a means to act in a system of sovereign States, as the international cooperation is mostly institutionalized through its sources, the international treaties.

However, from the point of view of the jus-internationalist research, it is common the dedication to solving linguistic problems of international law by reinforcing managerialism “that suggests that international problems [...] should be resolved by developing increasingly complicated technical vocabularies” (Koskenniemi, 2011, p. 72). But to address the questions of this research, it is irrelevant to improve this rhetoric of the international rule of law and, as said by José Coronel Urtecho to Eduardo Galeano, in the epigraph of this article, to seek an impossible objectivity is, in fact, to move away from human reality.

South American regionalism, for instance, by sustaining the diffusion of policies on networks of increasingly specific institutions and whose regulatory capacity is strengthened rather than ceded to a new regional arrangement with supranational intent, departs at the same time from the general agreements, which are the focus of the universalist approach of IL (Lorca, 2006), and from the European and hegemonic theories on regional integration in the IR discipline, to persuade *possible arrangements* to effect the right to health in South America. And to understand processes like these, the dedication previously used to solve linguistic problems, should be converted into efforts to extract *some lessons* on how international law works to transfer and diffuse health policies via international cooperation.

For Kennedy, “the world’s most pressing problems are diverse – and will yield only to complex, heterogeneous cocktails of policy at national and international levels” (2006, p. 655). Thus, it would be “useful to have diverse capacities, institutions with diverse political affiliations and different vocabularies for social justice, in approaching both disasters and more quotidian injustice” (Kennedy, 2006, p. 657-658). This means, in general, investing in legal pluralism; and in South America, it means allowing itself to recognize the weight of regional politics on possible arrangements. The second section of this paper is an illustration of the context in which regional institution adapt themselves to this weight via policy diffusion, going beyond the hardened idea of regional integration - supranational, vertical and mostly economic - of the most traditional molds.

Still, about bridging the gap of the two academic disciplines, to Slaughter (1993),

If social science has any validity at all, the postulates developed by political scientists concerning patterns and regularities in state behavior must afford a foundation and framework for legal efforts to regulate that behavior.[...] From the political Science side, if law – whether international, transnational or purely domestic – does push the behavior of states toward outcomes other than those predicted by power and the pursuit of national interest, then political scientists must revise their models to take account of legal variables (Slaughter, 1993, p. 205-206).

That valuation is particularly important for the social rights effected via policy transfer: if there is a way to analyze this process, certainly the heuristics developed decades ago by political scientists are privileged tools:

if the literature on policies seen as domestic seems to have no sensitivity to capture the universe of transnational networks, its more general characterization of interactions within national networks, [...] can undoubtedly be seen as a useful introduction to understanding transnational processes (Faria, 2018, p. 87, our translation).

And if there is a way to put this analysis at the service of some specific value, able to compose more refined and politically interested heuristics, to evaluate the processes and results of policy internationalization, it certainly cannot be done without IL.

Another important demand of bridging the gap of the disciplines is the acknowledgement of the prominence of specialized knowledge, epistemic communities, and domestic interest groups, ascertained in the regional case, and which can also be noticed bilaterally. In Milani and Lopes' (2014) empirical study about bilateral cooperation between Brazil and Mozambique, conducted through interviews, the authors identified specialized knowledge and the engagement of Fiocruz's technicians as a differential in the Brazilian practice of health cooperation. Likewise, Schleicher and Platiau (2017) conclude in the case of cooperation promoted by National School of Public Administration (in Portuguese, Escola Nacional de Administração Pública - ENAP) in Brazil, in the same country, and to whom "from an International Relations theoretical point of view and from the analysis of the Brazilian official discourse, the roles of bureaucrats and the street-level bureaucracy remain invisible" (Schleicher & Platiau, 2017, p. 16).

The lack of absorption of local politics - and of the knowledge of the actors that compose it - by the theory is an existing problem in both disciplines. And it seems to happen not due to the incapacity of South American internationalists in diagnosing problems and specific variables in their own region and practice, but because in the field

of regional integration, for example, there is a higher and older academic commitment to northern narratives. Which is also a common characteristic to the jus-internationalist field. For Lake (2013, p. 567) “the field [of International Relations Theory] would be better off focusing on important real-world problems and achieving progress within each approach according to its own criteria for success”. While for Lorca,

The avoidance of politics has its own costs. [...] depoliticization lessens the practitioners’ expectations in the international legal discourse’s potential. The Latin American legal tradition, in thus losing any appeal it once had for thinking, imagining, or articulating yearnings for socio-political transformation, becomes neoliberalism’s handmaiden for implementing economic orthodoxy (Lorca, 2006, p. 299).

An important detail is that, within the scope of epistemic IR community in Brazil, there does not seem to be exactly a prejudice with *area* approaches, addressing real-world problems, since international/global security is the main study area in the country (Villa et al, 2017). There seems to be a negligence on specific areas, since health and gender are the areas of least interest for the epistemic IR community in Brazil and in other communities in Latin America (Villa et al, 2017). That means that the real loss can be found in the neglect of interdisciplinarity, not only within the Social Sciences, in the relationship between the disciplines mentioned here, but also between them and the practices implemented by other sciences, such as the case of SCH, on which the adjective health emerges, before the empirical and generalizable potential in the eyes of the IR and IL scholars.

Thus, the demands of empirical research on the processes described in the first and second sections rest on four main problems: (1) the institutional problem, related to the lack of organization and reliability of the sources; (2) the interdisciplinary problem, where the borrowing of analytical tools is not yet widespread, since this stems from the recognition that an area alone cannot address the complexity of real processes; (3) the epistemological problem, in which only the rise in empirical research production, and over increasingly specific cases, may be able to grasp the necessary lessons for possible generalizations and broader theoretical constructions in health policies transfer and diffusion; and (4) the theoretical problem, since the area theoretical production guided by problems still neglects questions that go over traditional areas, in the case of the IR discipline, while also neglecting the actors who could shed light on these problems.

And all these problems seem to be interdependent. Problem (1) can be mitigated by the resolution of (2), with the refinement of methods such as interviews, old acquaintances of Political Science, for example. Problem (2) could also be resolved by the resolution of (4), insofar as guiding research by problems means combining tools and recognizing the reality, before the longing for insulated deontological approaches, and the resolution of problem (4) could also be a resolution of (3). Thus, all possible responses rest on the researcher's political engagement and interdisciplinarity.

In the case of problems (1) and (2), for instance, strategies like interviews, or research approaches focusing on new categories of actors, like technicians, could help in terms of sources, identification and complexification of problems. Likewise, it could also connect the demands of scholars, decision-makers and technicians. In the case of problems (3) and (4), in the scope of the health sector, the 2020 pandemic of Covid-19 makes the area emerge as an issue of high politics. This can simultaneously be an opportunity to recognize research agendas of the Global South focused on health sector, and could illustrate the gains of the generalizations departing from more and more specific places. However, by taking another road, it can lead to the production of superficial analysis, highly delimited by disciplines, reinforcing the gap between theory and practice - which is complex and interdisciplinary.

5. Final Considerations

In the perspective adopted here, international cooperation and international law are committed to the transformation of reality, not because they lead to a “managerialism” (Koskenniemi, 2011, p. 71) of the State action, which is focused only on legal discourse, but because by stimulating “structural biases” (Koskenniemi, 2011, p. 65), they participate in the iterative process that (con)forms politics. Structural bias is related to slicing institutions in several regimes, so that “the point of creating such specialized institutions [or regimes] is precisely to affect the outcomes that are being produced in the international world” (Koskenniemi, 2011, p. 65). Thus, beyond the theory, departing from the empirical evidences takes the focus away from the doctrine and places it on the institutions, politicizing jus-internationalist research, so that it can accompany the highly politicized political-institutional dynamics of international law. This discloses, as evidenced in this work, for example, how international law can act as a catalyst for local public policies.

This paper was based on the empirical evidences of international law and investigated how FP can, in addition to the analysis as PP, be a precursor of the internationalization of other policies via international cooperation. Therefore, the first section was guided by the question about which cases involving policy transfer can be investigated from the empirical evidences available, related to the health sector, involving Brazil, with the other independent South American countries. It concluded that (1) SCH is mostly carried out via policy transfer, and (2) even when the expertise transfer may not be linked to the content of specific public policies, the policy transfer heuristic (Dolowitz & Marsh, 1996) seems to be valid to understand the cooperation process.

The second section was responsible for discussing policy diffusion departing from Unasur's networks of health's structuring institutions. It concludes that, by catalyzing the diffusion of PPs, through the approximation of functional needs and asymmetric capacities between member States, instead of imposing binding norms, regional institutions with structures of this type (1) bring policies to the center of the integrative processes, (2) make international law reach national institutions, even in extensively linked to national autonomy contexts, like South America, (3) bring new methods by which to measure the success or failure of regional institutions, and (4) bring to studies on integration - at least in South America, where this is perceived late - variables such as epistemic communities and the role of specialists.

The third section was responsible for the questions about the demands for empirical research resulting from the recognition of the processes mentioned above, in South America, debating what are the obstacles and the possible strategies to solve them. Four obstacles are the most prominent: (1) the lack of organization and low reliability of several databases of international agreements; (2) the low interdisciplinarity; (3) the inappropriate use of traditional theories as models for practice and not as heuristics for analysing problems diagnosed locally/contextually, and (4) the low theoretical production concerned with the transformation of reality in neglected areas. And above them, the expectations for resolution listed by the present paper rest on the political engagement of the researcher and on the increase of interdisciplinarity. Research strategies such as interviews, and focuses on new categories in both disciplines, IL and IR, such as technicians, as well as the construction of problems that, *a priori*, exceed the tools of an exclusive area and make necessary for the researcher to combine knowledge, are relevant in this regard.

References

Agostinis, Giovanni. (2019) Regional Intergovernmental Organizations as Catalysts for Transnational Policy Diffusion: The Case of UNASUR Health. *Journal of Common Market Studies*, 57 (5): 1111–1129.

Agranoff, Robert. (2003) A new look at the value-adding functions of intergovernmental networks. *Seventh National Public Management Research Conference*, Georgetown University. Retrieved from: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.597.8261&rep=rep1&type=pdf> Accessed on: 05 jun. 2019.

AISA - Assessoria de Assuntos Internacionais de Saúde. (2020a) *Acordos Internacionais*. Retrieved from: <https://www.saude.gov.br/assessoria-internacional/acordos-internacionais> Accessed on: 29 jul. 2020.

AISA - Assessoria de Assuntos Internacionais de Saúde. (2020b) *Sistema de Gestão de Projetos e Ações de Cooperação Internacional (SISCOOP)*. Retrieved from: <http://aplicacao.saude.gov.br/siscoop/> Accessed on: 29 jul. 2020.

Almeida, Celia, De Campos, Rodrigo P., Buss, Paulo, Ferreira, José R., & Fonseca, Luiz E. (2010) Brazil's conception of South-South "structural cooperation" in health. *Revista Eletrônica de Comunicação, Informação e Inovação em Saúde*, 4 (1): 23-32

Bueno, Flávia T. C., Faria, Mariana & Bermudez, Luana. (2013) A Cooperação Sul-Sul e as Redes Estruturantes do Conselho de Saúde da Unasul como instrumentos de desenvolvimento regional. *Cadernos de Desenvolvimento*. Rio de Janeiro, 8 (12): 83-100. Retrieved from: <http://www.cadernosdodesenvolvimento.org.br/ojs-2.4.8/index.php/cdes/article/view/159/157> Accessed on: 05 jun. 2019.

Constantine, Jennifer. & Shankland, Alex. (2017) From policy transfer to mutual learning? Political recognition, power and process in the emerging landscape of international development cooperation. *Novos Estudos CEBRAP*, 36(1): 99-122

Dolowitz, David & Marsh, David. (1996) Who learns what from whom: a review of the policy transfer literature. *Political Studies*, 44 (2) 343-357.

Dolowitz, David & Marsh, David. (2000) Learning from abroad: the role of policy transfer in contemporary policy-making. *Governance*, 13 (1): 5-24.

Dri, Clarissa F. (2016) Demanda e oferta de bens públicos regionais: políticas públicas transnacionais na América do Sul? *Revista de Iniciação Científica em Relações Internacionais*, João Pessoa, 3 (6): 1-8.

Dri, Clarissa F. & Pittas, Tiago M. (2017) O diálogo entre saúde e política externa na cooperação brasileira em bancos de leite humano. *Revista Ciência & Saúde Coletiva*, Rio de Janeiro, 22 (7), p. 2277-2286.

Pozzatti; Farias. *Transfer and diffusion of health policies via international cooperation in South America*

Dri, Clarissa F. & Da Silva, Andressa M. (2019) Da prática aos princípios da cooperação sul-sul: a metodologia de atuação do Centro de Excelência contra a Fome. In: Lima, Thiago (Org.). *Segurança alimentar e relações internacionais*. João Pessoa: Editora UFPB, 2019, 83-117.

Faria, Carlos A. P. (2012) A difusão de políticas sociais como estratégia de inserção internacional: Brasil e Venezuela comparados. *Interseções*, 14 (2): 335-371.

Faria, Carlos A. P. (2018) *Políticas públicas e relações internacionais*. 1. ed. Brasília: Enap, v. 1. 111p.

Ferreira, José R. & Fonseca, Luiz E. (2017) Structural Cooperation, the Fiocruz experience. *Revista Ciência & Saúde Coletiva*, 22 (7): p. 2129-2133.

Haas, Peter M. (1992) Introduction: epistemic communities and international policy coordination. *International Organization*, 4 (1): 1-35.

Hurrell, Andrew. (1995) Regionalism in Theoretical Perspective. In: Hurrell, Andrew & Fawcett, Louise (eds). *Regionalism in World Politics: Regional Organization and International Order*. Oxford: Oxford University Press, 1995, 37-73.

Ingram, Helen M. & Fiederlein, Suzanne L. (1998) Traversing Boundaries: A Public Policy Approach to the Analysis of Foreign Policy. *The Western Political Quarterly*, 41(4): 725-745.

Jouannet, Emmanuelle T. (2012) *The Liberal-Welfarist Law of Nations. A History of International Law* (Christopher Sutcliffe, Trans.). New York: Cambridge University Press.

Kennedy, David. (2006) One, Two, Three, Many Legal Orders: Legal Pluralism and the Cosmopolitan Dream. *N.Y.U. Review of Law and Social Change*, 31 (3): 641- 659.

Koskenniemi, Martti. (2011) *The Politics of International Law*. Oxford: Hart. 388p.

Lake, David. (2013) Theory Is Dead, Long Live Theory: The End of the Great Debates and the Rise of Eclecticism in International Relations. *European Journal of International Relations*, 19 (3): 567-587.

Lima, Maria Regina. S. & Coutinho, Marcelo V. Integración Moderna. *Oikos – Revista de Economía Política Internacional*, v. 5, p. 108-121, 2006

Lorca, Arnulf B. (2006) International Law in Latin America or Latin American International Law? Rise, Fall, and Retrieval of a Tradition of Legal Thinking and Political Imagination. *Harvard International Law Journal*, 47 (1): 283-305.

MERCOSUR. (2020) *Normativas dos órgãos decisórios do MERCOSUL*. Retrieved from: <https://www.mercosur.int/documentos-y-normativa/normativa/> Accessed on: 29 jul. 2020.

Pozzatti; Farias. *Transfer and diffusion of health policies via international cooperation in South America*

Mijares, Víctor M. & Nolte, Detlef. (2018) Regionalismo posthegemónico en crisis. *Foreign Affairs Latinoamérica*, 18 (3): 105-112. Retrieved from: <http://revistafal.com/numeros-anteriores/fal-18-3/> Accessed on: 05 jun. 2019.

Milani, Carlos R. S. & Lopes, Roberta N. (2014) Cooperação Sul-Sul e Policy Transfer em Saúde Pública: análise das relações entre Brasil e Moçambique entre 2003 e 2012. *Carta Internacional*, 9 (1): 59-78.

Milner, Helen. (1997) *Interest, Institutions and Information: Domestic Politics and International Relations*. Princeton: Princeton University.

MRE - Ministério das Relações Exteriores. (2020) *Concórdia. Acervo de atos internacionais do Brasil*. Retrieved from: <https://concordia.itamaraty.gov.br/> Accessed on: 01 aug. 2020.

Onuki, Janina & Oliveira, Amâncio J. de. (2006) Eleições, política externa e integração regional. *Rev. Sociol. Polít.*, n. 27, p. 145-155. Retrieved from: <https://revistas.ufpr.br/rsp/article/view/8119/5736> Access on: 05 jul. 2019

Pittas, Tiago M. (2015) A projeção externa brasileira a partir do caso dos bancos de leite humano. TCC (graduação) - Universidade Federal de Santa Catarina. Centro Sócio-Econômico, Relações Internacionais, 84p.

Pozzatti, Ademar & Farias, Luiza W. (2019a) O Brasil e a cooperação Sul-Americana em saúde: dos regimes temáticos às possibilidades de efetivação estruturante. *Brazilian Journal of International Law*, 16 (2): 363-382.

Pozzatti, Ademar & Farias, Luiza W. (2019b) As heranças da Unasul em saúde: redes de instituições estruturantes como instrumento do direito internacional contemporâneo. In: *Anais do 5º Congresso Internacional de Direito e Contemporaneidade: mídias e direitos da sociedade em rede (2019)*, Santa Maria, 2019.

Riggirozzi, Pía. (2014) Regionalism through social policy: collective action and health diplomacy in South America. *Economy and Society*, 43 (3): 432-454.

Ruiz, José B. (2012) Autonomía y desarrollo en el pensamiento integracionista Latino-americano. In: Ruiz, José B., Puntigliano, Andrés R., & Gragea, Angel C. (orgs.). *Integración latinoamericana y caribeña*. Madrid: Fondo de Cultura Económica, 27-58.

Sanchez, Michelle R., Da Silva, Elaini C. G., Cardoso, Evorah L. & Spécie, Priscila. (2006) Política externa como política pública: uma análise pela regulamentação constitucional brasileira (1967-1988). *Rev. Sociol. Polít.*, 27:125-143

Schleicher, Rafael T. & Platiau, Ana Flávia. (2017) What is the relation between Brazilian Foreign Policy and the implementation of bilateral technical cooperation projects in African Countries? Lessons from a South-South cooperation project implemented by the Brazilian National School of Public Administration – ENAP (2009-2012). *Revista Brasileira de Política Internacional*, 60 (1): 1-19.

Pozzatti; Farias. *Transfer and diffusion of health policies via international cooperation in South America*

Secretaria-Geral Ibero-Americana (SEGIB). Relatório Ibero-Americano da Cooperação Sul-Sul 2018. Madrid, 2018. 198p. Retrieved from: <https://www.informesursur.org/pt-pt/informe-de-cooperacion-sur-sur-en-iberoamerica-2/>. Accessed on: 6 maio 2020.

Slaughter, Anne-Marie & Burke-White, William. (2006) The Future of International Law is Domestic (or, The European Way of Law). *Harvard International Law Journal*, Cambridge, 47 (2): 327-352.

Slaughter, Anne-Marie. (1993) International Law and International Relations Theory: A Dual Agenda. *The American Journal of International Law*, 87 (2): 205-239.

Tomazini, Rosana C. (2017) Cooperação Internacional para o Desenvolvimento e Cooperação Sul-Sul: uma análise comparativa de seus princípios e desafios de gestão. *Carta Internacional*, 12 (1): 28-48.


Torrenteguy, Marco Aurélio A. (2010) O direito humano à saúde no direito internacional: efetivação por meio da cooperação sanitária. Tese (doutorado) – Faculdade de Direito da USP, São Paulo. 355p.

UNICEF – Fundo das Nações Unidas para a Infância. (2016) *Rede Laços Sul-Sul*. Brasília: UNICEF.

Villa, Rafael. D., Tickner, Arlene B., Souza, Marília C. B. & Másmela, Yamile. C. C. (2017) Comunidades de Relações Internacionais na América Latina: uma análise das tendências a partir do TRIP 2014. *Carta Internacional*, 12 (1): 224-256.

Las Tareas de la Política Externa en el Orden Constitucional Brasileño: política pública con objetivos permanentes y actualizados

The Tasks of Foreign Policy in the Brazilian Constitutional Order: public policy with permanent and conjunctural objectives

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Resumen: El debate acerca del estatuto particular ocupado por la política externa en el conjunto de acciones del Estado ha generado muchas publicaciones en Brasil, sin llegar a lograr un consenso. Investigadores, diplomáticos y comentaristas están divididos al clasificar esa política como “política de Estado”, “política de gobierno” o “política pública”, aunque suelen elegir la primera opción. Por ello, este estudio se propone a avanzar conceptualmente con relación al estado actual de la comprensión sobre la definición de “política externa” en términos abstractos y cuáles son sus funciones. El texto se vale, principalmente, de la distinción teórica entre *policy*, *politics* y *polity* (COUTO; ARANTES, 2006), para defender el uso exclusivo del concepto de política pública (*policy*) en la definición de política externa. Ese uso tiene el mérito de insertar explícitamente la política externa en el orden constitucional brasileño y, así, atribuir tareas vinculadas a los objetivos permanentes de la comunidad política (*polity*) y a los objetivos coyunturales del gobierno, resultado de la competición política (*politics*).

Palabras clave: Política Externa, Política Pública, Orden Constitucional Brasileño

Resumo: A discussão acerca do estatuto particular ocupado pela política externa no conjunto de ações do Estado gerou numerosas publicações no Brasil, sem ter alcançado consenso. Pesquisadores, diplomatas e comentaristas dividem-se ao classificar aquela política como “política de Estado”, “política de governo” ou “política pública”, embora tendam a adotar a primeira alternativa. Diante disso, este artigo busca avançar conceitualmente em relação ao estado atual da compreensão a respeito do que seja “política externa” em termos abstratos e de quais tarefas ela cumpre. O artigo se vale, principalmente, da distinção teórica entre *policy*, *politics* e *polity* (COUTO; ARANTES, 2006), para defender o uso exclusivo do conceito de política pública (*policy*) na definição

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de política externa. Esse uso tem o mérito de inserir explícitamente a política externa na ordem constitucional brasileira e, assim, atribuir a ela tareas vinculadas aos objetivos permanentes da comunidade política (*polity*) e aos objetivos conjunturais do governo que são resultado da competição política (*politics*).

Palavras-chave: Política Externa; Política Pública; Ordem Constitucional Brasileira.

Abstract: The debate concerning the particular status of foreign policy in the realm of public action has generated numerous publications in Brazil, without reaching consensus. Scholars, diplomats, and commentators are divided in classifying that policy as “State policy”, “government policy”, or “public policy”, although they tend to choose the first option. In the light of it, the article seeks to advance in analytical terms with respect to the current understanding of what foreign policy is from a theoretical point of view and of what tasks it performs. The article utilizes the distinction made between policy, politics, and polity (COUTO; ARANTES, 2006) in order to defend the exclusive use of the term “public policy” when defining the concept of foreign policy. This use has the merits of explicitly grounding foreign policy on the Brazilian constitutional order and thus makes it possible to attribute to it tasks linked to permanent objectives of the political community (*polity*) and to the conjunctural objectives of government that result from the political competition (*politics*).

Keywords: Foreign Policy; Public Policy; Brazilian Constitutional Order.

“The cultivation of political understanding means that one becomes sensitized to the enormous complexities and drama of saying that the political order is the most comprehensive association and ultimately responsible for sustaining the physical, material, cultural, and moral life of its members” Sheldon Wolin

1. Introducción²

Una de las características más evidentes del debate sobre política externa en Brasil es la ausencia de consenso sobre el estatuto particular que esa política ocupa en el conjunto de acciones del Estado.³ Un síntoma de eso es la discusión sobre si la política externa sería una “política de Estado”, una “política de gobierno” o una “política pública”. Académicos, diplomáticos e investigadores tienden a adoptar la primera alternativa, con justificativas variadas. En el centro del concepto “política de Estado” está la idea de que

² Hago extensivo mi agradecimiento a mi compañero Bernardo Andrade Faria, así como a los profesores Haroldo Ramanzini Júnior, Rogério de Souza Farias y, en particular, a Carlos R. S. Milani, por haber leído y comentado las versiones anteriores de este trabajo. Resalto, no obstante, mi absoluta responsabilidad sobre las ideas expuestas en este ensayo.

* O artigo foi escrito a título pessoal e não representa as posições do Ministério das Relações Exteriores.

³ Lima (2000), Sanchez et al (2006), Faria (2008), Lafer (2014), Milani e Pinheiro (2013) y Milani (2015) son algunos ejemplos de publicaciones que abordan el problema.

se deben respetar algunos posicionamientos internacionales de Brasil, una vez que reflejan cierta continuidad⁴ y siempre actúan con el fin de preservar el interés nacional. Desde nuestro punto de vista, al echar mano de este concepto para analizar decisiones políticas, esa visión no favorece la necesaria explicitación de la conveniencia o no de determinada medida, concurre para cierta idea rígida de continuidad y reduce el campo de alternativas a disposición de Brasil.

Una consecuencia poco legítima al definir política externa como “de Estado” es la dificultad que los gobiernos pueden encontrar, en su actuación internacional, a la hora de realizar su programa político. La democracia pierde con el esquema “política externa” *ergo* “política de Estado”, pues, a diferencia de lo que ocurre en otros campos destacados de la acción pública, como salud, educación y seguridad, en los que la agenda de gobierno del político electo debe reflejar la plataforma ideológica sufragada por la población, en el campo de la política externa ningún cambio substancial parece merecer mucha atención, según la crítica de investigadores, analistas y diplomáticos que intervienen en el debate público. La posición favorable a la idea de “política de Estado”, diríamos, llega a constituir un “punto de veto informal”⁵ a la actuación internacional del Poder Ejecutivo.

Según el argumento defensor de aquella visión, la naturaleza particular de la política externa demanda prudencia en vez de innovación. Son los denominados “intereses nacionales”, “de largo plazo” y “estratégicos” los que deberían siempre guiar las guías de conducta de todos los gobiernos que transitoriamente pasan por el comando

⁴ De hecho, la “continuidad” suele ser una de las características más frecuentes atribuidas a la política exterior brasileña y a lo que Celso Lafer (2014) llamó “identidad internacional de Brasil”. Por un lado, esto ocurre debido a la posición normativa (defendida, por ejemplo, por San Tiago Dantas en un discurso de 1962 [cf. FRANCO, 2007, p.161-162, p.170]) en el sentido de que una política exterior debe reflejar una continuidad en el tiempo, para alcanzar credibilidad y una buena reputación con los interlocutores internacionales. Por otro lado, el argumento de continuidad se consolidó por el hecho de que la política exterior gozó de cierto consenso en sus líneas generales, incluso en tiempos de polarización política. Esto resulta visible en el análisis de Celso Lafer (2014, p.21; p.103-104) sobre el discurso de Tancredo Neves, en 1984, en el Comité de Asuntos Exteriores de la Cámara de los Diputados, en el que manifestó su acuerdo con la política exterior brasileña, llevada a cabo por Itamaraty durante los gobiernos militares.

⁵ Lijphart (2003) acuñó la expresión “punto de veto” para referirse a los controles y equilibrios institucionales, por lo tanto, formales, que constituyen un obstáculo para la realización de una determinada política decidida por el Poder Ejecutivo. Aquí, adaptamos su concepto, describiendo como “informal” el “punto de veto” que existiría, entre los diferentes actores de la sociedad brasileña, a los cambios propuestos en la agenda externa del país, ya que los mecanismos formalmente previstos rara vez se utilizan para tratar de bloquear políticas específicas en esta área, como la formación de mayorías parlamentarias, en el caso del control legislativo o de legalidad, en el caso del poder judicial. En este sentido, a pesar de que la ingeniería constitucional brasileña otorga al Presidente de la República una amplia libertad para ejecutar su agenda gubernamental (LIMONGI, 2008), puede haber una “estabilidad política” externa en Brasil, una expresión que Tsebelis (2005) utiliza para designar la baja capacidad del gobierno para cambiar el *status quo*.

del Estado. La existencia objetiva de esos intereses reclamaría cautela y deferencia a las concepciones del pasado, que, siempre y cuando fueron observadas, rindieron buenos dividendos a la posición internacional de Brasil. De esta guisa, los formuladores de la política externa brasileña tendrían no solo un conjunto de objetivos dados por la condición natural del país, sino que contarían, además, con una misma estrategia de actuación. En ese sentido, le bastaría al gobierno de turno valerse de la “continuidad” para seguir persiguiendo aquellas metas y garantizar un buen desempeño en la agenda externa. Nos parece que el debate saludable y la defensa consistente de las tomas de decisión acaban siendo perjudicadas por el uso del concepto teóricamente impreciso de “política de Estado”, el cual, además de eso, sostiene concepción equivocada respecto de lo que sean la política exterior y su rol en el orden político.

En este artículo, defenderemos que el uso de ese término y el raciocinio que produce pueden evitarse al considerar el orden constitucional brasileño a la hora de definir la política externa. Para sostener nuestro análisis, haremos uso de la distinción existente entre las tres dimensiones formadoras de lo que Couto y Arantes (2006, p.47) denominan “política democrática” –la *policy*, la *politics* y la *polity*–, al defender el uso exclusivo del concepto de política pública (*policy*)⁶ en aquella definición. Tal distinción se utilizará, asimismo, con el fin de vincular la política externa a los objetivos permanentes de la comunidad política (*polity*) y a los objetivos coyunturales del gobierno, fruto de la competición política (*politics*). Como resultado, demostraremos que, en realidad, lo que es permanente y tiene continuidad es un *rol limitado de objetivos*, enunciados por la parte de la Constitución de 1988 que es incontrovertida y consensual. Además de ser un instrumento de protección de esos intereses, la política externa también debe ser vista como un medio por el cual el gobierno busca implementar su agenda política, lo que equivale a decir que existe un espacio legítimo para la “definición política” (LIMA, 2010, p.401) de intereses coyunturales buscados en el plano externo y que forman parte del ejercicio de gobernar.⁷

⁶ Analíticamente nos parece muy útil ubicar la actividad del Ministerio de Relaciones Exteriores y la política exterior en sí misma bajo el concepto de “servicio público”, que puede adquirir varias definiciones. Por ejemplo: “la actividad realizada dentro del alcance de las funciones de la Administración Pública, insertada en el Ejecutivo ... servicio público se refiere a la actividad de servicio, en la cual el poder público proporciona algo necesario para la vida colectiva” (DI PIETRO, 2018, cap. 4) o “cualquier actividad realizada por el Estado, a través de sus Poderes (Legislativo, Ejecutivo y Judicial) para la realización directa o indirecta de sus propósitos” (DI PIETRO, 2018, cap.4).

⁷ Compartimos tres supuestos de Hill (2003, p.79) sobre política exterior: 1) la política exterior no se encuentra fuera de la “política normal”; 2) algunas formas de acción política pueden llevarse a cabo de

Por ello, la primera parte del artículo abordará los conceptos de *polity*, *policy* y *politics*, tal y como son elaborados por Couto y Arantes (2006), y propondrá un esquema analítico en el que la política externa, aunque se clasifique como *policy*, guarda relación íntima con los otros dos conceptos. A continuación, mostraremos cómo se produce, de hecho, esa relación, tomando como referencia los temas de los que se ocupa la política externa. En la tercera parte, buscaremos demostrar el mérito de definir la política externa como política pública a partir, también, de la teoría del Estado. Al subrayar que tal política, como forma de ejercicio del poder político, no tiene ningún contenido presupuesto, demostraremos los problemas del concepto “política de Estado”. Finalmente, la conclusión nos servirá para realizar un balance del texto y para señalar sus consecuencias para futuras agendas de investigación.

2. Las Tres Dimensiones de la Política Democrática

Si parte del esfuerzo de implementación del programa de gobierno se realiza por medio de políticas públicas, y si la política externa es una política pública, debemos establecer algunos aspectos básicos de la actividad de gobierno en Brasil antes de analizar esa política. Según Norberto Bobbio (2017, p.5), para comprender bien un gobierno, o para establecer determinada forma de gobierno, hay que responder a dos preguntas decisivas sobre su constitución: quién gobierna y cómo gobierna. Bajo una concepción clásica del término, la “constitución” es “el ordenamiento de una ciudad en lo referente a sus diversas funciones de gobierno ... y la constitución es el gobierno” (ARISTÓTELES, 1988, p.89, p.125). Considerada como gobierno, la constitución sería “en términos estructurales, la síntesis de la tensión entre la norma y la realidad, culminando en la formación de un orden jurídico y político” (FARIA, 1978, p.50). De ese modo, existiría una conexión, aunque siempre imperfecta, entre normas y valores constitucionales que prescriben la forma de gobierno, por un lado, y el gobierno propiamente dicho (o la constitución en sí, en el sentido aristotélico), por otro. Y es en ese sentido “fuerte” de la palabra que abordaremos el orden constitucional brasileño y las tareas que la política externa ejerce en ella.

manera efectiva a través de ella en mayor o menor medida; y 3) lejos de ser irrelevante, la política exterior es una de las actividades más críticas en las que participan las comunidades políticas, especialmente las democráticas.

Parte esencial de la respuesta a la cuestión “¿cómo gobierna?” se puede encontrar en el modo de producción de decisiones del Ejecutivo Federal. Couto y Arantes (2006) elaboraron un referencial excelente para analizar el problema y definir esa dimensión de gobierno. Al buscar “ofrecer un modelo de análisis capaz de explicar por qué la Constitución de 1988 no adquirió la estabilidad esperada y el país permaneció en una especie de agenda constituyente”, los autores desarrollaron lo que denominaron “Metodología de Análisis Constitucional” (MAC).

Según este modelo, la primera dimensión estructural de la política democrática es la *polity*, por definir la “estructura paramétrica estable de la política” (COUTO; ARANTES, 2006, p.47) o “los parámetros de la convivencia poliárquica, la estructura constitucional se basa sobre un indispensable consenso mínimo de los diversos actores políticos en sus aspectos centrales” (COUTO; ARANTES, 2006, p.46). Los dispositivos establecidos por la *polity* tienen “carácter no controvertido”, esto es:

no se refieren a aquello que la competencia democrática tiene como finalidades: (a) definir la ocupación de los puestos de poder por un determinado período y (b) definir cuáles son políticas públicas que serán implementadas en un determinado momento. Estos dos objetivos corresponden, por consiguiente, a otras dos dimensiones más visibles y perceptibles en el día a día de las democracias que la primera: 1. La competencia política por cargos e influencia – *politics*–; 2. La decisión sobre políticas gubernamentales –*policy*– (COUTO; ARANTES, 2006, p.46).

Por lo tanto, las 3 dimensiones estructurales del régimen democrático poliárquico son la *polity*, la *politics*, y la *policy*. Una define el fundamento consensual mínimo del régimen, la otra, las reglas de la competencia política por poder e influencia, y la tercera constituye las políticas públicas, que son al mismo tiempo “objetivo y consecuencia del juego político”. Las decisiones de la *policy*, de acuerdo con los autores, “se espera que sean objeto de controversia, y no de consensos mínimos; por eso mismo, se originan de las disputas políticas coyunturales” (COUTO; ARANTES, 2006, p.47). El alcance de la *policy* está determinado y parametrizado, así como la propia competición política, por la estructura de la *polity*⁸.

⁸ “Dada la función estructuradora de la política, las normas constitucionales son de carácter soberano, por lo que, en principio, no están sujetas a la discusión democrática cotidiana, que guían, salvaguardando los derechos fundamentales y garantizando que la *politics* transcurra de acuerdo con parámetros predecibles y estables. Normativamente, corresponden a un momento inaugural, en el que se fundaría la *polity* y comenzaría el juego político (Ackerman, 1988). Como resultado, están protegidos contra modificaciones frecuentes, y las reglas para su alteración son mucho más exigentes que las necesarias para cambiar las

En ese marco, analizar los dispositivos constitucionales referentes a la política externa en cuanto *policy* servirá para verificar de qué manera se relaciona esa política con la *polity* y con la *politics*, componiendo las dimensiones estructurantes de lo que Couto y Arantes (2008, p.46), amparados en Robert Dahl, denominaron “política democrática”. Esa clasificación, a su vez, permitirá una comprensión mejor de los medios (instrumentos) y fines (objetivos) de la actuación internacional de Brasil, así como una definición más adecuada del concepto de “política externa” como política pública.

Proponemos, así, otra vía de análisis para reflexionar sobre la política externa brasileña contemporánea, partiendo de la Constitución de 1988. Desde ese ángulo, tanto el examen de la acción gobernadora en el área de política externa, como la propia definición de lo que constituye esa política deben incluir las normas constitucionales que fuertemente condicionan la formulación y la ejecución de la política externa, así como las dinámicas pertenecientes a la esfera de la *politics*, donde intentan obtener sus objetivos los más variados actores que disputan influencia y poder. Tal proposición nos conduce hacia la tesis de que es necesario situar el examen en el campo de las políticas públicas.

3. La Relación de la Política Externa con las Dimensiones Estructurantes de la “Política Democrática Brasileña”

En la Constitución de 1988, el primer grupo de dispositivos relevantes para nuestro análisis se encuentra en el Título I – De los Principios Fundamentales, Artículo 4º. En este Artículo, el constituyente originario incluyó, por primera vez en la historia del constitucionalismo brasileño, una norma destinada regular exclusivamente los principios constitucionales⁹ que deben orientar la conducta externa de la República Federativa de Brasil (CHRISTOFOLLO, 2019, pp.39-128). Esos principios “orientan las acciones de la Presidencia de la República y, especialmente, las del Ministerio de Relaciones Exteriores

políticas: quórum de votación extendidos, plazos de deliberación ampliados, poder de veto conferido a varios actores institucionales, consultas populares obligatorias y, en el límite, la prohibición total de cualquier cambio por enmiendas constitucionales por parte de la legislatura ordinaria, que requiere en este caso la celebración de una nueva Asamblea Constituyente.” (COUTO y ARANTES, 2006, p.47).

⁹ Textualmente: Art.4º La República Federativa de Brasil se rige en sus relaciones internacionales por los siguientes principios: I - independencia nacional; II- prevalencia de los derechos humanos; III - autodeterminación de los pueblos; IV - no intervención; V - igualdad entre Estados; VI - defensa de la paz; VII - resolución pacífica de conflictos; VIII - repudio al terrorismo y al racismo; IX - cooperación entre los pueblos para el progreso de la humanidad; X - concesión de asilo político. Párrafo único: “La República Federativa de Brasil buscará la integración económica, política, social y cultural de los pueblos de América Latina, con el objetivo de formar una comunidad latinoamericana de naciones”.

como el ente que ejecuta la acción y vocaliza la opinión del país en el exterior” (CHRISTOFOLO, 2019, p.39).¹⁰

Puesto que pertenece al Título I, se puede afirmar, siguiendo la Metodología de Couto y Arantes, que los dispositivos principiológicos tienen en su escopo temas que están esencialmente relacionados a las dimensiones de la *polity* y de la *policy*, gracias a que, dada su naturaleza general, indeterminada y abstracta, los principios forman las bases mínimas del consenso democrático sobre el cual se (re)fundó el Estado (*polity*) brasileño posterior a 1988 (CHRISTOFOLO, 2019, p.40).¹¹ Por lo que son, esencialmente no controvertidos. Según Christofolo, tales principios operan como fundamento y ápice normativo del ordenamiento jurídico, y todas las demás normas inscritas en el ordenamiento guardan relación de dependencia lógico-jurídica con ellos (CHRISTOFOLO, 2019, p.18).

En segundo lugar, ellos se vinculan a la *policy* porque son directrices orientadoras de conducta, que sirven de guía a la hora de tomar decisiones en los casos concretos, para las diversas políticas públicas. Celso Lafer (2015) argumenta, en lo referente al rol de los principios constitucionales, que estos constituyen una *vis directiva*, teleológica, que detiene, necesariamente, una exigencia de realización y eficacia en el plano factual (CHRISTOFOLO, 2019, p.22). Esos principios también pueden desempeñar una función importante en la profundización del régimen democrático brasileño, puesto que, como también afirma Lafer (2015), ofrecen criterios para ejercitar la fiscalización y el control de la política externa por medio de la opinión pública, principio activo de la ciudadanía en una democracia.

En términos de competencias presidenciales en política exterior, una parte relevante del texto constitucional es el Capítulo II – Del Poder Ejecutivo. Dice el texto en el Artículo 84 que le compete exclusivamente al Presidente de la República:

¹⁰ Como señala Christofolo (2019, p.2), los principios del artículo mencionado tienen una doble naturaleza jurídica: “en cuanto a la forma, son principios del derecho constitucional; en cuanto a la materia regulada, son de derecho internacional público”. Esta relación entre el derecho constitucional y el derecho internacional la abordan cada vez más juristas e internacionalistas y caracteriza un proceso denominado “internacionalización del derecho constitucional” (cf. LAFER, 2015).

¹¹ “Desde una perspectiva formal, los principios constitucionales de las relaciones internacionales caen dentro de los ‘principios político-constitucionales’ que revelan las decisiones generales y fundamentales tomadas por el constituyente en relación con la conformación del sistema legal brasileño.” (CHRISTOFOLO, 2019.p.41).

VII – mantener relaciones con Estados extranjeros y acreditar a sus representantes diplomáticos; VIII – celebrar tratados, convenciones y actos internacionales, sujetos a referéndum del Congreso Nacional; IX – decretar el estado de defensa ...; XIX – declarar la guerra, en el caso de agresión extranjera, autorizado o refrendado por el Congreso Nacional ...; XX – celebrar la paz, autorizado o con el referendo del Congreso Nacional.

Probablemente¹², las acciones desarrolladas por el MRE derivan su constitucionalidad del Artículo 84, VIII, y del Artículo 21, I, según los que le compete al Presidente de la República (jefe de la Unión) “mantener relaciones con Estados extranjeros y acreditar a sus representantes diplomáticos”. En ese concepto de amplio alcance, se incluyen las más diversas actividades. Vale la pena citar íntegramente el Artículo 1º del Anexo I del Decreto 9.683, del 9 de enero de 2019, que define el área de competencia del MRE:

I – asistencia directa e inmediata al Presidente da República en las relaciones con Estados extranjeros y con organizaciones internacionales; II – política internacional; III – relaciones diplomáticas y servicios consulares; IV – participación en negociaciones comerciales, económicas, financieras, técnicas, y culturales con Estados extranjeros y organizaciones internacionales, en articulación con las demás instituciones competentes; V – programas de cooperación internacional; VI – apoyo a delegaciones, a comitivas y a representaciones brasileñas en agencias y organismos internacionales y multilaterales; VII – apoyo al Gabinete de Seguridad Institucional de la Presidencia de la República en el planeamiento y coordinación de desplazamientos presidenciales en el exterior; VIII – coordinación de las actividades desarrolladas por las asesorías internacionales de las instituciones y de la administración pública federal; IX – promoción del comercio exterior, de inversiones y de la competitividad internacional del país, en coordinación con las políticas gubernamentales de comercio exterior, incluso la supervisión del Servicio Social Autónomo de la Agencia Brasileña de Promoción de Exportaciones de Brasil (Apex-Brasil) y la presidencia do Consejo Deliberativo de la Apex-Brasil.

En comparación con los principios previstos en el Artículo 4º, la clasificación de esos temas bajo los conceptos de *polity* y *policy* es más complicada. En su libro *Guerra*

¹² Decimos “probablemente” porque el Decreto Presidencial número 9.683, del 9 de enero de 2019, que reestructura el MRE y cuyo anexo establece sus poderes, solo dice que el presidente decreta lo siguiente basándose en el “art. 84, caput, inciso VI, apartado ‘a’ de la Constitución”, dispositivo que se ocupa solo de la competencia privada del presidente para organizar el funcionamiento de la administración federal, y no dice nada sobre su competencia en asuntos de política exterior (art. 84, VIII, y art. 21, I).

e Paz entre as Nações, Raymond Aron (2002, p.128-131) señala que los objetivos eternos del Estado, de los cuales también la política externa cuidaba, eran la seguridad (posesión del espacio), la potencia (relación de fuerza favorable, dada principalmente por el número de súbditos) y la gloria (concepto relacionado al prestigio y al plano de las ideas). Parece que fue sobre todo por esas dimensiones que se confirió a aquella política, con poca precisión conceptual, el título de “política de Estado”, pues ella actuaba en dominios altamente sensibles en cuya causa estaban la supervivencia, la integridad territorial del Estado y la reputación del soberano. En otras palabras, estaba en riesgo la comunidad política, tal y como es, hoy, en las democracias constitucionales, definida por los dispositivos constitucionales que tratan de *polity*. En el caso concreto de Brasil como comunidad política, sería el equivalente a afirmar que la política externa abordaba temas que ponían en riesgo la propia definición que la Constitución de 1988 (o, en sentido aristotélico, la constitución en sí) da al Estado brasileño en su Artículo 1º y, por lo tanto, fundador: “La República Federativa de Brasil, formada por la unión indisoluble de los Estados y Municipios y del Distrito Federal, se constituye en Estado Democrático de Derecho [...]”. De igual modo, la política externa era la responsable por garantizar que los “fundamentos”¹³ del Estado, indicados en el mismo artículo – especialmente, la soberanía–, fueran debidamente resguardados. Haciendo uso de la conceptualización típica de la Teoría de Relaciones Internacionales, es posible afirmar que trataba principalmente de la “alta política” (*high politics*).

En épocas pasadas, cuando la interdependencia entre los Estados no se manifestaba de forma tan pronunciada y las materias objeto de la actuación interestatal estaban más limitadas, las tareas del gobierno eran más limitadas. Básicamente, se cuidaba de la seguridad, del mantenimiento de las fronteras, de la recaudación de impuestos y de la imposición del comando soberano, esto es, de lo que Roberto Romano (2014, p.48) calificó de “soberanía sobre cuerpos y mentes que define el Estado moderno en sus tres monopolios esenciales: de la norma jurídica, de la fuerza física y de los impuestos”. Y el destino de *polity*, de la comunidad política como un todo, estaba íntimamente conectado a lo que era o no decidido en términos de política externa.

Para Maria Regina Soares de Lima (2000), con todo, el dominio de actuación de la política exterior no solo se amplió, sino también se profundizó en niveles inéditos a lo

¹³ Como se define en el Art. 1: “[...] I - soberanía; II - ciudadanía; III - la dignidad de la persona humana; IV - los valores sociales del trabajo y la libre empresa; V - pluralismo político.”

largo del último siglo. El doble proceso de liberalización política y económica de los años 1990 retiró de las manos del Estado gran parte del control sobre los *dossiers* internacionales y contribuyó a que las relaciones exteriores se volvieran más transparentes, más sujetas al control democrático y más abiertas a la participación de otros actores, como la sociedad civil, las empresas transnacionales, las ONG y otros grupos de interés. Similarmente, en el pasado, los temas de alta política, concentrados en manos de algunos responsables, no tenían, de acuerdo con la investigadora, tantos impactos distributivos, esto es, sus consecuencias recaían de manera relativamente homogénea sobre el Estado brasileño¹⁴. A medida en que las relaciones internacionales se volvían cada vez más complejas, provocó que la actuación de Brasil en determinados temas internacionales generase ese tipo de impacto, donde algunos grupos específicos se veían más afectados que otros. Por ello, fue dado impulso a que estos actores hicieran sentir su presencia en asuntos que la diplomacia brasileña representaba el interés nacional. También eso debilitó la idea de una política externa como “política de Estado”.

La consecuencia más significativa de ese proceso para nuestro análisis es el número creciente de temas acogidos por la agenda de política externa durante el último siglo, que se reflejan en el citado artículo del Decreto 9.683. Son temas en los que no siempre se verifica una *disputa* efectiva de poder entre dos o más Estados, como ocurría en la mayor parte de la agenda más limitada de la alta política. No es siempre que una nación actúe en el plan externo que ella estará interactuando en política internacional, por ejemplo, “al intercambiar mercaderías y servicios con otros pueblos, al cooperar con otras naciones para obtener recursos en contextos de desastres naturales, o cuando promueve la diseminación de realizaciones culturales mundo afuera” (MORGENTHAU, 2003, p.50). Lo que no significa que relaciones de poder no se puedan constituir en torno de estos temas. El punto clave es que tales medidas involucran invariablemente la toma de decisiones por parte de los gobiernos y la movilización de recursos en el plano externo, de manera que se puede decir que actos de política exterior están siendo emanados. Tales actos también disponen sobre toda una gama de materias altamente variadas y cuyo tratamiento en política exterior encuentra su correspondiente puramente doméstico en la

¹⁴ Vale la pena señalar que Farias y Ramanzini (2013) reúnen evidencia sustancial para argumentar en contra de la idea del monopolio de la toma de decisiones del MRE y la ausencia de impactos distributivos de las medidas de política exterior desde principios del siglo XX, al menos en el área de las negociaciones comerciales.

forma de políticas públicas de los demás ministerios que componen el Poder Ejecutivo. En pocas palabras, son materias reguladas por políticas públicas.

Por todo ello, parece razonable argumentar que la política externa también es política pública. No por el hecho de que, hoy, aborde otros temas allende la alta política, puesto que no es su ámbito de actuación lo que la define como concepto y actividad política. Los usos de esa política tienen en común una teoría que Raymond Aron (2002, p.72) bautizó como “unidad de la política externa”, amparado en la tesis clausewitziana de la unidad entre los elementos contradictorios de la guerra y los demás intereses humanos: “*this unity lies in the concept that war is only a branch of political activity; that it is in no sense autonomous*” (CLAUSEWITZ, 1993 [1830], p.731). Para Clausewitz, en su tesis sobre la subordinación de la guerra a la política y como instrumento de conducción de los asuntos del Estado, “*policy is the guiding intelligence and war only the instrument*” (CLAUSEWITZ, 1993 [1830], p.733). Clausewitz defiende que “*the aim of policy is to unify and reconcile all aspects of internal administration as well as of spiritual values [...]*” (CLAUSEWITZ, 1993 [1830], p.733). Aron se vale de este análisis para definir la unidad de la política externa, que sería compuesta por la diplomacia y la estrategia y detendría una unidad que le es concedida por el poder político, que la organiza y la implementa. Ella no puede ser “de Estado” o de “gobierno”, tan solo es política pública a servicio de los objetivos nacionales, estos, sí, de Estado o de gobierno.

4. Las Tareas de la Política Externa em el Ordem Constitucional Brasileño

Bajo nuestra visión, la Constitución de 1988 abrió un amplio espacio para que el Estado actúe en el plano internacional en variados ejes y sin mayores constricciones, una vez observados los principios del Artículo 4º. Parte importante de los ámbitos de actuación del MRE no tiene nada de especial que los diferencia cualitativamente, por ejemplo, de aquellos de los demás Ministerios, como el de Economía, de Educación, de la Salud. Considerada la definición constitucional respecto a la distribución y el ejercicio de la competencia sobre política exterior, tampoco hay algo que distinga el MRE del resto de Ministerios. Desde el punto de vista de la actuación del gobierno, entonces, no existen motivos para abordar la producción de decisiones del MRE como “actos” o “políticas de Estado”, y no, simplemente, como política pública. Tal vez sea un marcador importante el hecho de que ni estadounidenses, ni europeos, ni hispanoamericanos utilicen el término en sus respectivos idiomas.

Además, en el ámbito doméstico, es in común que los ministerios anteriormente comparados al MRE consideren que hacen “política de Estado”. Ante la opinión pública, las acciones llevadas a cabo en esas áreas suelen ser vistas bajo una “óptica controvertida”, conforme la terminología de Couto & Arantes (2006), evidenciando que la competencia política interfiere en ellas radicalmente, pues gobierno y oposición discrepan sobre las prioridades y preferencias escogidas por el adversario en la administración pública. Es el campo tradicional de lo que los autores denominaron *policy*, sujeto continuamente a las vicisitudes de la *politics*. Se trata, por consiguiente, de las políticas públicas, que son resultado de complejos procesos de decisión en el seno del gobierno, así como entre gobierno y sociedad, y tienen como finalidad la concreción de metas políticas.

También es frecuente afirmar que determinada política, en especial educativa, de defensa o de ciencia y tecnología, es una “política de Estado”, puesto que serían medidas pensadas a “largo plazo” y para el desarrollo del país. Al utilizar el término también se suele hacer referencia a la continuidad de una misma política a través de sucesivos gobiernos, con o sin alternancia ideológica entre estos. Cabe mencionar, a modo de ejemplo, el documento “Por una Política de Estado para Ciencia, Tecnología e Innovación: contribuciones de la ABC a los candidatos a la presidencia de Brasil” (2014), elaborado por la Academia Brasileña de Ciencias. No define el concepto, sino lo relaciona con la idea de continuidad: “la evolución de la ciencia brasileña se debe a una política de Estado que hizo inversiones continuas en la formación de recursos humanos para la enseñanza superior y en la producción y apropiación nacional de nuevos conocimientos” (ACADEMIA BRASILEIRA DE CIÊNCIAS, 2014, p.9). Más frecuentemente, se aduce que política externa y política de defensa (MINISTÉRIO DA DEFESA, 2015; OLIVEIRA, 2006) son los ejemplos clásicos de “política de Estado”, y sus carreras, también, serían “carreras de Estado”. Desde nuestro punto de vista, no obstante, eso denota una inconsistencia conceptual, aunque la idea de “carrera de Estado” tenga sentido¹⁵.

La posición en defensa del concepto de “política de Estado”, como señalamos en la introducción, es compartida por un amplio espectro de estudiosos de la política externa,

¹⁵ Esto se debe a que las carreras que solo existen dentro del Estado, como las diplomáticas y militares, son requeridas por su naturaleza, están vinculadas a su fundación y a la consolidación de su independencia y son inseparables de ella. No contienen una “decisión” del gobierno.

en publicaciones de formatos variados, desde investigaciones académicas a comentarios en periódicos. Según el embajador Rubens Barbosa (2015), quien probablemente lleva el argumento más lejos, “la política externa es independiente de gobiernos, porque es una política de Estado”. Paulo Roberto de Almeida (2016), diplomático de carrera, dice que políticas de Estado

son aquellas que involucran a las burocracias de más de una agencia del Estado ... y acaban pasando por el Parlamento o por instancias diversas de discusión, una vez que su tramitación dentro de una esfera (o más de una) de la máquina del Estado involucre estudios técnicos, simulaciones, análisis de impacto horizontal y vertical, efectos económicos o presupuestarios, bien como un cálculo coste-beneficio llevando en consideración la trayectoria completa de la política que se pretende implementar.

De acuerdo con Carlos Milani (2015, p.60), investigador y especialista en el asunto, la política externa es

una política *sui generis*: es, al mismo tiempo, política de Estado – preocupada por cuestiones permanentes relativas a la soberanía, a los intereses nacionales, a la integridad territorial, a la identidad y a la ciudadanía nacional– y política pública, en la interfaz con actores domésticos, las agendas, sus intereses particulares y sus percepciones sobre el lugar de Brasil en el mundo.

Carlos Aurelio Pimenta de Faria (2008, p.81) considera que “el Itamaraty encara la política externa principalmente como política de Estado”¹, algo que tendría su explicación, entre otros factores, en el “bajo nivel de politización de la política externa del país, por lo menos hasta fines de la década de 1980” (FARIA, 2008, p.81).

Hace ya cerca de 20 años, sin embargo, que se vienen haciendo esfuerzos para lograr una conceptualización más precisa de la “política externa” como *policy* o “política pública”.

En un artículo de título sugestivo –“Política Externa Brasileña: los desafíos de su Caracterización como Política Pública”–, Carlos Milani y Letícia Pinheiro hablan de una “reconfiguración de la política externa brasileña” a partir de las transformaciones que señalamos tanto en la agenda exterior como en los actores que influyen en las relaciones internacionales de Brasil. Estos autores afirman que era común referirse a política externa como “política de Estado” porque sería “relativamente inmune a cambios y a injerencias de las agendas gubernamentales, y eso en grande parte debido al profesionalismo, a las

capacidades de negociación de Itamaraty y a su relativa autonomía en la definición de las agendas de la PEB” (MILANI; PINHEIRO, 2013, p.19).

Registrando recientes aportes en la academia brasileña a favor de su tesis sobre la “reconfiguración de la PEB” –tales como estudios sobre actuación del Legislativo y distribución de responsabilidades constitucionales en el Ejecutivo, así como sobre la actuación internacional de otros Ministerios–, según estos investigadores afirman que

Una convergencia que nos parece transversal a las investigaciones [...] citadas es la necesidad de considerar a la política externa como política pública, o sea, el Estado y el gobierno en acción en el plano internacional. Eso implica considerar que el gobierno es una institución del Estado –sin duda, la principal de ellas– y que son los gobiernos los productores de políticas públicas (MILANI; PINHEIRO, 2013, p.21).

Se nota, por lo tanto, que en la última década la academia brasileña viene intentando superar el debate “política de Estado” vs. “política de gobierno”, con el fin de alcanzar una mayor precisión conceptual para la política externa. Estamos de acuerdo con los autores citados al defender que el término “política pública” es el que mejor define aquella política.

No obstante, discordamos del concepto de “política de Estado”. Para estos investigadores, el proceso de “reconfiguración de la PEB” provocó que se dejase de asociar política exterior con las tesis del Realismo clásico en relaciones internacionales, según las cuales el Estado actúa siempre con referencia al concepto de “interés nacional” (MILANI; PINHEIRO, 2013, p.23). Históricamente, se teorizó este concepto para substituir la noción de “interés del príncipe”, dando origen a la idea de que el Estado fue desarrollando objetivos atribuibles a la nación como un todo y que su acción beneficiaría a toda la sociedad, y no a grupos particulares (MILANI; PINHEIRO, 2013, p.23). Una política de determinado gobierno puede, con el tiempo, ser incorporada por diferentes gobiernos, convirtiéndose, así, en política de Estado, según la visión de Milani y Pinheiro.

Considerando la teoría del Estado, con todo, no tiene sentido decir que una política sea “de Estado” o “de gobierno”. Necesariamente, todos los gobiernos que lleguen al comando del Estado realizarán, de una u otra forma, un programa de política externa, lo que se debe explicar como una consecuencia de la naturaleza del Estado y de las funciones básicas que ejecuta el liderazgo del Estado. Analizando el origen del poder político y las razones de la existencia del Estado, Bernard Chantebout escribe que

Toda sociedad se halla confrontada, en el curso de su historia, por un cierto número de desafíos que pueden ser de naturaleza bastante variada: riesgos de invasión, hambrunas, necesidad de desarrollo industrial [...]. Para lidiar con esos desafíos, la sociedad debe recurrir a ciertas técnicas o a ciertos valores: el riesgo de invasión no puede ser conjurado a menos que se haga a través de la técnica militar, el riesgo del hambre solo será controlado por el crecimiento de la producción agrícola, la necesidad de industrialización solo podrá realizarse mediante inversiones en masa ... (CHANTEBOUT, 1982, p.7).

A esos “desafíos” básicos de la vida estatal añadiríamos la necesidad de relacionarse, bajo diversos aspectos, con el mundo exterior, donde otras potencias jurídicamente iguales, soberanas, reconocidas o no, también deliberan de modo legítimo sobre un espacio territorial y en dominios que repercuten sobre las dinámicas domésticas o intracomunitarias de otros entes estatales. La política externa pasa a organizarse, por consiguiente, a partir de un incentivo estructural, concedido por la multiplicidad política constitutiva y definidora del sistema en el que se relacionan los Estados.¹⁶ Pese a que este incentivo sea diferente del que lleva a la formación de políticas como la agrícola o la industrial, eso no lleva a que el núcleo ontológico de la política exterior sea diferente del de las demás políticas.¹⁷ Todas estas son formas de uso del poder político, que también es “el poder de organizar la sociedad de acuerdo con los fines que se le atribuyen” (CHANTEBOUT, 1982, p.8). Lo que nos lleva, una vez más, al concepto central de constitución como “clasificación de las instituciones gubernamentales”¹⁸ (WALDRON, 2016, p.26).

Por un lado, esta conclusión pertenecería más al campo de la “teoría del Estado” que a consideraciones sobre si una política en sí, esto es, como una “técnica del Estado”¹⁹, *statecraft*²⁰ o política pública, sería estratégica o de largo plazo. El contenido de esta política puede interpretarse en estos términos, pero esto no significa nada sobre el estado particular de la política como un medio de acción pública. En otras palabras, el concepto

¹⁶ En otro trabajo (SOUZA FILHO, 2019), partimos de este postulado trivial de la multiplicidad para apoyar la tesis de que el reconocimiento del “Otro” es la base de la política internacional.

¹⁷ Aquí es relevante referirse a uno de los conceptos de “servicio público” que hemos mencionado (nota 5), que supone la idea de que “el poder público proporciona algo necesario para la vida colectiva”. Precisamente, actuar en política exterior es una de esas necesidades de la vida colectiva.

¹⁸ Traducción nuestra.

¹⁹ El concepto es de Gunter Frankenberg (2018, p.15): “La expresión ‘técnica del Estado’ designa, en general, la forma como se ejerce el poder político. Cubre todos los procedimientos, estándares y principios, formas de conocimiento y competencias, estrategias, tácticas y cálculos operados por actores e instituciones”.

²⁰ Según Baldwin (1985), *statecraft* ha sido definido tradicionalmente como “el arte de conducir los asuntos del Estado” (p.8). En una definición tan amplia sería difícil incluir el concepto de política exterior.

de política exterior es independiente del contenido que pueda asumir.²¹ O, en palabras de Clausewitz (1993, p.733), (1993, p.733), “*policy is nothing in itself; it is simply the trustee for all these interests against other states*”. Por otro lado, recordando que habíamos establecido el concepto de “política exterior” como algo estrechamente relacionado con la idea del servicio público²², sería conveniente afirmar que también tiene que ver con las funciones sociales que asumió el Estado el siglo pasado, cuando se convirtió en proveedor de servicios a la población. Desde este punto de vista, la “política exterior” es una política, en primer lugar, requerida por la propia naturaleza del agregado político que es el Estado, que enfrenta los datos innegables de la relación con otros actores similares, y, en segundo lugar, es un medio por el cual el Estado realiza actos en nombre de los ciudadanos que viven bajo su jurisdicción.

Para refinar aún más este análisis, es necesario repensar el concepto de interés nacional. Cualquier gobierno reevalúa y redefine constantemente lo que considera que es interés nacional, dados al menos dos hechos básicos: los diferentes marcos estructurales y coyunturales del sistema internacional, y los diferentes marcos estructurales y coyunturales domésticos. El concepto de “enfoque interactivo” de la política exterior, tal como lo define Lima (1994), es muy relevante en este sentido: los nuevos desafíos internacionales, combinados con el juego democrático de la política interna, pueden ofrecer oportunidades de acción basadas en definiciones actualizadas de interés. Una vez más, esto revela que, si clasificamos la política exterior como “política de Estado”, también ignoraremos un componente fundamental de la acción de gobernar, que es la necesidad siempre renovada de “elegir”. Por lo tanto, la política exterior es política pública, es el resultado de una elección, entre varias opciones, que puede hacer el gobierno. Se debe eliminar de ella cualquier contenido fijo (presupuesto por el atributo “de Estado”) y, de esta guisa, reconducirla al conjunto de técnicas disponibles para el poder político constitucional.

Este análisis también está en acuerdo con lo que Milani y Pinheiro afirman en otra parte da aquel mismo artículo de 2013. Es probable que estuviesen razonando en la dirección que Milani adoptaría en su texto de 2015, conforme citado, según la cual la

²¹ Adaptamos esta formulación basada en Baldwin (1985). Al analizar el concepto de *statecraft*, el autor considera que es necesario concebir los instrumentos de política de forma independiente de las condiciones causales que determinan el éxito de esta política, a saber, las bases de poder que le sirven (BALDWIN, 1985, p.24).

²² Ver supra, nota 5.

política externa es *sui generis* – política de Estado y política pública. Continuando con su argumento, garantizan que “Estudiar la política exterior como política pública implica, metodológicamente, por lo tanto, tratar de ‘entender cómo y por qué los gobiernos optan por determinadas acciones, otorgándole así la prerrogativa de lo efímero, de la transitoriedad” (MILANI; PINHEIRO, 2013, p.25). Bajo nuestro punto de vista, esta cita conduce inequívocamente al concepto de *policy*, desarrollado por Couto y Arantes, y pone en duda la plausibilidad de atribuirle el título de “política de Estado” a la política exterior.

Como señala Capella (2018, p.9), cada proceso de formulación de políticas públicas incluye al menos dos fases: establecimiento de la agenda y definición de alternativas. Y cada etapa de formulación necesariamente sigue una etapa de "definición": la etapa de toma de decisiones. Y “la definición de alternativas”, como recuerda la autora con una frase de Schattschneider, “es el instrumento supremo del poder” (*apud* CAPELLA, 2018, p.10). En este contexto, parece que los autores que calificaron la política exterior como “de Estado” se centraron en los temas que aborda, y no en lo que realmente es: una política pública que funciona como un instrumento de poder para ser utilizado en la definición y en la implementación de políticas específicas dentro de un universo de posibles direcciones.²³ En este mismo sentido, Lima (2010, p.402-403) sostiene una “definición política do Estado” de los objetivos internacionales de Brasil con base en la “subordinación constitucional” (LIMA, 2010, p.402) de las políticas externas y de defensa, que prestan, al fin y al cabo, un servicio público. Definición política que, para la autora, sería el “resultado de las opciones electorales de la comunidad política, en procesos lo más inclusivos posible, de los responsables por la conducción de la política internacional” (LIMA, 2010, p.403).

²³ Lo mismo podría decirse, en este sentido, con respecto a otra política. Tomemos como ejemplo el caso del Banco Central y la política monetaria. Sola, Garman y Marques (2002) mostraron cómo la institución actuó de una manera altamente política en la década de 1990, durante el gobierno de Fernando Henrique Cardoso. El poder del Banco Central se usó en la renegociación de las deudas de los Estados, por lo que, para federalizar sus pasivos, tuvieron que renunciar al poder de endeudarse y formular políticas monetarias a través de los bancos estatales. En otras palabras, una institución que, hoy en día, es vista por muchos desde un punto de vista casi indiscutible y que tiene un mandato claro: asegurar la estabilidad del poder adquisitivo de la moneda y la fortaleza del sistema financiero nacional, ha adquirido esta reputación “a-política” recientemente, hace poco más de veinte años. Pocas políticas cuentan actualmente con mayor consenso que la búsqueda de metas de inflación, hasta el punto de discutir una “autonomía formal” de la Autoridad Monetaria, que tendría el mérito de restringir aún más la posibilidad de un uso político, entendido como *partidario*, de la política monetaria. Pero el término “política de Estado” no se ve aplicado a esa política o al mandato general del órgano. Asimismo, cambiando las circunstancias, podría adoptarse otra dirección de la política monetaria para defender ese mandato o, incluso, modificarlo.

El malentendido fundamental del uso del término “política de Estado” se debe, por lo tanto, al hecho de no considerar que la política exterior es solo un instrumento para el ejercicio del poder político, sin ningún contenido previo. Al utilizar el término “de Estado”, se está atribuyendo tal contenido a lo que es un medio al servicio de una comunidad política y sus intereses. La política exterior no es, al mismo tiempo, “de estado” y “de gobierno”. Es una política pública que tiene, entre sus tareas, la protección de intereses constitucionales permanentes, así como la búsqueda de objetivos gubernamentales, cuyo contenido está definido por el liderazgo democrático elegido.

Una vez aclarado este marco teórico, podemos analizar desde otro punto de vista los temas y áreas de acción de la política exterior.

Dada la naturaleza del Estado, al menos el constitucional, podemos admitir que es propicio no solo para ciertas *funciones* permanentes, que se imponen debido a los "desafíos" mencionados por Bernard Chantebout, sino también para un número limitado de objetivos permanentes. Tener en cuenta el orden constitucional brasileño también tiene el mérito de aclarar este punto. Cuando la Carta Magna, en su artículo 1º, establece el concepto de República Federativa de Brasil y los fundamentos de esa República, le atribuye al gobierno el deber permanente de defender "los lazos indisolubles" entre las entidades federadas y: I – la soberanía; II – la ciudadanía; III - la dignidad de la persona humana; IV - los valores sociales del trabajo y de la libre iniciativa; y V – el pluralismo político. En este sentido, la búsqueda incesante de la protección de estos motivos puede, de hecho, interpretarse como un *interés nacional*. Esto, sin duda, es indiscutible. Es *polity*. Por lo tanto, a ese *interés nacional actualizado* por el acto de "elegir" al gobernante se agregaría el *interés nacional permanente*, que está dado por la parte del texto constitucional que es consensual y no controvertido.²⁴ Aquí el calificativo “de Estado” puede, de hecho, tener sentido, en la medida en que la Constitución obliga a todos los que llegan al poder a perseguir estos intereses, que son inseparables de la República

²⁴ Así, tendrían fundamento tanto la tesis “objetivista” como la tesis “subjetivista” sobre el interés nacional. Invariablemente, para todos los gobiernos habría intereses "objetivos" en Brasil, que aparecen en forma de valores y fundamentos constitucionales indispensables para la idea de la República Federativa de Brasil. Del mismo modo, todos los gobiernos, en una democracia, actúan de acuerdo con los cambios exigidos por la población y por las transformaciones históricas de naturaleza múltiple, de modo que siempre hay un nuevo interés subjetivo, formado por “un conjunto pluralista de preferencias subjetivas que cambian continuamente los requisitos y aspiraciones de la comunidad nacional” (SCOREL, 1986).

Federativa de Brasil o del Estado brasileño. Son intereses permanentes o intereses estatales, impuestos por el orden constitucional brasileño.

Gracias al doble objetivo mencionado que persigue la política exterior, se amplía el escopo temático bajo la responsabilidad del MRE. En él aparecen los temas de *polity*, vinculados a la dimensión de la estatalidad, y los de políticas públicas, vinculados a la dimensión del servicio público, de acuerdo con las definiciones que hemos presentado anteriormente. Es decir, la política exterior es, desde un punto de vista ontológico, siempre una política pública, que el gobierno utiliza. Pero su actuación puede tocar temas relacionados con la estructura paramétrica y consensuada del Estado brasileño (*polity*) y aquellos vinculados a las políticas públicas, en los que la *politics* juega un papel fundamental. La particularidad de la política exterior como "política pública" no se refiere a lo que es, sino a las funciones que debe cumplir: sus "tareas constitucionales".²⁵

El mismo criterio podría utilizarse para analizar la política exterior en otros países. Es interesante, por ejemplo, como Helmut Schmidt, en sus memorias *Man and Powers* (1990, p.19), defiende la existencia de un interés permanente de la "nación alemana" para volver a vivir bajo el mismo estado y mantener la identidad nacional. Sin embargo, dada la partición de Europa, Schmidt afirma que en la década de 1970 esta unidad no se pudo lograr en contra de los intereses de la URSS. Debido a la falta de suministros disponibles de la República Federal Alemana en ese contexto, se necesitó buscar otras soluciones. Y añade el canciller alemán,

Bonn cannot accommodate the Soviet Union to such an extent that its social order comes under Russian-Soviet influence. The liberty and dignity of the individual on the one hand, the social and governmental order based on the principle of freedom on the other – to preserve these must, in the end, be the predominant objective of any West German government (SCHMIDT, 1990, p.19).

Se observa que había un conjunto de intereses sobre los cuales ningún gobierno alemán estaba dispuesto a comprometerse. Al mismo tiempo, las estrategias utilizadas por los diferentes grupos políticos que se hicieron cargo del país para tratar con la URSS y proteger esos intereses fueron muy diferentes. Es suficiente recordar que la "Doctrina Hallstein" de la democracia cristiana duró más de 10 años, entre 1955 y 1969, antes de ser reemplazada por la *Östpolitik* de los socialdemócratas, todos comprometidos, aunque

²⁵ El autor agradece a Carlos Milani el haberle concedido el uso de la expresión.

a diferentes niveles, con la unidad alemana. ¿Podríamos, por lo tanto, afirmar que los alemanes “cambiaron” su “política de Estado” o, por el contrario, que no tenían una?

Otro ejemplo para ilustrar nuestro argumento se puede encontrar en el documento central (DANNER, 1997, p.3) de la planificación estratégica de los Estados Unidos en la Guerra Fría, la Directiva Presidencial NSC-68. En ella, se postula que

The fundamental purpose of the United States is laid down in the Preamble to the Constitution: ‘... to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity’. In essence, the fundamental purpose is to assure the integrity and vitality of our free society, which is founded upon the dignity and worth of the individual. (DREW, 1994, p.39).

Es inusual encontrar un documento de política exterior que establezca claramente los propósitos de un estado. En él están declarados los intereses permanentes de los Estados Unidos. Todas sus estrategias de política exterior, cualesquiera que sean, tendrán estos propósitos políticos objetivos como un elemento integrador y unificador.

De esta manera, lo que en realidad es objeto de disputa son las diferentes concepciones políticas que atribuyen a su programa una mayor capacidad para salvaguardar lo que conocemos como interés permanente y para definir y salvaguardar el interés actualizado. En otras palabras, los diferentes gobiernos deben actuar siempre en vista de los intereses nacionales, a fin de preservar la *polity* y llevar a cabo su programa político. Al mismo tiempo, las opciones de *policy* para lograr este resultado siempre serán objeto de controversia y disputa en forma de *politics*.

En su conferencia en la Escuela Superior de Guerra en 1974, el ministro Azeredo da Silveira declaró que “la política exterior es la proyección de la síntesis de los intereses nacionales a nivel internacional” (2018, p.325). Desde nuestro punto de vista, esta *síntesis* correspondería al proyecto de política exterior determinado por los líderes políticos del país, en el marco de extensas discusiones públicas y democráticas, para perseguir la suma de intereses objetivos y actualizados. En el caso brasileño, es difícil creer que algún grupo que gobierne el país, sea cual sea su ideología política, negará que su proyecto fortalezca la soberanía nacional, refuerce la ciudadanía o proteja la dignidad humana. Pero se espera y es natural que haya discrepancias, sobre el modo de hacerlo, entre el gobierno y la oposición.

Podemos decir que, en opinión de los distintos gobiernos, su plataforma de política exterior contribuye a hacer realidad el interés nacional, lo permanente y lo actualizado, y lo mismo podría decirse sobre su política de salud, seguridad y medio ambiente. El objetivo de la política exterior es realizar el interés de la *polity*; que tiene como objetivo el bien de la *polity*, pero, ontológicamente, es una política pública. Toda política pública concreta tiene un componente ideológico, un contenido establecido por quienes la formulan. Pero esta no transforma estructuralmente la *polity*, la comunidad política, puesto que se define en los artículos constitucionales que hemos señalado. Esto es, el Ministerio de Relaciones Exteriores, como operador del gobierno en el área de política exterior, pone en práctica las políticas públicas definidas por las dinámicas que forman el orden constitucional brasileño. Tenemos el conjunto: políticas públicas, comunidad política, y competencia política.

En resumen, terminamos esta sección delineando el siguiente modelo sobre el papel del Ministerio de Relaciones Exteriores:

1. El gobierno, es decir, el poder ejecutivo federal, gobierna; este, al frente del Estado, tiene el mandato constitucional, político y legal de implementar sus políticas públicas de acuerdo con su plataforma electoral;
2. El Presidente electo, Jefe Ejecutivo, gobierna con el apoyo de sus ministros, quienes, a su vez, dirigen los diferentes ministerios; y para cada Ministerio, el presidente tiene una agenda gubernamental;
3. Los ministerios son unidades administrativas responsables de un área de política pública, que se organizan en función de los "desafíos" que se presentan a las comunidades políticas; entre estos desafíos está la relación con el exterior;
4. Desde este punto de vista, el Ministerio de Relaciones Exteriores (MRE) es un "órgano de soberanía"²⁶ del Poder Ejecutivo, con la responsabilidad principal de tratar asuntos internacionales; para este Ministerio, así como para los demás, las pautas del Presidente deben guiar las decisiones de política pública;

²⁶ Como bien aclara Magalhães (1995, p.26), "[las] funciones del Estado son ejercidas por los llamados órganos de soberanía que, de acuerdo con las normas constitucionales de ese Estado, tienen diversas competencias y, entre ellas, la competencia para realizar actividades externas".

5. El MRE, como órgano de la Administración Pública Directa responsable de un área de gobierno, desempeña una función constitucional, que es formular y ejecutar la política exterior;

6. En base a esta responsabilidad, se toman decisiones sobre temas que pueden vincularse con el interés nacional permanente (aquellos protegidos por el Artículo 1º de la Constitución de 1988) y sobre temas relacionados con el interés nacional actualizado, relacionados con la competencia política y el papel del Estado como proveedor de bienes y servicios públicos.

5. Conclusiones

La discusión política de gobierno vs. política de Estado parece estar encaminándose hacia una síntesis. No hemos encontrado argumentos convincentes para mantener que hay algo en el término “política de Estado” que respalda su uso para calificar lo que el Estado hace con el fin de afectar, alterar o influir en sus relaciones internacionales.

El concepto más preciso de “política pública” parece elevar la discusión de la política exterior a un nivel superior al que se encontraba con el concepto de “política de Estado”. Por lo menos, nos parece alentar el debate y obligar a quienes defienden una u otra decisión a elaborar más seriamente argumentos en su defensa, pues el calificativo “de Estado” no es suficiente para eso. También sirve para situarla en el corazón del orden político brasileño –la Constitución de 1988–, así como en el centro del proceso político del cual derivan invariablemente todas las decisiones que influyen en la vida de los brasileños. Y es en este marco conceptual en el que hablamos de “las tareas de la política exterior en el orden constitucional brasileño”. Como instrumento a disposición del poder nacional, sus tareas son proteger y realizar los intereses nacionales permanentes y actualizados. Siempre que respete los principios y parámetros de la política democrática brasileña, existe una amplia legitimidad para ello.

Considerando los argumentos que discutimos a lo largo del texto, también nos enfrentaríamos a la posibilidad de explorar nuevas agendas de investigación en el área de la política exterior. Sería interesante, por ejemplo, tratar de evaluar la importancia que los gobiernos específicos les han atribuido a la realización de su agenda internacional para diferentes propósitos políticos, como ganancias en influencia, legitimidad interna, transformación social, económica y política, etc. Enfatizar la naturaleza precisa de la

política pública en política exterior también tiene el mérito de alentar estudios sobre la posibilidad de utilizar indicadores para medir el desempeño de la política exterior, de manera similar a lo que se hace en otras áreas del servicio público. También sería muy relevante considerar que toda política pública obedece a un proceso complejo de identificación, formulación, ejecución y control de problemas. Cuestiones como la organización institucional para la política exterior, los métodos para la elaboración y el seguimiento de políticas en el ámbito internacional, el control interno y externo, la concentración o la distribución de competencias deberían atraer más atención en Brasil.

Referencias

Academia Brasileira de Ciências (2014). *Por uma Política de Estado para Ciência, Tecnologia e Inovação: contribuições da ABC para os candidatos à Presidência do Brasil*. Rio de Janeiro. Recuperado de <http://www.abc.org.br/wp-content/uploads/2018/06/doc-6760.pdf>.

Almeida, P.R (2016). Sobre políticas de governo e políticas de Estado: distinções necessárias. *Instituto Millenium*. Recuperado de <https://www.institutomillennium.org.br/artigos/sobre-politicas-de-governo-e-politicas-de-estado-distincoes-necessarias/>.

Aristóteles (1988). *Política* (M. Gama Kury, Trad.). Brasília: Editora da Universidade de Brasília.

Aron, R. (2002). *Paz e Guerra entre as Nações* (S. Bath, Trad.) Brasília: Editora da Universidade de Brasília.

Azeredo da Silveira, A. F. (2018). Pródromos do Pragmatismo Responsável. In R. Faria, S.E. Moreira Lima (Orgs.). *A Palavra dos Chanceleres na Escola Superior de Guerra (1952-2012)*. Brasília: FUNAG, p.325-350.

Badin, M. R. S., & França, C. L. F. (2010). A Inserção Internacional do Poder Executivo Federal Brasileiro. *Análises e Propostas*. Nº 40.

Baldwin, D. A. (1985). *Economic Statecraft*. Princeton: Princeton University Press.

Barbosa, R. (2015). FHC e Lula, políticas externas divergentes. *Folha de São Paulo*. Ilustríssima. São Paulo, 29, nov. Recuperado de <https://www1.folha.uol.com.br/ilustrissima/2015/11/1711638-fhc-e-lula-politicas-externas-divergentes.shtml>.

Bobbio, N. (2017). *Teoria das Formas de Governo* (L. Henriques, Trad.) São Paulo: Edipro.

Capella, A. (2018). *Formulação de Políticas Públicas*. Brasília: Enap.

Constituição da República Federativa do Brasil de 1988. Recuperado de http://www.planalto.gov.br/ccivil_03/constituicao/constituicaocompilado.htm.

Chantebout, B. (1982). *Droit Constitutionnel et Science Politique*. Paris: Armand Colin.

Christofolo, J.E. (2019). *Princípios Constitucionais de relações internacionais: significado, alcance e aplicação*. Belo Horizonte: Del Rey.

Clausewitz, C. V. (1993). *On War* (M. Howard, & P. Paret, Trans.). New York: Everyman's Library.

Couto, C., & Arantes, R. (2006). *RBCS*. Vol.21, No 61.

Coutro, C. (2019). *Sistema de Governo e Políticas Públicas*. Brasília: Enap.

Danner, M. (1997). Marooned in the Cold War: America, the Alliance, and the Quest for a Vanished World. *World Policy Journal*, Vol. 14, No. 3. pp. 1-23. Recuperado de <http://www.jstor.org/stable/40209538>.

Decreto Nº 9683, de 9 de janeiro de 2019. Aprova a Estrutura Regimental e o Quadro Demonstrativo dos Cargos em Comissão e das Funções de Confiança do Ministério das Relações Exteriores, remaneja cargos em comissão e funções de confiança e transforma Funções Comissionadas do Poder Executivo - FCPE. Recuperado de http://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/58549274/do1-2019-01-10-decreto-n-9-683-de-9-de-janeiro-de-2019-58549021.

DREW, S. N. (Ed.). (1994). *NSC-68: Forging the Strategy of Containment*. With Analyses by Paul H. Nitze. Washington DC: National Defense University Press Publications.

Scorel, L. (1986). O Conceito de “Interesse Nacional” e a Responsabilidade de Diplomacia Brasileira. *Revista Da Faculdade De Direito, Universidade De São Paulo*, 81, p.151-161.

Faria, C. A. (2008). Opinião Pública e política externa: insulamento, politização e reforma na produção da política exterior do Brasil. *Rev. Bras. Polít. Int.* 51 (2), p. 80-97. doi: 10.1590/S0034-73292008000200006.

Faria, J. E. (1978). *Poder e Legitimidade: introdução à política do direito*. São Paulo: Perspectiva.

Franco, A. C. (Org.). (2007). *Documentos da Política Externa Independente*. Brasília: Fundação Alexandre de Gusmão.

Frankenberg, G. (2018). *Técnica de Estado: perspectivas sobre o Estado de direito e o estado de exceção* (G. Mendes, Trad.). São Paulo: Editora Unesp.

Hill, C. (2011). What is to be done? Foreign policy as a site for political action. *International Affairs* 79, 2, p.233-255.

Lafer, C. (2014). *A Identidade Internacional do Brasil: passado, presente e futuro*. São Paulo: Editora Perspectiva.

Lafer, C. (2015). Apontamentos sobre a Internacionalização do Direito Constitucional Brasileiro. In Lafer, C. *Filosofia e Teoria Geral do Direito: Um percurso no Século XXI*. Volume 3. São Paulo: Editora Atlas S.A., p.3-31.

Lei 13884. Estabelece a organização básica dos órgãos da Presidência da República e dos Ministérios. Recuperado de http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Lei/L13844.htm.

Lima, M. R. S. (2000). “Instituições Democráticas e Política Exterior”. *Contexto Internacional*, vol. 22, no. 2.

Lima, M. R. S. (1994). Ejes analíticos y conflicto de paradigmas en la política exterior brasileña. *América Latina Internacional*. Vol. 1, No 2.

Lima, M. R. S. (2010). Diplomacia, defesa e a definição política dos objetivos internacionais: o caso brasileiro. In Jobim, N., Etchegoyen, S. W., & Alsina, J. P. (Orgs.). *Segurança Internacional: Perspectivas Brasileiras*. Rio de Janeiro: Editora FGV.

Limongi, F. (2008). O Poder Executivo na Constituição de 1988. In Brandão, G. M., Ridenti, M., & Oliven, R. *A Constituição de 1988 na vida brasileira*. Rio de Janeiro: ANPOCS.

Lijphart, A. (2003). *Modelos de Democracia: Desempenho e Padrões de Governo em 36 países*. Tradução: Roberto Franco. Rio de Janeiro: Civilização Brasileira.

Magalhães, J. C (1995). *A Diplomacia Pura*. Lisboa: Bertrand Editora.

Milani, C. R. S. (2015). Política Externa é Política Pública?. *Insight Inteligência*. Rio de Janeiro), v. XVIII, p. 56-75.

Pietro, M. S. Z. (2018). *Direito Administrativo*. 31ª edição. Rio de Janeiro: Forense.

“Política de Defesa é política de Estado”, diz Ministro Jacques Wagner (2015). Recuperado de <https://www.defesa.gov.br/noticias/15890-politica-de-defesa-e-politica-de-estado-diz-ministro-jaques-wagner>.

Morgenthau, H. J. (2003). *Política Entre as Nações*. Tradução de Oswaldo Biato. São Paulo: IPRI/Funag.

Oliveira, E. R. (2006). Considerações políticas sobre a Defesa Nacional. *Com Ciência - Revista Eletrônica de Jornalismo Científico*, SBPC.

Pinheiro, L., & Milani, C. R. S. (2013) Política Externa Brasileira: Os Desafios de sua Caracterização como Política Pública. *Contexto Internacional*. Rio de Janeiro, vol. 35, no 1, janeiro/junho, p. 11-41. doi: 10.1590/S0102-85292013000100001.

Ramanzini, H., & Faria, R. (2015). Reviewing horizontalization: the challenge of analysis in Brazilian foreign policy. *Rev. Bras. Polít. Int.* 58 (2): 5-22. doi: 10.1590/0034-7329201500201.

Romano, R. (2014). *Razão de Estado e Outros Estados da Razão*. São Paulo: Perspectiva.

Sanchez, M. R. (2006). Política Externa como Política Pública: Uma Análise pela Regulamentação Constitucional Brasileira (1967-1988). *Rev. Sociol. Polít.*, Curitiba, 27, p. 125-143.

Schmidt, H. (1990). *Man and Powers*. Perspectives on Politics. London: Jonathan Cape.

Sola, L., Garman, C., & Marques, M. (2002) "Banco Central, autoridade política e governabilidade democrática". In Sola, L., Kugelmas, E., & Whitehead, L. (orgs.). *Banco Central - autoridade política e democratização: um equilíbrio delicado*. Rio de Janeiro: Editora da FGV.

Souza Filho, O. Q. (2019). O Reconhecimento da Alteridade como Fundamento da Política Internacional: uma interpretação levinasiana. In Alves, M., & Oliveira, Paulo. (Orgs.). *Relações Internacionais: outros olhares*. Itajaí: Univali, p. 13-36.

Tsebelis, G. (1995). Processo Decisório em Sistemas Políticos: *veto players* no presidencialismo, parlamentarismo, multicameralismo e pluripartidarismo. *Revista Brasileira de Ciências Sociais*, São Paulo, v. 12, n. 34, p. 89-117.

Waldron, J. (2016) *Political Political Theory: essays on institutions*. Cambridge: Harvard University Press.

Wolin, S. (1969) Political Theory as Vocation. *American Political Science Review*, Vol. 63, No. 4, p. 1062-1082. doi: 10.2307/1955072

Social Participation in Human Rights Regimes: comparative study between the Inter-American Human Rights System and the Mercosur Institute of Public Policy on Human Rights

Participação Social em Regimes de Direitos Humanos: estudo comparativo entre sistema interamericano de direitos humanos e instituto de políticas públicas de direitos humanos do Mercosul

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Abstract: Since the end of the Cold War, the UN System has encouraged democratic governance practices, such as social participation, in international and regional organizations. Based on this stimulus, international organizations promoted institutional channels of dialogue with civil society as a way of channeling the demands of different social actors. This article presents a comparative study on social participation in two human rights regimes in the Americas: the Inter-American Human Rights System (IAHRS) and the Mercosur Institute for Public Policies on Human Rights (IPPDH). We revised the specialized literature and analyzed primary documentation to fulfil this goal. We find that these two human rights regimes have opposite participatory dynamics: while the IAHRS has a bottom up participatory character; the IPPDH counts with a top-down participatory nature. Despite the difference, we conclude that two regional human rights regimes are similar in terms of the influence of civil society organizations and epistemic communities in the development of human rights institutions themselves.

Key words: Social Participation; International Organizations; Inter-American Human Rights System; Mercosur Institute of Public Policy on Human Rights.

Resumo: Desde o fim da Guerra Fria, o Sistema ONU tem estimulado práticas de governança democrática, como a participação social, em organizações internacionais e regionais. A partir desse estímulo, organizações internacionais impulsionaram vias

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institucionais de diálogo com a sociedade civil como forma de canalizar as demandas de diversos atores sociais. O objetivo deste artigo consiste em apresentar um estudo comparativo sobre a participação social em dois regimes de direitos humanos das Américas: o Sistema Interamericano de Direitos Humanos (SIDH) e o Instituto de Políticas Públicas em Direitos Humanos do Mercosul (IPPDH). Para atingir este objetivo, recorreremos à revisão bibliográfica da literatura especializada e à análise documental primária. Verificamos que estes dois regimes de direitos humanos possuem dinâmicas participativas opostas: enquanto o SIDH possui um caráter participativo *bottom-up*; o IPPDH conta com uma natureza participativa *top-down*. Apesar da diferença, concluímos que os dois regimes de direitos humanos se assemelham quanto à influência das organizações da sociedade civil e das comunidades epistêmicas no desenvolvimento das próprias institucionalidades de direitos humanos.

Palavras-chave: Participação Social; Organizações Internacionais; Sistema Interamericano de Direitos Humanos; Instituto de Políticas Públicas em Direitos Humanos do Mercosul.

1. Introduction

Transnational social movements, civil society organizations and epistemic communities produce diverse impacts on international politics. Their various forms of action - protests, pressure, scientific reports - demonstrate the growing relevance of these actors in the formulation, implementation and, above all, legitimation of national and international policies. Over time, international organizations started to incorporate input mechanisms to give flow to social participation in processes and policies previously carried out behind closed doors. Nevertheless, this trajectory has come a long way. The institutionalization of social participation in international organizations dates back to the creation of the UN System. Non-governmental organizations (NGOs) have ensured participation at the UN since the very constitution of the system. Formal recognition of NGOs' participation in the Charter of the United Nations, according to its Article 71, allows the Economic and Social Council (ECOSOC) to arrange consultation for NGOs. Thus, ECOSOC can be considered the pioneering international body when it comes to the institutionalization of participatory mechanisms in the international sphere (Ruhlman, 2015).

ECOSOC's normative set on social participation extends from 1950 to 1996³. The most recent Resolution on the matter recognizes the diversity and importance of NGOs in assisting the work of intergovernmental organizations, while also providing

³ The first ECOSOC Resolution on the matter dates from 1950, Resolution 288 B (X) and the last from 1996/31.

consultative relations between ECOSOC, its subsidiary bodies and NGOs. This instrument includes a categorization on the modality of participation without voting rights, guaranteed to non-member states, specialized agencies and NGOs with consultative status. The types of consultative status granted to NGOs are three: general, special and roster list. General consultative status is granted to NGOs that work on economic and social issues, which are representative of large segments of society and operate in several States. Special consultative status is provided to NGOs that have specific competencies within the range of topics covered by ECOSOC and its subsidiary bodies. And, the list or roster status is given to NGOs aiming at episodic contributions (Ecosoc, 1996).

Although its groundbreaking recognition of NGO participation in international organizations, the ECOSOC Resolution 1996/31 shied away from an accurate definition of NGO. According to the regulation, the term 'organization' may refer to non-governmental organizations at the national, subregional, regional or international levels (Ecosoc, 1996). The preference for broad and ambiguous language probably relates to political disagreements among Member States regarding the participation of non-state actors in international bodies, as well as to the extent of which modality of participation should take place. The understanding of social participation in this article converges with Ruhlman (2015), which defines participation as a formal opportunity to take part of processes within an international organization, not necessarily with the right to vote. Thus, here, social participation recalls the performance of organizations, groups and individuals not representing States. In other words, it's all about non-governmental or non-state actors.

In addition to the prompt of participatory mechanisms in the international sphere, the UN System has promoted good practices on democratic governance since the post-Cold War period. From this stimulus, gradually - and through external pressures - international organizations created and managed institutional channels of dialogue with civil society. In the Americas, where social participation in regional organizations holds a vast history, social and participatory issues gained new and important emphasis from the 2000s on, due to the so-called left-turn and its following proposals of new regional projects on human rights. In this article, we seek to understand how social participation occurs in the different human rights institutionalities in the Americas. Therefore, we compare social participation between the Inter-American Human Rights System (ISHR)

and the Mercosur Institute of Public Policies on Human Rights (IPPDH). We reviewed the specialized literature and the primary documentation from the collection of minutes and annexes of the Mercosur and the Inter-American Human Rights System, both available at their respective websites. We found that although⁴ displaying opposing participatory dynamics, both regimes are similar to the extent civil society and epistemic communities influence the development of their respective human rights institutions. Additionally, we analyzed the minutes of the Meeting of High Authorities on Human Rights and Chancelleries of Mercosur (RAADH) in the 2005-2018 timeframe in order to evaluate a common supposition on the International Relations literature regarding whether the human-rights institutional deepening in the Southern Cone – and its propagated boost on social participation - counterpoints to the Inter-American Human Rights System. Results of the documentation analysis indicate a constant exchange between the two institutionalities, which invalidates earlier beliefs.

2. Americas: Regionalisms and Social Participation

Integration and cooperation initiatives in the Americas embrace vast history and complex institutional arrangements. Researchers produced a dense literature on the uniqueness of the set of regional organizations in the Americas and its overlapping institutional projects (Nolte, 2018; Weiffen, 2017). However, the consolidation of regional human rights institutions in the Americas - within the after World War II institutional blueprint - concentrates on two distinct experiments: the Inter-American Human Rights System (1948) and the Mercosur Institute for Public Policies on Human Rights (2009).

The development of the temporally preceding human rights regime in the region - the Inter-American Human Rights System - is often understood from historical and geopolitical perspective of relations between the United States and Latin America. Historically, the Americas have been seen as an example of a hegemonic system, in which the United States figures as the main power and unchallenged leader of the hemisphere's relations, although this situation has changed in the last twenty years (Bitar et al., 2011). In this perspective, the Organization of American States (OAS) symbolizes the

⁴ Here, we understand human rights regimes as the set of fundamental values for the humanity, guaranteed by international norms and other expressions of law, as in Smith-Cannoy (2014).

institutional center for conducting multilateral relations in the region, especially determined by the United States and its economic and security agenda⁵.

Based on the American Declaration of the Rights and Duties of Man (1948), the Inter-American Human Rights System represented an initial - albeit rhetorical - intention of some States and the OAS to give meaning to the typical reconstruction aspirations of the post-World War II. However, political tensions in the Caribbean and, above all, the Cuban Revolution in 1959 demanded from the OAS the provision of formal means to ensure the maintenance of the "democratic" order, even if, in practice, this meant keeping the region free from communist attacks. It is precisely in the Cold War context that the Inter-American Human Rights System (IAHRS) grew, at a time when the United States exercised strong influence over Latin America. Since the adoption of the Monroe Doctrine in 1823, U.S. foreign policy has sought to keep the extra hemispheric powers far away from the American continent, especially the communist approaches and the formation of new left-wing governments. The OAS created, then, the first Inter-American body to deal with human rights issues in the region. The Inter-American Commission on Human Rights (IACHR) rises in 1959 with a very vague mandate. However, both the OAS and the Member States were unable to anticipate some effects arising from the body's initial activity, as its monitoring appeal reached domestic audiences. As soon as people became aware of the activities undertaken by the IACHR, individuals and civil society groups started to send complaints on human rights violations perpetrated by the states, especially by dictatorial governments that predominated in the political scene at the time (Ramanzini, 2018).

At the end of the Cold War, the regional context of Latin America showed significant changes. On the one hand, several states in the region made the transition from authoritarian to democratic governments, which eventually strengthened the IAHRS. At that time, the regime had already established itself as a protective system, given the creation of the Inter-American Court of Human Rights by the provision of the American

⁵ According to Donnelly (2003, p.142): "A large part of the explanation [for the Inter-American System] lies in the dominant power of the United States. The literature on international economic regimes suggests that the power of a hegemonic state typically is crucial to establishing (although not necessarily to maintaining) string, stable regime. Although hegemonic power had virtually nothing to do with the European [human rights] regime, it has been central to the genesis and operation of the Inter-American regime. The United States, for whatever reasons, has often used its hegemonic power to support the Inter-American regime, which has also been strongly supported by some of the more democratic regimes of the region".

Convention on Human Rights of 1969. Democratization in the region contributed to the increase in ratification of this document. In the Southern Cone, Argentina, Brazil, Chile, Paraguay and Uruguay ratified the American Convention on Human Rights after the democratic return, and the last three countries did so immediately after the transition. On the other hand, the geopolitical asymmetries that have guided Inter-American relations in previous decades persisted, as did the fear that new interventionist policies by the United States could once again determine the new political moment in the region.

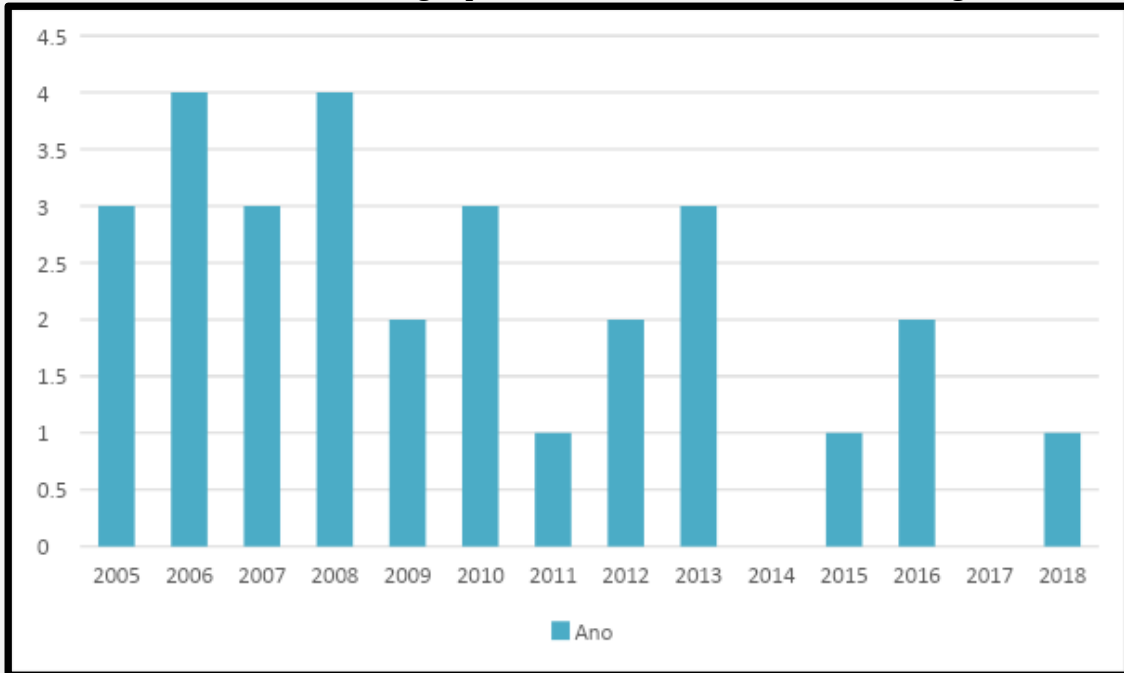
From the 2000s on, Inter-American relations underwent important transformations, especially with regard to the issue of the United States' influence, the configuration of new powers and regional dynamics not fully connected to Washington's preferences. In this respect, Brazil's economic expansion and the search for international and regional leadership roles stand out; the creation of the Union of South American Nations (UNASUR), the Bolivarian Alliance for the Peoples of Our America (ALBA), led by Venezuela, the Community of Latin American and Caribbean States (CELAC); and the significant growth in China's investments in the region. In this context of diversification, the intensification of regional integration efforts and their various projects began to offer challenges to understandings about the center of gravitation of relations in the Americas and the possible contours of cooperation in the hemisphere, with special questioning of the previous institutionality of human rights in the region (Bitar et al., 2011).

At the end of the 2000s, the creation of a human-rights institutionality within the Mercosur was interpreted by International Relations scholars as either a form of direct "dispute" or a counterpoint to the Inter-American Human Rights System, in an effort to bring up autonomy to the region. Once again, the narrative of institutional deepening of the human rights agenda in the Americas was renewed, although discussions started from the recurrent geopolitical point of view. In terms of institutional scope, the Inter-American Human Rights System maintained virtually all member states (34 states out of the 35 OAS Member States) after the IPPDH creation. And, the IPPDH did not envision exceptional expansion (five States Parties and seven Associated States) from its establishment on. In other words, most States participating in the IPPDH continued to being part of the American Convention on Human Rights. Moreover, there is a constant interaction between the two regimes, provided by the initiatives of the Meeting of High

Authorities on Human Rights and Chancelleries of Mercosur and Associated States (RAADH), among others.

The analysis of the minutes of the RAADH, carried out between 2005 and 2018, demonstrates the constant interaction between Mercosur's human rights institutionalality and the Inter-American Human Rights bodies.

Chart 01: RAADHs discussing topics on the Inter-American Human Rights Bodies⁶



Source: Authors's elaboration based on the Minutes of the RAADH, available at the Mercosur's website

Among the 29 meetings in which the Inter-American bodies were the topics of discussion within the RAADH, nine referred to the Reform Process for sSrengthening the Inter-American Human Rights System (2011-2013). To a lesser extent, there are also discussions on the RADDH's efforts to strengthen the implementation of the Inter-American decisions and recommendations, which were on the agenda at nine RAADH meetings between 2005 and 2018. At most of these meetings, national delegations present arguments about the importance of ratifying the Inter-American human rights instruments, encouraging other states to do so. Documentation also presents information about instruments, protocols and already ratified treaties. RAADH's take on this issue proved so prominent in the agenda that during the XI RAADH, held in 2008, a decision

⁶ Some Minutes were unavailable online at the Collection of Minutes and Annexes of the Mercosur, among them: Minute 2/2009 (XVI Ordinary RAADH); Minute 2/2009 (II Extraordinary RAADH); Minute 2/2011 (XX Ordinary RAADH); Minute of the 2014 RAADH; Minute 1/2017 (XXIX Ordinary RAADH); Minute 1/2018 (XXXI Ordinary RAADH)

was reached to fix a new agenda in the Work Plan on the Implementation of the recommendations and rulings of the Inter-American Human Rights System, which would serve as a space for exchanging experiences on the difficulties for complying, as well as to incorporate the perspective of civil society on this matter.

There are also other examples of cooperation between the Inter-American Human Rights System and Mercosur's institutionality: RAADH's request for a advisory opinion on the rights of migrant children and adolescents to the Inter-American Court of Human Rights in 2011; the invitation of the Inter-American Court of Human Rights to the IPPDH to present a written opinion in the Consultative Opinion No. 25 of 2017⁷; and the use of IPPDH documents by the Inter-American Commission on Human Rights when the publishing of the Report "Public Policies with a focus on Human Rights"⁸ (2019).

Empirical evidence shows that the IPPDH, from early on, sought support from the Inter-American Human Rights System to establish itself as a new institutionality of human rights in the region. Mutual referencing and the interplay between both institutions in important human rights mechanisms constitute unusual and unexpected episodes. The data also shows that examples of cooperation outnumbered eventual disputes between the Inter-American Human Rights System and the IPPDH-Mercosur. Thus, the early beliefs that the deepening of human rights institutionalities in the Southern Cone would rival the Inter-American Human Rights System cannot be supported; on the contrary, interaction and inter-institutional cooperation were common grounds for the establishment and strengthening of the human rights regimes. Probable explanations for such non anticipated result might involve the need of reaffirmation of both human rights institutions, given the regional environment of attention scarcity to human rights (Engstrom, 2013). Another probable explanation related to the fact that civil society organizations and epistemic communities active in the area of human rights are practically the same in both institutionalities. Still, social participation operates differently in each human rights regime.

3. Inter-American Human Rights System: bottom-up social participation

⁷ The request for Consultative Opinion no. 25/2017 is available at : http://www.corteidh.or.cr/docs/solicitudoc/solicitud_18_08_16_esp.pdf

⁸ Available at: <http://www.oas.org/es/cidh/informes/pdfs/PoliticPublicasDDHH.pdf>.

Civil society has been an important force in the Inter-American Human Rights System since the beginning of the activities of the regional system. When it had not yet consolidated a mandate for the promotion and protection of human rights in the region, the Inter-American Commission on Human Rights joined civil society in carrying out its commitment to human rights vis-à-vis authoritarian governments in Latin America. Civil society groups collected *in loco* information and passed on evidence so that the Inter-American Commission on Human Rights could face official (usually evasive) information provided by dictatorships in the region. Over time, the strengthening of ties with civil society has become one of the singularities of the Inter-American Human Rights System. This partnership played a key role in shaping the very institutional evolution of the system: it not only boosted the human rights agenda, which became increasingly ambitious with democratic return; but it helped to overcome major challenges, such as maintaining the supervisory power of the system in the face of various attempts to curtail its activities.

In the democratic context, civil society continued to promote the Inter-American Human Rights System. For example, civil society's reaction to the Process of Strengthening the Inter-American System in 2011 - controversial for proposing the extinction of the Inter-American Commission on Human Rights - has contributed to diminish the harms on Inter-American bodies, as proposals suggested by states dissatisfied with the system⁹. Again, in 2016, the mobilization of civil society, which campaigned fiercely for increased budgets and foreign donations, pulled the Inter-American Human Rights System out of a severe financial crisis. Overcoming these institutional and financial crises, the Inter-American Human Rights System's collaborative efforts with the civil society have channeled new institutional avenues of dialogue, which further favor social participation. The Inter-American Human Rights System Forum (2017) and the Inter-American Commission on Human Rights Channel (2019) represent new initiatives with the timbre of civil society (Yldiz, Ramanzini, 2020; Ramanzini, 2017). Finally, current initiatives show that civil society groups continue to exert pressure on important debates within the Inter-American Human Rights System,

⁹ Under the command of the "Working Group on the Functioning of the Inter-American Commission to Strengthen the Inter-American System", a task force created by the Organization of American States (OAS), some states prompted a reforming process of the Inter-American Human Rights System. Instead of modernization, this process was driven by a particular combination of political forces and interests questioning the role and scope of the Inter-American Commission on Human Rights.

such as the issue of state indication of nationals to perform key functions in the system, such as the positions of Commissioner, Judge and Executive Secretary. At the same time, there is also a social movement focused on specific campaigns, such as GQUAL, which advocates for gender balance in these indications (Inter-American Human Rights Network, Reflective Report, 2016); and the transparency of the Inter-American electoral process, which inaugurated in the last election for the two Inter-American bodies an independent preliminary panel, composed of renowned jurists, to prosecute potential candidates for positions in the Inter-American bodies. This unprecedented public forum - requested by civil society and composed of representatives of epistemic communities - has contributed to increasing the transparency and visibility of state appointments to the Inter-American Human Rights System, and ultimately to the Inter-American electoral process itself.

Currently, the diversification of financial resources at the System and the transnational support gave more autonomy to the Inter-American Human Rights bodies to act against human rights violations. Today, both the Commission and the Court engage and move forward on thorny issues, even against powerful states. Evidence of this is the recent work of the Inter-American Commission on Human Rights involving reports on police violence against afrodescendants in the United States (2018); and on indigenous peoples and tribes in the Pan Amazon region (2019). As the Inter-American Commission on Human Rights advances on these issues/countries, it connects more directly and in depth to the domestic audiences of afrodescendants, latinos, LGBTI people, migrants, indigenous tribes, environmentalists and human rights supporters in general.

In this sense, the Inter-American Commission on Human Rights considers the participation of civil society an essential aspect for fulfilling its mandate to promote and defend human rights in the Americas. The body's Strategic Plan 2017-2021, which was built on a participatory methodology with several stages of consultation with civil society, identified prioritizes the strengthening of civil society participation¹⁰. Currently, some of the main channels and mechanisms available for civil society participation in the activities

¹⁰ IACHR, Press Release No. 36/19, "IACHR reports unpublished results of its work in 2018 and presents its progress report for the Second Year of Implementation of the Strategic Plan during 2018". Available at: <http://www.oas.org/es/cidh/prensa/comunicados/2019/036.asp>; and IACHR, Imprensa Communiqué No. 186/19, "CIDH presents its six-monthly balance sheet report on the implementation of the Strategic Plan 2017-2021 and the results of its work during the first half of 2019". Available at: <https://www.oas.org/es/cidh/prensa/comunicados/2019/186.asp>.

and processes of the Inter-American Commission on Human Rights are public hearings, open meetings, bilateral and/or multilateral meetings, working meetings, public consultations, training, among others. There is a growing participation of universities and human rights legal clinics in these opportunities, which demonstrates the particular involvement of epistemic human rights communities in this system.

The involvement of civil society and epistemic communities in the Inter-American Human Rights System is much broader and more diverse than formal participation in concrete cases. The expected role of civil society in the Inter-American petitioning system is bringing strategic cases that challenge the limits of international human rights standards. In addition, civil society stands before the Inter-American System to provide long-term strategies, relevant information collected on the ground, and often relevant legal arguments. Thus, civil society has a critical role in increasing the very functionality of Inter-American bodies.

On the other hand, the understanding of 'civil society' does not always immediately resonate to all potential participants and users of the Inter-American system in the region. Individuals, informal groups, ancestral people (among others) may not identify themselves, visualize or even communicate as civil society. Such disconnection hinders a broader participation of civil society in the Inter-American Human Rights System, which can produce perverse consequences, as elitization and the absence of diversity of voices from the region. Increased transparency and visibility of civil society participation in the Inter-American Human Rights System could allow other potential participants to mirror groups or individuals with similar ideas, creating a source of incentives for others to access, take part and contribute to the system.

The description of the elements of social participation in the Inter-American System reveals its bottom-up character. Civil society organizations have historically guaranteed direct and independent access to the Inter-American bodies, taking part in numerous processes that define both routine actions and the very fate of the Inter-American Human Rights System. The participation of civil society and epistemic communities in the Inter-American Human Rights System has also developed in a strong opposition to States, from the authoritarian context to the democratic return. Nevertheless, there are obstacles to a more diversified social participation, even with the existence of a variety of channels of social participation.

4. Mercosur Institute of Public Policies for Human Rights: top-down social participation

The issue of social participation has been addressed and incorporated into various norms, bodies and instances in Mercosur, even before the creation of the IPPDH. Since the early 2000s, there has been an opening of the regional integration agenda to social and political affairs in addition to the purely economic and commercial topics that guided the rise of the regional bloc. In 2005, the "Somos Mercosul" Program was created to incorporate participatory demands, whose objective was to overcome social participation deficit in the regional bloc¹¹. In the following year, Mercosur Social Summits offered spaces for political debate on the directions of regional integration, as well as discussions and formulation of public policy proposals backed by questionnaires answered by civil society organizations.

Another important forum created to expand and strengthen the participatory dimension in Mercosur is the Social Participation Support Unit (UPS), created in 2010, and which years later became part of the Mercosur's Secretariat structure. Among its functions are supporting the organization of Mercosur Social Summits; managing the financing of social participation in Mercosur events and activities; maintaining a record of organizations and social movements of States-parties; receiving, analyzing and responding to requests for information submitted by representatives of organizations and social movements of States-parties; and coordinating actions, activities and plans to promote social participation and implement them after approval by the Common Market Group (GMC) (Mercosur, 2019).

In the wake of the expansion of social participation in Mercosur, the Mercosur Institute of Public Policies on Human Rights (IPPDH), created in 2009, proposed to carry out a 'participatory strategic planning' from 2015 on. Thus, the IPPDH decided to create the Social Participation Forum, understanding that social participation is a human right that contributes to the strengthening of democracies (Ippdh, 2015). The Social Participation Forum comprises two main participatory mechanisms: public consultations and dialogues. Public consultations consist of open biannual meetings convened by the IPPDH, in which all social movements and organizations with an interest in the theme

¹¹ "Somos Mercosul aimed at circumventing citizenship to the process of regional integration, by generating spaces for civil society and governments' debate, demands and participation in the decision-making processes of Mercosur. The initiative corresponded to creating a regional public sphere, as the result of the consolidation of regional democratic culture" (Silva & Martins, 2016).

can participate in person or virtually. On the other hand, dialogues consist of virtual meetings of information, dialogue, debate and reflection on topics related to human rights, follow up of public consultations and other relevant topics. These dialogues are conducted by the Executive Secretary of the IPPDH and other relevant actors, depending on the relevance of the topics addressed. Until now, a single virtual dialogue has been held, which has served as a follow up for the I Public Consultation¹².

Gráfico 02: Dynamics of Public Consultation Carried Out by the IPPGH (2015-2018)



Source: Authors' Elaboration based on the memories of Public Consultations available at the IPPDH's website.

Regarding public consultations, from 2015 to 2018, the IPPDH held seven public consultations, all with the support of UPS. From the analysis of the memories of these public consultations we draw the basic script of these activities. First, official Mercosur representatives present institutional perspectives on the subject in question. A dialogue is then opened with the representatives of civil society organisations. After questions, guiding questions are defined to guide the discussion within working groups. Following the dialogue in the working groups, the debate is returned in plenary, where the proposals of civil society organizations, referrals and final considerations are presented.

¹² The memory of this dialogue is available at: http://www.ippdh.mercosur.int/dialogo-ippdh_septiembre-2015/

The public consultations at the IPPDH focused on social participation; memory, truth, justice and reparation; human trafficking; education and culture in human rights; LGBTI people; children and adolescents and public policies for the elderly. While public consultations were held every six months until 2017; in 2018, only one was carried out, a fact that may indicate a gradual emptying of social participation within the organization. Probable reasons for this revolve around the lack of political will; insufficient funding; and even the lack of legitimacy and participatory effectiveness of civil society organizations.

From the analysis of public consultations at the IPPDH, it is worth mentioning the issue of transparency and visibility of social participation. Much information on social participation in the IPPDH is unavailable, especially with regard to the follow-up of proposals submitted by civil society organisations during public consultations. In other words, even though the proposals are accepted by the IPPDH during public consultations, social organizations remain unaware whether their participation has had any influence on decision-making bodies.

Despite these participatory weaknesses, it is important to emphasize the role played by civil society organizations, networks and epistemic communities in the development and strengthening of the IPPDH institutional structure. The public consultations held by the IPPDH in the analysed timeframe reveal a high rate of participation and engagement among civil society organizations, notably when issues discussed reverberated their actions at regional and national levels.

The description of the elements of social participation in the IPPDH reveals its top-down character, since in this institutionality, government representatives determine the rules of social participation and who can effectively take part in the mechanisms of social participation. Although the IPPDH does not have a specific standard establishing which non-state actors may or may not take part in its participatory mechanisms, the superior decision-making bodies (RAADH, GMC and CMC) portray very clear standards.

Although there has been a wide and important democratization in the IPPDH and Mercosur regarding the participation of non-state actors, the top-down character remains the main obstacle to effective and substantial participation. The decisions of the above mentioned Mercosur's decision-making bodies still restrict social participation to government authorities. Thus, even if more frequent and immediate social participation

in hierarchically inferior instances and bodies take place, the decision to accept or not resulting social demands emanated from participatory mechanisms remains in the decision-making sphere of government authorities (Gomide Junior, 2020).

5. Final Remarks: bottom-up v. top-down social participation in the Americas

Despite the opposing participatory dynamics, social participation in human-rights institutions in the Americas unify to one common factor: the relevance of civil society and epistemic communities to the development of their respective human rights institution in the region. The promotion of good practices on democratic governance by the UN system in the post-Cold War associated to the social agenda promoted by the "left-turn" since the 2000s in Latin America opened a window of political opportunity for civil society to gain access and space within international organizations. Such civil society organizations and epistemic communities were essential to give a boost and later consolidate new participatory dynamics in human rights regimes.

In the Americas, some NGO networks were essential to forge new participatory ventures, such as the Social Hemispheric Alliance, the Joint Table of National Associations and NGO Networks in Latin America and the Caribbean, and the Citizen Diplomacy Forum, the later network had as one of its main objectives the practice of lobbying to exert influence on the OAS agenda (Serbin, 2012). Regarding advances on human rights commitments in Mercosur, the Civil Society Forum coalition in the Americas produced in 2001 a report¹³ on the protection and promotion of human rights in Mercosur Member States, elaborating recommendations for a regional human rights agenda. Also noteworthy is the Mercosur Observatory for Public Policies on Human Rights, a coalition of twelve civil society organizations in the region, which spearheaded the participation of civil society at Mercosur in the 2000s (Hoffmann, 2015). These networks of NGOs and epistemic communities played a substantial role in regional political coordination to deepen human rights institutionality in the Southern Cone.

The analytical comparison between the two human rights regimes in the Americas shows that the Inter-American Human Rights System has a substantive social participation, in the sense that non-state actors take part in the institutional mechanisms of social participation and exert pressure beyond these spaces and channels. In the case

¹³ The draft report is available at: < <https://cepia.org.br/publicacao/subsidios-para-uma-agenda-de-direitos-humanos-no-mercosul/> >. Accessed: 14 Apr. 2020

of the Inter-American Human Rights System, the particularity of its institutional trajectory forged in close ties with civil society raised expectations for social participation in key activities of the system, such as monitoring human rights records and supervising compliance with recommendations and decisions. On the other hand, social participation at the IPPDH still seems restricted to formal institutional spaces, which presumes social participation limited to consultations in cooperation with governments on the formulation and implementation of regional human rights policies.

Data analysis is unsupportive to the general hypothesis raised by International Relations scholars in the early 2000s related to the expectancy of competition between the Inter-American Human Rights System and the deepening institutionalization on human rights matter at the Mercosur. On the contrary, the institutional records collected from the analysis of primary documentation reveal that there has always been constant exchange between the two human rights regimes in manifold mechanisms and dynamics, evidence that demonstrates a inter-institutional relation build upon mutual recognition and reaffirmation of the human rights values.

Referências

Bitar et al. (2011). Hemisphere in flux: international relations, multilateralism, human rights and prospects for democratic deepening of Inter-American affairs. Anais do seminário em Washington D.C, Estados Unidos, 13 a 15 de outubro.

Donnelly, J. (2003). *Universal human rights in theory and practice*. (3a ed.). New York: Cornell University Press.

ECOSOC. (1996). Resolution 1996/31: Consultative Relationships between the United Nations and non-governmental organizations. Recuperado de https://www.un.org/esa/coordination/ngo/Resolution_1996_31/.

Engstrom, P. (2013). The Inter-American Human Rights System and U.S.-Latin America Relations. In: J. P. Scarfi, & A. R. Tillman (Orgs.), *Cooperation and Hegemony in US-Latin American Relations* (cap. 6, pp. 209-247). New York: Palgrave Macmillan.

Gomide Junior, N. (2020). *Participação social em organizações internacionais: o caso do Instituto de Políticas Públicas em Direitos Humanos do Mercosul (IPPDH)*. (Dissertação de Mestrado). Instituto de Economia e Relações Internacionais, Universidade Federal de Uberlândia, Uberlândia, MG, Brasil. Recuperado de <http://repositorio.ufu.br/handle/123456789/29099>. DOI: <http://doi.org/10.14393/ufu.di.2020.77>

Haas, P. H. (1992). Introduction: Epistemic Communities and International Policy Coordination. *International Organization*, 46 (1), 1-35. Recuperado de <https://www.jstor.org/stable/2706951?seq=1>.

Hoffmann, A.R. (2015). At Last: Protection and Promotion of Human Rights by Mercosur. In: T. A. Börzel; Vera Van Hüllen (Orgs.). *Governance Transfer by Regional Organizations: Patching Together a Global Script*. (cap. 11, pp. 192-208). New York: Palgrave Macmillan.

IPPDH. (2015). Informe anual 2015. Recuperado de http://www.ippdh.mercosur.int/wp-content/uploads/2016/01/Balanco_2015_final_web_baja.pdf.

MERCOSUL.(2019). Unidade de Apoio à Participação Social. Recuperado de <https://www.mercosur.int/pt-br/quem-somos/secretaria/ups/>.

NOLTE, Detlef. (2018). Costs and Benefits of Overlapping Regional Organizations in Latin America: the case of OAS and Unasur. *Latin American Politics and Society*, 60 (1), 128-153. Recuperado de <https://www.cambridge.org/core/journals/latin-american-politics-and-society/article/costs-and-benefits-of-overlapping-regional-organizations-in-latin-america-the-case-of-the-oas-and-unasur/C245E718042339E0617F96979CC66783>. DOI: <https://doi.org/10.1017/lap.2017.8>

Ramanzini, I. G.G. (2017). Mudança Institucional em Regimes de Direitos Humanos: o Sistema Interamericano e os Estados “em cima do muro”. *Revista Carta Internacional*, 12(2), 150-173. Recuperado de <https://cartainternacional.abri.org.br/Carta/article/view/618>. DOI: <https://doi.org/10.21530/ci.v12n2.2017.618>;

Ramanzini, I.G.G. (2018). Impactos da Justiça Transicional Sul-Americana no Sistema Interamericano de Direitos Humanos. *Lua Nova*, 103, 261-284. Recuperado de <http://www.scielo.br/pdf/ln/n103/1807-0175-ln-103-261.pdf>. DOI: <http://dx.doi.org/10.1590/0102-261284/103>.

Ruhlman, M. (2015). *Who participates in global governance? States, bureaucracies, and NGOs in the United Nations*. London: Routledge Taylor & Francis Group.

Serbin, A. (2012). New Regionalism and Civil Society: Bridging the Democratic Gap? In: P. Ruggirozzi; D. Tussie. *The Rise of Post-hegemonic Regionalism: The Case of Latin America* (cap. 8, pp. 147-165). London: Springer.

Silva, C. A.; Martins, J. R. V. (2016). *Las Cumbres sociales del Mercosur I: historia y acervo*. UPS. Recuperado de <https://www.mercosur.int/documento/las-cumbres-sociales-del-mercosur/>.

Smith-Cannoy, H. (2014). “Mainstreaming Human Rights: Assessing the Impact of 60 Years of International Human Rights Law”. In: Mihr, A.; Gibney, M. (eds). *The SAGE Handbook of Human Rights*. London: SAGE, 2014, pp. 71-91.



Weiffen, B. (2017). Institutional overlap and responses to political crisis in South America. In: M. Suarez; R. D. Villa; B. Weiffen (Org.). *Power Dynamics and Regional Security in Latin America*. (pp. 173, 197). London: Palgrave Macmillan.

Yildis, E; Ramanzini, I. G. G. (2020). Revamping to Remain Relevant: How do European and Inter-American Human Rights System Adapt to Challenges? *Journal of Human Rights Practice*, 1-18. Recuperado de https://www.researchgate.net/publication/339847440_Revamping_to_Remain_Relevant_How_Do_European_and_Inter-American_Human_Rights_Systems_Adapt_to_Challenges.

Transparencia y Acceso a la Información en la Acción Internacional del Municipio De São Paulo

Transparência e Acesso à Informação na Atuação Internacional do Município de São Paulo

Transparency and Access to Information in the International Performance of the Municipality of São Paulo

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Resumen: La Constitución Federal, insertada en un contexto de descentralización política, otorgó a los municipios un papel destacado en la organización del Estado brasileño, concediéndoles autonomía, además de sus propias competencias. La descentralización y la valorización del poder local apuntan a maximizar el ideal democrático, a fin de facilitar la participación de la población en las políticas públicas, al tiempo que permite su inspección. Sin embargo, los municipios terminaron enfrentando un nuevo desafío, ya que su valorización terminó sobrecargando a los poderes locales debido a las nuevas atribuciones. Para superar el desafío propuesto, los municipios buscaron nuevas alternativas en términos de políticas públicas, con acciones internacionales como políticas públicas que emergen de las nuevas formas. El municipio de São Paulo es considerado uno de los pioneros en términos de actividad internacional debido a la creación de una Secretaría Municipal de Relaciones Internacionales, que hoy se transformó en la Coordinación de Relaciones Internacionales vinculada a la Alcaldía. El presente trabajo, al establecer que el desempeño internacional de los municipios es una forma de política pública, busca investigar si existe una demanda de la sociedad en relación con la transparencia y el acceso a la información en el desempeño internacional del municipio de São Paulo. El artículo analiza las solicitudes de acceso a la información realizadas en los últimos años en São Paulo para tratar de medir la participación de la sociedad en el desempeño internacional de la capital del estado de São Paulo.

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Palabras clave: transparencia; acceso a la información; desempeño internacional de municipios; São Paulo; Secretaría Municipal de Relaciones Internacionales.

Resumo: A Constituição Federal, inserida em um contexto de descentralização política, conferiu aos municípios um papel de destaque na organização do Estado brasileiro, conferindo-lhes autonomia, além de competências próprias. A descentralização e a valorização do poder local teve como objetivos maximizar o ideal democrático, a fim de facilitar a participação da população nas políticas públicas, possibilitando também sua fiscalização. Contudo, os municípios acabaram sendo colocados diante de um novo desafio, pois a sua valorização acabou sobrecarregando os poderes locais em razão das novas atribuições. No sentido de superar o desafio proposto fez com que os municípios buscassem novas alternativas em termos de políticas públicas, surgindo, dentre as novas formas, a atuação internacional como política pública. O município de São Paulo é considerado um dos pioneiros em termos de atuação internacional em razão da criação de uma Secretaria Municipal de Relações Internacionais, hoje transformada em Coordenadoria de Relações Internacionais vinculada ao Gabinete do Prefeito. O presente trabalho, ao estabelecer ser a atuação internacional de municípios uma forma de política pública, busca investigar se há demanda por parte da sociedade em relação à transparência e o acesso à informação na atuação internacional do município de São Paulo. O artigo analisa os pedidos de acesso à informação feitos nos últimos em São Paulo a fim de tentar mensurar a participação da sociedade na atuação internacional da capital paulista.

Palavras-chave: Transparência; Acesso à Informação; Atuação Internacional de Municípios; São Paulo; Secretaria Municipal de Relações Internacionais.

Abstract: The Federal Constitution, inserted in a context of political decentralization, gave the municipalities a prominent role in the organization of the Brazilian State, giving them autonomy, in addition to their own competences. Decentralization and the valorization of local power aimed at maximizing the democratic ideal, in order to facilitate the participation of the population in public policies, while also enabling their inspection. However, the municipalities ended up being faced with a new challenge, as their valorization ended up overloading the local powers due to the new attributions. In order to overcome the proposed challenge, municipalities sought new alternatives in terms of public policies, with international actions as public policies emerging from the new forms. The municipality of São Paulo is considered one of the pioneers in terms of international activity due to the creation of a Municipal Secretariat for International Relations, which today is transformed into the International Relations Coordination linked to the Mayor's Office. The present work, by establishing that the international performance of municipalities is a form of public policy, seeks to investigate whether there is a demand from society in relation to transparency and access to information in the international performance of the municipality of São Paulo. The article analyzes the requests for access to information made in the last ones in São Paulo in order to try to measure the participation of society in the international performance of the capital of São Paulo.

Keywords: Technological Innovation; Political Economy; China; Development.

1. Introducción

La década de 1990 fue el escenario temporal para el surgimiento de una nueva práctica en términos de políticas públicas en Brasil. El contexto de la Constitución Federal de 1988 alentó a los municipios brasileños a adoptar otras prácticas debido a sus nuevas responsabilidades públicas. Por lo tanto, el desempeño internacional de los municipios en Brasil surge como una forma de que los municipios cumplan con sus demandas introducidas por las nuevas circunstancias políticas y legales.

El desempeño internacional de los municipios es una realidad en Brasil, aunque todavía está restringido a los municipios grandes y medianos. Es un campo de estudio en Relaciones Internacionales, Ciencias Políticas y Derecho. Sin embargo, como señalaron Leonardo Mercher y Aleksandro Eugênio Pereira (2018), los estudios realizados, al menos en su mayoría, terminan describiendo solo el desempeño internacional de ciertos municipios en Brasil.

Hay pocos estudios sobre el desempeño internacional de los municipios en Brasil como política pública y sus consecuencias. Además del debate sobre esta práctica municipal como un ejemplo de política pública, también deberían celebrarse otras discusiones, como la participación de la sociedad civil, la existencia o no de transparencia administrativa en el desempeño internacional de los municipios e incluso la inspección de esta práctica tan importante para muchas ciudades.

Este artículo tiene como objetivo contribuir a los estudios sobre el desempeño internacional de los municipios en Brasil desde la perspectiva de la práctica como política pública. El papel internacional del gobierno local en Brasil, cuando se entiende como política pública, exige preguntas sobre su democratización y esto solo se lleva a cabo con transparencia administrativa y acceso a la información por parte de la sociedad civil. La participación en las políticas públicas solo será posible y efectiva en la medida en que la población conozca la forma más amplia posible de desempeño público en sus múltiples facetas, incluido el desempeño internacional de los municipios.

Por lo tanto, el artículo busca investigar si existe una demanda de la sociedad civil con respecto a la transparencia y el acceso a la información en el desempeño internacional de los municipios en Brasil. La ciudad de São Paulo, debido a su espíritu pionero y su prominencia, fue elegida como objeto de análisis. A través de una encuesta de los informes anuales sobre acceso a la información, publicada por el propio municipio, se

busca analizar si existe transparencia administrativa y demanda de acceso a la información en la capital de São Paulo con respecto a las operaciones internacionales. Por lo tanto, se espera, al menos preliminarmente, hacer consideraciones sobre una posible democratización y también la inspección del desempeño internacional de los municipios.

2. El Desempeño Internacional de los Municipios en Brasil como Política Pública

Marcus André Melo (1999) explica que América Latina a partir de la década de 1980 se convirtió en un verdadero laboratorio de experiencias reformistas relacionadas con la agenda neoliberal. La descentralización estaba en la agenda de estas reformas neoliberales e instituciones de alcance global como el Banco Mundial, el Fondo Monetario Internacional y el Banco Interamericano de Desarrollo; Todos jugaron un papel importante en la difusión de la idea de descentralización. El autor explica que la descentralización debe entenderse como una transferencia del poder de decisión a las entidades locales y también como la adopción de medidas democráticas, participativas y de rendición de cuentas.

A partir de estas circunstancias, la Constitución Federal de 1988 y la organización del Estado brasileño resultante de ella deben interpretarse, es decir, deben analizarse en el contexto de las reformas neoliberales que introducen una nueva visión del Estado con la valorización del poder local, ya sea por razones de eficiencia de la maquinaria pública o para cuestiones relacionadas con el control social del poder político y su democratización. De esta manera, se puede decir que la descentralización es un intento de acercar el poder político a la población, facilitando su participación y el control de la actividad pública.

La Constitución Federal de 1988 consagra en Brasil la adopción del federalismo y, en consecuencia, la unión indisoluble de entidades federativas, a saber, la Unión, los Estados miembros, el Distrito Federal y los municipios, garantizando a cada entidad federal autonomía financiera, política y administrativa. . Además, se debe enfatizar que el federalismo brasileño se clasifica como cooperativo, ya que cada entidad tiene sus propias competencias y, al mismo tiempo, la Constitución Federal (artículo 23) establece asuntos de competencia común para todas las entidades de la federación, como salud, asistencia social, preservación del medio ambiente, combate de la pobreza, cultura, etc. La literatura (SOUZA, 2005) explica que los constituyentes, al establecer el artículo 23

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en el texto constitucional, indicaron que era responsabilidad común de todas las entidades federales ofrecer los principales servicios públicos.

En el contexto del federalismo brasileño, la figura del municipio debe destacarse como parte integral del Estado brasileño y reconocerse como una entidad federativa, siendo Brasil el primer país en hacer tal reconocimiento (BLANES SALA y CARVALHO, 2013). El reconocimiento del municipio como entidad federativa le otorgó autonomía y sus propias competencias, convirtiéndolo en un agente importante en términos de políticas públicas (MOHN, 2006).

El artículo 30 de la Constitución Federal de 1988 otorga a los municipios el poder de tratar asuntos de interés local. La expresión interés local no es fácil de interpretar y no puede entenderse como sinónimo de interés exclusivo. El texto constitucional al establecer la división de poderes utilizaba el principio de predominio de intereses como criterio. Así, si el municipio, por ejemplo, tiene un interés predominante en un determinado asunto, será su competencia y atribución. En estas circunstancias, el municipio, al ser valorado por la Constitución Federal de 1988, también termina sobrecargado en términos de atribuciones y responsabilidades, ya que varios asuntos terminan siendo de interés municipal.

El nuevo perfil político-legal de los municipios brasileños, valorado y sobrecargado, terminó estimulando nuevas alternativas en términos de formulación e implementación de políticas públicas locales. Muchos municipios brasileños (y también estados miembros) han comenzado a actuar internacionalmente, estableciendo acuerdos de cooperación con otras entidades locales extranjeras y organizaciones internacionales como una forma de satisfacer las nuevas demandas públicas introducidas por el texto constitucional. Por lo tanto, se puede decir que el contexto de redemocratización y descentralización en Brasil existente en la Constitución Federal de 1988 favoreció el comienzo de la acción internacional de las entidades subnacionales.

El desempeño internacional de los municipios en Brasil es una herramienta que se encuentra principalmente en ciudades grandes y medianas (RIBEIRO, 2009; FONSECA, 2013; LAISNER, 2013; SIMINI, 2015; JUNQUEIRA, 2015), pero de forma general es innegable su importancia en términos de políticas públicas. El desempeño internacional de los municipios en Brasil ocurre en varios temas, como educación, salud, ciencia, tecnología, cultura, sin conflicto entre los temas discutidos por los municipios a través de

sus actividades internacionales y los relacionados con el gobierno federal (VIGEVANI, 2006).

Leonardo Mercher y Aleksandro Eugênio Pereira (2018) afirman que es completamente posible entender el desempeño internacional de los municipios como un ejemplo de política pública. La relación es adecuada, ya que las políticas públicas constituyen el "campo de conocimiento que busca, al mismo tiempo, 'poner al gobierno en acción' y/o analizar esta acción (variable independiente) y, cuando sea necesario, proponer cambios en la dirección o curso de estas acciones (variable dependiente)" (SOUZA, 2006, p. 26). Es decir, si las políticas públicas analizan la acción de los gobiernos, en consecuencia, el análisis del desempeño de los gobiernos municipales a través de articulaciones internacionales también debe entenderse como una política pública. Lo mismo ocurre con la política exterior ejercida por el gobierno federal, también entendida como política pública por la literatura (RATTON SÁNCHEZ et al., 2006).

La política pública ejercida a través de operaciones internacionales en Brasil puede institucionalizarse a través de asesores, secretarios o coordinadores (FONSECA, 2013). El desempeño a través de las Secretarías Municipales es la forma más sólida de acción internacional de los municipios y ya ha sido objeto de estudios en los más variados campos del conocimiento (BRIGAGÃO, 2005; RIBEIRO, 2009; CNM, 2011; FONSECA, 2013; LAISNER, 2013; JUNQUEIRA, 2015). Debido a la amplitud del desempeño internacional de los municipios, este artículo solo abordará el desempeño internacional como una política pública ejercida a través de la Secretaría Municipal de Relaciones Internacionales de São Paulo.

3. El Desempeño Internacional del Municipio de São Paulo

El municipio de São Paulo puede ser considerado pionero y uno de los más activos en términos de acción internacional por parte de los municipios, siendo objeto de varios análisis (FRONZAGLIA, 2005; SANTOS, 2010; ARAÚJO, 2012; SIMINI, 2015; VITAL, 2016; SIMINI y LAISNER, 2018). Inicialmente, uno debe recordar la Ley Orgánica de la Municipalidad de São Paulo, específicamente, su artículo 4, cuya redacción establece que "[...] la Municipalidad, respetando los principios del art. 4 de la Constitución de la República, mantendrá relaciones internacionales, a través de acuerdos y otras formas de cooperación" (São Paulo, 1989). La inserción de este dispositivo en la Ley Orgánica de São Paulo se realizó a través del entonces concejal Pedro Dallari, ahora

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profesor en el curso de Relaciones Internacionales de la Universidad de São Paulo (IRI-USP). Según José Blanes Sala y Clara Maria Faria Santos (2009, p. 143), "[...] no hay un dispositivo similar en Brasil capaz de garantizar el desempeño internacional de los poderes municipales con la misma efectividad legal".

La primera experiencia internacional en términos institucionales ocurrió en la administración de Luiza Erundina (PT) entre 1989 y 1992 con la creación de la Coordinación de Relaciones Internacionales vinculada a la Secretaría Comercial Extraordinaria. En las siguientes administraciones, específicamente las de Paulo Maluf (PDS) y Celso Pitta (PPB), se abolió la Coordinación antes mencionada, lo que significaba que cada Secretaría Municipal desarrollaba proyectos a nivel internacional por sí misma. Posteriormente, en 2001, con el inicio de la administración Marta Suplicy (PT), a través de la Ley N ° 13.165 / 2001 (SÃO PAULO, 2001), se creó la Secretaría Municipal de Relaciones Internacionales (SMRI-SP), un sector con presupuesto y estructura propios. Recientemente, con la edición del Decreto 58.954 / 2019, hubo una reorganización de la administración pública municipal en São Paulo, con la creación de una Coordinación de Relaciones Internacionales vinculada a la alcaldía. Por lo tanto, el sector pierde el nivel de Secretaria.

Las operaciones internacionales de São Paulo tienen lugar a través de acuerdos de cooperación bilateral y multilateral, participación en redes de ciudades y en eventos internacionales. Los acuerdos de cooperación bilateral se firman "[...] cuando existe un interés de ambas partes en fortalecer los lazos políticos y culturales, a fin de permitir proyectos e iniciativas en asociación". (SÃO PAULO, [2020a], énfasis agregado). El sitio web (última actualización 11/06/2019) de la unidad administrativa indica como ejemplos de acuerdos de cooperación bilateral: 1) Acuerdo de cooperación firmado en 2014 con la ciudad argentina de Quilmes en las áreas de turismo, educación, deporte, ciencia y tecnología, comercio e industria; 2) Acuerdo de cooperación firmado en 2018 con el Banco de Desarrollo de China con respecto al intercambio y capacitación de personas; 3) Acuerdo de cooperación firmado en 2018 con la ciudad italiana de Milán en las áreas de movilidad urbana, gestión de residuos, servicios medioambientales, seguridad y cultura; 4) Acuerdo de cooperación firmado en 2017 con la ciudad italiana de Venecia en el área de la cultura; 5) Acuerdo de cooperación firmado en 2016 con la Ciudad de México en el área de la salud; 6) Acuerdo de cooperación firmado en 2019 con el Consulado General

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británico en São Paulo en las áreas de innovación, tecnología, movilidad urbana, transporte, infraestructura, energía y salud (São Paulo, [2020a]).

También están en la categoría de acuerdos de cooperación bilateral están los llamados acuerdos bilaterales de ciudades hermanas, que "pueden [...] proporcionar un intercambio de conocimiento sobre políticas públicas y proyectos en varias áreas, tales como programas de salud, políticas culturales y otros temas de interés mutuo de las ciudades" (SÃO PAULO, [2020a], énfasis agregado). Según el referido organismo municipal, estos representan "el sustrato formal y legal para el establecimiento de eventuales acuerdos de cooperación técnica, programas de intercambio y desarrollo económico, y servicio a la comunidad descendiente del país o región de la ciudad hermana" (SÃO PAULO, [2020a], énfasis agregado). Los acuerdos bilaterales de Ciudades Hermanas se consolidan legalmente mediante la Ley Municipal N° 14.471/2007 (São Paulo, 2007), y el municipio de São Paulo tiene actualmente treinta y una ciudades hermanas (São Paulo, [2020a]).

Los acuerdos de cooperación multilateral son instrumentos firmados por organizaciones internacionales. Según el sitio web del sector (actualizado por última vez el 07/05/2019), se firmaron los acuerdos de cooperación multilateral más importantes, tales como: 1) Memorando de entendimiento entre la Organización de Estados Iberoamericanos para la Educación, la Ciencia y Cultura y el Ayuntamiento de São Paulo, cuyo objetivo es establecer mecanismos de cooperación entre las partes y fomentar la acción conjunta y colaborativa en áreas de interés común; 2) Memorando de Entendimiento entre las Naciones Unidas - ONU y el Municipio de São Paulo, cuyo objetivo es establecer mecanismos de cooperación entre las partes y alentar la acción conjunta y colaborativa en áreas de interés común; 3) Protocolo de cooperación técnica entre la Municipalidad de São Paulo y el Fondo de las Naciones Unidas para la Infancia - UNICEF, cuyo objetivo es la implementación de la Plataforma de Centros Urbanos para promover los derechos de los niños, niñas y adolescentes más afectados por las desigualdades en los centros urbanos de Brasil; 4) Protocolo de Intenciones entre la Municipalidad de São Paulo y el Programa Mundial de Alimentos de las Naciones Unidas - PMA, cuyo objetivo es compartir las experiencias brasileñas en materia de seguridad alimentaria y social, apoyo y mejora de proyectos locales; 5) Memorando de Entendimiento "Connect the Points", cuyo objetivo es la implementación del Proyecto Connect the Points, una iniciativa para desarrollar la producción de pequeños

agricultores, expandir sus fuentes de ingresos, conectarlos con consumidores potenciales y preservar áreas de manantiales (SÃO PAULO, [2020b]).

También hay participación internacional a través de las llamadas "redes de ciudades". El sitio web de la unidad administrativa (actualizado por última vez el 01/02/2019) indica que el municipio de São Paulo participa en las siguientes redes de ciudades: 1) C40 Grupo de Grandes Ciudades para el Liderazgo Climático - C40; 2) Ciudades Unidas y Gobiernos Locales - CGLU; 3) Mercociudades; 4) Asociación Mundial de Grandes Metrópolis - Metrópolis; 5) Asociación de gobierno abierto; 6) Pacto de Milán; 7) Unión de Ciudades Capitales Iberoamericanas - UCCI; 8) Urban 20 (São Paulo, [2020c]).

El desempeño internacional de la capital de São Paulo es, por lo tanto, un instrumento importante en términos de políticas públicas municipales, ya que tiene su propio presupuesto, empleados, concluye contratos, así como prepara y ejecuta políticas a través de acuerdos de cooperación internacional y mediante la participación en redes de ciudades. Partiendo de la premisa de que el desempeño internacional del municipio de São Paulo es una política pública, ahora es necesario discutir la transparencia y el acceso a la información de este desempeño, como se explicó anteriormente, la descentralización de las políticas públicas en Brasil con el objetivo de maximizar la participación social, incluso en términos de inspección y control. La participación y el control, a su vez, requieren transparencia administrativa y acceso a la información.

4. El Acceso a la Información como un Derecho y su Regulación

El acceso a la información es un derecho previsto en los principales tratados de derechos humanos y también en el sistema legal brasileño. El artículo XIX de la Declaración Universal de Derechos Humanos, que trata sobre el derecho a la libertad de expresión y opinión, establece "la libertad de tener opiniones sin interferencia y de buscar, recibir y transmitir información e ideas por cualquier medio y sin importar las fronteras" (ORGANIZACIÓN DE LAS NACIONES UNIDAS, 1948). El artículo 19 del Pacto Internacional de Derechos Civiles y Políticos también se refiere al derecho a la libertad de expresión y, igualmente, asocia este derecho a la libertad de "buscar, recibir y difundir información e ideas de cualquier tipo, independientemente de las consideraciones fronterizas, verbalmente o por escrito, en forma impresa o artística, o por cualquier otro medio de su elección " (ORGANIZACIÓN DE LAS NACIONES UNIDAS, 1966).

Además de los tratados indicados anteriormente firmados en el marco de las Naciones Unidas, también hay documentos importantes en el llamado Sistema Interamericano de Derechos Humanos. El artículo 13 de la Convención Americana sobre Derechos Humanos (Pacto de San José de Costa Rica) garantiza el derecho a la libertad de expresión y afirma que incluye la "libertad de buscar, recibir y difundir información e ideas de todo tipo, independientemente de las fronteras, verbalmente o por escrito, o en forma impresa o artística, o por cualquier otro proceso de su elección" (ORGANIZACIÓN DE LOS ESTADOS AMERICANOS, 1969). Además, el mismo artículo 13 de la Convención Americana sobre Derechos Humanos enfatiza que cualquier restricción del derecho a la expresión por medios o medios indirectos es indebida.

La Declaración de Principios de 2000 sobre Libertad de Expresión considera que la libertad de expresión es un derecho fundamental, no una concesión del Estado, y afirma que ese derecho es un requisito indispensable para la existencia misma de una sociedad democrática. Asimismo, relaciona la libertad de expresión con el derecho de todo ser humano a recibir, buscar y difundir información, con igualdad de oportunidades y sin discriminación alguna. Además, observa que "el acceso a la información en poder del Estado es un derecho fundamental del individuo. Los Estados están obligados a garantizar el ejercicio de este derecho" (ORGANIZACIÓN DE LOS ESTADOS AMERICANOS, 2000). La Carta Democrática Interamericana de 2001, a su vez, reconoce que los pueblos de América tienen derecho a la democracia, con el respeto del derecho a la libertad de expresión y la transparencia de las actividades gubernamentales como componentes fundamentales del ejercicio de la democracia.

El artículo 37, "caput", de la Constitución Federal de 1988 presenta los llamados principios constitucionales de la administración pública, entre ellos, el de la publicidad. La misma Constitución Federal establece en su artículo 5, XIV, que se garantizará todo el acceso a la información y se salvaguardará la confidencialidad de la fuente, cuando sea necesario para la práctica profesional. El artículo 5, XXXIII, establece que toda persona tiene derecho a recibir información de organismos públicos de su interés particular, o de interés colectivo o general, que se proporcionará dentro de los términos de la ley, bajo pena de responsabilidad, excepto aquellos cuyo secreto es esencial para la seguridad de la sociedad y el estado.

La Constitución Federal de 1988 señala que la transparencia administrativa es la regla y el secreto es la excepción. Por lo tanto, solo en situaciones excepcionales previstas

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en el sistema legal puede haber una restricción de la transparencia administrativa. La misma Constitución Federal también garantiza a todos el derecho de acceso a la información, así como el derecho de petición para garantizar la recepción de información de interés público o privado, también con respecto a los casos de confidencialidad cuando la información está relacionada con la seguridad de la sociedad y de Estado.

Posteriormente, en el año 2011, se promulgó la Ley N ° 12.527, conocida como la "Ley de Acceso a la Información". Este diploma normativo establece los procedimientos que deben seguir la Unión, los Estados, el Distrito Federal y los Municipios, para garantizar el acceso a la información prevista en la propia Constitución Federal de 1988. De acuerdo con el artículo 6° de la Ley 12.527/11, corresponde a las agencias y entidades gubernamentales asegurar la gestión transparente de la información, proporcionando un amplio acceso a ella y su difusión; protección de la información, garantizando su disponibilidad, autenticidad e integridad, así como la protección de la información confidencial y la información personal, observadas su disponibilidad, autenticidad, integridad y posible restricción de acceso.

El artículo 7° de la Ley 12.527/11 establece que el acceso a la información incluye, entre otros, el derecho a obtener información sobre las actividades realizadas por los organismos y entidades, incluidas las relacionadas con su política, organización y servicios, información relevante para la gestión de activos públicos, uso de recursos públicos, licitaciones, contratos administrativos, información sobre la implementación, monitoreo y resultados de programas, proyectos y acciones de organismos y entidades públicas, objetivos e indicadores propuestos, así como información sobre el resultado de inspecciones, auditorías, servicios y tomadas de cuentas realizadas por organismos de control interno y externo, incluida la rendición de cuentas de años anteriores.

Por otro lado, el artículo 10 de la Ley 12.527/11 establece que cualquier parte interesada puede presentar una solicitud de acceso a la información a los organismos y entidades a que se refiere el artículo 1° de esta Ley, por cualquier medio legítimo, y la solicitud debe contener la identificación del solicitante y la especificación de la información requerida. Además, también de acuerdo con la misma disposición legal, las agencias y entidades gubernamentales deben proporcionar una alternativa para reenviar las solicitudes de acceso a través de sus sitios web oficiales.

El Decreto Municipal 53.623/2012 de São Paulo regula la Ley Federal 12.527/2011 en el ámbito del Poder Ejecutivo, estableciendo procedimientos y otras

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medidas relacionadas para garantizar el derecho de acceso a la información. El artículo 2º del mencionado Decreto establece que los organismos y entidades municipales garantizarán, a las "personas físicas y jurídicas, el derecho de acceso a la información, mediante la adopción de procedimientos objetivos y ágiles, en un lenguaje transparente, claro y fácil de entender, observando los principios que rigen la Administración Pública" (São Paulo, 2012). Las normas y procedimientos previstos en el Decreto 53.623/2012 son aplicables a los órganos de administración directa, autarquías, fundaciones públicas, empresas públicas, empresas de capital mixto y otras entidades controladas directa o indirectamente por el municipio de São Paulo.

La transparencia tratada en el Decreto 53.623/2012 se divide en transparencia activa y pasiva. Con respecto al primer tipo de transparencia, el artículo 10 establece que es "el deber de los órganos y entidades de la Administración Pública Municipal promover, independientemente de los requisitos, la difusión, en Internet, de información de interés colectivo o general producida o mantenida por ellos" (São Paulo, 2012). La información que se divulgará en el Portal de Transparencia de la municipalidad de São Paulo, según los términos del artículo 10, párrafo 1, del Decreto 53.623/2012 son las transferencias de recursos financieros, ejecución presupuestaria y financiera detallada, compras públicas realizadas y en curso, con avisos, anexos y resultados, contratos y acuerdos firmados en su totalidad, así como la remuneración y subsidios recibidos por los ocupantes de puestos, trabajos o funciones públicas, incluidas posibles ayudas, subsidios y cualquier otra ventaja pecuniaria, además de beneficios de jubilación y pensión, individualmente, según el acto de la Secretaría Municipal de Planificación, Presupuesto y Gestión.

Además, también con respecto a la transparencia activa, el Artículo 10, párrafo 3, del Decreto 53.623/2012 establece información que deben divulgar los organismos municipales en sus respectivos sitios web, a saber, estructura organizativa, competencias, legislación aplicable, principales puestos y sus ocupantes, dirección y números de teléfono de las unidades, horario de atención al público; datos generales para monitorear programas, acciones, proyectos y trabajos de agencias y entidades; respuestas a preguntas frecuentes de la sociedad; resultados de inspecciones, auditorías, desempeño y rendición de cuentas realizadas por los organismos de control interno, incluida la rendición de cuentas de años anteriores; contacto de la autoridad de control, así como el teléfono y correo electrónico del Servicio de Información Ciudadana - SIC de la agencia o entidad municipal.

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El Capítulo IV del Decreto 53.623/2012 trata de la transparencia pasiva, especialmente el llamado "Servicio de Información Ciudadana". El artículo 12 estipula que todos los órganos de la administración municipal directa o indirecta deben tener al menos una unidad física para servir al público, con el propósito de albergar sus propios "Servicios de Información Ciudadana", que tendrán el propósito de recibir y registrar solicitudes de acceso a la información, además de asistir, informar y guiar al público sobre el acceso a la información. Las competencias del "Servicio de Información Ciudadana" son la recepción de la solicitud de acceso y, siempre que sea posible, la provisión inmediata de información; el registro de la solicitud de acceso en un sistema electrónico específico y la entrega del número de protocolo, que contendrá la fecha de presentación de la solicitud; reenviar la solicitud recibida y registrada a la persona responsable por proporcionar la información. La solicitud de acceso a la información puede hacerse en persona o por medios electrónicos por cualquier persona física o jurídica debidamente identificada

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El Municipio de São Paulo pone a disposición en Internet (SÃO PAULO, [2020d]) en el llamado "Portal da Transparência", informes anuales que contienen estadísticas relacionadas con el "Servicio de Información Ciudadana". Actualmente hay siete informes disponibles para los años 2012/2013 (mayo de 2012 a abril de 2013), 2013/2014 (mayo de 2013 a abril de 2014), 2014/2015 (mayo de 2014 a abril de 2015), 2015 / 2016 (mayo de 2015 a abril de 2016), 2016 (enero a diciembre de 2016), 2017 (enero a diciembre de 2017) y 2018 (enero a diciembre de 2018). En los informes disponibles, el sector responsable de las operaciones internacionales de São Paulo todavía se llamaba Secretaría Municipal de Relaciones Internacionales.

En 2012 se presentaron 295 solicitudes de información, 245 de las cuales fueron respondidas por el municipio. Del total de 295 solicitudes, solo 1 (una) se envió al Departamento Municipal de Relaciones Internacionales, lo que corresponde al 0,33% del total de solicitudes recibidas. La Secretaría Municipal de Salud fue la unidad que recibió la mayor cantidad de solicitudes ese año, totalizando 23 solicitudes de información, seguida por la Secretaría Municipal de Finanzas y Desarrollo Económico (22 solicitudes), la Secretaría Municipal de Planificación, Presupuesto y Gestión (19 solicitudes),

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Compañía de Ingeniería de Tráfico (13 solicitudes) y Secretaría Municipal de Asistencia al Desarrollo Social (13 solicitudes).

Según el segundo informe, de mayo de 2013 a abril de 2014, se registraron 2.852 protocolos en el "Sistema de Información Ciudadana", un aumento del 142% respecto al período anterior. Del total de solicitudes, 77% fueron respondidas. La Compañía de Ingeniería de Tráfico fue la agencia que recibió más información (237 solicitudes), seguida por la Secretaría Municipal de Finanzas y Desarrollo Económico (224 solicitudes) y São Paulo Transportes (188 solicitudes). La Secretaría Municipal de Relaciones Internacionales y Federativas recibió solo 04 solicitudes de información, que corresponden al 0,14% del total de solicitudes recibidas, apareciendo en los últimos puestos. Entre abril de 2013 (primer informe) y mayo de 2014 (segundo informe) hubo un aumento del 300% en el número de solicitudes de acceso a la información enviadas a la Secretaría Municipal de Relaciones Internacionales.

El tercer informe para los años 2014/2015 indica que entre el 1 de mayo de 2014 y el 30 de abril de 2015, se registraron 2.912 solicitudes de información. Según el informe, cinco unidades representan más de un tercio (36%) de las solicitudes: Compañía de Ingeniería Tráfico (294 solicitudes), Secretaría de Educación Municipal (223 solicitudes), Secretaría de Salud Municipal (194 solicitudes), Secretaría Finanzas Municipales y Desarrollo Económico (185 solicitudes) y São Paulo Transportes (155 solicitudes). La Secretaría Municipal de Relaciones Internacionales de São Paulo recibió solo 03 (tres) solicitudes de información, correspondientes al 0.1% del total de solicitudes recibidas, apareciendo nuevamente en los últimos puestos. Además, debe tenerse en cuenta que entre mayo de 2014 (segundo informe) y abril de 2015 (tercer informe) hubo una disminución del 25% en el total de pedidos dirigidos a la Secretaría Municipal de Relaciones Internacionales.

El cuarto informe disponible indica que entre el 1 de mayo de 2015 y el 30 de abril de 2016, se registraron 4.565 solicitudes de información, un aumento del 57% con respecto al período anterior. Nuevamente, la Compañía de Ingeniería de Tráfico aparece primero con 536 solicitudes de información, seguida por la Secretaría Municipal de Salud con 393 solicitudes, la Secretaría Municipal de Educación con 305 solicitudes, São Paulo Transportes con 282 solicitudes y la Secretaría Municipal de Finanzas y Desarrollo Económico con 265 solicitudes. Estos cinco organismos, como en el informe anterior, representan más de un tercio (39%) de las solicitudes. La Secretaría Municipal de

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Relaciones Internacionales en el mismo período recibió solo 05 (cinco) solicitudes de información, correspondientes al 0,11% del total de solicitudes recibidas, apareciendo nuevamente en los últimos puestos. Entre abril de 2015 (tercer informe) y abril de 2016 (cuarto informe) hubo un aumento del 66% en el número de solicitudes de información dirigidas a la Secretaría Municipal de Relaciones Internacionales.

El quinto informe disponible para el año 2016 (enero a diciembre) indica un total de 5,212 solicitudes de acceso a la información, un promedio de 434.3 solicitudes por mes. Según el propio informe, en términos generales hubo un aumento en el promedio mensual de pedidos, ya que en 2012 hubo 73.8 pedidos por mes, en 2013 se registraron 210.1 pedidos por mes, en 2014 se registraron 200, 3 pedidos por mes y en 2015 hubo 351.4 pedidos por mes. Los organismos que recibieron más solicitudes de acceso a la información fueron la Compañía de Ingeniería de Tráfico (459 solicitudes), la Secretaría Municipal de Educación (383 solicitudes), la Secretaría Municipal de Salud (373 solicitudes), la Secretaría Municipal de Finanzas (318 solicitudes)) y la Secretaría Municipal de Movilidad y Transporte (303 solicitudes). Estos cinco organismos recibieron conjuntamente el 35% de las solicitudes de acceso a la información. Entre enero y diciembre de 2016, la Secretaría Municipal de Relaciones Internacionales recibió solo 06 (seis) solicitudes de acceso a la información, lo que corresponde al 0,12% del total de solicitudes recibidas, apareciendo en la penúltima posición, por delante de la Secretaría Municipal de Urbanismo y Licencias.

El sexto informe disponible para el año 2017 (enero a diciembre) indica que se recibieron 7.860 solicitudes de acceso a la información, es decir, entre 2014 y 2017, hubo un aumento de más del 225% en el número de solicitudes dado que en 2014 se registraron 2.404 solicitudes y en 2017 un total de 7.860 solicitudes de acceso a la información. En 2017, por lo tanto, hay un promedio de 655 solicitudes de acceso a la información por mes. En ese año, la Secretaría Municipal de Salud (738 solicitudes), la Secretaría Municipal de Educación (649 solicitudes), la Compañía de Ingeniería de Tráfico (553 solicitudes), São Paulo Transportes S/A (427 solicitudes) y la Oficina Municipal de Salud Transporte y movilidad (382 solicitudes) se encontraban en los cinco primeros puestos, siendo responsables de recibir el 34,9% de las solicitudes de acceso a la información. El Departamento Municipal de Relaciones Internacionales recibió un total de 21 (veintiún) solicitudes de acceso a la información en el año 2017, un aumento del 250% en relación con el año 2016. Sin embargo, a pesar del aumento en relación con el año anterior, las

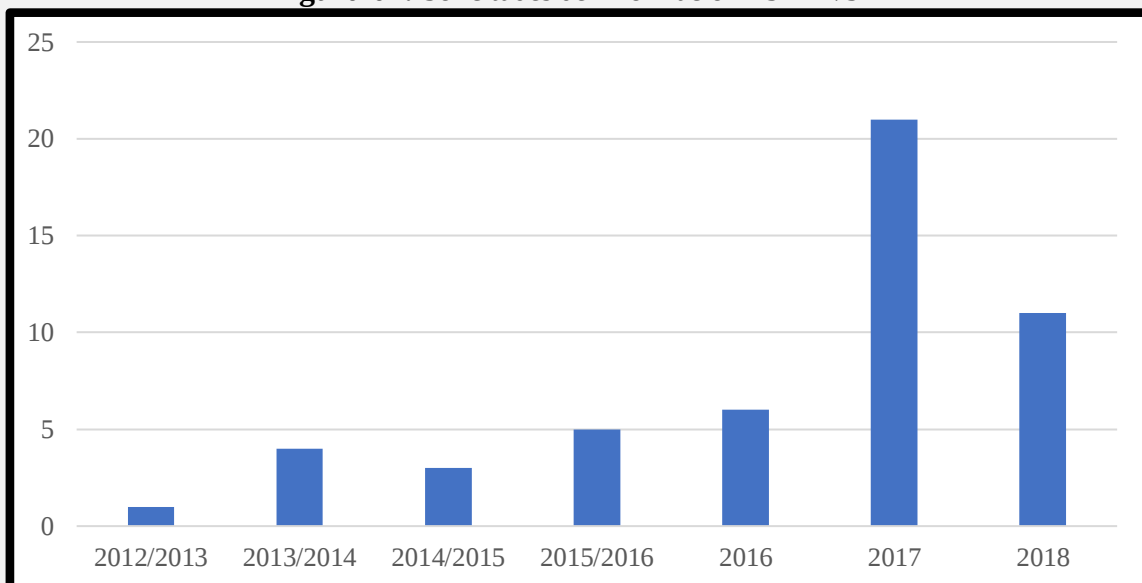
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solicitudes de acceso a la información recibidas por el Departamento Municipal de Relaciones Internacionales correspondieron al 0.27% del total de solicitudes registradas en 2017.

El séptimo y último informe disponible para el año 2018 (enero a diciembre) indica un total de 8,103 solicitudes de acceso a la información, un promedio de 675.25 solicitudes por mes, un aumento del 3,09% en comparación con el año 2017. La Secretaría Municipal de Educación ocupa el primer lugar con 623 solicitudes, seguido por la Secretaría Municipal de Salud con 605 solicitudes, la Secretaría Municipal de Movilidad y Transporte con 570 solicitudes, São Paulo Transportes S/A con 496 solicitudes y la Compañía de Ingeniería de Tráfico con 473 pedidos. Estos cinco organismos recibieron juntos lo correspondiente al 34% del total de solicitudes de acceso a la información en 2018. La Secretaría Municipal de Relaciones Internacionales, a su vez, recibió 11 (once) solicitudes de acceso a la información en 2018, correspondientes a 0,14% del total de pedidos recibidos en ese año, una disminución correspondiente del 47,61% en comparación con el año 2017.

En el gráfico a continuación, la fluctuación en el número de solicitudes de acceso a la información destinada a la Secretaría Municipal de Relaciones Internacionales de São Paulo:

Figura 01: Solicitudes de Información - SMRI/SP



Fuente: Elaboración propia.

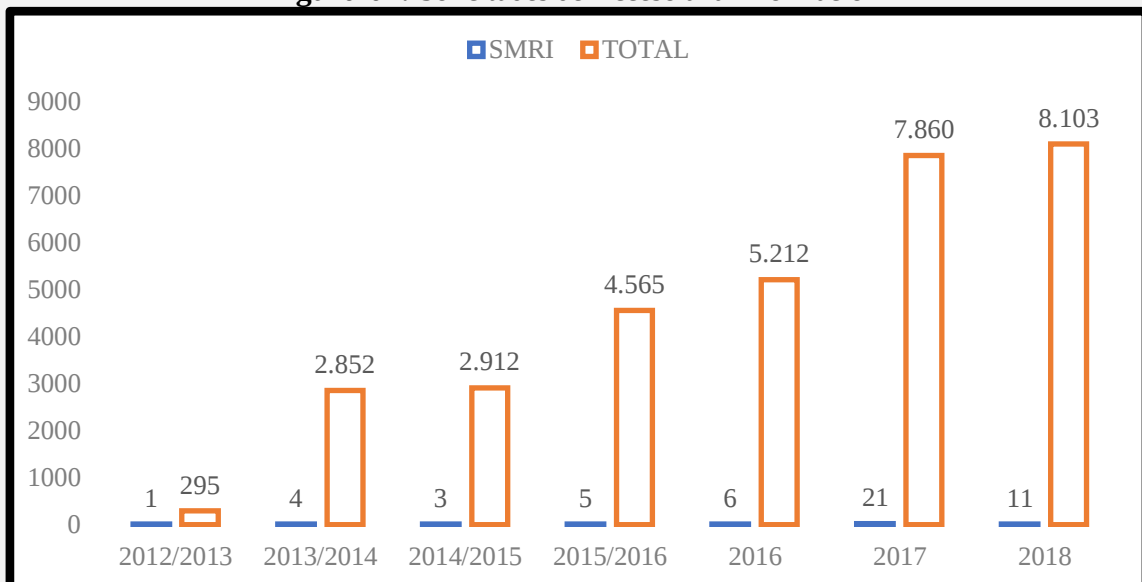
Comparando el número total de pedidos, parece que entre 2012 (295 pedidos) y 2018 (8.103 pedidos) hubo un aumento del 2,646%. Sin embargo, no se observa el mismo

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aumento relevante cuando se analiza solo el número de solicitudes de acceso a la información destinadas a la Secretaría Municipal de Relaciones Internacionales, ya que este sector tuvo fluctuaciones en el número de solicitudes de acceso a la información en los años analizados, con aumentos y disminuciones de un año a otro. Además, la unidad administrativa siempre ha estado en los últimos puestos en el ranking de organismos municipales con el mayor número de solicitudes, y la Secretaría Municipal de Relaciones Internacionales nunca ha excedido el 0.1% correspondiente del total de solicitudes recibidas por el municipio.

El cuadro a continuación compara el número total de solicitudes y el número de solicitudes dirigidas a la Secretaría Municipal de Relaciones Internacionales en cada informe proporcionado por el Portal de Transparencia.

Figura 02: Solicitudes de Acceso a la Información



Fuente: Elaboración propia.

A través de la información recopilada, hay un aumento considerable en el número de solicitudes de información del "Sistema de Información Ciudadana" del Ayuntamiento de São Paulo. Sin embargo, históricamente, prácticamente los mismos organismos representan más de un tercio de las solicitudes, y en todos los informes la Secretaría Municipal de Relaciones Internacionales aparece en los últimos puestos, recibiendo muy pocas solicitudes de los ciudadanos. Las pocas solicitudes existentes enviadas a la Secretaría tienen como objetivo apoyar la investigación académica o tratar con información sobre gastos del sector, número de empleados y contratos concluidos, etc., según la información disponible en el sitio web del Ayuntamiento de São Paulo.

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A pesar del pequeño número de solicitudes de acceso a la información, en algunas ocasiones, el "Servicio de Información Ciudadana" se utilizó como herramienta para la inspección y el control del desempeño internacional del municipio de São Paulo, porque, en más de una oportunidad, se solicitó información relacionada con los contratos celebrados, las ofertas realizadas, el número de empleados, los gastos de viaje, etc. Es una inspección pequeña, pero ya existente por parte de la sociedad, a diferencia, por ejemplo, del poder legislativo municipal. Este sin ninguna actividad de inspección, a pesar de la existencia de una Comisión de Relaciones Internacionales en la "Câmara de Vereadores", cuya función es precisamente supervisar y monitorear el desempeño internacional del municipio de São Paulo (SIMINI, 2017).

La demanda de información por parte de la sociedad civil hace que el desempeño internacional de los municipios como política pública sea más democrático y participativo, como se mencionó anteriormente. Ya existen mecanismos de acceso a la información para lograr la transparencia administrativa. El desafío es conseguir que la sociedad civil conozca mejor el desempeño internacional de los municipios para que lo entiendan como una verdadera política pública capaz de brindar beneficios a la población en general.

En las circunstancias que estamos experimentando actualmente, este artículo fue enviado al comienzo del quinto mes de la pandemia de Covid 19 en Brasil, encontramos pruebas más que evidentes sobre la importancia de la acción internacional de los municipios, especialmente aquellos muy poblados como São Paulo.

Al igual que el gobierno del estado miembro, el municipio de São Paulo ha promovido reuniones, en salas virtuales, con representantes diplomáticos y comerciales de diferentes países, con el fin de intercambiar información, conocimiento y tecnología sobre la pandemia y cómo resolver los problemas derivados de ella, ya sean sanitarios, humanos y económicos.

Recientemente, por ejemplo, el 29 de junio de este año, con el objetivo de hablar sobre medidas para combatir el Covid 19 y proteger a la población, la reapertura de las ciudades y los futuros escenarios pos-pandémicos, los ayuntamientos de São Paulo y Milán participaron en una video conferencia. La reunión virtual tuvo lugar en el contexto del Programa de Cooperación Urbana Internacional (UIC) de la Unión Europea.

Durante la reunión, los participantes hablaron sobre la importancia de comunicarse con los ciudadanos en relación con covid-19 y sobre el proceso de reanudar

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las actividades económicas. Otro punto de la videoconferencia fue la presentación del mapeo de experiencias internacionales en la lucha contra la pandemia.

São Paulo y Milán han sido ciudades hermanas desde 1962. En 2015, la ciudad de São Paulo se convirtió en signataria del Pacto de Milán sobre políticas alimentarias urbanas, un documento firmado por 145 alcaldes del mundo para reconocer el papel estratégico de las ciudades en el desarrollo de sistemas alimentarios sostenibles y lucha contra la inseguridad alimentaria.

Además de esta asociación, como ya se mencionó, las ciudades actúan juntas en el Programa de Cooperación Urbana Internacional (IUC) sobre el tema "recalificación de espacios públicos urbanos". La IUC busca conectar ciudades en diferentes regiones del mundo para promover el desarrollo urbano sostenible en cooperación con los sectores público y privado y con grupos y ciudadanos de la comunidad. Los países en los que se centra esta iniciativa son China, India, Japón, Canadá, México, Estados Unidos, Argentina, Brasil, Chile, Colombia y Perú (São Paulo, 2020e).

En general, gracias a las buenas relaciones resultantes de la estrecha colaboración internacional, fueron posibles cientos de donaciones ya recibidas en São Paulo, incluidas máscaras quirúrgicas, EPP, monitores de signos vitales, desfibriladores, ventiladores pulmonares, guantes y otros instrumentos y materiales de protección para nuestros pacientes y trabajadores de la salud.

Como Buss y Tobar (2020) afirman en un artículo reciente sobre cooperación internacional en salud, la estructuración formal e institucional de estas relaciones intergubernamentales al más alto nivel allanará el camino y fomentará la cooperación vital entre universidades, institutos de investigación, escuelas de salud pública y escuelas de posgrado en las áreas de salud, promoviendo el establecimiento de proyectos de capacitación e investigación sobre recursos humanos y desarrollo tecnológico que respondan a las necesidades comunes de los países de nuestra región para enfrentar la epidemia.

Dicha cooperación en la subregión reforzaría la acción continental de la OPAS, que reúne a todos los países de las Américas, en esta importante iniciativa en el campo de la diplomacia regional en salud.

Además de esa acción internacional, existe la necesidad de promover la transparencia y el acceso a la información para evitar situaciones embarazosas de corrupción como las que hemos experimentado precisamente en este período pandémico,

donde es necesario monitorear el desempeño de los agentes gubernamentales en los acuerdos y transacciones con entidades extranjeras para evitar lo que, por ejemplo, sucedió recientemente en Río de Janeiro, al realizar compras fraudulentas de suministros hospitalarios.

6. Consideraciones Finales

Comprender el desempeño internacional de los municipios en Brasil como una política pública plantea preguntas y desafíos. Las políticas públicas requieren transparencia y acceso a la información. Así, la sociedad civil con información podrá participar en las políticas públicas y también monitorearlas. La transparencia administrativa y el acceso a la información son, por lo tanto, condiciones fundamentales para el ejercicio efectivo de la democracia y la ciudadanía. Por lo tanto, también deben hacerse reflexiones sobre la transparencia y el acceso a la información sobre el desempeño internacional de los municipios en Brasil. Traer tales preguntas y reflexiones fue el objetivo principal de este artículo.

El municipio de São Paulo, debido a su espíritu pionero, fue elegido como objeto de análisis. Los documentos disponibles por el propio municipio muestran un crecimiento significativo en términos de solicitudes de acceso a la información, lo que demuestra, al menos teóricamente, un mayor interés de la población en relación con las políticas públicas municipales. Sin embargo, el número de solicitudes de acceso a la información destinadas a la Secretaría Municipal de Relaciones Internacionales es aún pequeño en comparación con el número total de solicitudes.

La existencia de una pequeña búsqueda de información sobre el desempeño internacional del municipio de São Paulo puede tener varias explicaciones posibles. Es posible que la sociedad civil aún no conozca el trabajo desarrollado por la Secretaría Municipal de Relaciones Internacionales o, a pesar de conocerlo, piense que la acción internacional es una política pública no relacionada con la vida cotidiana de los ciudadanos en una ciudad del tamaño de São Paulo.

De hecho, a día de hoy, mientras concluimos este artículo, en el pleno desarrollo de la pandemia de Covid-19, el ciudadano de São Paulo comenzó a darse cuenta de la relevancia de la acción internacional, especialmente en tiempos de crisis, siendo el

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município de São Paulo un ejemplo de coordinación con ONG, empresas multinacionales y organizaciones intergubernamentales para optimizar la cooperación, a fin de combatir el virus y sus efectos en la economía.

En cualquier caso, las pocas solicitudes de acceso a la información durante el período analizado demuestran un potencial, ya que las solicitudes de información sobre contratos concluidos, número de empleados, gastos, entre otros, indican la existencia de una actividad de supervisión por parte de la sociedad civil, aunque pequeña e incipiente, siendo precisamente la posibilidad de una mayor inspección de la actividad pública uno de los objetivos de la descentralización política y la valorización del poder local en Brasil.

Incluso podríamos arriesgarnos a la conclusión de que es a nivel local de acción internacional donde, como verdadera política pública, la transparencia y el acceso a la información es más cercano, más verdadero y significativo. Presagio de una expansión progresiva a otras esferas federales.

Referencias

Araújo, Izabela Viana de (2012). *A influência partidária no nível municipal: paradiplomacia na cidade de São Paulo*. 2012. Dissertação (Mestrado em Relações Internacionais) - Instituto de Relações Internacionais, Universidade de São Paulo, São Paulo.

Blanes Sala, José & Carvalho, Fagner dos Santos (2013). A autonomia municipal no Brasil e sua recente ação internacional. In: Marchetti, Vítor. (Org.). *Políticas públicas em debate*. São Bernardo do Campo: MP Editora, v. 1, p. 231-250.

Blanes Sala, José & Santos, Clara Maria Faria (2009). *O fundamento jurídico para a ação internacional do Município de São Paulo*. In: BLANES SALA, José (Org.). *O município e as relações internacionais: aspectos jurídicos*. São Paulo: Educ.

BRASIL (1988). *Constituição da República Federativa*, de 5 de outubro de 1988. Recuperado de: www.planalto.gov.br/ccivil_03/Constituicao/Constitui%C3%A7ao.htm. Acesso em: 21 de abr. 2020.

BRASIL (2011). *Lei 12.527 de 18 de novembro de 2011*. Regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal; altera a Lei nº 8.112, de 11 de dezembro de 1990; revoga a Lei nº 11.111, de 5 de maio de 2005, e dispositivos da Lei nº 8.159, de 8 de janeiro de 1991; e dá outras providências. Disponível em: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/112527.htm. Acesso em: 21 de abr. 2020.

Brigagão, Clóvis (2005). *Relações Internacionais Federativas no Brasil: Estados e*

Simini. Sala. *Transparencia y Acceso a la Información en la Acción Internacional del Municipio De São Paulo*

Municípios. Rio de Janeiro: Gramma.

Buss, Paulo Marchiori; Tobar, Sebastián. COVID-19 and opportunities for international cooperation in health. *Cadernos de Saúde Pública*, vol. 36, n. 4, 2020.

CONFEDERAÇÃO NACIONAL DE MUNICÍPIOS (2011). *Atuação global municipal: dimensões e institucionalização*. Brasília, DF.

Fonseca, Marcela Garcia (2013). *Os entes federativos brasileiros frente ao direito internacional*. 2013. Tese (Doutorado em Relações Internacionais) – Instituto de Relações Internacionais, Universidade de São Paulo, São Paulo.

Fronzaglia, Maurício Loboda (2005). *Unidades subnacionais: um estudo de caso sobre a cidade de São Paulo – de 2001 a 2004*. Dissertação (Mestrado em Ciência Política) – Instituto de Filosofia e Ciências Humanas, Universidade Estadual de Campinas, Campinas.

Junqueira, Cairo Gabriel Borges (2015). A criação das Secretarias Municipais de Relações Internacionais (SMRIs) como nova realidade da inserção internacional dos entes subnacionais brasileiro. *Boletim de Economia e Política Internacional*, n. 21, set/dez.

LAISNER, Regina (2013). *O empoderamento dos governos locais e a constituição das Secretarias Municipais de Relações Internacionais (SMRI): um mapeamento no Brasil*. Relatório Final. Projeto Conselho Nacional de Desenvolvimento Científico e Tecnológico.

Melo, Marcus André (1999). Crise federativa, guerra fiscal e hobbesianismo municipal: efeitos perversos da descentralização? In: OLIVEIRA, M.A. (Org.). **Política e contemporaneidade no Brasil**. Recife: Edições Bagaço.

Mercher, Leonardo & Pereira, Alexsandro Eugenio (2018). Paradiplomacia como política externa e política pública: modelo de análise aplicado ao caso da cidade do Rio de Janeiro. *Revista Carta Internacional*, v. 13, n. 2, p. 195-222.

Mohn, Paulo Fernando (2006). Autonomia municipal, centralização e liberdade. *Revista de Informação Legislativa*, Brasília, nº 171, p. 199-209, jul/set.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS (1948). *Declaração Universal dos Direitos Humanos*. Disponível em < <https://nacoesunidas.org/wp-content/uploads/2018/10/DUDH.pdf>> Acesso em 22. abr. 2020.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS (1966). *Pacto Internacional dos Direitos Cívicos e Políticos*. Disponível em < http://www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0592.htm> Acesso em 22. abr. 2020.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS (1969). *Convenção Americana de Direitos Humanos*. Disponível em

Simini, Sala. *Transparencia y Acceso a la Información en la Acción Internacional del Municipio De São Paulo*

<https://www.cidh.oas.org/basicos/portugues/c.convencao_americana.htm> Acesso em 22. abr. 2020.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS (2000). **Declaração de Princípios Sobre Liberdade de Expressão**. Disponível em <<https://www.cidh.oas.org/basicos/portugues/s.Convencao.Libertade.de.Expressao.htm>> Acesso em 22 de abr. 2020.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS (2001). *Carta Democrática Interamericana*. Disponível em <http://www.oas.org/OASpage/port/Documents/Democractic_Charter.htm> Acesso em 22 de abr. 2020.

Ratton Sanchez, Michelle; Silva, Elaine; Cardoso, Evorah; Specie, Priscila (2006). Política externa como política pública: uma análise pela regulamentação constitucional brasileira (1967-1988). *Revista Sociologia Política*, n. 27, p. 125-143, nov.

Ribeiro, Maria Clotilde Meirelles (2009). *Globalização e novos atores: a paradiplomacia das cidades brasileiras*. Salvador: Universidade Federal da Bahia.

Romão, Wagner de Melo (2009). O novo contexto das relações internacionais e a ação externa das cidades brasileiras. In: Rodrigues, Gilberto Marcos Antônio; Xavier, Marcos; Romão, Wagner de Melo (Org.). *Cidades em relações internacionais: análises e experiências brasileiras*. São Paulo: Desatino.

Santos, Clara Maria Faria (2010). *Capacidade jurídica internacional dos municípios*. 2010. Dissertação (Mestrado em Ciências Sociais) – Faculdade de Ciências e Letras, Universidade Estadual Paulista Júlio de Mesquita Filho.

SÃO PAULO (MUNICÍPIO) (2001). *Lei 13.165 de 05 de julho de 2001*. Cria a Secretaria Municipal de Relações Internacionais – SMRI e dá outras providências. Disponível em <<http://camaramunicipalsp.qaplweb.com.br/iah/fulltext/leis/L13165.pdf>> Acesso em 03 de ago. de 2016.

SÃO PAULO (MUNICÍPIO) (2012). *Decreto 53.623/2012*. Regulamenta a Lei Federal nº 12.527, de 18 de novembro de 2011, no âmbito do Poder Executivo, estabelecendo procedimentos e outras providências correlatas para garantir o direito de acesso à informação, conforme especifica. Disponível em <<http://legislacao.prefeitura.sp.gov.br/leis/decreto-53623-de-12-de-dezembro-de-2012/detalhe>> Acesso em 21 de 2020.

SÃO PAULO (MUNICÍPIO) (2013). *Lei nº 15.764 de 27 de maio de 2013*. Dispõe sobre a criação e alteração da estrutura organizacional das Secretarias Municipais que especifica. Disponível <http://www3.prefeitura.sp.gov.br/cadlem/secretarias/negocios_juridicos/cadlem/integra.asp?alt=28052013L%20157640000> Acesso em 03 de ago. de 2016.

SÃO PAULO (MUNICÍPIO) Secretaria Municipal de Relações Internacionais e Federativas de São Paulo. *Assuntos internacionais: acordos de cooperação bilateral*. São Paulo, [2020a], Disponível em: <<https://www.prefeitura.sp.gov.br/cidade/>

Simini, Sala. *Transparência y Acceso a la Información en la Acción Internacional del Município De São Paulo*

secretarias/relacoes_internacionais/assuntos_internacionais/index.php?p=270291>. Acesso em: 21 abr. 2020.

SÃO PAULO (MUNICÍPIO) Secretaria Municipal de Relações Internacionais e Federativas de São Paulo. *Assuntos internacionais: acordos de cooperação multilateral*. São Paulo, [2020b], Disponível em: < https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/assuntos_internacionais/index.php?p=270126>. Acesso em: 21 abr. 2020.

SÃO PAULO (MUNICÍPIO) Secretaria Municipal de Relações Internacionais e Federativas de São Paulo. *Assuntos internacionais: redes de cidades*. São Paulo, [2020c], Disponível em: <https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/assuntos_internacionais/index.php?p=146132>. Acesso em: 21 abr. 2020.

SÃO PAULO (MUNICÍPIO) Portal da Transparência. *Relatórios Anuais da LAI*. São Paulo, [2020d], Disponível em: < <http://transparencia.prefeitura.sp.gov.br/acesso-a-informacao/Paginas/Relat%c3%b3rios-Estat%c3%adsticos.aspx>>. Acesso em: 21 abr. 2020.

SÃO PAULO (MUNICÍPIO) Capital participa de videoconferência sobre o enfrentamento à covid-19 com a cidade de Milão. São Paulo, [2020e], Disponível em: < <http://www.capital.sp.gov.br/noticia/capital-participa-de-videoconferencia-sobre-o-enfrentamento-a-covid-19-com-a-cidade-de-milao>> Acesso em 03 ago. 2020.

Simini, Danilo Garnica (2015). *Atuação internacional dos municípios brasileiros à luz da Constituição Dirigente de 1988: um estudo de caso da Secretaria Municipal de Relações Internacionais e Federativas de São Paulo*. 147 f. Dissertação (Mestrado)– Programa de Pós-Graduação em Direito, Faculdade de Ciências Humanas e Sociais, Universidade Estadual Paulista “Júlio de Mesquita Filho”, Franca.

_____(2017). *Accountability e atuação internacional do município de São Paulo. Monções: Revista de Relações Internacionais da UFGD*, Dourados, v. 6, n. 12, jul./dez.

Simini, Danilo Garnica; Laisner, Regina Claudia (2018). Superação do subdesenvolvimento, erradicação da pobreza e atuação internacional de municípios: o exemplo da cidade de São Paulo. *Revista de Direito da Cidade*, Rio de Janeiro, volume 10, n. 1, p. 225-256.

Souza, Celina (2005). Federalismo, desenho constitucional e as instituições federativas no Brasil pós-1988. *Revista Sociologia Política*, Curitiba, n. 24, p. 105-121, jun.

_____(2006). Políticas públicas: uma revisão da literatura. *Sociologias*, Porto Alegre, ano 08, nº 16, p. 20-45, jul/dez.

Vigevani, Tullo (2006). Problemas para a atividade internacional das unidades subnacionais: estados e municípios brasileiros. *Revista Brasileira de Ciências Sociais*, São Paulo, v. 21, n. 62, p. 127-169.

Simini. Sala. *Transparencia y Acceso a la Información en la Acción Internacional del Municipio De São Paulo*

Vital, Graziela Cristina (2016). 232 f. *A institucionalização das relações externas subnacionais: um estudo comparado das cidades de São Paulo e Toronto*. Tese (Doutorado)–Programa de Pós-Graduação em Relações Internacionais, Instituto de Relações Internacionais, Universidade de São Paulo, São Paulo.

Brazil and WTO Dispute Settlement: an analysis on the Brazilian decision-making process

Brasil e Contenciosos na OMC: uma análise sobre o processo de tomada de decisão brasileiro

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Abstract: In the beginning of the 21st century, Brazil always sought to engage in multilateralism, assuming a leading role in WTO since 1999, leading the (agricultural) G-20 and opening many disputes against developed countries, being victorious in most of them. The disputes that mark these internal and external Brazilian shifts and victories are the cotton and orange juice disputes (against the United States) and the sugar dispute (against the European Union). However, why did Brazil decide to enter a dispute at WTO? Which factors are relevant for Brazil to contest other countries' protectionism? To answer these questions, this work will analyze the Brazilian choice of line of action to open WTO disputes between 1995 and 2018, and the decision-making process of the orange juice dispute. Thus, how the external scenario, the Brazilian diplomacy positioning in this scenario and the decision-making process influenced the opening of WTO panels was verified by showing the causal relations of the cited phenomena in the studied case.

Keywords: Decision-Making Process; Brazil; WTO.

Resumo: No início do século XXI, o Brasil que sempre procurou se engajar no multilateralismo assumiu um papel de protagonismo na Organização Mundial do Comércio (OMC) a partir de 1999, liderando o G-20 (agrícola) e abrindo diversas disputas contra países desenvolvidos, conquistando a vitória na maioria delas. Os contenciosos que marcam esse momento de mudanças externas e internas e de vitórias brasileiras são: o do algodão e o do suco de laranja (contra os Estados Unidos) e o do açúcar (contra a União Europeia). Contudo, apesar das vitórias na OMC para os respectivos setores agrícolas brasileiros, o fato de um setor demandar do governo a contestação em

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organização multilateral contra outro Estado que protege seu mercado de produtos importados pode ser entendido como um último recurso e derrota do setor exportador que não conseguiu negociar bilateralmente com o país importador. Nesse sentido, pretende-se neste trabalho responder as seguintes perguntas: por que os Estados decidem entrar em disputas na OMC? Quais os fatores relevantes para o Brasil contestar o protecionismo de outros países? Dois caminhos apresentam-se como possíveis para pensar a questão: 1) o processo de tomada de decisão em política externa e a escolha da linha de atuação do país nesse campo; e 2) a influência do setor demandante sobre a formulação e implementação de políticas públicas. Para responder as questões, esse trabalho analisará o primeiro caminho, refletindo sobre a escolha da linha de atuação brasileira para abrir contenciosos na OMC entre 1995 e 2018 e sobre como ocorreu o processo de tomada de decisão no contencioso do suco de laranja. Com isso, verificar-se-á de que forma o cenário externo, a posição da diplomacia brasileira nesse cenário e o processo de tomada de decisão influenciam a abertura de painéis na OMC.

Palavras-chave: Processo de Tomada de Decisão; Brasil; OMC.

1. Introduction

Between the nineteenth and twentieth centuries, Brazil consolidated itself as a big and competitive worldwide exporter of commodities, even after a boost in its exportation of industrialized goods since the 1970s. With the Chinese *boom* in 2002, commodities were once again promoted and “the [Brazilian commodities] exports jumped from US\$ 72 billion in 2003 to US\$ 201.9 billion in 2010” (Souza, 2011), what represents 69.4% of the country’s export schedule. However, only the commodities boom would not be enough cause to explain the “revival of livestock as a relevant activity in the Brazilian economy [and] the role of great importance that the sector has played in the national economic life” (Iglésias, 2007, p.75). Hence, macro-transformations at the international (globalization and its crescent markets’ integration) and domestic contexts (re-democratization process and more actors in the decision-making process) are pointed as the necessary conditions to this explanation (Cason & Power, 2009; Iglésias, 2007; Mendonça & Ramanzini Jr., 2016; Oliveira, 2007; Schneider, 2010).

Then, a new regulatory matrix emerges, based on the interaction between governments and businesspeople, aiming the “amplification of participation in the country’s world trade of farming goods” (Iglésias, 2007, p.76). This interaction would occur strongly through the Ministry of Agriculture, Livestock and Provision (In Portuguese: Ministério da Agricultura, Pecuária e Abastecimento – MAPA), through

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Segment Chambers², in which the representation of interest associations would have prominent role. However, despite the existence of “competencies concerning foreign policies distributed throughout the federal Executive power and not only at the [Ministry of Foreign Affairs (in Portuguese: Ministério das Relações Exteriores – MRE)]” (Silva, Spécie & Vitale, 2010, p. 27), many of these Segment Chambers did not manage to elaborate uniform demands, both for domestic policies and international strategies for the country’s widening of markets.

An important organization for formulating the Brazilian trade policy is the Foreign Trade Chamber (in Portuguese: Câmara de Comércio Exterior – CAMEX), created in 1995 under the auspices of the Government Council of the Presidency of the Republic, and transferred in 1999 to the recently created Ministry of Industry, Foreign Trade and Services (in Portuguese: Ministério da Indústria, Comércio Exterior e Serviços – MDIC) (Fernandes, 2013). Nevertheless, once CAMEX became part of MDIC, it also turned into a conflict *locus* between the ministries³ until it lost “its competence in the formulation of the policies to which it was created” (Fernandes, 2013, p.144).

At the same time, “a pattern more or less defined of the international insertion of Brazil” (Mendonça & Ramanzini Jr., 2016, p.223) seemed to exist, which pointed to the opposite direction of the wishes of the agribusiness groups⁴. This can be explained because “[...] since the beginning of the 1990s, the Brazilian foreign policy can be characterized as a ‘*policy regime*’” (Mendonça & Ramanzini Jr., 2016, p.223). Such pattern was (and still is) guided by the respect of International Law rules and the peaceful settlement of conflicts, that is, Brazil would act in a *rule-oriented* way (Carvalho, 2012). Hence, with the increase of many protectionist tariff and non-tariff barriers to Brazilian products, due to the financial crisis from 2008-2009 (Cesar, 2013), MRE reacted in the propitious field: the Dispute Settlement Body (DSB) at WTO, becoming the most active developing country in this system (Ramanzini Jr. & Viana, 2012).

² On the subject, see Arbix, 1996; Geraldello, 2019; Guanziroli, Basco & Ortega, 2007; Moura & Brisola, 2010; Rissardi Jr., Shikida & Lages, 2017; Staduto et al, 2007; Takagi, 2000.

³ Until 2018, the Ministers of Industry, Foreign Trade and Services; of Foreign Affairs; of Finance; of Agriculture, Livestock and Provision; of Development Planning and Management; of Agrarian Development; of Transports, Ports and Civil Aviation; and the Minister-chief of the Civil House of the Presidency were part of the Ministers’ Council of CAMEX.

⁴ For Lohbauer (2010, p.76), it was “the intense acting, increasingly professional, of the representative entities allied to an extremely favorable juncture to world consumption of commodities that avoided a mediocre growth in exportations”, and not the state policies.

Even if the success of these disputes at WTO depends more on external (international rules, demanded country, bargain power of those involved) than on internal aspects (demanding country's capacity), the "domestic decision-making process is important to understand why a country has a particular position in the international negotiations" (Mendonça & Ramanzini Jr., 2016, p.216). In this perspective, the "external position of the countries cannot be explained without an analysis of the interactions between policies and domestic and international decision-making structures" (Mendonça & Ramanzini Jr., 2016, p.217), once the decision-making unity that decides on a particular foreign policy is as important as what is decided, and how it was decided (Farias, 2009).

Thus, this study aims to answer the following questions: why does Brazil decides to open disputes at WTO? Which factors are relevant for Brazil to contest other countries' protectionism? Two hypotheses are presented as possible: 1) the decision-making processes in foreign affairs and the choice of line of action in this field by the country; and 2) the influence of the demanding sector on the formulation and implementation of policies. Even though the paths are inter-related, analyzing the influence⁵ of the demanding sector on foreign affairs' decisions becomes a difficult task when actors' preferences are the same. That is, when the demanding sector and the government have the same preferences, how is it possible to affirm that a policy decision was made due to the sector's influence? Moreover, considering WTO disputes, MRE only accepts a sectorial demand if there is the concrete possibility of gain and proved juridical violation of WTO's rules, in addition to a positive political evaluation of the dispute for Brazil, as it will be shown.

Therefore, this study will ponder on the choice of the Brazilian line of action to open disputes at WTO between 1995 and 2018, leaving the hypothesis on the sectorial influence on MRE to future studies. To follow the chosen path, a case study was conducted to assess how the decision-making process in MRE occurred, according to the Brazilian foreign policy line of action. This case is the orange juice dispute, because MRE opened two consultations in DSB about the product, in different international moments and which reflected in Brazil's international insertion. Therefore, it is possible to verify

⁵ Influence here is understood as a phenomenon that occurs when there is an orientation of the "attention of policy-makers to some issues, excluding others" (Thomas, 2004, p.121) by interest groups and the consequent convergence between the demand of the interested group and the political outcome (Macuso & Gozetto, 2018).

how the external scenario, the Brazilian diplomacy's position in this scenario and the decision-making-process influenced the opening of panels at WTO.

2. Decision-Making Process in Brazil's Foreign Policy

Many dissertations, theses and articles have been written in the last decades analyzing the decision-making process of the Brazilian foreign policy. This literature has considered many aspects of this interaction ⁶, from “how the relation between state and society is established, the degree of openness to state instances, the correlation of forces between domestic state and non-state actors”, to “the possibilities of implementing the foreign trade policy in view of the domestic and systemic constraints” (Mendonça & Ramanzini Jr., 2016, p.214). These studies, to a greater or lesser extent, understand that national interest is not cohesive, as there is a range of interests inside the state, frequently competing with each other to be elevated as a state policy. Therefore, they use as reference Allison (1969), Moravisk (1993), Milner (1997) and Putnam (2010), among others.

In relation to Allison (1969), some considerations are necessary, as his main worry is “questioning the political role played by the bureaucracies” (Figueira, 2009, p.40). The author developed 3 models of analyzing the state action: 1st) the rational politics model, in which the state acting would derive from a rationality of the national government leader, aiming to maximize gains; 2nd) the organizational bureaucratic model, in which “the events of the international politics are [...] outputs of organizational processes” (Allison, 1969, p.699) of many state agencies and institutions, little depending on the will of the ruler; and 3rd) the bureaucratic politics model, in which politics is seen as a political result, that is,

The decisions and actions of governments are essentially intra-national political outcomes: outcomes in the sense that what happens is not chosen as a solution to a problem but rather results from compromise, coalition, competition, and confusion among government officials who see different faces of an issue; political in the sense that the activity from which the outcomes emerge is best characterized as bargaining (Allison, 1969, p.708).

⁶ Among the studies, we highlight Amorim Neto & Malamud, 2015, 2019; Carvalho, 2003; Cintra, 2007; Deitos, 2010; Farias, 2007; Figueira, 2009; Jakobsen, 2016; Lima, 2000; Lima; Santos, 2001; Mendonça & Ramanzini Jr., 2016; Ramanzini Jr., 2009.

Once the decision-making process in foreign policies is not concentrated in the ruler's hands in Brazil, being divided among an increasing number of state agencies, the two last models are the ones that may help to understand this process. However, the third model has received more attention, as it embodies bureaucrats as actors, and not only as managers, hence considering the aspects of the other two models (Figueira, 2009; Jakobsen, 2016; Ramanzini Jr., 2009).

This is due to Brazil being an example of “state dominated” domestic structure (Cintra, 2005). According to Rissen-Kappen (1994, p.209), domestic structures are “the organizational apparatus of political and social institutions, [...] as well as the values and rules that prescribe an appropriate behavior embedded in the political culture”. These structures have three dimensions: 1st) the state political institutions and their degree of centralization or fragmentation; 2nd) the structure of society concerning its (strong or weak) ability to articulate demands; and 3rd) the political networks that link state and society (Carvalho, 2003; Cintra, 2005).

In the case analyzed by Carvalho (2003, p.390), despite the decrease of “Itamaraty's autonomy [and the] amplification of the decision-making process to the participation of other bureaucratic actors, the influence of the National Congress was null”, and the process concentrated at the Executive. In the same direction are the findings of Cintra (2005, p.19), who believes “there is a strong system of organizations representing interests that channels social demands”, but power is “too concentrated by the Executive”.

Such concentration in the Executive is reinforced by Farias (2007), who showed through the Brazilian participation in GATT that the centrality of MRE in the decision-making process was not natural before the re-democratization process, as many researches supposed⁷. According to Farias (2007), MRE lived a paradox as, on one hand, it had the capacity and acknowledgement to act in international negotiations and, on the other hand, it did not have the technical and domestic implementation competencies of

⁷ Since the Brazilian redemocratization process, a new movement began towards diminishing the bureaucratic isolation of the Ministry of Foreign Affairs in the formulation of foreign and trade policies, opposite to the direction followed before. There were many forms (and no consensus) on naming this decentralization of foreign affairs under the ministry, among which unwrapping, decentralization, democratization, horizontalization, power shift, interest diversification (Farias & Ramanzini Jr., 2015). Among the authors that deal with this subject in this perspective are Anastasia, Mendonça & Almeida, 2012; Cason & Power, 2009; Oliveira & Milani, 2012; Farias & Ramanzini Jr., 2015.

the internationally negotiated arrangements. In this perspective, MRE “could not, alone, make decisions in the multilateral plan” (Farias, 2007, p.15).

These “tasks divisions” between MRE and other ministries can be seen in many domains, be it by the staff exchange between ministries, due to the formation of International Relations sectors in different ministries, or by the establishment of working groups (Figueira, 2009; Silva, Spécie & Vitale, 2010). However, the authors highlight that, between 1988 and 2007, the number of diplomats in other ministries was ten times the number of staff employees of other ministries allocated at MRE. For Silva, Spécie and Vitale (2010, p.20), this can be an attempt of MRE centralizing the “foreign policy issues in the hands of professional diplomats”, even in other ministries.

However,

[In] the first decade of the 2000s, it is observed that Itamaraty has a greater weight in defining the Brazilian position and strategies in WTO (Carvalho, 2000). [...] The fact that the Ministry of Foreign Affairs has an important role in the domestic decision-making process for determining the country’s trade policy, through CAMEX, in addition to having privileged access to information of the international actors, are some of the factors that contribute to this dynamic. The issue of the acceleration of the so-called “globalization” processes decreases significantly the possibility of domestic bodies formulating policies that are incompatible to Brazil’s international commitments is a factor that also tends to increase Itamaraty’s weight. (Mendonça & Ramanzini Jr., 2016, p.223)

Thus, CAMEX was created to accommodate the Brazilian economic and social groups that began to pressure for more participation in the formulation of Brazil’s international trade policies to avoid distributive losses and/or costs from the adopted policies. The Chamber acts as a space of discussion between government and the private sector about the domestic policies to be adopted that have an impact on international commitments. CAMEX has also sought to protect MRE from sectorial lobbies. “According to an interview conducted with the Agriculture and Primary Products Division of MRE, [...] the government institutions exposed to lobbies from the private sector are, and should be, the sectorial ministries” (Machado, 2009, p.94-95).

However, according to Lohbauer (2010), the trade policy of Lula’s government

would be subjected to the principles determined by the foreign policy. The differences between the then-minister of Agriculture Roberto Rodrigues and the minister Fernando Furlan, concerning the paths that

should be followed in the ALCA negotiations, were confronted by the positions of the minister Celso Amorim, from MRE. President Lula was clear and explicit. The last word in trade policy would be given by the MRE. From that moment on, [...] CAMEX [...] suffered a harsh blow in the efficiency of its operability. (Lohbauer, 2010, p.76)⁸

Thus, despite MRE not being the only relevant actor in the decision-making process in foreign trade policy, since CAMEX is responsible to formulate, implement and coordinate this policy, when the issue involves WTO, Itamaraty seems to be the protagonist, even though institutionally it is the ministry responsible for the externalization of actions, the decision would be inter-ministerial. This would be due to the synergism between MRE, the Civil House and MDIC, since, when there are convergences of these agendas (MRE strategies, the strategies of the Presidency of the Republic and the domestic policies demanded by the interest groups), MRE “tends to strengthen itself as an institution and increase its weights in the decision-making process to define the international positions of the country” (Mendonça & Ramanzini Jr., 2016, p.226).

3. Brazil and the Disputes at WHO between 1995 and 2018

Since the creation of WTO in 1995, the Brazilian foreign trade policy went through some changes in this subject. “During Fernando Henrique Cardoso’s government, there was an attempt to negotiate in three arenas [...]. There was the negotiation with WTO, with the [European Union] and with the United States, with the proposal of an agreement between the Americas. [...] In Lula’s government, the option became only WTO” (Thorstensen, 2014, p.8). On the other hand, Oliveira (2012, p.34) believes that, in the last decades, “Brazil’s foreign trade policy used the negotiation strategy in three paths, with priority to multilateral combined with regionalism in two stages”. For the author, the three paths would be the multilateral negotiations at WTO; the preferential agreements in South America (mainly Mercosul); and other regional agreements with countries outside South America, such as “India, Mexico, Israel, Egypt, Cuba, Palestine [...] and South Africa (through SACU)” (Oliveira, 2012, p.34). Regionalism in two stages, cited by the author, concerns the shifts in the negotiation strategies of agreements with countries outside South America: the first stage was

⁸ Veiga (2007) also pointed out that the political view is that it would define the Brazilian negotiation strategy in international trade as opposed to the economic-pragmatic view.

represented by the attempted agreements with developed countries (the Mercosul-European Union agreement, and the agreement with the United States) in the 1990s and beginning of the 2000s, while the second stage refers to the signature of agreements with developing countries since the 2000s.

Despite the differences of the authors cited above concerning the intensity of the shifts in each government and the reasons for such changes, both point to multilateralism as the central axis of the actions undertaken. In this sense, WTO was the main scenario for the Brazilian foreign trade policy, especially since the Doha Round⁹, when the discussion about liberalizing the agricultural market became the cornerstone of the Brazilian position in the organization. However, as “the USA and [the European Union] had already conducted their agricultural reforms through the recent Farm Bill and Common Agricultural Policy, [respectively], [...] they left no space for negotiation at WTO” (Thorstensen, 2014, p.9), what has hindered the advancement of the Doha negotiations.

Thus, for Thorstensen (2014), if new rules are not established to liberalize agriculture in developed countries, Brazil’s solution to reduce agricultural protectionism in these countries are the WTO’s panels. However, since this is not an issue only for Brazil, WTO’s DSB becomes overburdened to decide on subjects that have not been negotiated yet, enlarging the existing concepts. For Azevedo and Ribeiro (2009), “[t]riggering the mechanism for the dispute settlement is not only an exercise to gain – or lose – economic advantages. It is also a mechanism of political pressure and rights legitimization” (Azevedo & Ribeiro, 2009, p.8). That is, apart from being a strategy at WTO, participating in the DSB panels is also related to a broader strategy of foreign policy, related to the bilateral relation between those demanding and those that are demanded and the country’s status in the international system.

Hence, it is necessary that the demanding country have “a group of litigators to defend [its] interest inside WTO” (Thorstensen, 2014, p.9). To the author, Brazil should have strengthened MRE’s Disputes General Coordination (in Portuguese: Coordenação-Geral de Contenciosos – CGC)¹⁰ to prepare itself better for the DSB panels. But, even with the reduced number of Brazilian litigators capable of supporting DSB discussions,

⁹ It began in 2001, and has not ended until today.

¹⁰ Created “in 2001, and led by the ambassador Roberto Azevêdo, [...] WTO general-director [between September 2013 and August 2020] and the main trade diplomat in the country since the creation of the Organization” (Bonomo, 2014, p.4), and transformed in the Division of Trade Disputes (DTD) in 2019.

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“Brazil (1.73) is the second more offensive [G-20 economy] in the dispute settlement system at WTO, behind only Canada (1.94)” (Bonomo, 2014, p.4). That is because Brazil has developed an extended litigation process (ELP): “an informal system [...] of detailed evaluation of each potential case before it is formally initiated, [...] combined with a well-defined legal-diplomatic action, both in the phase previous to the juridical case and the stage after its conclusion” (Bonomo, 2014, p.5). This ELP has helped MRE to “filter”, in legal, economic and politic terms, the private sector demands and ensure a high rate of victory and compliance to WTO decisions in the disputes started by Brazil” (Bonomo, 2014, p.5).

In the attempt to start only disputes whose victory rate may be potentially high, Brazil has reduced the number of disputes it opens, with a reduction of 30% between 2002 and 2013 (Bonomo, 2014). The predominant sector has also been altered: if between 1995 and 2013 the industrial sector was responsible for 46% of the panels, between 2014 and 2018 it was responsible for only 33%, as shown at Table 1. This is because agriculture and the agroindustry strongly enhanced their participation: from 1995 to 2018: of the 32 disputes opened by Brazil, 16 (50%) are from the agricultural sector and 13 (40.6%) of the industrial sector (World Trade Organization, 2019).

Table 1 shows that the highest Brazilian activity at WTO occurred between 1997 and 2002, a period in which, with the exception of 1998 and 1999, the requests for opening panels varied from 4 to 7 per year. After a 5-year period without demanding disputes, Brazil starts to open little less of one dispute per year, what may be seen as a result of ELP and the collaboration between MRE, MDIC, MAPA and the private sector, as suggested by Bonomo (2014), Carvalho (2003) and Mendonça and Ramazini Jr. (2016).

This is because the Brazilian strategy is formulated after the complaints of the sectors affected by other countries' measures. When this sector points its opportunity costs to the sectorial ministry and CAMEX, it faces many obstacles, among which sometimes MRE (at CAMEX). Oliveira (2007) reminds the speech of Pedro de Camargo Neto, member of the Brazilian Rural Society (SRB), about the cotton dispute:

Some [MRE] staff members did not wish to face a world superpower in the terrain of agricultural issues. I handed a study on the contestation of subsidies, and they said, 'Bring me another'. After, I handed more two studies, and they asked for other four. Some people did everything to hinder me. (Oliveira, 2007, p. 23)

Table 1. Disputes Opened by Brazil in DSB

Year	Case	Demanded Country	Product
1995	DS4	United States	Gasoline
1997	DS69	European Union	Poultry
	DS70	Canada	Civilian Aircrafts
	DS71		
	DS112	Peru	Buses
1998	DS154	European Union	Coffee
2000	DS190	Argentina	Textiles (cotton products)
	DS208	Turkey	Steel and Iron pipe fittings
	DS209	European Union	Soluble Coffee
	DS216	Mexico	Electric transformers
	DS217	United States	Act 2000 - Byrd Amendment (subsidies and dumping)
	DS218		Carbon steel products
	DS219	European Union	Iron tube or Pipe fittings
2001	DS222	Canada	Aircrafts (regional aviation subsidies)
	DS224	United States	US Patents code
	DS239		Silicon metal
	DS241	Argentina	Poultry
2002	DS250	United States	Orange juice (EET imposed by Florida)
	DS259		Steel products
	DS266	European Union	Sugar
	DS267	United States	Cotton
	DS269	European Union	Frozen Boneless Chicken Cuts
2007	DS365	United States	Agricultural subsidies
2008	DS382	United States	Orange juice (anti-dumping measures)
2010	DS409	European Union and the Netherlands	Generic drugs in transit
2012	DS439	South Africa	Frozen Meat of Fowls
2014	DS484	Indonesia	Chicken meat and chicken products
2016	DS506	Indonesia	Bovine meat
	DS507	Thailand	Sugar
2016	DS514	United States	Steel flat products
2017	DS522	Canada	Commercial Aircrafts
2018	DS568	China	Sugar
2019	DS579	India	Sugar and sugarcane

Source: Own elaboration based on data from the World Trade Organization, 2019.

The cotton dispute is one of the panels opened by Brazil in 2002, “the first year of complete operation of CGC” (Bonomo, 2014, p.5), to protect agriculture and cattle raising, and marking the beginning of this sector’s predominance in the disputes at WTO. In 2002, four disputes, relevant to the farming sector, were opened: in March, DS 250 on a tax applied in Florida for the Brazilian orange juice, in September, DS 266 on the

European subsidies for their sugar producer, and DS 267 on American subsidies for their cotton producers¹¹; and, in October, DS 269 on the European Union's customs classification of boned cuts of chicken.

Together, the panels mark Brazil's new position in the international scenario, reflecting both Fernando Henrique Cardoso's autonomy by participation, and its premise of adhering to international regimes, and Lula's autonomy by diversification, and its premise of contesting developed countries¹². Thus, the denunciation of the ways developed countries evaded the multilateral trade regime through non-tariff barriers marked Brazil's new position of institutional reforms in the foreign trade policy.

However, one of these disputes reappeared years later: the barriers applied to orange juice exports in the United States continued to harm this product's trade. Moreover, the request emerged in an appropriate time, as developed countries, despite preaching free market as a way to overcome the 2008 financial crisis, were adopting more protectionist measures than the average observed in the previous years (Cesar, 2013). In this perspective, we describe, in the following section, how and why this case had one more episode.

4. The Orange Juice Dispute

"Canned" orange juice was developed during the Second World War, aiming to supply vitamin C to the American troops abroad. Since then, the juice processing industry in the United States has invested in technology and marketing both to enhance the product's flavor and conservation, and to foster consumption. This resulted in high consumption of the product in the country, turning it into the biggest national market and the leading producer of concentrated orange juice in the 1960s, when these industries

¹¹ Opened in the same day, the cotton and sugar disputes represent the Brazilian response to subsidies programs for these products in the United States and the European Union, respectively the *Farm Bill* and the Common Agricultural Policy (CAP), and the Brazilian contestation to countries with smaller competitive advantages in the international commodities market.

¹² According to Vigevani e Cepaluni (2007, p.283), "'autonomy by participation' [represents] the adhesion to international regimes, including those of liberal mark, without the loss of the capacity of managing foreign affairs; in this case, the aim is to influence its own formulation of principles and rules that rule the international system; [and] [...] 'autonomy by diversification' [represents] the adhesion of a country to the principles and international rules through South-South alliances, including regional ones, and agreements between non-traditional partners (Chine, Pacific Asia, Africa, Eastern Europe, Middle-East, etc.), as it is believed that they reduce the asymmetry in foreign relations with more powerful countries and enhance the country's capacity to negotiate".

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started to help and invest in the formation of new industries in Brazil (Geraldello, 2015; Hamilton, 2009).

However, after a series of frosts (1977, 1981, 1982, 1983, 1985 and 1989) in the main orange juice producing area in the United States, the state of Florida, Brazil ascended to the position of world leader in the sector during the 1981/1982 harvest, becoming the biggest orange and orange juice producer in the world (Fava Neves et al, 2010; Geraldello, 2015). With the drop in production in Florida, the industry started to import the Brazilian product, and today the “100% USA” juice is, in fact, a blend between the American and the Brazilian products (Hamilton, 2009). Thus, since the 1980s, the United States has used of three protectionist mechanisms against the Brazilian product:

high tariff peak; commercial defense processes; and commercial preference to third countries, such as Mexico (Brasil, 2007, p.17). The American protectionism created many commercial impasses, forcing the Brazilian authorities to take the issue to WTO in 2002 and 2008/2009. (Geraldello, 2015, p.14-5)

As pointed previously, 2002 marked Brazil’s confrontation of developed countries at WTO, as well as the defense of the farming sector. Despite being the first dispute of this year, the orange juice panel was not opened. Brazil questioned about the legality of a

tax applied to Brazilian imports of concentrated orange juice by the state of Florida, the Equalizing Excise Tax (EET). This tax was a measure to compensate the Florida Box Tax, charged from Florida’s producers over the box of harvested oranges. Brazil judged this unfounded, both due to the fact that the equivalent tax for nationals was charged on non-processed products and the fact that producers from other states of the USA were not subjected to it [...] (Geraldello, 2015, p.52)

In addition to EET taxing only imported products, it was invested in the marketing of orange juice produced in Florida. While Brazil and the United States did not reach to a consensus on who would be the panelists, they maintained bilateral negotiations, and a judge in the United States decided on the matter in accordance to Brazil’s interests: EET should be applied to all the national producers (Geraldello, 2015; Monteiro, 2010). “Finally, Brazil and the USA announced, in 2004, that they had reached an agreement, and Florida made voluntary the payment of the part of the tax that was destined to the marketing of the Florida product” (Geraldello, 2015, p.53).

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Despite Florida obliging the payment of “a ‘special equalization tax’ for the processed orange, in quantities determined by Florida Citrus Department” since 1970 (Monteiro, 2010, p.98), other barriers that were adverse to the Brazilian product were also imposed. From 1982 to the 1st of January 2000, Brazilian orange juice had to pay compensatory rights to enter in the United States; “from 1987 to 2010, antidumping rights, through a definitely imposed measure”; and in 2012 even phytosanitary measures were applied (Geraldello, 2015, p.51).

MRE decided to start consulting DSB in November 2008 on the American market protection that was in effect then: the measures of the antidumping right imposed in August 2005. Thus, Brazil questioned at WTO the investigations of the United States Department of Commerce (USDOC) from October 2003 to September 2004, and its revisions (which considered the periods from August 2005 to February 2007, and from March 2007 to February 2008) that led to the application of the Antidumping Law (Lohbauer, 2011). However, these investigations were conducted using zeroing, which is a form of calculating antidumping rights in a way that transactions in which dumping did not occur have a “zero value”, that is, are not considered. Consequently, there will always be dumping when the calculation concerns more than one transaction¹³. This methodology has been condemned by DSB, such as the European Union stopped using it in 2000, leaving the United States as the only user of the method (Geraldello, 2015).

The already mentioned international financial crisis, which enhanced protectionism in developed countries (Cesar, 2013); the productive crisis in Florida and the consumption crisis in the United States, which majored the stocks and the drop in the juice’s quotation in 50% (Monteiro, 2010); and the rapprochement between the big orange juice industries in Brazil¹⁴, which envisioned more problems in the export for the American market added to an increasing drop of the global demand. All these elements could enhance the Brazilian companies’ margins of dumping, once “if ‘zeroing’ was not applied, the dumping rates would simply not exist” (Lohbauer, 2011).

Thus, considering the many factors cited that corroborated the Brazilian contestation and the lack of progress in bilateral negotiations between the countries, in

¹³ On the subject, see Cordovil (2009), Geraldello (2015) and Monteiro (2010).

¹⁴ In 2002, there were five big industries (Cargill, Citrosuco, Citrovida, Cutrale and Louis Dreyfus Commodities), which were represented by the Brazilian Association of Citric Exporters (Abecitrus). However, after some disagreements between the industries and an accusation of cartel formation, Cutrale was left alone in the organization in 2005. The rapprochement would only happen in 2008, when consult requests were opened at WTO.

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August 2009 a panel was opened. Even though the United States advocated the use of zeroing, in April 2011 the DSB Special Group considered its use incompatible to WTO's rules. This decision was adopted in June 2011 by DSB, and was not contested by the United States, which in 2012 stopped using the method to calculate the dumping margins of the Brazilian orange juice.

It is highlighted that in 2011, additional to the panel with Brazil, the panel opened by South Korea condemning the use of zeroing by the United States (DS 402) also ended with a Korean victory. Thus, in 2012, the year in which the decisions of these panels should be complied, the United States achieved an agreement with Japan and the European Union in other panels on the subject¹⁵, and USDOC "revoked the practice of zeroing in investigations and AD revisions, except in the case of targeted dumping" (Brasil, 2018, p.24).

Therefore, it is "interesting to note that, despite the measures against the Brazilian product [started] in the 1980s, only in the 2000s Brazil [used] WTO's mechanisms" (Geraldello, 2015, p.51). We believe that the explanation for this has a variety of causes, and involves:

- the Brazilian diplomatic line at WTO (rule-oriented), which sought to indistinctly confront all the countries that violated the organization's rules, and that affected the interest of sectors close to the decision-making unities. In a first moment, these sectors were the industrial ones (between 1997 and 2002), followed by agriculture and cattle raising;
- the Brazilian diplomacy's learning of when to take domestic demands to WTO, as exemplified by the institution of ELP and CGC, and of which domestic demands should be taken to WTO – opting to question zeroing, a practice with a record of being condemned, which indicated to success (as pointed by Lohbauer, 2011);
- the international moment, which in 2002 was propitious to opening a dispute against the United States, but, with the victory in the cotton dispute¹⁶, another dispute in the agricultural sector became unnecessary. On the other hand, in 2008, the international moment was once again propitious and important for the Brazilian diplomacy to mark its position regarding protectionism in developed countries;

¹⁵ After stopping the use of zeroing, Japan (DS 294 and DS 322) and the European Union (DS350) were the countries that most pressured the United States to stop using the method. However, until 2013, questionings about the use of zeroing by the United States were still opened.

¹⁶ In March 2005, the DSB decided in favor of Brazil.

- the international and national situation of the citrus sector. Internationally, 2005 marks the arrival of greening¹⁷ in the United States, what leads to an acute drop in the American orange and juice production and an increase in global stocks. Nationally, 2008 marks the rapprochement of the big Brazilian orange juice industries, resulting in the constitution, in 2009, of a new association to represent their interests, the National Association of Citric Juices Exporters (CitrusBr).

These points were necessary and enough conditions to the opening of the orange juice dispute in 2008. Other studies also point to multiple aspects of the disputes at WTO¹⁸. In this perspective, despite the Brazilian decision-making process in DSB being guided by a combination of factors, once MRE is in charge of the representation, the ministry has the final decision to open disputes at WTO, guiding itself more often by foreign policy guidelines than by the strategies of the domestically designed (and desired) commercial policies.

5. Final Considerations

This study aimed to explain how the decision-making process in foreign policy and the choice of line of action of the country in this field guided the acting of Brazil inside WTO's DSB to open disputes. Following Allison's (1969) political-bureaucratic model, we attempted to demonstrate that the acting of Brazil as a demanding country in DSB should be explained by domestic interactions between MRE and the other ministries, as well as between MRE and the business community. To illustrate such points, we analyzed the orange juice dispute.

Brazil is a big world leader in production of this commodity, but it faces many barriers in the American market. Nevertheless, even though old, the barriers were only questioned in the 2000s: in 2002, when the Brazilian trade diplomacy strongly invested in opening disputes in DSB; and in 2008, when there was an increase of protectionism in developed countries. In both moments, the Brazilian rule-oriented position at WTO, guided by ELP and CGC, defended the sectors that were not only able to approach the

¹⁷ A disease that affects the orange trees, causing "trees' death, which occurs in 2 years and a half after the infection", and often causes fruit drop before ripening (the "fruit that ripens is less productive" and bitter) (Geraldello, 2015, p.85). Since there is still no efficient pesticide, the way of avoiding disease propagation is through the eradication of trees.

¹⁸ For example, Almeida, 2019; Arbix, 2008; Castelan & Santos, 2018; Cintra, 2007; Deitos, 2010; Iglésias, 2007; Oliveira, 2007.

ministries, but that could also gather evidence that legally indicated the violation of WTO's principles, guarantying the country's victory. Thus, for the Brazilian government to take the case forward and open a dispute at WTO, a conjunction of domestic (sectorial demand) and international (international juncture) factors and the country's view of foreign policy is necessary, (bilateral relationship with the defendant country and Brazil's position on the international system).

In this sense, MRE is emphasized in this process, as it is the developer of strategies for Brazil's international acting. However, as showed, the influence of the demanding sector on the formulation and implementation of public policies deserves more detailed attention, which could be a suggestion for future researches. This may be connected to the impacts of the Chinese boom, the increase in commodities exports and the opening of disputes by the Brazilian government to benefit the agroindustry.

References

Allison, G. (1969). "Conceptual models and 'the Cuban missile crisis'". **The American Political Science Review**, vol. LXIII, n.3

Almeida, R. A. R. (2019). O Brasil e o multilateralismo comercial: a política externa brasileira em relação à OMC entre 2003 e 2008. Dissertação (mestrado) - Universidade Federal de Uberlândia, Programa de Pós-graduação em Relações Internacionais. Disponível em: <http://dx.doi.org/10.14393/ufu.di.2019.622>

Anastasia, F.; Mendonça, C.; Almeida, H. (2012). Poder Legislativo e Política Externa: jogando com as regras. **Contexto Internacional**. Rio de Janeiro, vol. 34, no 2, julho/dezembro, p. 617-657.

ARBIX, D. (2008). Contenciosos Brasileiros na Organização Mundial do Comércio (OMC): Pauta Comercial, Política e Instituições **Contexto Internacional**, vol. 30, n. 3, setembro/dezembro.

ARBIX, G. A. T. (1995). Uma aposta no futuro: os três primeiros anos da câmara setorial da indústria automobilística e a emergência do meso-corporatismo no Brasil. Tese (Doutorado). São Paulo: Universidade de São Paulo.

Azevedo, R. C.; Ribeiro, H. M. (2009). O Brasil e o mecanismo de solução de controvérsias da OMC. In: LIMA, Maria Lúcia L. M. P., ROSENBERG, B. (org.). **Solução de controvérsias – o Brasil e os contenciosos na OMC**: tomo I. São Paulo: Saraiva.

Bonomo, D. (2014). Sem deixar a peteca cair: o Brasil e os contenciosos na OMC. **Pontes**, vol. 10, nº 6, ago.

Brasil. (2018). Embaixada do Brasil em Washington. Desafios e oportunidades à exportação de produtos brasileiros aos Estados Unidos. Agosto de 2018. Disponível em <<https://sistemas.mre.gov.br/kitweb/datafiles/Washington/en-us/file/Desafios%20e%20Oportunidades%20%C3%A0%20Exporta%C3%A7%C3%A3o%20de%20Produtos%20Brasileiros%20aos%20EUA.pdf>>.

Carvalho, M. I. V. (2003). Estruturas Domésticas e Grupos de Interesse: a formação da posição brasileira para Seattle. **Contexto Internacional**, Rio de Janeiro, vol. 25, n. 2.

_____. (2012). O Órgão de Solução de Controvérsias da OMC e os países em desenvolvimento: quais são os membros que contam? **Boletim Meridiano 47**, vol. 13, n. 133, set.-out.

Cason, J.; Power, T. (2009). Presidentialization, pluralization, and the rollback of Itamaraty: explaining change in Brazilian Foreign Policy making from Cardoso to Lula. **International Political Science Review**, v. 30, n. 2, p. 117-140.

Castelan, D.; SANTOS, L. W. (2018). O Brasil no Órgão de Solução de Controvérsias da OMC: *soft balancing*? **Rev. Carta Inter.**, v. 13, n. 3.

Cesar, S. E. M. (2013). A Organização Mundial do Comércio e a contenção do protecionismo como reação à crise econômica e financeira global. **Boletim Meridiano 47**, vol. 14, n. 140, nov.-dez.

Cintra, R. (2007). Agendas, Atores e Lobbies na tomada de decisão em política externa comercial: o caso da siderurgia (Brasil e Estados Unidos). Tese (Doutorado) – Universidade de Brasília, Programa de pós-graduação em Relações Internacionais.

Cordovil, L. A. G. (2009). O interesse público no antidumping. Tese (Doutorado em Direito Econômico e Financeiro) – Universidade de São Paulo, São Paulo.

Deitos, M. A. (2010). O contencioso internacional do comércio de pneumáticos – politização da política externa e internacionalização da política doméstica. Dissertação (mestrado) – Universidade Federal do Rio Grande do Sul, Programa de pós-graduação em Relações Internacionais.

Farias, R. S. (2007). O Brasil e o GATT (1973-1993): unidades decisórias e política externa. Dissertação (mestrado) – Universidade de Brasília, Brasília, Programa de pós-graduação em Relações Internacionais.

_____.; Ramanzini JR, H. (2015). Reviewing horizontalization: the challenge of analysis in Brazilian foreign policy. **Rev. bras. polít. int.**, Brasília, v. 58, n. 2, p. 5-22, Dec.

Fava Neves, Marcos; Trombin, Vinicius G.; Milan, Patricia; Lopes, Frederico F.; Cressoni, F.; Kalaki, Rafael. (2010). **O retrato da citricultura brasileira**. São Paulo: CitrusBR.

Fernandes, I. F. A. L. (2013). A construção institucional da política comercial brasileira: a Câmara de Comércio Exterior (CAMEX) no governo Cardoso. **Revista de Sociologia e Política**, v. 21, n° 45, mar.

Figueira, A. R. (2009). Processo Decisório em Política Externa no Brasil. Tese (Doutorado) – Universidade de São Paulo, Programa de pós-graduação em Ciência Política.

Geraldello, C. S. (2015). Medidas *antidumping* e política doméstica: o caso da citricultura estadunidense. Dissertação (Mestrado) – Universidade Estadual Paulista “Júlio de Mesquita Filho”, Programa de Pós-Graduação em Relações Internacionais “San Tiago Dantas” – UNESP-UNICAMP-PUC/SP.

_____. (2019). A Câmara Setorial da Citricultura do MAPA e os grupos de interesse citrícola: campo de conciliação ou de conflitos? **IX Seminário Discente da Pós-Graduação em Ciência Política da USP**. São Paulo, 6 a 10 de maio de 2019.

Guanziroli, C. E.; Basco, C. A.; Ortega, M. (2007). Regulação ou cooptação? A ação do Ministério de Agricultura e Pecuária (MAPA) através das Câmaras Setoriais e Temáticas da agricultura entre 2002 e 2006. XLV Congresso da Sociedade Brasileira de Economia, Administração e Sociologia Rural. Londrina, 22 a 25 de julho de 2007.

Hamilton, Alissa. (2009). **Squeezed: What You Don't Know About Orange Juice**. Yale: Yale University Press: New Haven and London: Yale Agrarian Studies Series: James C. Scott, Series Editor.

Iglecias, W. (2007). “O empresariado do agronegócio no Brasil: ação coletiva e formas de atuação política – as batalhas do açúcar e do algodão na OMC”. **Rev. Sociol. Polít.**, Curitiba, 28, p. 75-97, jun.

Jakobsen, K. (2016). A. Análise de Política Externa Brasileira: continuidade, mudanças e rupturas no Governo Lula. Tese (Doutorado) – Universidade de São Paulo, Programa de pós-graduação em Relações Internacionais.

Lima, M. R. S. (2000). Instituições Democráticas e Política Exterior. **Contexto Internacional**, V. 22, n. 2.

_____.; Santos, F. (2001). O Congresso e a Política de Comércio Exterior. **Lua Nova**, n. 51, p. 121-149.

Lohbauer, C. (2010). A inserção internacional do Brasil e o papel das associações de empresas exportadoras. **Revista Política Externa**. v. 19, n. 2, set/out/nov.

_____. (2011). O Contencioso do Suco de Laranja entre Brasil e Estados Unidos na OMC. **Revista Política Externa**. v. 20, n. 2, set/out/nov.

Machado, A. (2009). A formulação da política comercial externa agrícola: condicionantes internacionais e domésticos da transformação institucional do MAPA. Dissertação (Mestrado em Relações Internacionais) Universidade de Brasília, Brasília.

Mendonça, F. A. P.; Ramanzini JR, H. (2016). A política comercial externa do Brasil e dos Estados Unidos: formulação, instituições e especificidades. **Monções: Revista de Relações Internacionais da UFGD**, Dourados, v.5. n.9, jan./jun.

Milner, H. V. (1997). **Interests, institutions and information. Domestic politics and international relations**. New Jersey: Princeton University Press.

Monteiro, J. A. (2010). O Dumping contra as exportações de suco de laranja concentrado brasileiro e sua discussão na OMC. Dissertação (Mestrado) – Pontifícia Universidade Católica de São Paulo, Programa de Estudos Pós-Graduados em Direito.

Moravcsik, A. (1993). Introduction: Integrating International and Domestic Theories of International Bargaining. In: EVANS, P.; JACOBSON, H. K.; PUTNAM, R. **Double-Edged Diplomacy – International Bargaining and Domestic Politics**. Los Angeles: University of California Press.

Moura, D.; Brisola, M. V. (2010). O Agronegócio e a Câmara Setorial no Brasil – um modelo a ser seguido. In: **Sociedade Brasileira de Economia, Administração e Sociologia Rural**, 48, Campo Grande, 25 a 28 de julho de 2009. Anais. Campo Grande: SOBER.

Oliveira, M. F. (2007). Multilateralismo, Democracia e Política Externa no Brasil: contenciosos das patentes e do algodão na Organização Mundial do Comércio (OMC). **Contexto Internacional**. Rio de Janeiro, vol. 29, nº1.

Oliveira, I. T. M.; Milani, C. R. S. (2012). Atores não estatais e trade policy - making no Brasil: análise dos interesses e das estratégias da CEB e da REBRIP. **Dados - Revista de Ciências Sociais**, vol. 55, núm. 2, p. 367-401.

_____. (2012). As negociações comerciais do Brasil: uma estratégia em três trilhos. **Boletim Meridiano 47**, vol. 13, n. 134, nov.-dez.

Putnam, R. D. (2010). Diplomacia e política doméstica: a lógica dos jogos de dois níveis. **Rev. Sociol. Polit.**, Curitiba, v. 18, n. 36.

Ramanzini JR., H. (2009). Processo decisório em política externa e coalizões internacionais: as posições do Brasil na OMC. Dissertação (mestrado) - Universidade de São Paulo, Programa de pós-graduação em Ciência Política.

_____; Viana, M. T. (2012). Países em desenvolvimento em uma ordem internacional em transformação: coalizões e soluções de disputas na OMC. **Rev. bras. polít. int.**, Brasília, v. 55, n. 2, Dez.

Rissardi Júnior, D. J.; Shikida, P. F. A.; Lages, A. M. G. (2017). Análise Empírica do Neocorporativismo na Agricultura Canavieira Paranaense. **Revista Gesto**, v.5, n.1, Jan./Jun.

Geraldello. *Brazil and WTO Dispute Settlement*

Schneider, B. R. (2010). "Politics in Latin America: patterns of fragmentation and centralization". In: COEN, D.; GRANT, W.; WILSON, G. **The Oxford Handbook of Business and Government**. New York: Oxford University Press.

Silva, E. C. G.; Spécie, P.; Vitale, D. (2010). Atual arranjo institucional da política externa brasileira. Texto para discussão n 1489. IPEA: Brasília, maio.

Souza, L. S. (2011). A Importância Econômica das Exportações de Commodities para o Brasil. **Revista Eletrônica de Relações Internacionais Mundorama**. Disponível em: <<http://www.mundorama.net/?p=8181>>. Acesso em: 04 jul. 2018.

Staduto, J. A. R.; Rocha Júnior, W. F. Da; Gonçalves Júnior, C. A., Alves, Y. B. (2007). As câmaras setoriais do agronegócio brasileiro. In: **Congresso da Sociedade Brasileira de Economia e Sociologia Rural**, 45, Londrina, 2007. Anais. Londrina: SOBER.

Takagi, M. (2000). Câmaras setoriais agroindustriais, representação de interesses e políticas públicas. Dissertação (mestrado). Universidade Estadual de Campinas, Instituto de Economia, Campinas, SP.

Thorstensen, V. (2014). **Entrevista Vera Thorstensen**. [Entrevista concedida a] Ana Paula S. Lima. Revista Sapientia, São Paulo, ano 03, edição 18, p. 06-12, junho e julho.

Vigevani, T.; Cepaluni, G. (2007). A política externa de Lula da Silva: a estratégia da autonomia pela diversificação. **Contexto Internacional**, 29 (2).

World Trade Organization. **Dispute Settlement: The Disputes**. Find Disputes Cases. 2019. Disponível em <https://www.wto.org/english/tratop_e/dispu_e/find_dispu_cases_e.htm>. Acesso em 17 jun. 2019.

Instrumentalization of Brazilian foreign policy to hegemony building: from Cardoso's Neoliberal Bloc to Lula and Rousseff's Neodevelopmentalist's

Instrumentalização da política externa brasileira para construção de hegemonia: do bloco neoliberal de Cardoso ao neodesenvolvimentista de Lula e Dilma

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Abstract: This article addresses the central aspects of the Brazilian Foreign Policy from 1995 to mid 2016, under the governments of Fernando Henrique Cardoso, Luis Inácio Lula da Silva and Dilma Vana Rousseff, and the models used to seek Brazilian autonomy. Based on the appropriate theme bibliography and the following analysis and data interpretation, a triangularization between Foreign Policy Analysis and Gramsci's theory and Poulantzas' s was made to investigate whether there was an intersection between the projects of hegemony and the Foreign policies applied during that time or not. The investigation also looked into the role of such projects in relation to their particular autonomy seeking model. Thusly, there are elements that point to Foreign Policy as part of the public policies which, along the transition from neoliberalism to neodevelopmentalism, show a general move towards a dispute for hegemonic supremacy related to the configuration of power blocs and historic blocs, thus affecting the whole of the Brazilian Capitalist Organization.

Keywords: Brazilian Foreign Affairs; Hegemony; Neoliberalism; Neodevelopmentalism.

Resumo: O artigo aborda os aspectos centrais das relações exteriores do Brasil que permitam compreender os modelos de busca por autonomia adotados entre 1995 e meados

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de 2016, nas gestões de Fernando Henrique Cardoso, Luís Inácio Lula da Silva e Dilma Vana Rousseff. Através do acesso à bibliografia pertinente à temática e da interpretação de seus dados, realiza-se uma triangulação entre a Análise de Política Externa e as teorias gramsciana e poulantziana para investigar as intersecções entre projetos de hegemonia e a política externa aplicada no período, assim como situar o papel desses projetos em meio aos respectivos modelos de busca por autonomia, identificando as particularidades de cada gestão. Assim, chega-se a elementos que apontam para a política externa como parte do conjunto de políticas públicas que, na transição do neoliberalismo para o neodesenvolvimentismo, incide sobre o movimento geral de disputa por hegemonia, relacionando-se com a configuração de blocos no poder e blocos históricos e, conseqüentemente, sobre a organização do capitalismo brasileiro.

Palavras-chave: Política Externa Brasileira; Hegemonia; Neoliberalismo; Neodesenvolvimentismo.

1. Introduction

The search for autonomy is constant in the Brazilian foreign policy tradition, and it moves through the many development models adopted by the Brazilian governments in a complex way, mainly due to the lethargic Brazilian democratic tradition, interrupted by authoritarian and dictatorial projects (SOARES DE LIMA, 1996). It is important to emphasize that such policies are not loose gears in the political environment, but are inserted in its structure and movement complex, whose modulation is determined by political and social hegemonies. The hegemonic dispute, therefore, is not alien to foreign policy. It is up to this article the understanding of these interactions from 1995 to mid 2016.

That moment had been marked by the presence of two structuring models for Brazilian capitalism, neoliberalism and neodevelopmentalism, which, respectively, adopted the model of autonomy by integration (Fernando Henrique Cardoso) and autonomy by diversification (Luís Inácio Lula da Silva and Dilma Vana Rousseff). In autonomy by integration, the country's development objectives were achieved through adherence, albeit with some friction, to neoliberal hegemony, seeking space for the country's protagonism via active participation in the design of the framework of norms and laws that would regulate political and economic international activity (PINHEIRO,2000). This led to the belief of expanding the space for Brazil's articulation.

Changes in the electoral terrain of hegemony consecrate the Workers' Party (PT) as government leader, carrying with it a transition without irreconcilable ruptures to a new ideological matrix, which was responsible for leading Lula and Dilma's

governments. The public policy framework guided by this new ideology would also manifest itself in the foreign policy applied by the government, which presents a new formula for autonomy. Due to the need of reproducing the material concerns of social groups within the government's political base, these administrations' foreign policy was the basis for a national development project (RAMOS, 2012). This was so because the new power bloc included layers of the working class associated with fractions of the bourgeoisie (BERRINGER, 2015). Autonomy by diversification, then, prioritized South-South relations while maintaining relations with economic centers. It aimed to influence the international system's dynamics, building a broad spectrum of maneuvering and greater possibilities for the country's protagonism on the economic and social agenda (SOARES DE LIMA, 2005).

Interpreting the foreign policy employed in these periods can be useful for a theoretical objective that still holds potential for exploitation when it comes to the more general understanding of a government: the dispute for hegemony. To achieve this, the perspectives of Foreign Policy Analysis will be used to argumentatively determine the objectives and practices derived from these policies. This effort will sustain the use of Gramscian and Poulantzian theories to conceptually approach foreign policy as a tool in the construction of hegemony, associating these hegemonic projects with their respective autonomy understandings. Based on these intentions, the article is divided into four sections: the first analyzes FHC's foreign policy and seeks to find in it elements capable of pointing to the power bloc organization (Poulantzas, 1977) that supported him, as well as to understanding his objectives, in terms of tactics for hegemony through such a policy. The second focuses on the role of foreign policy in PT's hegemonic project and identifies some contradictions between the party program and the power bloc. To that end, it exposes the elements of the party's foreign policy and the changes between Lula and Dilma's governments. The third dedicates itself to systematizing these elements from the perspective of historic bloc construction. Finally, some final notes are sought on the analyses contained in the article.

2. Neoliberal Hegemony: Perspectives on Foreign Policy and its Relation with the Power Bloc

Due to opting for Foreign Policy Analysis as a method, the aspects of foreign policy will be approached through a perspective focused on state agents, not by disregarding the influences of supra, extra and parastatal entities, but by seeing foreign policy, in short, as a public policy, permeated by the dynamics of domestic conflicts (SALOMÓN; PINHEIRO, 2013). However, in accordance with the vision proposed here, this takes place in the midst of the dispute for hegemony field, so it is also necessary to understand how social classes, their fractions and, sometimes, their representative entities are interposed in these interactions.

Faced with the end of the Cold War, the FHC governments are characterized by adherence to the nascent neoliberal hegemony that from the western becomes worldwide. This is the origin of the concept that Chesnais (1996) would characterize as mondialisation. A change in the Brazilian foreign policy matrix, which had carried continuities since the 1970s, is then perceived. The new matrix assumed the process of mondialisation, adopting the paradigm of neoliberal policies that, according to the government's perspectives, aimed at overcoming the economic crisis and stagnation characteristic of the 1980s. It is necessary, however, to understand that the neoliberal precepts pervaded all the governments in the 1990s. Each of them would adapt the neoliberal assumptions according to their pretensions of autonomy and development. (SILVA, 2012).

It may be stated that the foreign policy in FHC's governments was resized, in comparison with that started by Itamar Franco, who assumed some national-developmental postures, absorbing from Fernando Collor the automatic alignment to the Washington Consensus and implementing an aggressive neoliberalism, which would end up generating reactions from the national business community and the Brazilian leftwing. However, there are some continuity traits regarding the policy implemented by Itamar Franco, mainly in the economic policy, marked by the Real, while in the internal and external policy it gradually adapted to the neoliberal matrix. A considerable part of the theorization that sustained this type of international insertion came from the president himself, with his concept of "associate-dependent", which no longer saw opposition between dependency and development (TEIXEIRA; PINTO, 2012). Thus, a space is opened to understand the conformation of the power bloc that would support the neoliberal project in Brazil and integrate the historic bloc led by the world financial bourgeoisie.

The rupture sense is more pronounced if we compare it to the protectionist policies in force until 1988, which would characterize what Vigevani, Oliveira and Cintra (2003) called autonomy by distance. The changes towards the neoliberal matrix did not take place unilaterally in Fernando Henrique Cardoso's governments, since they were gradually absorbed by the predecessor governments (the end of the Sarney and Collor governments and with some resistance in Itamar Franco's government), but were potentialized by the latter, when this transition would lead to the strategy of autonomy by integration. It sought to institutionalize the international scenario, considering this the path to Brazilian insertion as a global player.

In the context of this strategy and the paradigm used for its application, one must consider the local context of Brazil's insertion: Latin America. In the 1990s, neoliberalism was hegemonic throughout the region, although with different historical times. In the country, neoliberalism became a reality in the period of redemocratization, in which social movements gained significant political strength and the national bourgeoisie was shielded by the state, which made this project's hegemonic desires difficult. This analysis is also supported by the opponent Partido dos Trabalhadores (Workers' Party), which claims that the effects of neoliberalism upon Brazil have been softened (CONGRESSO NACIONAL DO PT, 2007). Nevertheless, the economic climate of hyperinflation and fiscal crisis of the state are sufficient to build consensus around the need for "structural reforms" (SILVA, 2012).

A new power bloc is then consolidated (POULANTZAS, 1977) led by the associated (or purchasing) bourgeoisie, in other words, one that due to its lack of its own basis of accumulation, has binding relations of dependence on international financial capital, controlled by the large centers (BERRINGER, 2014).

Cervo and Bueno (2008), on the other hand, proceeded to a state-centered analysis, characterizing the model adopted by FHC as "Normal State", or that which adheres to mondialisation (neoliberal hegemony). In this paper it is believed that despite being the main matrix adopted, there was mutual coexistence between the characterizations given by the authors of developmental (industrializing) state and logistic state (balance in international concert). These swings are also the outcome of the dispute for hegemony, since they are responses to the need of giving political cohesion to a heterogeneous power bloc in terms of bourgeoisie fractions, also including the industrial

bourgeoisie which, displeased with the 1980s economic performance, adhered to the neoliberal project (BIANCHI, 2010).

Furthermore, the inclusion of themes such as human rights, environment, minorities, indigenous populations and drug trafficking in the world debate leads the perspectives of a country's insertion to a rescaling, the relative importance being less measured by its military and strategic weight and more by its capacity to articulate an economic, commercial, scientific and cultural projection (VIGEVANI; OLIVEIRA; CINTRA, 2003).

The government's decision-making core was articulated in the consensus around the FTAA (Free Trade Area of the Americas) and the free trade area with the European Union, based on the perspective that "the global solution must be the objective" (BRAZIL apud VIGEVANI; OLIVEIRA; CINTRA, 2003 p.34), characterizing the desired tactic for transforming Brazil into a global trader. It also brings elements to consolidate the understanding of a buying bourgeoisie as the leader of the power bloc in that government.

So the government's options converged on three fronts: MERCOSUR, South America and the FTAA. Brazil's international projection was consolidated by its performance in MERCOSUR, passing through South America and flowing into the international scenario as a whole. This international projection, developed from the regional axis, would be one of the great continuities of his government, although it carried the novelty of closer alignment with US policy.

Back to the internal conditioning factors, it can be seen that the civil society organization, hegemonized by the opposition, boosted public debate on foreign policy, increasing the dispute over its formulation. In response, presidential diplomacy was adopted as a way to mobilize public opinion sectors and install a new diplomatic management model and decision-making process (AMORIM NETO, 2011). This characteristic also takes place in the Lula administration, although in a different direction (SILVA, 2012). However, it is not possible to affirm that Itamaraty, in its typical insulation (FARIA, 2012), had its role reduced in the decision-making process for policies applied at the external level. That is, presidential diplomacy rather represents the form than the content of foreign policy.

Regarding the construction of the FTAA, Brazilian strategy was based on obstruction, seeking to benefit from the alleged reduction of the US power. Silva (2012), however, highlights the risky nature of this movement, since it could lead to bilateral

accessions to trade agreements with the United States. This process linked to the FTAA would bring to light an important debate around the risks and opportunities of integration, pushing the country, through a movement that would manifest itself internally and externally, to the appreciation of MERCOSUR and the debate about its role and future. Here one perceives a movement of concessions, essential in maintaining hegemony, considering the internal fraction of the bourgeoisie led by the purchasing bourgeoisie and in political terms, by the PSDB. The aim was to maintain the unity of the dominant classes, against the dominated classes (BOITO JR, 1999).

According to the vision held by the foreign policy formulation body under the FHC government, this movement would not only give harmony to its power bloc, but would also allow greater synchrony between Brazilian foreign policy and world trends. This model of interaction with the world would finally seek to avoid the isolation of Brazil from the international mainstream. (BURGES; BASTOS, 2017).

This movement also sought to align the construction of national identity with the values imposed by neoliberalism, focusing on what Gramsci (1985) had postulated, on the importance of ideological activity in the battle for dominance over other social classes. The creation of a historic bloc, or the adhesion to it, would not happen without the convergence between the structural and supra structural aspects, between the economic-social and the ethical-political. According to Renault (2008), the Brazilian media played an important role in a positive imagetic construction of FHC, before and during its mandate, which may suggest that there could be media adhesion to the power bloc under the FHC government, contributing in this function of ideological dispute towards the consolidation of a historic bloc. This differentiation must be made between the power bloc and the historical bloc. The former is a transient and unstable arrangement that supports the project emanating from the latter, which consolidates its hegemony through the confluence of power blocs.

In sum, through the active participation in the mechanisms of world concert under the historic neoliberal bloc, the redefinition "autonomy" concept is demonstrated, which should not be sought by the country's isolation, but through a complete integration with the dictates of world order.

Based theoretically greatly on the leader at the time and balancing itself between the Grotian (synthesis between realism and idealism) and Kantian (idealism) paradigms, it was through this undertaking that Brazil would seek the development goals aligned with

its power bloc, which, being led by the purchasing bourgeoisie, entangled them indistinctly to the general interests of the world order.

The ideological dispute within civil society came about in terms of attracting general perspectives for cosmopolitan and therefore neoliberal acceptance. Understanding the function of organic intellectuals, to a large extent, represented or diffused by the media, on disputing traditional intellectuals and formulating beyond economic, but philosophical and moral interests and thus exercising power of influence over the whole civil body (GRAMSCI, 1985), one can denote the function of FHC's foreign policy in this broader process of hegemonic building. It is necessary, however, to point out that his government aligned itself to a great extent with the hegemonic interests of the historic bloc with world pretensions born from the end of the Cold War and for this reason he did not see great needs for efforts in this bias, beyond those already exercised by the entities representing the bourgeoisie fractions coalized in his power bloc.

FHC's neoliberal structures would be bequeathed to his successor, Luís Inácio Lula da Silva, although now with a new power bloc configuration, therefore differentiated development objectives (BERRINGER, 2014). This new configuration did not dispense an elevation in the hegemonic dispute, since it contested aspects of the project emanating from the historic neoliberal bloc. Foreign policy was a strong dispute front in this sense.

3. Foreign Policy as a Hegemonic Dispute Front: Lula, Dilma and Neodevelopmentalism

The foreign policy employed by both Lula and Rousseff holds many similarities with that formulated within the Workers' Party, which would be the result of a build-up of debates dating back to the late 1970s and passing through many evolutions until it led to government policy, which would represent a confluence between the party's perspectives, the professional trajectory outlined by Celso Amorim, his legacy left to Rousseff and the Itamaraty traditions themselves (RAMOS, 2012). The most symbolic address was that of change, in relation to the foreign policy applied by the predecessor governments, especially that of Fernando Henrique Cardoso. The power bloc, then led by the purchasing bourgeoisie, was now hegemonized by a new fraction, the internal bourgeoisie (BOITO JR, 2012), but with a determining factor: the inclusion of the

dominated classes within this bloc, even if at a disadvantage in terms of power, but with the advantage of leading the bloc politically.

Armando Boito Jr (2012) would call the set of characteristics coming from this power block configuration "neodevelopmentalism", as it presents a process of development without ruptures with the neoliberal matrix and, emphasizing the characteristic considered here most relevant of its description, with fewer possibilities of developing anti-imperialist characteristics. The article will present some excerpts that may contradict this argument, however it uses the term "neodevelopmentalism" because it corroborates with its central idea: a development process that preserves neoliberal structures.

To begin with, one must understand that the expansion of relations with developing and emerging countries, especially South American countries and relations with Russia, China, India and South Africa (developing BRICS) in Lula and Dilma's governments was not the result of a foreign policy guided solely by ideological motivation, but rather a pragmatic one (VIGEVANI; CEPALUNI, 2007). Thereby, it was essential in building a movement against hegemony in relation to the historic bloc led by the US financial bourgeoisie (RAMOS, 2012). However, it cannot be said that there have been basal breaks in the policy presented by Lula:

[...]while there was no significant break with historical paradigms of Brazilian foreign policy, with some of the guidelines being unfolded and reinforcements of actions already underway in the FHC administration, there was a significant change in the emphases given to certain options open earlier to Brazilian foreign policy. We consider both governments (FHC and Lula da Silva) as representatives of distinct Brazilian diplomatic traditions, presenting differences in actions, preferences, and beliefs, seeking specific results that are very different in terms of foreign policy, but trying not to move away from an objective always pursued: to develop the country economically, while preserving a certain political autonomy². (VIGEVANI; CEPALUNI, 2007 p. 275)

Therefore, one can state that the main differences between FHC and Lula lie in these leaders' and their staff's different interpretations and ideologies about the constraints and possibilities of the international order. Hence, at the center of the debate comes the question of the principles that led Brazil's foreign policy in Lula and Dilma's administration.

² Author's translation.

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An important aspect of the change seen in the party's governments was activism for the inclusion of social issues in the main international debates, as in 2003 in the Doha round, when Lula advocated for economic center countries to unleash efforts for programs to fight hunger in developing countries, gaining the French and Chilean presidents' support. This would characterize the demanding profile, in relation to developed nations, that would be established in the given period.

An institutional framework (IBSA, BRICS, G-20) was also built to reconfigure the international correlation of forces, influencing the process of hegemonic dispute worldwide.

Based on this diversification, Lula's administration expanded the relevance of foreign relations in the execution of a national development project. A basis for comparison can then be established between the three autonomy search models propagated by Vigevani and Cepaluni (2007): The search for autonomy by distance, in which a certain distance from international centers of power is sought (characteristic of the Independent Foreign Policy period and of some periods of the civic-military dictatorship, under Ernesto Geisel's command); autonomy by participation, which was introduced in 1989 and strengthened with FHC, absorbing the idea that it was necessary to influence the international agenda by actively participating in building the international system's framework of norms and rules; and finally, autonomy by diversification, in which the settlement of relations with non-conventional partners is sought, especially in South-South relations. The foreign policy coordinated in Lula's governments bore occasional similarities to the first two traditions, but strongly incorporated the aspect of autonomy by diversification.

The transition from the autonomy by participation model to that of autonomy by diversification presents traces of change, such as the appointment of Samuel Pinheiro Guimarães, a fierce critic of the FHC administration, to the general secretariat of Itamaraty, but also of continuity, with the maintenance of important ambassadors.

From the development of the country's foreign relations new model, it can be understood that the central elements of Brazilian foreign policy, as of 2003, were articulated around the need for a national development project, whose objectives would be mirrored in the following items: the resumption of economic growth, reversing the trend of recession; combining growth with a process of income distribution, based on the construction of a market for mass consumption goods, a factor linked to the expansion of

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employment and wages, credit supply and income transfer policies; the achievement of economic balance, aimed at reducing external vulnerability; the expansion of democracy and a sovereign international insertion of the country; priority to the integration of South America (GASPAR; SPINA, 2018).

From that the "South American option" was developed, since there was an untapped potential in the region, which has one of the largest and most diversified energy capacities on Earth, advanced agriculture in terms of size and technology, and enormous mineral deposits. This allied to a significant industrial park (although concentrated in some countries), high quality scientific and technological research centers and an exuberant culture, situates South America as a strategic region in the geopolitical dispute for hegemony. Thus, MERCOSUR is seen as an important initiative, which has reached higher levels of development in the periods of progressive governments in the region. With the approach of several countries to this endeavor, arises the need, led by the Brazilian State, to create UNASUL (Union of South American Nations), which brings together all the countries of South America. This process didn't occur without complexities for the Brazilian foreign policy implementation in the continent, since it found limits mainly in the conflicts developed in the Andean regions, which led to an intensification of social struggles. (GASPAR; SPINA, 2018).

The Brazilian government's stance facing situations such as the Iraq War (2003) and US espionage on the Brazilian government (2015) demonstrated an independent agenda towards the economic center. The attempt to adapt the international scenario to its political pretensions led the Brazilian government, under Lula, to actively participate in the construction of the commercial G20, which changed important parameters in global commercial characteristics. Emerging from this nascent position of Brazil in the world are the invitations to participate in the financial G20 and the formation of the BRICS (Brazil, Russia, India, China and South Africa), which is responsible for creating an important counter-hegemonic movement against the historic neoliberal bloc led by the United States.

The expression coined by Nelson Rodrigues (1993), "mutt complex," seemed to place itself further and further away in face of the new foreign policy implemented by Lula, in which autonomy by diversification proved to be an important instrument for the reallocation of Brazil in the international system. The announced ephemerality of this

position would come true in face of the inability to implement state reforms that would allow a lasting and consolidated effect of these policies.

As a result, the prospect of a national development project, which would go through the model of import substitution, was gradually abandoned, mainly in the FHC governments, but was also present in the Lula governments, in which the advocates of a national development project gradually gave up a protectionist process (VIGEVANI; CEPALUNI, 2007).

This movement, however, didn't prevent Brazil from seeking to implement a national development project, using the foreign policy as one of the instruments for this, which would manifest itself through the deepening of relations in South America (with the development of UNASUL), with the intensification of emerging countries relations, through a prominent action in the Doha round of the WTO and in other economic negotiations, the maintenance of friendly relations with economic center countries, including the United States, a deepening and greater attention in the relationship with African countries, an important campaign for the reform of the UN Security Council and the defense of social objectives that would guarantee the balance between States and populations (VIGEVANI; CEPALUNI, 2007).

According to Paulo Roberto de Almeida (2004) foreign policy was the area of government that bore the greatest similarities to the internal formulations of PT, therefore the emphasis on relations with the global South and a broader process of integration with South America and the defense of this path for a potentialized intervention by Brazil in the world are not surprising.

Lula's governments' international prospects were strongly influenced by the international policy formulated within the PT. This fact can be proved by the innovation in appointing a Party member, Marco Aurélio Garcia, and not a career diplomat, as chief advisor of the President's Special Advice, as it has been usual, and even the dispute for the conduct of foreign policy between him and the Minister of Foreign Affairs, Celso Amorim, is noticeable sometimes. (GARCIA, 2004). This aspect demonstrates the party's desire to carry out, from within the government, the dispute for its forms of integration and internationalism, which had been built since its foundation in 1980.

Brazil's diplomatic action stood critically in face of trade opening guidelines that could make it impossible to implement national policies for development and technological autonomy (ALMEIDA, 2004), what didn't put the need to maintain the

cohesion of the power bloc that gave support to the government in suspension, leading, for example, to strong Brazilian activism towards the opening of agricultural markets, contrary to the party's historical demands, because in the long run it could harm industrial and technological development (ROUQUIÉ, 2006).

Defending multilateralism and national sovereignty more vehemently than the previous government, Lula, with his autonomy by diversification tactics, led Brazil to a more relevant and even leading position, if one considers the country's insertion in the region. According to Almeida (2003), the ideas of both the Workers' Party and the decision-makers within his government were not fully employed in foreign policy practice, and over time they suffered considerable softening, nevertheless resulting in immediate effects on relations between Brazil and the other countries. This effect would be achieved through more active and dynamic diplomatic action and the defense of so-called "universal" issues.

It is claimed that the leadership issue did not occur as a specific plan formulated aiming to achieve a certain degree of hegemony, but as a result of the defenses and practices elaborated by Brazilian foreign policy during Lula's administration. In the perspective presented here, however, there was a general objective of consolidating a hegemony that would allow both internal and external results through leadership in South America and to some extent in the global South. Brazil's performance in Haiti can be seen as an attempt to prove this leadership capacity, seeking at last to plead for a permanent seat on the UN Security Council and thus reconfigure the international system structure, obtaining recognition as a middle power (LAFER, 2001).

Hence, as Ramos (2012) stated, a pragmatic and realistic policy that sought, through the diversification of relations and agendas, an insertion of the country in the world concert that would focus more directly on its reorganization could be observed.

However, a position of relative autonomy was maintained vis-à-vis the world powers, and at times there have been frontal disagreements with the interests of the United States and the European Union. What can be seen is that relations with these countries were maintained, but the priority and dynamic center revolved around relations with the South. This would demonstrate even more clearly the aspects of the autonomy by diversification quest, reflecting a new configuration of the geography of power and the world economy.

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An important foreign policy variable in Lula and Dilma Rousseff's administration was the issue's accessibility to the public debate, since the export agenda, in growing in significance, began to mobilize the elites, businessmen, unions, parties and parliament's intentions. At the same time, it enhanced the importance of foreign policy in the midst of the policies adopted by the government. This accessibility allowed a greater opposition power, breaking down the perception that separates foreign policy from other public policies (VIGEVANI; CEPALUNI, 2007).

It's possible to borrow the concepts of movement war and position war from the Gramscian perspective to understand the tactics undertaken through foreign policy by the Workers' Party once in government. According to Gramsci, the movement war should be the tactic adopted by organizations representing subaltern sectors in States that he would characterize as "oriental", that is, with more gelatinous civil societies and less formally democratic structures, while the position war should be adopted by these organizations if located in a typically "western" State, with structured civil society and greater balance in relations with political society (SCHELESENER, 2007).

Lincoln Secco (2011) would indicate that the analysis shared by the Workers' Party was that, with the constitution of 1988, Brazil was typically a "western" State and, therefore, the tactic should be essentially that of position war. Thus, foreign policy would be a way to "accumulate positions" within the Brazilian state, that is, gradually exercise the hegemonic dispute through the cumulative results of the policy applied at the external level towards the internal environment.

This analysis, however, could be the result of a disregard for the character of the 1979 Amnesty Law (No. 6,683) applied by the civic-military dictatorship and affirmed by Constitutional Amendment No. 26/1985, which prevented its revision by the Constituent Assembly. This law, in addition to granting amnesty to political prisoners and exiles, prevented the punishment of the regime's excesses perpetrators. Thus, as Silva Filho (2018) states, the Brazilian State was in fact unable to overcome the structures of the authoritarian regime, among other reasons because members of the political, legal, legislative and military structure kept their posts in Brazilian institutions. This leads to the perception that Brazil would preserve, under Gramscian conceptualization, ambiguous aspects between "orientalism" and "westernism". The tactic resulting from this reality should also be one that considers the position war and the movement war.

When the succession between Lula and Dilma Rousseff is analyzed, important traits of continuity can be found, although less emphasis on the use of presidential diplomacy is noticeable. As an example, one can take the presidential trips: Lula in his second government made 160 trips, while Dilma in her first one made 63. Still in this sense, the visibility given to the office was significantly reduced, when compared to Lula (BASTOS; HIRATUKA, 2017). This movement may indicate a reduction in the drive to use foreign policy as a form of hegemonic dispute. In the effort to harmonize her power bloc and in the dispute for its leadership, Dilma would be more emphatic in the economic agenda, through the "new economic matrix," which sought to satisfy, at least materially, the desires of the Brazilian internal bourgeoisie, through a credit subsidy package, tax, interest and energy tariff reduction, exchange devaluation and industrial protectionism. It sought, essentially, to eliminate the public debt rentism, aiming at expanding productive investment (BASTOS, 2017).

In order to understand this change in the profile of presidential activity in foreign policy matters, it's necessary to consider the radical change that was taking place in the international context, with the rise of the 2008 crisis, leading Dilma to adapt to the new reality. The most hostile environment would then give the tone to the adjustments made and not in fact a change in foreign policy objectives (CORNETET, 2014).

Rousseff, following a tradition of insertion into the international scene through relations in South America leveraged by Lula, sought to deepen this activity, expanding MERCOSUR to the region's center and north through efforts to include Bolivia and Venezuela in the economic bloc (SCHREIBER, 2015). Therefore, despite the low profile employed to the external activity and the decrease of its importance as a mechanism of hegemonic dispute, the president showed interest in adding partners close ideologically, as a way to increase its influence over the bloc and, consequently, over the region.

These multilateral-based actions were also intended to increase the political potential to question developed countries' control over the multilateral financial institutions created at Bretton Woods, presenting a Brazilian contribution to the counter-hegemonic movement that was growing internationally, largely supported by the deepening of BRICS relations (SARAIWA, 2014).

The world's geopolitics also undergoes substantial changes from the Arab Spring movements, the wars in Libya and Syria, the war in Ukraine, and the quarrels involving islands in the Pacific. This scenario diminishes the importance of multilateral economic

issues in which Brazil was a protagonist, giving greater centrality to the military powers' politics and making the hegemonic dispute at world level more complex, which in conflictive periods becomes focused on the military powers and their industrial complexes (MIYAMOTO, 1995).

Despite the low profile adopted in international travel, Dilma followed Lula's foreign policy model, or the model of autonomy by diversification, not adhering to the model of autonomy by integration or participation as desired by neoliberals. She was even more vehement in her choice of independence from the United States, even canceling an earlier scheduled trip to the country when Edward Snowden leaked the scandal of U.S. espionage onto Brazil. The president would also take the case to the UN, so that the issue of digital privacy could be discussed. An unfolding of this episode was the option to buy the Swedish Gripen as a fighter of the Brazilian Air Force, which could be understood as retaliation to the United States in face of the trust breakdown (BASTOS; HIRATUKA, 2017).

Under Rousseff's whole administration, the utmost of autonomy and independence from the U.S. through the consolidation and expansion of South American integration was present. This is demonstrated by the incorporation of Venezuela into MERCOSUR in 2012. Intensive negotiations were also established to incorporate Bolivia in 2015 and Suriname and Guyana joined as associate members in 2013 and 2015. This effort would indicate the continuity of the "South American option" as a guiding formula for Rousseff's government, demonstrating that despite the lower intensity, foreign policy would still be used as a form of dispute for hegemony, especially in the regional level.

The BRICS group's consolidation that took place during her government created expectations on the creation of "legal models compatible with the plural reality of societies that make up the world order" ³(MONTEIRO; LINS E SILVA, 2013, p 115), by reducing the Washington Consensus's⁴ multilateral institutions importance and increasing the countrys' possibilities of insertion with real impact on the international political agenda.

The president was active in consolidating the BRICS, which reduced exchange rate vulnerability and helped finance infrastructure projects, expanding trade agreements

³ Author's translation.

⁴ As popularly known, the meeting held in the US capital which established institutional, political and economic parameters based on the neoliberal primer as a requirement for access to loans from the Bretton Woods multilateral institutions and to economic cooperation.

and investment projects (BASTOS; HIRATUKA, 2017). From a strictly material perspective, this movement took into account the desires of the bourgeoisie fractions that made up her power bloc, as well as of relevant urban worker and peasant sectors. This confluence actually took place throughout the entire period of the Workers' Party's governments, which succeeded in bringing the interests of the internal bourgeoisie closer to those of the popular movements. With this "it is the changes in Brazilian domestic politics that have themselves emerged, linked to changes in the international scenario, that explain the new foreign policy of the Lula and Dilma governments."⁵ (BOITO JR; BERRINGER, 2013, p.34) The hegemonic dispute, however, had important points of contradiction with the Workers' Party's program itself in the popular narrative realm.

This contradiction occurred in the attempt itself to maintain unity within the power bloc that supported her, since internally the Workers' Party program affirms anti-capitalist convictions. It also formulates on the intrinsically anti-democratic character of neoliberalism, exposing the incongruity of not breaking with its macroeconomic model. (CONGRESSO NACIONAL DO PT, 2007). This sometimes contradictory construction of syntheses expresses the tactic of position war, in which one advances over elements of the state through, but not only, the dispute through the devices of liberal democracy. The next session of this article deals with the intersection between this process and the construction of historic blocs.

4. Foreign Policy, Hegemony and Historic Bloc Building

With the above presented, it became apparent that, to a greater or lesser extent, foreign policy was instrumentalised as a form of hegemonic construction in the three administrations under discussion. It's valid for the analysis this article proposes articulating the items exposed to a broader process of integration and consolidation, or construction of a historic bloc. The aim here is to do so briefly, as a means of clearing up, but also to raise questions about the subject. Gramsci and Poulantzas, not without proper consideration to international contexts, focus their issues at the national level, while watching the dynamics of class struggle within the State. This work sought to extend these concepts to the international arena.

⁵ Author's translation.

Gramsci (1985) defines the state as the conjunction between civil society and political society, in which hegemony is contained by coercion. It's clear then that for the author hegemony is found exactly in the State' nature. Here the notion that hegemony permeates the State is promoted, but it is also shaped through the relationship between them and the construction of the international institutional framework (MOUFFE, 2003). From this comes the idea that foreign policy would be a relevant item in the dispute for hegemony (inserted in the tactic of position war), both in this broader scenario and, as proposed here, in the internal context, since the dialectical movement makes these two scenes, the internal and the external, intertwine.

Given that the process of struggle for hegemony takes place in the midst of the capitalist social formation molds and that a new type of hegemony, or the construction of a new historic bloc, demands the intellectual reform of the subordinate classes and also of sectors of the dominant classes (GALASTRI, 2013; LÊNIN, 2015), it's understandable that power blocs and their respective leaderships inserted in peripheral contexts, in consonance or dissonance with the world historic bloc, have different commitments in the use of foreign policy as a mechanism of dispute for this same hegemony.

As already exposed here, FHC and his power bloc hegemonized by the buying bourgeoisie were in deep consonance with the historic neoliberal bloc that became mundialisé with the Soviet Union's collapse. Lula and Dilma and their power bloc hegemonized by the Brazilian internal bourgeoisie, in alliance with the urban workers and peasants, had sometimes more, sometimes less profound points of dissonance with this historic world bloc.

It can be seen, then, that the use of foreign policy is directed towards the consolidation of the power bloc conformed internally, so as to influence this dispute, whether pro or counter-hegemonic at a global level, as a way of joining a historic bloc already constituted or enabling the construction of a new type of historic bloc. But its use as a form of ideological dispute is also observed, an item that, as noted, has not been seconded by the administrations under consideration, although addressed less vehemently by Dilma.

5. Conclusions

The analyses carried out in this work allow the placement of Brazilian foreign policy in the midst of the realignment movement of the class fractions of the bourgeoisie

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within the power bloc, throughout the transition from FHC to Lula and its continuity to Dilma. Despite the visible continuity traits, the main differences result from the conquest of hegemony in the bloc by the internal bourgeoisie in alliance with expressive segments of the working class, in detriment of the purchasing bourgeoisie.

This hegemonic rearrangement impacts in a dialectic way on the execution of foreign policy: it causes changes, resizing the relations Brazil/economic center and Brazil/South (especially vis-à-vis the respective formulas for autonomy) and its role in the economic and social development of the country, while at the same time being permeable to the different directions given to such a policy, given the greater or lesser degree of alignment of each bloc with the mondialisé historic neoliberal bloc and the hegemonic construction needs resulting from this relationship.

The hegemony arrangements reconfigure the search for autonomy patterns, which alters the insertion of Brazil in the world concert, but also leads to interpretations about the internal dynamics of the hegemonic dispute. FHC's autonomy by integration model, in incorporating Brazil into the world order led by financial capital, is one of the variables that indicate the purchasing bourgeoisie's hegemony over the power bloc formed for his government. It is understood, then, that such a policy acts with the intention to, by demobilizing the resources for the protection of internal capital, consolidate the hegemony of this class fraction, as well as sustaining the historic neoliberal world bloc.

Due to the conflicting interests within Lula and Dilma's power bloc, the foreign policy resulting from their autonomy by diversification model has at times had ambiguous characteristics, in the search to keep their support bloc cohesive. This ambiguity would express, in some cases, a contradiction between measures taken, such as the active claim for the opening of the agricultural market and historical positions of the Workers' Party. However, this reality contrasted with the centrality given to foreign policy for the country's economic and social development, as well as with Brazil's positioning as an emerging power in the period, increasing the country's influence on building an international scenario open to multilateralism (through undertakings such as BRICS and action within G20). This movement unfolded in two ways: it aimed to strengthen the working class and the internal bourgeoisie, in detriment of the purchasing bourgeoisie, and held a contestatory content towards the historic neoliberal world bloc, which can be understood as a tactic of 'position war', in which attempts were made, through foreign policy, to accumulate capacities for reconfiguring the internal hegemonic arrangement.

Although there were differences between Lula's and Dilma's foreign policies, mainly related to presidential profiles and the general conditions for Brazil's performance in the international system, the characteristics described above went through the entire Workers' Party government.

Finally, and based on the study related here, it's noticeable that the national movement of dispute for hegemony pervades the development objectives that drive the external actions of the governments at stake. As it relates directly to the hegemonic arrangement in the world context, foreign policy is instrumentalized in order to either consolidate a hegemony aligned with the historic neoliberal bloc or to guarantee means of hegemonic rearrangement in opposition to this bloc.

References

Almeida, P. R. (2003). A política internacional do Partido dos Trabalhadores: Da fundação à diplomacia do governo Lula. **Revista de Sociologia Política**, 20, 87-102. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?pid=S0104-44782003000100008&script=sci_abstract&tlng=pt

Almeida, P. R. (2004). Uma política externa engajada: Uma política externa engajada. **Revista Brasileira de Política Internacional**, 47 (1), 162-184. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0034-73292004000100008.

Amorim Neto, O. (2011). **De Dutra a Lula: a condução e os determinantes da política externa brasileira**. Rio de Janeiro: Elsevier.

Bastos, P. P. Z.; Hiratuka, C. (2017). A política econômica externa do governo Dilma Rousseff: comércio, cooperação e dependência. **Texto Para Discussão: UNICAMP**, 306, 1-42. Recuperado em 08 de abril de 2020, de <http://www.eco.unicamp.br/docprod/downarq.php?id=3535&tp=a>.

Berringer, T. (2014). Bloco no poder e política externa nos governos FHC e Lula. Tese de Doutorado, Universidade Estadual de Campinas, Campinas, SP, Brasil. Recuperado em 08 de abril de 2020, de <http://www.repositorio.unicamp.br/handle/REPOSIP/281111>.

Bianchi, A. (2010). **Um ministério dos industriais: A Federação das Indústrias do Estado de São Paulo na crise das décadas de 1980 e 1990**. Campinas: Editora da Unicamp.

Boito Jr, A. (1999). **Política neoliberal e sindicalismo no Brasil**. São Paulo: Editora Xamã.

Boito Jr, A.; Berringer, T. (2013). BRASIL: classes sociais, neodesenvolvimentismo e política externa nos governos Lula e Dilma. **Revista de Sociologia e Política**, 21 (47), 31-38. Recuperado em 08 de abril de 2020, de

http://www.scielo.br/scielo.php?pid=S0104-44782013000300004&script=sci_abstract&tlng=pt.

Burges, S. W.; Bastos, F. H. C. (2017) The importance of presidential leadership for Brazilian foreign policy. **Policy Studies**, 38 (3), 277-290. Recuperado em 08 de abril de 2020, de https://edisciplinas.usp.br/pluginfile.php/4173653/mod_resource/content/2/The%20Importance%20of%20Presidential%20Leadership%20in%20PEB_Burges%202017.pdf.

Cervo, A. L.; Bueno, C. (2008) **História da política exterior do Brasil** (3ª ed). Brasília: Editora UnB.

Chesnais, F. (1996). **A Mundialização do Capital**. São Paulo: Xamã.

Congresso Nacional do PT. (2007). **Resoluções do 3º Congresso Partido dos Trabalhadores**. Recuperado em 08 de abril de 2020, de <https://pt.org.br/wp-content/uploads/2014/03/Resolucoesdo3oCongressoPT.pdf>.

Cometet, J. M. C. (2014). A Política Externa de Dilma Rousseff: Contenção na Continuidade. **Conjuntura Austral**, 5, (24), 111-150. Recuperado em 08 de abril de 2020, de <https://seer.ufrgs.br/ConjunturaAustral/article/view/47628>.

Galastrri, L. (2013). Gramsci, Poulantzas e a transição socialista. **Lutas Sociais**, São Paulo, 17(31), 9-20. Recuperado em 08 de abril de 2020, de <http://www4.pucsp.br/neils/revista/vol%2031/leandro-galastrri.pdf>.

Garcia, M. A. (2004) Entrevista a Luiz Antônio Araújo e Rosane de Oliveira. **Zero Hora**. Recuperado em 08 de abril de 2020, de http://www.mre.gov.br/portugues/noticiario/nacional/selecao_detalle.asp?ID_RESENHA=39097.

Gaspar, B.; Spina, R. (2018). **A Opção sul-americana: reflexões sobre política externa (2003-2016)**. São Paulo: Editora Fundação Perseu Abramo. Recuperado em 08 de abril de 2020, de <https://fpabramo.org.br/publicacoes/estante/a-opcao-sul-americana-reflexoes-sobre-a-politica-externa-2003-2016/>.

Gramsci, A. (1985) **Os Intelectuais e a Organização da Cultura**. São Paulo: Círculo do Livro.

Lafer, C. (2001) **A identidade internacional do Brasil e a política externa brasileira: passado, presente e futuro**. São Paulo: Perspectiva.

Lênin, V. I. (2015) **Que fazer?** Problemas candentes do nosso movimento (2ª ed) São Paulo: Expressão Popular.

Miyamoto, S. (1995). Geopolítica e Relações Internacionais. **Caderno Premissas**, 11, 5-38. Recuperado em 08 de abril de 2020, de https://www.researchgate.net/publication/216800847_Geopolitica_e_relacoes_internacionais.

Monteiro, M. R. M.; LINS E SILVA, R. de C. F. (2013). A ORDEM MUNDIAL E O BRICS: Uma formação contra hegemônica? **Sociologias Plurais**, 1, (1), p. 102-122. Recuperado em 08 de abril de 2020, de <https://revistas.ufpr.br/sclplr/article/view/64735>.

Mouffe, C. (2003). Democracia, cidadania e a questão do pluralismo. **Política e Sociedade**, 3, 11-26. Recuperado em 08 de abril de 2020, de <https://periodicos.ufsc.br/index.php/politica/article/viewFile/2015/1763>.

Pinheiro, L. (2000). Traídos pelo desejo: um ensaio sobre a teoria e a prática da política externa brasileira contemporânea. **Contexto Internacional**, 22 (2), 305-335. Recuperado em 08 de abril de 2020, de http://contextointernacional.iri.puc-rio.br/media/Pinheiro_vol22n2.pdf.

Poulantzas, N. (1977). **Poder político e classes sociais**. São Paulo: Martins Fontes.

Ramos, L. C. S. (2012). Contra-hegemonia e Política Externa?: A política externa brasileira no governo Lula. **Carta Internacional**, 7(1), 69-86. Recuperado em 08 de abril de 2020, de <https://cartainternacional.abri.org.br/Carta/article/view/49>.

Renault, D. (2008). A construção da imagem de FHC na mídia impressa (1993 – 1994). **Comunicação e Espaço Público**, 2, 109-121. Recuperado em 08 de abril de 2020, de <https://repositorio.unb.br/handle/10482/12251>.

Rodrigues, N. (1993). **À sombra das chuteiras imortais**. São Paulo: Cia. das Letras.

Rouquié, A. (2006). **Le Brésil au XXI siècle**. Paris: Fayard. Recuperado em 08 de abril de 2020, de <https://journals.openedition.org/cal/8243>.

Salomón, M.; PINHEIRO, L. (2013). **Análise de Política Externa e Política Externa Brasileira**: trajetória, desafios e possibilidades de um campo de estudos. **Revista Brasileira de Política Internacional**, 56(1), 40-59. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?pid=S003473292013000100003&script=sci_abstract&lng=pt.

Saraiva, M. G. (2014) Balanço da política externa de Dilma Rousseff: perspectivas futuras? **Relações Internacionais**, 44, 25-35. Recuperado em 08 de abril de 2020, de http://www.scielo.mec.pt/scielo.php?script=sci_arttext&pid=S1645-91992014000400003.

Schlesener, A. H. (2007) **Hegemonia e Cultura**: Gramsci. Curitiba: Editora Ufpr.

Schreiber, M. (2015). **Qual o impacto da entrada da Bolívia no Mercosul?** **BBC BRASIL**. Recuperado em 08 de abril de 2020, de https://www.bbc.com/portuguese/noticias/2015/07/150717_bolivia_mercosul_ms_tg.

Secco, L. (2011). **História do PT: 1978-2010**. Cotia: Ateliê Editorial.

Silva, A. L. R. da. (2012). O Brasil diante da globalização: a política externa do governo Fernando Henrique Cardoso (1995-2002). **Carta Internacional**, São Paulo, 7(1), 20-34. Recuperado em 08 de abril de 2020, de <https://cartainternacional.abri.org.br/Carta/article/view/8>.

Silva Filho, J. C. M. da. (2018). Justiça de Transição e Usos Políticos do Poder Judiciário no Brasil em 2016: um Golpe de Estado Institucional? **Direito e Práxis**, 9(3), 1284-1312. Recuperado em 08 de abril de 2020, de <http://www.scielo.br/pdf/rdp/v9n3/2179-8966-rdp-9-3-1284.pdf>.

Soares de Lima, M. R. (1996), Política doméstica determina atuação diplomática. **Carta Internacional**, 35, jan., São Paulo, Núcleo de Pesquisa em Relações Internacionais e Política Comparada da Universidade de São Paulo.

Soares de Lima, M. R. (2005), A Política Externa Brasileira e os desafios da cooperação Sul-Sul. **Revista Brasileira de Política Internacional**, 48, 24-59. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0034-73292005000100002.

Teixeira, R. A.; Pinto, E. C. (2012). **A economia política dos governos FHC, Lula e Dilma**: dominância financeira, bloco no poder e desenvolvimento econômico. **Economia e Sociedade**, Campinas, 21, 909-941. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?pid=S0104-06182012000400009&script=sci_abstract&tlng=pt.





Vigevani, T.; Cepaluni, G. (2007). A Política Externa de Lula da Silva: a estratégia da autonomia pela Diversificação. **Contexto Internacional**, 29(2), 273-335. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0102-85292007000200002.

Vigevani, T.; Oliveira, M. F. de; Cintra, R. (2003) Política externa no período FHC: a busca de autonomia pela integração. **Tempo Social**, 15(2), 31-61. Recuperado em 08 de abril de 2020, de http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0103-20702003000200003.

Evaluar en Profundidad: Dimensiones Epistemológicas, Metodológicas y Experiencias Prácticas desde una Nueva Perspectiva de Evaluación de Políticas Públicas

Avaliar em Profundidade: Dimensões Epistemológicas, Metodológicas e Experiências Práticas de uma Nova Perspectiva de Avaliação de Políticas Públicas

To evaluate in Depth: Epistemological, Methodological Dimensions and Practical Experiences from a New Perspective of Public Policy Evaluation

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Resumen: El artículo analiza las dimensiones epistemológicas y metodológicas, y las experiencias prácticas desde la perspectiva de la Evaluación en Profundidad - EP, propuesta por Rodrigues (2008) em los marcos del Máster en Evaluación de Políticas Públicas de la Universidad Federal de Ceará – MAPP/UFC. La EP reflexiona las evaluaciones convencionales al traer nuevas dimensiones que tienen como objetivo acercar la evaluación de los sujetos y de los contextos donde las políticas se implementan. Metodológicamente, este artículo se centra en la investigación bibliográfica, presentando las contribuciones de los autores que se ocupan de la EP, así como se analiza tres experiencias prácticas de evaluación, realizadas por estudiantes del MAPP y que están cercanas de los fundamentos de la EP. Como resultado, se construyó el análisis de una trayectoria intelectual de la EP, que dialoga con paradigmas interpretativos de evaluación, alejándose, epistemológicamente y metodológicamente, de los paradigmas hegemónicos convencionales del campo de la evaluación de políticas públicas. A su vez, las prácticas de evaluación analizadas revelan cómo la EP se ha construido de manera efectiva em evaluaciones sustantivas realizadas en el MAPP. Finalmente, las consideraciones finales resaltan las especificidades de la EP al incorporar, en la evaluación, la comprensión de la experiencia concreta de la política y su aproximación con los sujetos, lo que constituye

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un horizonte para la afirmación de un conocimiento más democrático en el campo de la evaluación de las políticas públicas.

Palabras claves: Políticas públicas; Epistemologías y Metodologías de Evaluación; Evaluación de profundidad.

Resumo: O artigo analisa as dimensões epistemológicas e metodológicas, e experiências práticas da perspectiva de Avaliação em Profundidade - AP, proposta por Rodrigues (2008), no âmbito do Mestrado em Avaliação de Políticas Públicas da Universidade Federal do Ceará – MAPP/UFC, que problematiza as avaliações convencionais e engloba novas dimensões que visam aproximar a avaliação dos sujeitos e contextos nos quais efetivamente as políticas são implementadas. Metodologicamente, este artigo centra-se na pesquisa bibliográfica, apresentando as contribuições de autores que versam sobre da AP, bem como analisando três experiências práticas de avaliação, realizadas por discentes do MAPP e que se aproximam dos pressupostos da AP. Como resultados, construiu-se a análise de uma trajetória intelectual da AP, que dialoga com paradigmas interpretativos de avaliação, afastando-se, epistemológica e metodologicamente, de paradigmas convencionais hegemônicos no campo da avaliação de políticas públicas. Por sua vez, as práticas avaliativas revelam como AP tem se construído, efetivamente, em avaliações substantivas realizadas no MAPP. Por fim, as considerações finais ressaltam as especificidades da AP ao incorporar, na avaliação, a compreensão da experiência concreta da política e a sua aproximação com os sujeitos, constituindo um horizonte para a afirmação de conhecimento mais democrático na avaliação políticas públicas.

Palavras-chave: Políticas Públicas; Epistemologias e Metodologias de Avaliação; Avaliação em Profundidade.

Abstract: The article analyzes the epistemological and methodological dimensions, and practical experiences from the perspective of “evaluation in depth” - ED, proposed by Rodrigues (2008), within the scope of the Master in Public Policy Assessment at the Federal University of Ceará - MAPP/UFC. This perspective problematizes the conventional evaluations and encompasses new dimensions that aim to approximate the evaluation of subjects and contexts where policies are effectively implemented. Methodologically, this article focuses on bibliographic research, presenting the contributions of authors who dealing with ED as well as analyzing three practical experiences of evaluation, carried out by MAPP students and which are close to the premises of ED. As results, the analysis of an intellectual trajectory of the ED is built, which dialogues with interpretive evaluation paradigms, moving away, epistemologically and methodologically, from conventional hegemonic paradigms in the field of public policy evaluation. In turn, evaluative practices reveal how ED has been effectively built on substantive evaluations carried out at MAPP. Finally, the final considerations highlight the specificities of the ED in incorporating, in the evaluation, the understanding of the concrete experience of the policy and its approximation with the subjects, constituting a new perspective for the affirmation of more democratic knowledge in the evaluation of public policies.

Keywords: Public Policies; Epistemologies and Evaluation Methodologies; Evaluation in Depth.

1. Introducción

Históricamente, el campo de estudios y prácticas de la evaluación de políticas públicas se ha guiado por modelos técnicos que buscan resultados de evaluaciones destinadas a verificar la eficiencia, la eficacia y la efectividad de las políticas. Se trata de una perspectiva hegemónica en este campo, ampliamente difundida y alineada con la agenda económica y política neoliberal contemporáneas (Rodrigues, 2008; Gussi & Oliveira, 2016).

Sin embargo, mientras la hegemonía del paradigma tecnocrático, anclado en el enfoque positivista en el campo de la evaluación de políticas públicas, han surgido otras perspectivas en las últimas dos décadas⁵, cuando se presentan evaluaciones con nuevas perspectivas epistemológicas y metodológicas, configurando enfoques contrahegemónicos en el campo de la evaluación (Gussi & Oliveira, 2016).

En este contexto, la “evaluación en profundidad” - EP⁶, propuesta por Rodrigues (2008) en los marcos de los estudios del Máster Profesional en Evaluación de Políticas Públicas de la Universidad Federal de Ceará (MAPP/UFC)⁷. Rodrigues (2008) parte de una inquietud epistemológica inicial: las concepciones y modelos positivistas, en enfoques lineales, reducen el conocimiento evaluativo al análisis objetivos de los datos recolectados, limitando la evaluación a la construcción estricta de indicadores de resultados en cumplimiento, únicos y exclusivos, a los objetivos previamente formulado por la política (efectividad), la relación costo-beneficio (eficiencia) y la evaluación de los impactos (efectividad en relación con lo que es propuesto y planeado).

Para contestar a su inquietud, Rodrigues (2008) demarca la EP presentando nuevas dimensiones epistemológicas y metodológicas sobre la evaluación de las políticas públicas. La propuesta de la EP va más allá de la construcción de indicadores objetivos de evaluación cuantitativos y estadísticos, según los criterios formales pré-definidos por la política, al encaminar la evaluación para el campo epistemológico de la comprensión interpretativa de la política pública a través de la búsqueda de sentidos y significados

⁵ Ver GUBA y LINCOLN (2011).

⁶ La evaluación en profundidad, en este artículo, se denominará EP.

⁷ El MAPP constituye una maestría profesional e interdisciplinaria, creada en 11/9/2000, y dirige su área de concentración a la evaluación de políticas públicas. El MAPP cuenta con 209 disertaciones leídas hasta em año de 2019, que se tratan de evaluaciones substantivas de diferentes sectores de políticas públicas con temáticas generales relacionados con estas políticas. (<http://www.mapp.ufc.br/index.php/pt-br/apresentacao>).

construidos por los sujetos que experimentan concretamente el programa o la política pública.

Este artículo tiene como objetivo analizar las dimensiones epistemológicas y metodológicas referente a la EP, construyendo su trayectoria intelectual a partir de estudios teóricos e investigaciones desarrollados entre 2008 y 2019. Además, se realiza un análisis de experiencias prácticas de evaluación de políticas públicas específicas que circunscriben esta perspectiva de evaluación.

Metodológicamente, en este artículo, se utiliza la investigación bibliográfica sobre producción intelectual sobre EP, abordando ideas y argumentos de autores considerados centrales en la construcción de esta perspectiva, desde sus bases epistemológicas en Lejano (2012) y la propuesta inicial detallada en Rodrigues (2008), así como sobre sus desarrollos teóricos posteriores, encarnados por la noción de trayectoria en Gussi (2008), la construcción de indicadores socioculturales en Gonçalves (2008), la dimensión política y cultural de la EP (Carvalho & Gussi, 2011), el enfoque antropológico de la evaluación en Gussi (2015), y la discusión de paradigmas contrahegemónicos de evaluación y la EP en Gussi y Oliveira (2016, 2016a; 2016b) y Cruz (2019). Este artículo también hace el estudio de prácticas guiadas por esta perspectiva evaluativa a partir de tres disertaciones de maestría del MAPP/UFC, de Silva (2010), Pinto Jr. (2010) y Almeida (2012).

Este artículo está estructurado de la siguiente manera: 1. La introducción, donde se resumen los objetivos, metodología y el formato del artículo; 2 - La dimensión epistemológica de la EP y 3 - La dimensión metodológica, donde presentan los aspectos fundacionales de la EP y sus desarrollos teóricos y metodológicos, considerando las contribuciones de varios autores en la construcción de la trayectoria intelectual de la EP; 3 - Experiencias prácticas de EP, realiza un análisis de tres disertaciones, que revelan cómo el EP ha sido construida, en la práctica, por los estudiantes de postgrado del MAPP: de Silva (2010) en 3.1. Una evaluación del Programa Crediamigo del Banco do Nordeste - BNB; por Pinto Jr (2010) en 3.2. Una evaluación del Programa Nacional de Atención Cardiovascular; y Almeida (2012) en 3.3. Una evaluación del Programa de Apoyo a Proyectos Productivos Solidarios - PAPPS del BNB. El análisis de esas prácticas evaluativas se concluye en 3.4. Una síntesis de prácticas evaluativas: un acercamiento a la EP. En su conclusión, las consideraciones finales de ese artículo presentan una síntesis de la trayectoria teórico-metodológica de la EP y plantean desafíos, desde esta

perspectiva, con respecto a la afirmación de una dimensión política que conduzca a la democratización del conocimiento en la evaluación de las políticas públicas.

2. La dimensión epistemológica de la EP

Desde la perspectiva de un Estado basado en bases gerenciales y neoliberales (Oliveira 2011), el pensamiento evaluativo de las políticas públicas, en los últimos años, ha sido determinado por un modelo de ajuste político y económico que busca la formación de una agenda políticas públicas que refuerza la búsqueda de resultados⁸.

En este contexto, la evaluación de las políticas públicas se ha convertido en una forma de medición de los resultados de las políticas que, a través de una metodología, a menudo pré-definida, mide su eficiencia, eficacia y efectividad, teniendo como parámetros, principalmente, datos estadísticos que justifican su viabilidad política (Oliveira, 2011).

Em un movimento al revés, Rodrigues (2008), al fundar las bases que apoyan a la EP, problematiza las evaluaciones gerenciales, alejándose, epistemológicamente, del paradigma positivista, una marca de esas evaluaciones, inspirándose, como se ve a la continuación, en el "sentimiento post- constructivista" de Lejano (2012).

El paradigma positivista, que surge de las Ciencias Naturales, busca hacer una analogía entre las leyes de la naturaleza y la vida social. Por lo tanto, adopta un modelo cerrado y lineal para verificar hipótesis previamente establecidas, privilegiando la objetividad en la construcción del conocimiento (Braga & Braga, 2014). Son los valores paradigmáticos del ese modelo epistemológico los que circunscriben hegemónicamente la evaluación de las políticas públicas, traducidos por criterios definidos *a priori* de eficiencia, eficacia y efectividad, que se deben buscar objetivamente en la evaluación.

Desde un punto de vista operativo, esas evaluaciones, guiadas por los referidos principios, favorecen el uso de las metodologías cuantitativas, basadas, sobre todo, en el tratamiento econométrico o estadístico para subsidiar la construcción de indicadores.

⁸ Con el propósito de buscar una legitimidad en el proceso de evaluación de políticas públicas, el Estado adopta acciones para a la Administración Pública para operar como una empresa privada y, con eso, adquirir eficiencia, reducir costos y obtener mejores en los servicios (Motta, 2013). Estos objetivos se basan en la Nueva Gestión Pública (NGP), basada en los ideales del liberalismo clásico, sobre todo en la reducción del alcance y el del tamaño del Estado y la inserción de mecanismos de mercado en el gobierno. Algunos autores llaman este proceso, ocurrido en Brasil los finales de los ochenta y principios de los noventa, como la Reforma Gerencial del Estado Brasileño (Vieira, 1997; Derlien, 2001; Faria, 2005), cuando la función de evaluación de políticas públicas se institucionalizó como un instrumento de gestión (Faria, 2005).

Aún, se debe considerar que esas evaluaciones enfatizan la neutralidad del investigador/evaluador al proponer la separación entre el sujeto y el objeto (la política pública en evaluación), este último supuestamente aislado de toda interferencia subjetiva, para que se pueda verificar, medir y controlar el objeto investigado.

Sin embargo, para Lejano (2012), autor, como se verá, que inspira a la EP, este paradigma positivista produce una brecha en el análisis de las políticas públicas entre la teoría y la práctica. El autor advierte que es "como la brecha entre el libreto y la ópera, entre el texto y el contexto" (Lejano, 2012, p.193). Al revés, el autor plantea la necesidad analítica de comprender la naturaleza múltiple y compleja de la experiencia de la política, lo que resulta en la necesidad de una fusión entre el texto de la política (su teoría) y el campo de la práctica.

Para superar esta limitación, presenta un modelo de análisis política como un modelo de conocimiento que surge de la experiencia de las personas o los grupos que están insertos en una determinada situación política. En este giro epistemológico, el analista no es el pensador (sujeto) que mira lejano hacia la marea (objeto), pero es un "pez que nada en el océano" (Lejano, 2012, p. 206).

De esta manera, el investigador / evaluador pretende acercarse a la experiencia de la política a partir del análisis de diferentes conocimientos empíricos sobre ella, todavía, sin pretender "convertirse en nativo", sino más bien entrar en las diferentes dimensiones y complejidades de la experiencia a través de distintos recursos metodológicos y técnicas de investigación, como, por ejemplo, entrevistas, investigación de artefactos documentales escritos, técnicas de observación, entre otros (Lejano, 2012).

La EP toma el "sentimiento post-constructivista" trasladado por el enfoque experiencial de la política, propuesto por Lejano (2012), al priorizar la experiencia, valorando la complejidad y la multidimensionalidad de los contextos donde se implementan las políticas para construir una nueva perspectiva de evaluación de políticas públicas (Rodrigues, 2008)⁹.

⁹ Vale la pena mencionar que esta posición mencionada por Lejano (2012) se basa en una perspectiva antropológica, en particular, en el interpretativismo de Geertz (2004), especialmente en la propuesta etnográfica de "descripción densa" de este último. La "descripción densa" de Geertz, según Rodrigues (2011) constituye más que métodos y técnicas de investigación, ya que se refiere, en particular, al esfuerzo intelectual del investigador en la búsqueda de los sentidos y los significados de los sujetos, que emanan del contexto en estudio, que evidentemente incluye los datos recolectados" (Rodrigues, 2011, p. 57).

Basado en la epistemología de Lejano (2012), Rodrigues (2008) presenta las proposiciones iniciales de la EP¹⁰, señalando que debe ser extensa, detallada, densa, amplia y multidimensional, con la intención de permitir una mejor comprensión de la política en su conjunto. Con este fin, la autora refuerza el uso de recursos epistémicos de las Ciencias Sociales y, especialmente, de la Antropología Social para llegar a la comprensión de una visión amplia sobre la formulación e implementación de las políticas. Para eso, Rodrigues (2008) sugiere la adopción de distintas herramientas teóricas y metodológicas, con la posibilidad de realizar aportes desde la etnografía, en los estudios evaluativos sobre políticas públicas.

Con esa mirada, Rodrigues (2008) presenta los fundamentos de su propuesta de evaluación a través de cuatro ejes analíticos de la EP:

- (i) Análisis del contenido del programa, abordando la formulación, las bases conceptuales y la coherencia interna de la política;
- (ii) Análisis del contexto, que se refiere a la recopilación de datos sobre el momento político, social, económico y cultural que ha conducido la implementación de la política o programa;
- (iii) Trayectoria institucional, con la búsqueda de la coherencia del programa a lo largo de sus vías institucionales;
- (iv) Espectro territorial y temporal, que circunscribe la implementación de la política en el contexto territorial de su aplicación y los cambios a lo largo del tiempo.

Es de destacar que, en su intención, la EP no constituye un modelo lineal, preestablecido y listo para ser aplicado. De hecho, pretende comprender la trayectoria de la política en su conjunto, considerando todas las fases del ciclo de las políticas públicas (agenda, formulación, implementación y monitoreo) a partir de la experiencia de los diversos actores involucrados en la política.

Consolidando este primer momento de fundación de la EP, Gussi (2008) profundiza el eje analítico de la trayectoria institucional de la EP, inspirándose en la noción de trayectoria de Bourdieu (1986, p. 189), definida por este autor como una "serie

¹⁰ La propuesta inicial de la EP se publicó en el lanzamiento de la primera edición de la revista Aval - Revista Avaliação de Políticas Públicas, editada por el MAPP en Rodrigues (2008). Este mismo número de la AVAL contiene los artículos de Gussi (2008) y Gonçalves (2008) que detallan otros aspectos de la propuesta.

de posiciones sucesivas ocupado por el mismo agente (o el mismo grupo) en un espacio en sí mismo sujeto a transformaciones incesantes”. Desde esa definición, Gussi (2008) aclara lo que entiende por trayectoria institucional de la política:

Similar a lo que Bourdieu propone pensar sobre la trayectoria de una vida, la propuesta metodológica que presento ahora transpone esta noción para considerar un programa o una política pública [...]. De esta manera, comienzo a partir de la idea de que el programa o política pública no tiene un significado único y se limita a la reformulación, de acuerdo con sus diferentes posiciones en los diversos espacios institucionales que cubre, es decir, de acuerdo con sus desplazamientos en la institución (Gussi, 2008, p. 34).

Así, Gussi (2008) amplía, con el concepto de trayectoria, las relaciones entre las políticas públicas y las instituciones en sus múltiples caminos, considerando los desplazamientos no lineales de las políticas entre las diferentes posiciones de actores y grupos sociales, para que ellos sean llevados en cuenta analíticamente en la evaluación de las políticas públicas.

Finalmente, aún en la propuesta inicial de la EP, Gonçalves (2008), al abordar las tensiones subyacentes a las políticas públicas, con respecto a los valores implícitos en su formulación, avanza en la construcción de una mirada etnográfica, con énfasis en dos supuestos epistemológicos: resignificación y totalidad. Al poner en el centro de la discusión de los conflictos entre los valores que pretenden ser universales (hegemónicos) y las tradiciones culturales particulares, el autor sostiene que las políticas o programas y, en última instancia, las evaluaciones, deben tocar las dimensiones de orden económico, relaciones de poder local y su articulación con otras instancias, cultura, geografía, red de protección social, concepciones y proyectos de desarrollo local y sistema educativo.

Así, se trata, en los planteamientos de Gonçalves (2008), de sostener una evaluación que permita la construcción de indicadores socioculturales, emergentes en la investigación de campo, que se constituyen desde la articulación entre tiempos y territorios específicos y las intenciones generales de las políticas implementadas.

Los fundamentos de EP, propuestos por los ejes analíticos de Rodrigues (2008), la noción de trayectoria Gussi (2008) y la construcción de indicadores socioculturales de Gonçalves (2008) marcan los principios de la trayectoria intelectual de esta perspectiva.

En un segundo momento de la producción teórica de la EP, Carvalho y Gussi (2011) amplían su sentido político al subrayar que la EP es un proceso de naturaleza sociopolítica en el sentido de que presenta potencialmente un esfuerzo analítico para:

i) considerar las nuevas configuraciones de los patrones contemporáneos de intervención del Estado; ii) ingresar al universo cultural, donde los diferentes sujetos involucrados en esta política se mueven y se constituyen a sí mismos; iii) circunscribir el juego de los intereses sociales, dentro del alcance de las relaciones de poder y iv) configurar las agendas públicas en diferentes momentos (Carvalho & Gussi, 2011, p. 6).

Los autores también enfatizan que esta perspectiva sociopolítica constituye una construcción procesal del investigador/evaluador, enfatizando su lugar sociopolítico, donde él da forma a sus perspectivas teóricas y metodológicas, desde la investigación, haciendo explícito sus concepciones de Estado, políticas públicas y evaluación y, por lo tanto, revela que esta última nunca es un ejercicio desinteresado y formal (Carvalho & Gussi, 2011).

Específicamente, Gussi (2015) enfatiza el refuerzo de la dimensión cultural en la construcción de la EP al reforzar su enfoque en las relaciones entre los diferentes sujetos sociales, involucrados en las políticas, inmersos en universos de significados y significados, en el contexto de sus culturas. En otras palabras, Gussi y Oliveira (2015) proponen la construcción de un nuevo ethos epistemológico de evaluación, más estructurado y crítico, que incorpora dimensiones de las políticas desde la diversidad de actores y los contextos en los que se implementan.

En un tercer momento de su trayectoria, la EP comienza a ubicarse en el campo epistemológico y político general de la evaluación de políticas públicas. Gussi (2015), al informar sobre este campo, tomando la EP como una referencia, inicia la discusión sobre la emergencia de una evaluación contrahegemónica, destacando la necesidad de las evaluaciones superaren los límites de los modelos positivistas convencionales. Al reconocer el lugar de la EP en este campo como contrahegemónica, Gussi (2015) considera un conjunto de elementos que delimitan una evaluación que se reconozca de esta manera:

(...) - una evaluación basada en la experiencia empírica de los programas / políticas, prestando atención a cómo se ejecutan en su vida diaria institucional y fuera de ella;
- una evaluación basada en la construcción de las trayectorias institucionales de los programas / políticas en cuestión, asociadas con las trayectorias de vida de los participantes (Gussi, 2008);
- una evaluación participativa, centrada en el punto de vista de diferentes sujetos institucionales y / o beneficiarios sobre los programas

y políticas, que resulta en una comprensión hermenéutica de la política y no entendida en su juicio final;

- una evaluación con la articulación entre el texto del programa (marcos legales, conceptos, objetivos y acciones) y sus diferentes contextos: histórico, económico, político y social (Lejano, 2012);
- una evaluación que permita la formulación de nuevos indicadores socioculturales, construidos en / con etnografía, llamando la atención sobre otras dimensiones, como la social, cultural, política y ambiental (Gonçalves, 2008);
- una evaluación en profundidad (Rodrigues, 2008, 2011), desde una perspectiva antropológica, como un campo epistemológico sobre la evaluación de políticas públicas de carácter social (Gussi, 2015, pp. 22-23).

Em el sentido de firmar la contra hegemonía en el campo de la evaluación desde EP, Gussi y Oliveira (2016) ponen nuevas posibilidades para la evaluación de políticas públicas al problematizar sus formas, usos e intenciones. Los autores cuestionan epistemológicamente la evaluación con las siguientes preguntas: “¿por qué evaluar? ¿Cómo evaluar? ¿Evaluar para quién? ¿Cuál es el punto de evaluar las políticas públicas en el contexto político brasileño actual? (Gussi y Oliveira, 2016, p. 1). Luego, afirman que tales preguntas apuntan a la necesidad de "construir otros parámetros de evaluación que vayan más allá de las definiciones operativas realizadas por modelos de evaluación preconcebidos y se distancien de la agenda política y el modelo de evaluación técnico-formal" (Gussi, 2015, p. 1).

Finalmente, en el mismo sentido de afirmación de la EP como contrahegemónica, Cruz (2019) enfatiza que el punto central de la diferenciación de esta perspectiva es la comprensión de las subjetividades, un elemento clave para entender los matices y las tensiones que surgen en el proceso de evaluación. Luego, Cruz (2019) se acerca al campo de análisis, de la comprensión de los sujetos (incluyendo el investigador/evaluador), de la construcción, en las evaluaciones, de indicadores basados en datos cualitativos, considerando:

Se trata de percibir cómo se desarrollan las políticas, para quién están destinadas, cuál es su alcance y multidimensionalidad, qué efectos se logran, a qué costo ocurrieron y, además, qué datos apuntan a la construcción de nuevos indicadores que permitan evaluar la política de modo amplio, denso y profundo (Cruz, 2019, p. 15).

Está claro, entonces, en la trayectoria intelectual de la EP, que esfuerzos analíticos de varios autores, de diferentes campos, especialmente de las Ciencias Sociales, han apoyado la construcción de sus sentidos epistemológicos en los últimos diez años. Se

tratan de contribuciones que avanzan, de acuerdo con sus respectivas áreas de estudio, desde los ejes analíticos inicialmente propuestos por Rodrigues (2008) y esbozan nuevos aspectos, como a construcción de los indicadores socioculturales (Gonçalves, 2008), la noción de trayectoria (Gussi, 2008), la dimensión político-cultural (Carvalho & Gussi, 2011) y como propuesta contrahegemónica en el campo de la evaluación de políticas públicas (Gussi, 2015; Gussi & Oliveira, 2016).

En general, estas ideas solidifican la EP como una perspectiva que no se limita a la mera técnica, sino que se convierte en una producción analítica y crítica sobre la evaluación de las políticas públicas.

3. La dimensión metodológica de la EP

La EP asume una matriz teórico-metodológica, como se discutió en el ítem anterior, que amplía los sentidos de la construcción del conocimiento en evaluación de políticas públicas, tomando como enfoque central no la lógica de la política formalmente formulada en sus propios términos, sino articulaciones entre la política la comprensión de los sentidos y los significados de la política que le atribuyen los sujetos.

Dicho esto, sin limitarse a un enfoque estricto, el EP aborda, de manera experiencial, los contextos sociales, económicos, políticos, ambientales e institucionales en los que se insertan estos sujetos. Entre los temas y el contexto, el investigador/evaluador recopila datos sobre la política evaluada en la búsqueda de especificidades territoriales de la política implementada y sus resultados bajo el punto de vista de múltiples actores.

En este sentido, metodológicamente, EP presupone considerar una lógica no lineal de análisis de datos, diferente de lo que se observa en la lógica positivista, pues propone la posibilidad de la construcción de nuevos indicadores socioculturales (Gonçalves, 2008), que surgen desde la visión émica¹¹ de los sujetos.

La perspectiva de EP se basa en una amplia gama de métodos, como aclara Rodrigues (2008, p. 11):

De acuerdo con el énfasis de los interpretativistas en el locus empírico como fuente de conocimiento para guiar los procesos de implementación de programas, así como su evaluación; en la noción de

¹¹ La visión émica es la que el investigador propone aprehender el conocimiento desde una perspectiva empírica de los sujetos, teniendo en cuenta sus contextos socioculturales.

proceso como la bases de toda evaluación, en oposición a la lógica lineal presente en los modelos de análisis positivistas; y en la afirmación de que el conocimiento producido tiene múltiples dimensiones, se concluye, por lo tanto, que el esfuerzo para desarrollar una evaluación en profundidad de las políticas públicas debe realizarse en base a diferentes tipos de datos e información: cuestionarios en formatos nuevos y variados; grupos focales que innovan en relación con las propuestas tradicionales; entrevistas en profundidad combinadas con observaciones de campo; análisis de contenido de material institucional con atención al apoyo conceptual y sus formas discursivas expresadas; enfoque cultural, con la comprensión de los significados formulados, en diferentes contextos, sobre el mismo programa; etc.

Por lo tanto, la elección de métodos y técnicas debe adecuarse al nivel de integración del investigador/evaluador en los *loci* de la política, teniendo como referencia su formación académica y disciplinaria, así como los problemas planteados en su investigación y su compromiso político-institucional.

En vista de esto, la construcción de la metodología de evaluación se basa en la investigación de campo. El investigador / evaluador observa la realidad y reflexiona sobre la construcción desde las narrativas de los sujetos en sus contextos, comparándolas con instituciones políticas formales y, por lo tanto, promoviendo interpretaciones analíticas basadas en la realidad presentada y experimentada en su campo de investigación, según lo recomienda Cruz (2019, p. 11):

En el campo, él [el evaluador] pregunta, indaga, anota, registra, huele, escucha opiniones, percibe posiciones y, al mismo tiempo, reflexiona sobre su lugar. Los hechos y los valores están estrechamente relacionados, la subjetividad está controlada. Todo esto requiere una comprensión de los supuestos filosóficos que sustentan los paradigmas científicos y también un entrenamiento teórico-metodológico para la claridad en la elección de los marcos teóricos importantes en la mediación de datos, así como los métodos y técnicas adecuados para recopilar datos empíricos que respondan preguntas.

Para Gussi (2014) esta amplitud metodológica remite a la postura relativista tributaria de la Antropología Social, una vez que contempla a los diversos receptores de políticas y los significados que dan a ellas, todavía, sin que el investigador/evaluador atribuya a estos significados una jerarquía de valores que tiende a juzgar desde la perspectiva de un solo agente involucrado en la política. Esto significa que el evaluador tiene la tarea de salir metodológicamente al campo y construir, a través de la observación participante y las técnicas de investigación relacionadas con él, una 'etnografía de la

experiencia' de las políticas públicas, lo que constituirá la base de datos fundamental para su evaluación (Gussi, 2014).

Todo eso refuerza el carácter multidimensional de la EP, con énfasis en el enfoque cualitativo de la investigación:

Esto se debe a que la comprensión de los significados requiere la realización de entrevistas en profundidad y abiertas; es decir, entrevistas que no conducen al encuestado a la respuesta y que no restringen el campo de reflexión, ya le hacen preguntas que presuponen razones para el éxito de la política o programa en estudio (...) (Rodrigues, 2011, p. 57).

En este sentido, el análisis cuantitativo por sí solo no tiene recursos suficientes para promover una evaluación multidimensional, densa y amplia. Se debe aclarar, todavía, que se puede integrar los análisis estadístico con los discursos y las teorías de los sujetos sobre las políticas públicas evaluadas, lo que permite que los datos se organicen y se integren, lo que da al evaluador la posibilidad de rastrear la comprensión del contexto en el que se ha implementado la política, sus desplazamientos en las vías institucionales, sus bases conceptuales, así como sus promesas y logros (Cruz, 2019).

En trabajos recientes, Rodrigues (2011; 2016) agrega a la perspectiva EP los procedimientos metodológicos observados en el análisis situacional (Van Velsen, 1987) una vez que este recurso permite detectar las elecciones de los individuos, sus estrategias de acción, la contradicción entre normas y acciones, así como la identificación de los conflictos inherentes a una situación y los mecanismos para la resolución de esos conflictos. Eso se parece con los propósitos de la EP, mostrándose potencialmente capaz de presentar una propuesta metodológica crítica que tenga en cuenta las variaciones, contradicciones y conflictos existentes en los *loci* de la política.

Otro recurso metodológico, señalado por Rodrigues (2016), se encuentra en lo que Little (2006) nombró de ecología política. Las contribuciones de la ecología política se refieren a la comprensión de la dinámica de los conflictos locales a través de la identificación y el análisis de los principales actores involucrados en el conflicto, los intereses y las demandas que rodean los recursos naturales y el territorio y el análisis de los actores y los diferentes niveles de poder.

¿Cómo, entonces, los investigadores/evaluadores han puesto en práctica la EP? Seguimos aquí con análisis sobre experiencias prácticas de evaluación de políticas y programas públicos alineados con la EP.

4. Experiencias prácticas de la EP

Con la intención de incorporar elementos de la práctica de evaluación para calificar la perspectiva de evaluación desarrollada dentro de MAPP / UFC, buscamos tres disertaciones, analizadas a la luz de la propuesta de Gussi (2017) que propone una metodología de análisis de evaluaciones ya hechas desde las dimensiones siguientes:

- (I) preguntas iniciales, objetivos e hipótesis de la evaluación;
- (ii) marcos teóricos: paradigmas de evaluación adoptados, sus afiliaciones teóricas y autores;
- (iii) categorías analíticas específicas de la política evaluada y cómo están vinculadas a la evaluación realizada;
- (iv) uso de métodos cuantitativos y / o cualitativos, además de la triangulación de métodos y análisis de datos, buscando encontrar singularidades e innovaciones en los diseños evaluativos;
- (v) resultados obtenidos y producción de indicadores, y sus intenciones; (vi) el lugar epistemológico y político del evaluador y si y cómo problematiza este lugar, en los lazos entre subjetividad / objetividad en la construcción de la investigación evaluativa (Gussi, 2017, pp. 6-7).

Desde propuesta metodológica, como criterio, se eligieron evaluaciones cuyo diseño de investigación son cercanos, en cierta medida, a los elementos analíticos y metodológicos de la EP.

4.1. Una evaluación del Programa Crediamigo del Banco do Nordeste – BNB¹²

La evaluación de Silva (2010), titulada “Evaluación de los impactos del Programa Crediamigo en una población de bajo ingreso de Fortaleza”, ejemplifica, de manera peculiar, como se ha constituido un nuevo *ethos* epistemológico (Gussi, 2015) en las evaluaciones del MAPP/UFC.

En primer lugar, Silva (2010) destaca su lugar en la investigación evaluativa, marcada por su capacitación como trabajador social y su experiencia en la implementación del Programa Crediamigo como especialista técnico en el Banco do Nordeste do Brasil (BNB), que ofrece a autora "el conocimiento empírico de las condiciones de vida de los clientes que estaban en el mercado informal y se unieron al Programa Crediamigo" (Silva, 2010, p. 16).

¹² El Programa Crediamigo es un programa de microcrédito orientado y desarrollado por el Banco do Nordeste do Brasil - BNB. Sobre el Programa Crediamigo ver: <https://www.bnb.gov.br/crediamigo>.

Silva (2010) propone evaluar los impactos del programa con las preguntas iniciales "(I) ¿Há ocurrido cambios en las condiciones de vida de los clientes que se unieron al Programa? (II) Y si es así, ¿en qué medida están estos cambios directamente relacionados con Crediamigo? (Silva, 2010, p. 16). Por lo tanto, su objetivo general lleva a evaluar los "impactos de Crediamigo en las condiciones de vida de los beneficiarios de bajos ingresos, verificando su relación con los procesos de inclusión social y ciudadanía" (Silva, 2010, p. 63), es decir, pretende evaluar los impactos de la experiencia de sus beneficiarios, teniendo en cuenta la perspectiva de la socialdemocracia como horizonte analítico.

Dicho esto, mientras busca inicialmente contribuciones teóricas en línea con la perspectiva de la evaluación de impacto, citando autores como Nilson Holanda, Ala-Harja y Helgason, Silva (2010) dialoga con autores de la matriz dialéctica-crítica, cuando menciona a Silva y Silva, Yazbek y Giovanni (2006) y su perspectiva de evaluación en una doble dimensión, la técnica y la política¹³. En línea con esta perspectiva, las categorías centrales de análisis, que se desarrollan a lo largo de la investigación, son ciudadanía e inclusión social, lo que refleja cómo el programa en evaluación expande tales dimensiones.

Por lo tanto, metodológicamente parte de un enfoque cualitativo y cuantitativo, utilizando la investigación bibliográfica y documental, y realizando entrevistas en profundidad, con la construcción de las historias de vida de dos beneficiarios del programa Crediamigo, precedido por la aplicación de treinta y dos cuestionarios que mapearon cuantitativamente los perfiles de los beneficiarios.

En su esfuerzo, Silva (2010) realiza un análisis de contexto amplio de la formulación e implementación del microcrédito, desde el nivel mundial hasta la realidad brasileña, problematizando preguntas sobre la globalización financiera, el neoliberalismo y sus implicaciones para las políticas públicas, así como refleja sobre las configuraciones del mundo del trabajo, entre formalidad e informalidad, la lucha contra la pobreza y el microcrédito como forma de inclusión social y ciudadanía efectiva. También realiza una reconstrucción de la trayectoria del programa de microcrédito del BNB, analizando desde

¹³ Silva y Silva (2008), en sus elaboraciones sobre la evaluación de políticas y programas sociales, plantea esta articulación al enfatizar la relación dialéctica entre la dimensión técnica y la dimensión política en los procesos de evaluación.

su diseño hasta la implementación del programa, informando sobre sus dilemas con respecto a cada reconfiguración de la política institucional del banco.

Sin embargo, sus indicadores de evaluación trascienden la perspectiva de evaluación señalada en el título de la investigación, pues, de hecho, Silva (2010) produce nuevos indicadores cualitativos sobre el programa, centrándose en la experiencia de los usuarios de la política desde sus historias de vida, por lo tanto, exponiendo que los impactos del Crediamigo resultan en el aumento de los ingresos, pero no necesariamente resultan en impactos en sus condiciones de vida de forma general.

Su recomendación final es que el programa necesita:

Integrarse con otros programas, buscando la interrelación entre las diferentes políticas para obtener mejores resultados e igualdad de acceso en ingresos, inclusión social y ciudadanía, favoreciendo cambios sociales y mejores condiciones de vida (Silva, 2010, p. 147).

La evaluación de Silva (2010) es una de las primeras disertaciones MAPP / UFC a involucrar la problematización de un programa en que el evaluador / investigador está estrechamente vinculado y defiende su relevancia social. Con este fin, se utilizan métodos mixtos que se centran en la efectividad social del programa, abriendo nuevas posibilidades para comprender Crediamigo. Así, Silva (2010) amplía las perspectivas del Programa a través de nuevos indicadores socioculturales desde múltiples dimensiones que no han sido demostrados en evaluaciones convencionales del Crediamigo.

Dicha evaluación se evidencia como un ejemplo práctico del giro epistemológico y metodológico, propuesto por la EP, al ofrecer otra perspectiva para evaluar políticas y programas desde la experiencia de los sujetos, directamente vinculados a su ejecución.

4.2. Una evaluación del Programa Nacional de Atención Cardiovascular

La disertación de Pinto Jr. (2010), titulada “Evaluación de la política nacional de atención cardiovascular de alta complejidad con un enfoque en cirugía cardiovascular pediátrica”, evalúa los impactos de esta política pública para sus beneficiarios. El autor, en su evaluación, hace sus consideraciones sobre la implementación de la política de atención cardiovascular pediátrica en Brasil considerando su lugar en la investigación como cardiólogo y gerente de salud pública¹⁴.

¹⁴ El relato de la experiencia profesional del autor está contenido en la publicación titulada “Reflexões sobre a formulação de política de atenção cardiovascular pediátrica no Brasil” (Pinto Jr., Rodrigues, & Muniz, 2009).

Para este fin, Pinto Jr. (2010) trabaja en la construcción de indicadores basados en valores como la equidad, la integralidad y la regionalización, basando su noción de evaluación en autores como Boulmetis y Dutwin, Ala-Harja y Helgason. Sin embargo, el autor defiende una evaluación sistemática que prioriza la visión de la evaluación como una herramienta para la conquista de los derechos sociales (Pinto Jr., 2010, p.79).

La metodología aplicada se diseña desde la propuesta de una investigación cuantitativa, analizando datos secundarios obtenidos en DATASUS/MS del Instituto Brasileño de Geografía y Estadística - IBGE y el Ministerio de Salud, así como la aplicación de cuestionarios y entrevistas. Sin embargo, el autor ha visto la necesidad de abordar su objeto de evaluación de una manera contextualizada, una vez que la política evaluada, de carácter nacional, ha presentado diferencias con respecto a su implementación y resultados de acuerdo con las diferentes características socioeconómicas de las regiones del Brasil (Pinto Jr., 2010).

Tal enfoque sobre la implementación de la política convergió al uso de métodos cualitativos en complementariedad con los métodos cuantitativos, utilizando también la investigación bibliográfica y documental para reconstruir el contexto político y el proceso de formulación e implementación de políticas públicas bajo evaluación (Pinto Jr., 2010) Por lo tanto, a través de entrevistas, el autor recupera la posición de los cirujanos cardiovasculares y las consideraciones de los representantes de clase y de los gerentes de políticas.

Dicho esto, como resultado, el autor presenta una serie de indicadores, tanto cuantitativos como cualitativos. En este sentido, es importante mencionar la preocupación del autor por el uso de los ejes analíticos de la EP, haciendo un análisis de la trayectoria institucional de la Política Nacional de Atención Cardiovascular al abordar desde las negociaciones sobre la creación del programa en el ámbito del Ministerio de Salud, su formulación a través de marcos legales y su posterior implementación en todas las provincias de la federación brasileña. Así, Pinto Jr. (2010) considera los diferentes contextos territoriales y temporales donde se implementa la política, buscando comprender el curso de la política estudiada y confrontar las propuestas y objetivos de la política general con las especificidades locales y sus historicidades.

En este sentido, el investigador amplía la comprensión del proceso de evaluación (Pinto Jr., 2010). Desde de una perspectiva metodológica mixta de evaluación (cuantitativa y cualitativa), basada en los ejes analíticos de la EP, el autor alarga la

dimensión del aspecto cualitativo y multidimensional de la política, que no se observa en otros trabajos de evaluación que utilizan metodologías tradicionales que no presentan aportes analíticos sobre los contextos donde se implementan las políticas.

4.3. Una evaluación del Programa de Apoyo a Proyectos Productivos Solidarios - PAPPS del Banco do Nordeste - BNB

El trabajo de Almeida (2012) propone una evaluación de impacto promovida por una red cooperativa de economía solidaria, la Asociación de Mujeres en Acción - AMA / Budeg'AMA, desde el ingreso de esa asociación en el Programa de Apoyo a Proyectos Productivos Solidarios (PAPPS), administrado por el BNB - Banco do Nordeste.

Frente a la trayectoria de la experiencia profesional de la autora, una analista bancaria del BNB, Almeida (2012), inicialmente busca la perspectiva de la EP desde uno de sus ejes analíticos: la dimensión del contexto político (Rodrigues, 2008). Con este fin, trae para su evaluación los puntos de vista de las mujeres involucradas en el proyecto, al mismo tiempo que rastrea los recortes analíticos que se complementan en función de la adecuación y / o discrepancia del cooperativismo ante el modelo de estado neoliberal.

Almeida (2012) asocia y reflexiona los elementos políticos, sociales, económicos y culturales en vista a los objetivos del programa, que sirve como una alternativa al creciente desempleo estructural brasileño. Así como relaciona en sus análisis las otras dimensiones evaluativas de la EP, es decir, la trayectoria institucional y el contenido conceptual del programa evaluado.

Tomando como referencia la base teórica que fundamenta la EP (Rodrigues, 2008; Gussi, 2008; Gonçalves, 2008), la investigadora presenta elementos de la trayectoria de la Asociación de Mujeres en Acción - MA / Budeg'AMA, construyendo indicadores socioculturales desde la comprensión del contexto experimentado por los actores del programa, las mujeres en cooperativas.

En este sentido, Almeida (2012) pasa por la formulación de PAPPS y sus interfaces con la economía solidaria para comprender la coyuntura en la que se inserta, permitiendo así una evaluación dentro de los marcos analíticos que busca.

Almeida presenta el debate sobre el contexto político de la economía solidaria en Brasil desde la crisis del capital, ocurrida en las últimas tres décadas del siglo XX, con la aplicación de la política neoliberal y, como contrapunto, el surgimiento de la práctica

de la economía solidaria, haciendo un esbozo de la trayectoria de las políticas de economía solidaria en el BNB, específicamente el PAPPS entre 2005 hasta 2011.

Basado en autores, como Nílson Holanda, Ala-Harja-Helgason y Roche, utiliza un enfoque cuantitativo y cualitativo para la recopilación de los datos. Bajo un enfoque cuantitativo conoce el perfil socioeconómico de las mujeres participantes de la AMA / Budeg'AMA mediante la aplicación de encuestas; y, a través de un enfoque cualitativo, se llevaron a cabo observaciones de campo, entrevistas semiestructuradas y en profundidad, recogiendo percepciones sobre las PAPPS y sobre las empresas de economía solidaria en general de las participantes de AMA y de los agentes institucionales, Caritas¹⁵ y BNB.

Almeida (2012) presenta nuevos resultados desde el punto de vista de la dimensión social de la cooperativa. El autor aclara que el PAPPS ha cambiado la sociabilidad de las asociadas al fomentar redes colectivas creadas desde las actividades laborales fomentadas por la política. Aunque, desde el punto de vista económico, Almeida (2012) muestra que el recurso financiero aplicado por el Banco do Nordeste no ha permitido alcanzar en la práctica, la autonomía económica de las mujeres, identificando las dificultades enfrentadas por ellas las mujeres para obtener su independencia financiera por medio de la asociación.

Almeida (2012) también construye indicadores políticos de resultados en los cuales los asociados encuentran, en el trabajo colectivo, motivaciones para llevar a cabo un proyecto personal de ciudadanía, así como también a autora presenta indicadores ambientales, verificando la voluntad y aptitud de las asociadas para el desarrollo de una conciencia de preservación del medio ambiente, como el reciclaje de materiales.

La evaluación de Almeida (2012), más allá de identificar la efectividad de una política pública a través de criterios puramente cuantitativos, o justificar la eficiencia a través de los datos económicos muestra otras dimensiones sociales, de género, políticas y ambientales, resultantes del trabajo desarrollado por la asociación y por los recursos obtenidos del Banco do Nordeste. Por lo tanto, demuestra la relevancia de estas dimensiones, comúnmente no cubiertas por las evaluaciones tradicionales, ampliando la multidimensionalidad de la evaluación, como propone la EP.

¹⁵ Sobre la Caritas Brasileira, ver <http://caritas.org.br/>,

4.4. *Una síntesis de las prácticas evaluativas: una mirada desde la EP*

Desde las tres experiencias prácticas de evaluación de políticas y programas públicos analizadas, disertaciones de maestría de MAPP / UFC, es posible identificar elementos que los acerquen a la perspectiva EP, en sus dimensiones epistemológicas y metodológicas, como se verifica en Tabla 1.

Tabla 1: Prácticas de evaluación en profundidad de las disertaciones del MAPP/UFC

Prácticas evaluativas MAPP/UFC	Dimensiones epistemológicas y metodológicas de la EP
Evaluación de los impactos del Programa Crediamigo en una población de bajo ingreso de Fortaleza (Silva, 2010)	<ul style="list-style-type: none">• Análisis del contexto político e institucional;• Búsqueda del conocimiento de los actores a partir de la experiencia vivida en el programa;• Indicadores cualitativos y multidimensionales.
Evaluación de la política nacional de atención cardiovascular de alta complejidad centrada en la cirugía cardiovascular pediátrica (Pinto Jr., 2012)	<ul style="list-style-type: none">• Análisis del contenido y de los marcos conceptuales y legales de la política;• Análisis de la trayectoria política;• Análisis del contexto político de implementación de la política;• Análisis de indicadores cualitativos y cuantitativos.
Evaluación de los impactos del programa de apoyo a Proyectos Solidarios Productivos (PAPPS) en la experiencia de economía solidaria de AMA / BUDEG'AMA (Almeida, 2012)	<ul style="list-style-type: none">• Análisis del contenido de la política;• Análisis del contexto (experiencia);• Espectro territorial e institucional;• Indicadores socioculturales multidimensionales, con bases cualitativas y cuantitativas.

Fuente: Elaboración propia.

Las experiencias prácticas de evaluación analizadas resaltan el carácter analítico multidimensional de las políticas o los programas evaluados. Para ello, se han utilizados los ejes analíticos de la EP, aportando elementos más allá de la eficiencia, efectividad y efectividad de la política o programa implementado, teniendo en cuenta, como parámetros, análisis de los aspectos relacionados con sus trayectorias legales, político-institucionales y los contextos socioeconómicos y territoriales, donde los actores (y la política) están circunscritos.

A través de diversas herramientas metodológicas, entre enfoques cualitativos y cuantitativos, evaluaciones son compatibles con los propósitos de una perspectiva de evaluación densa, multidimensional, extensa, detallada, amplia y multidisciplinaria, en que los investigadores/evaluadores buscan entender como los actores experimentan la

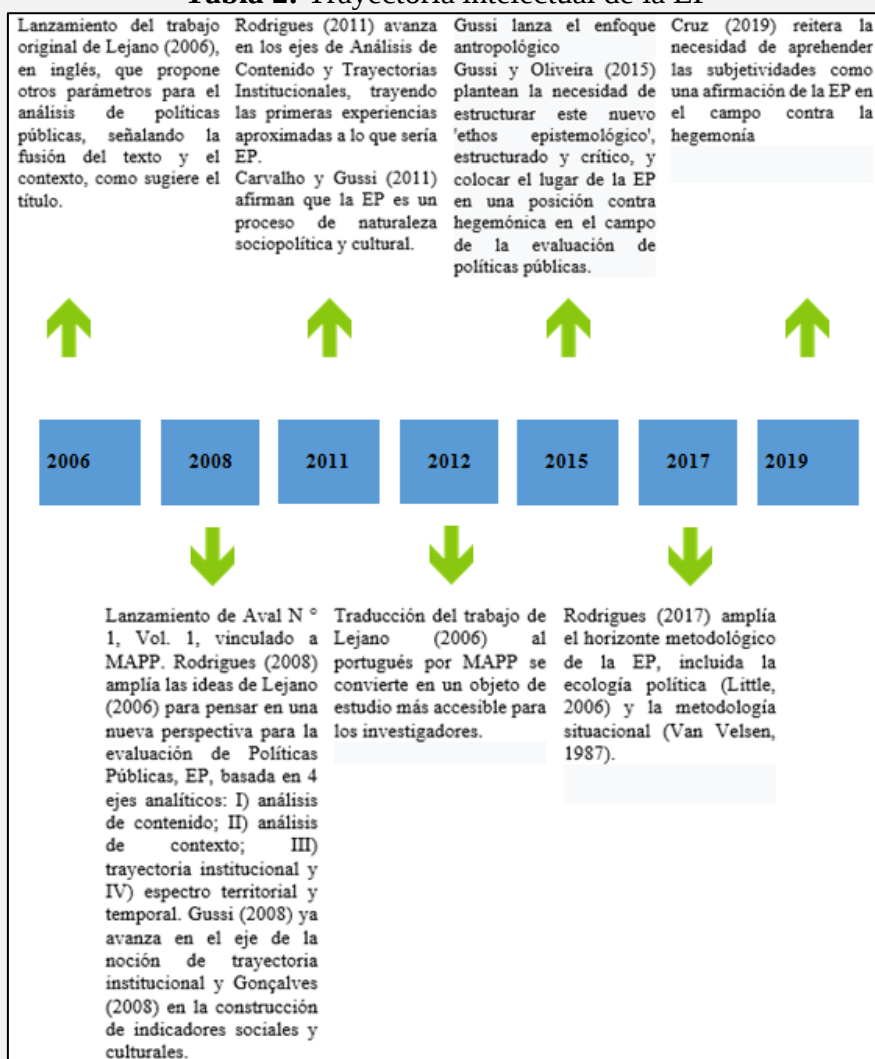
política. Tales contribuciones metodológicas conducen a la construcción de nuevos indicadores que resignifican el objetivo inicial de la política o programa evaluado.

Finalmente, las evaluaciones presentadas promueven una reflexión sobre la legitimidad de las políticas públicas por la sociedad, teniendo como referencia la visión de diferentes actores, señalando sus trayectorias y contextos de vida, impactados por las acciones públicas y sus contradicciones.

5. Consideraciones finales

La trayectoria intelectual de la EP, considerada aquí en sus sentidos epistemológicos y metodológicos, y las prácticas evaluativas se han constituido a través de las contribuciones de varios autores de los más variados campos del conocimiento en los últimos 10 años. La tabla 2 presenta un breve resumen de esta trayectoria.

Tabla 2: Trayectoria intelectual de la EP



Fuente: Elaboración propia.

La trayectoria de la EP revela su carácter abierto a las contribuciones, que surgen de cada investigación, construido a la luz de sus planteamientos. Esto es exactamente lo que ha permitido una diversificación y complejidad de indicadores para la evaluación de políticas públicas, orientados desde esta perspectiva de la EP.

Por lo tanto, se considera que esta trayectoria, constituida en su conjunto como otro ethos epistemológico de evaluación (Gussi, 2015), conduce a una dimensión metodológica abierta, construida entre un arsenal de métodos y técnicas establecidos de acuerdo con la complejidad y particularidad de cada política bajo evaluación. Por esta razón, las contribuciones metodológicas de la EP están orientadas hacia la perspectiva de integración y uso de métodos mixtos para superar una visión antagónica entre ellos.

Esto se refleja en la búsqueda de elementos que representen la interpretación de la política de los diversos actores involucrados en ella. En este sentido, la EP se afirma en la construcción de un diálogo más cercano con la antropología y la etnografía, mostrando estrategias metodológicas centradas en las dimensiones relacionadas con la experiencia y la vivencia de los actores desde sus propias perspectivas. Vale la pena señalar que la recolecta y el análisis de los datos se han enriquecido al acercarse a las contribuciones de la ecología política (Little, 2006) y el análisis situacional (Van Velsen, 1987).

Sin embargo, tal aporte teórico y metodológico, amplio, multidimensional y profundo hace surgir una otra dimensión de la EP a ser considerada en estudios posteriores: su dimensión política, que pone la evaluación de las políticas públicas en medio a las tensiones estatales. En esta dimensión, la práctica evaluativa está sujeta a la agenda de los gobiernos, así como a sus contradicciones y conflictos.

En el caso de las experiencias de evaluación analizadas en este artículo, los evaluadores, a pesar de sus vínculos profesionales con las políticas evaluadas, no se avergüenzan al presentar indicadores que, en teoría, se oponen críticamente a los objetivos y directrices de las respectivas políticas, una postura epistemológica que no está muy presente en las evaluaciones convencionales.

Es importante tener en cuenta que estas dimensiones (y inquietudes) de la EP se desarrollan desde una perspectiva particular en el campo de la evaluación de políticas públicas. En sus marcos epistemológicos, metodológicos y políticos, siempre como un ejercicio de reflexividad, uno debe preguntarse como la EP contesta a una pregunta fundamental: ¿cuál es, en resumen, el sentido de evaluar? Evaluar en profundidad se trata,

como horizonte, de compreender la experiencia de la política pública, acercarse a los múltiples sujetos involucrados en ella, especialmente a los que no participan de los procesos políticos de decisión y estrategia, con la intención de producir nuevos indicadores que pueden vislumbrar la producción de un conocimiento más democrático sobre las políticas públicas.

Referencias

Almeida, G. F. B. (2012). *Avaliação dos impactos do Programa de Apoio a Projetos Produtivos Solidários (PAPPS) na experiência de economia solidária da AMA/BUDEGAMA* (Dissertação de Mestrado). Centro de Ciências Agrárias, Universidade Federal do Ceará, Fortaleza, CE, Brasil.

Braga, R. S., Braga, A. F. S. (2014). *Positivismo e construtivismo nas teorias do conhecimento, da sociedade e das organizações*. (1ª Ed.). Rio de Janeiro: Contraponto.

Carvalho, A. M. P., Gussi, A. F. (2011, março). Perspectivas contemporâneas em avaliação de políticas públicas (Mesa redonda). *Seminário MAPP*. Universidade Federal do Ceará. Auditório José Albano, Fortaleza, CE, Brasil.

Cruz, D. M. (2019). Enfoques contra hegemônicos e pesquisa qualitativa: desafios da avaliação em profundidade em políticas públicas. *AVAL: Revista Avaliação de Políticas Públicas*, 1(15), 161-173. Recuperado de: <http://periodicos.ufc.br/aval/article/view/41553>

Gonçalves, A. F. (2008). Políticas públicas, etnografia e a construção dos Indicadores socioculturais. *AVAL: Revista Avaliação de Políticas Públicas*, 1(1), 17-27. Recuperado de: <http://www.repositorio.ufc.br/handle/riufc/22512>

Gussi, A. F. (2008). Apontamentos teóricos e metodológicos para a avaliação de programas de microcrédito. *AVAL: Revista Avaliação de Políticas Públicas*, 1(1), 29-39. Recuperado de: <http://www.repositorio.ufc.br/handle/riufc/22512>

_____ (2014). Avaliação de políticas públicas sob uma perspectiva antropológica. In: H. A. Valente, R. M. N. Prados, & C. Schimidit (Org.). *A música como negócio*. São Paulo: Letra e Voz.

_____ (2017). *Avaliação de políticas públicas no Ceará: estudo da produção discente do Mestrado em Avaliação de Políticas Públicas*. Fortaleza: Universidade Federal do Ceará.

Gussi, A. F., Oliveira, B. R. (2015). Discutindo paradigmas contra hegemônicos de avaliação de políticas públicas. *Anais do Encontro Nacional de Ensino e Pesquisa do Campo de Públicas*. Brasília/DF: Associação Nacional de Ensino e Pesquisa do Campo de Públicas, Brasil, 1. Recuperado de: <http://www.repositorio.ufc.br/handle/riufc/32504>

_____ (2016). Políticas públicas e outra perspectiva de avaliação: uma abordagem antropológica. *Desenvolvimento em Debate*, 4(1), 83-101.

Lejano, R. (2012). *Parâmetros para análise de políticas públicas: a fusão de texto e contexto*. Campinas/SP: Ed. Arte Escrita.

Little, P. E. (2006). Ecologia política como etnografia: um guia teórico e metodológico. *Horizontes Antropológicos*, 12(25), 85-103. Recuperado de: <https://repositorio.unb.br/handle/10482/7772>

Oliveira, R. F. (2011). A contra reforma do Estado no Brasil: uma análise crítica. *Revista Urutagua*, (24), 132-146. <https://doi.org/10.4025/urutagua.v0i24.10698>

Rodrigues, L. C. (2011). Avaliação de políticas públicas no Brasil: antecedentes, cenário atual e perspectivas. In: E. C. Prado, & E. M. N. Diógenes (Org.). *Avaliação de políticas públicas: entre educação & gestão escolar*. Maceió/AL: Edufal.

_____ (2008). Propostas para uma avaliação em profundidade de políticas públicas sociais. *Revista Avaliação de Políticas Públicas*, 1(1), 7-16. Recuperado de: <http://www.repositorio.ufc.br/handle/riufc/22510>

_____ (2011). Análises de conteúdo e trajetórias institucionais na avaliação de políticas públicas sociais: perspectivas, limites e desafios. *CAOS: Revista Eletrônica de Ciências Sociais*, 16, 55-73. Recuperado de: <https://periodicos.ufpb.br/ojs2/index.php/caos/issue/view/2356>

_____ (2016). Método experiencial e avaliação em profundidade: novas perspectivas em políticas públicas. *Revista Desenvolvimento em Debate*, 4(1), 103-155. Recuperado de: <https://revistas.ufrj.br/index.php/dd/article/view/31893/0>

Silva, R. J. F. (2010). *Avaliação dos impactos do Programa Crediamigo em população de baixa renda de Fortaleza* (Dissertação de Mestrado). Centro de Ciências Agrárias, Universidade Federal do Ceará, Fortaleza, CE, Brasil. Recuperado de: <http://www.repositorio.ufc.br/handle/riufc/5970>

Van Velsen, J. A. (1987). Análise situacional e o método de estudo de caso detalhado. In: B. Feldman Bianco (Org.). *Antropologia das Sociedades Contemporâneas - Métodos*. São Paulo: Global.

Swimming against the Stream: Equity and Performance on Primary School at Minas Gerais' Municipal Educational Systems

Nadando contra a Corrente: Equidade e Desempenho nas Redes Municipais de Ensino Fundamental em Minas Gerais

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Abstract: The influence of social origin on educational determinants is a central theme in discussions related to the foundation of public policies, whether in the focus of education with one end, or as a means to achieve other ends in the provision of public goods. This paper is exploratory work, which aims to investigate the municipal education networks of Minas Gerais, its capacity to mitigate social inequalities on their performance, and look into its public management practices that may be correlated with these results. Investments in infrastructure, providing equitable access to students seems to achieve good results in promoting an education that can be equitable without impairing student performance.

Keywords: Education; Public policy; Equity; Logistic Regression.

Resumo: A influência da origem social e das condições socioeconômicas sobre as realizações educacionais é uma temática central nas discussões relacionadas às políticas públicas, seja no enfoque da educação com um fim, ou como um meio para o alcance de outros fins na provisão de bens públicos. O presente trabalho realiza um esforço exploratório para investigar as redes municipais de educação de Minas Gerais, em sua capacidade de amortecer desigualdades sociais sobre os seus resultados, e refletindo sobre que recursos e práticas da gestão pública que podem estar contribuindo para esta capacidade de proporcionar desempenhos mais satisfatórios em condições socioeconômicas desfavoráveis. Investimentos em infraestrutura, provendo acesso equitativo ao alunado parecem relacionados a bons resultados em promover uma educação que consiga ser equitativa sem prejudicar o desempenho dos alunos.

Palavras-chave: Educação; Políticas Públicas; Equidade; Regressão Logística.

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1. Introduction

From academic debates to conventional wisdom, education is conceived as part of the solution to Brazil's wicked problems. If, on the one hand, researchers from several fields of science make efforts to understand the current situation of Brazilian education, its causes and consequences, on the other hand, it is recurring to find parents in a situation of vulnerability, whose, at the same time expect their children's can have a education of quality, then in their next generations might not repeat the situation of deprivation experienced they had.

Regarding the evolution experienced by basic education in the country in the last decades, such as the universalization of access to basic education (Lima, 2011) and the expansion of early childhood education, some indicators still evidence the fragility of education offered by Brazilian public systems. A well-known example of this is Brazil's relative positions in the Program for International Student Assessment (PISA), an OECD test that compares the educational performance of several countries, in which Brazil is repeatedly among the worst positions, despite recent improvements performance.

Evidently, there is an enormous heterogeneity in the quality of public education systems, considering the country's territorial dimensions, and the differences of an economic, social and political nature between them, in addition to, the decentralized and competing responsibility between state and municipal entities in the provision of basic education. Considering the data from Prova Brasil, which makes up the evaluation system of the National Institute of Educational Studies and Research Anísio Teixeira (Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira - Inep), the heterogeneity and inequality of performance among member states is evident. The difference in the average performance of students in the initial years of elementary school in Maranhão (last place) and Paraná (first place), in the test held in 2017, was 1.74 points (the maximum test score is 10 points), and the national average was 6.08 points, with a coefficient of variation of the average of 9.01%.

Analysing the dataset from the 2017 School Census, the state of Minas Gerais has the second highest number of enrollments in the country, in kindergarten, elementary and high school, just behind São Paulo. Regarding the institutional arrangements for the provision of these services, it is noteworthy that the state has the second largest state system, and the third largest contingent of students enrolled in municipal systems, however, these are dispersed in 853 different municipalities. The shape of this

arrangement accentuates its heterogeneity, so that the state has an average of 5,364 students per municipal systems, however, 81.9% of the municipalities are below this average. Therefore, it is expected this scenario will imply non-uniform educational results.

This paper aims to discuss the intersections between educational equity and educational performance at on the initial years of elementary school at municipal schools, comparing their results with socioeconomic status using families as a control. To fulfill this objective, this work is divided into four more sections, in addition to this one. As of the end of this introduction, the literature that discusses the perspectives of equity in education will be presented, which will compose the foundation for the methodological section. A third section will present the methods in which this paper will base their analysis and the fourth section will present the results, as well as its discussions, and finally, some final considerations will be made.

2. Literature Review

The period between the 60s and 70s was a turning point in studies on education and its relationship with socioeconomic conditions. Large-scale works were financed by developed nations in order to better understand this relationship, among which the Coleman Report, in the United States, longitudinal surveys carried out at INED, in France, and the Plowden Report, in Great Britain, are highlighted. A point of convergence between the main results was the perception that family characteristics and socioeconomic conditions influence the student's performance, and, since then, several scientific aspects were guided by investigating this relationship.

According to Forquin (1995), one of these theoretical streams sought to study the inequality of access to education and socio-cultural disparities, which involved issues related to the cultural values and aspirations of the class, the family educational climate and the background of studies of the parents and the sociolinguistic codes and its implications in delimiting the environments accessed by students. Some works, along the same lines, developed hypotheses related to the existence of cultural inequalities between groups, which legitimized compensatory education programs in the 1970s. On the other hand, Forquin (1995) mentions that another current sought to explore the relationship between social structure on educational inequalities, understanding that the school could be a mechanism of social reproduction, taking into account the association of educational

factors in access to jobs, but also as an instrument of transmission and acquisition of status.

In general, it is a consensus that there are multiple determinants of a student's academic success. Soares (2004) developed a conceptual model that aims to synthesize the influences of intra-school and extra-school factors on students' cognitive performance. In view of the socioeconomic inequality prevalent in the country, the effect of this phenomenon on educational results is an essential research topic (Costa Ribeiro, 2011).

From there, it is possible to operationalize the analysis of equity in Brazilian education, understanding this concept as the guarantee of equal opportunities, as highlighted by Mokate (2002). The author continues and relates this concept to four aspects: equal access, equal inputs, equal results, and equal capacities. The first is related to the equal offer of the service in question, that is, its coverage, while the second is related to the resources used for the quality of the offer.

Equality of results is closer to the concept of equity, since different individuals are expected to have, despite their heterogeneity, similar results through the application of a policy. In practice, this becomes complex, in view of the particularities of different groups, which, therefore, even with equal levels of access and inputs, can produce different results. Finally, the last concept levels the previous ones, insofar as it establishes that everyone should be in a position close to achieving the pre-established results with the policy - which converges a lot to the concept of equal opportunities.

Several articles have already investigated the factors that determine school results in the country. Barros and Mendonça (1997), Sobreira and Campos (2008) and Monteiro (2015) are some of the articles that investigated, in different periods, the influence of investment in education on student performance, pointing to a positive correlation between the two dimensions. Other works broaden the view on this issue, and they widen the school processes and include other dimensions that go beyond the school, such as the work of Barros et al (2001), which takes into account the family, community dimensions, access to education, infrastructure and teaching quality.

However, observing the inequality in achieving satisfactory results for Brazil, other articles have focused on investigating possibilities of transposing the trade-off between performance and equity, that is, simultaneously guaranteeing broad access and satisfactory educational performance for students of different backgrounds. Setúbal's (2010) article brings a conceptual and panoramic view on the approach that educational

policy must take in order to generate equity. The author conceives social equity as an axis to rethink educational management, and for that, it is necessary that the portfolios that lead educational policies are articulated with the conduct of social policies and with the provision of other public facilities, linked health, sport, leisure and culture. Other pillars conceived in the article are the centrality that the teacher must assume, and, consequently, the appreciation of the class that must be applied, besides conceiving a reformulation of the curriculum, dialoguing with the needs of the student, and the establishment of a proximal dialogue with family and other actors in the territory.

In another aspect, some studies approach this perspective in a more applied way, such as Albernaz et al (2002) and Travitzky (2017), which point to the need to strengthen the salary appreciation of the teaching staff, and the strengthening of the infrastructure and provision of material equipment to schools, these results being important for the wider achievement of more equitable educational results. Soares (2005) work deepens the debate on school performance and equity, encompassing several dimensions that are important in this area. The author notes the difference in results that exist between social groups, which go beyond the socioeconomic context, but are also relevant when looking at characteristics such as gender, race and the regionalization of the country. The author presents a survey of school processes that are related to increased performance, which, however, have no positive relationship with the production of more equitable results. The only variable presented that has a positive relationship with this dimension is the dedication of the teachers. Finally, Soares (2005) is emphatic in stating that the infrastructure issue, which concerns access to education, still constituted an obstacle for the country, and that, therefore, has a broad effect on the difficulty of achieving an equitable and efficient results on educational attainments.

3. Methods

This paper aims to advance the existing discussion in the literature about a supposed trade-off between efficiency and equity in the educational field¹. Therefore, it is expected to investigate municipalities that have managed to break this paradox, then presenting satisfactory educational results, despite their students' socioeconomic status. From this point of view, the municipalities of interest would be those that simultaneously present a) more satisfactory academic performance, b) minimizing in their systems the

weight of the students' socioeconomic conditions on the results, even if c) the students served do not enjoy high levels of familiar background.

To make this analysis operational, the work will make use of the educational results of 5th grade students enrolled in the municipal systems of the state of Minas Gerais who took the Prova Brasil in 2017, so that their data were taken from the National Evaluation System of Basic Education (Sistema Nacional de Avaliação da Educação Básica - SAEB), managed by the National Institute of Educational Studies and Research Anísio Teixeira (INEP).

The method developed to inquire whether or not the trade-off starts from the following classification, it was necessary to create an indicator that denotes the Socioeconomic Status (SES) of the student body in the municipality. Some variables were extracted from the socioeconomic questionnaire answered by each student, and, subsequently, an indicator was estimated through the Item Response Theory (IRT). According to Pasquali and Primi (2003), the method is efficient since it unfolds from the latent trait theory, which manages to merge observable variables (those that can be found in the answers), with hypothetical unobservable traits, or aptitudes, which do not appear in the model, however, they are correlated with observable variables. According to Soares (2005), the use of the method in the estimation of the Socioeconomic Level is due to the possibility of making the best use of each item inserted, in addition to allowing the comparison of two different samples, obtained with different individuals and different methods, and, finally, gives an appropriate and smoothed treatment in case of missing data. Other authors, such as Soares and Andrade (2006) and Alves et al (2014) have already used the same procedure to estimate the socioeconomic level of students through questionnaires from standardized tests.

Table 1 presents the variables used to measure the students' SES indicator, from two dimensions: economic condition and social capital, understood as its influence on the first dimension, as has been researched since Coleman (1968), and as it has already been operationalized by other authors such as Alves et al (2014).

Table 1: Variables used to estimate SES students index

<i>Economic Situation</i>	<ul style="list-style-type: none"> • Have refrigerator at home • Have laundry machine at home • Have car at home • Numbers of bedrooms at home • Number of households • Have housekeeper services at home
<i>Capital Social / Cultural</i>	<ul style="list-style-type: none"> • Mother educational attainment • Mother can read • Lives with its father • Father educational attainment • Father can read

Source: Prova Brasil de 2017.

The indicator was created for each student, and subsequently added to the municipal level, resulting in an average municipality SES. Thus, a categorical variable was created classifying the municipalities between above average and below average, when compared to the state's average SES.

In a second step, a Pearson correlation coefficient (R^2) was estimated at the municipal level attesting to the correlation between the socioeconomic level of its students and their proficiency in the test (calculated by the average between the Portuguese Language and Mathematics tests). In the present case, this indicator has the function of measuring the equity of the municipality, that is, how much the education systems manages to soften the influence of the socioeconomic conditions of its students on the educational results, which, in this article will be called I_Equi. For the analysis of the statistics, a parameter was established, based on the study by Akoglu (1988), which raises several metrics of classification and interpretation of Pearson and Spearman's correlation coefficients. It was then defined that the correlation scores between 0 and 0.2 are weak; values between 0.20 and 0.59 are moderate and 0.60 and 1.00 characterize a strong correlation. Then, a positive I_Equi indicates that socioeconomic level and proficiency are related in the same direction, so that a negative I_Equi would indicate an inverse relationship between the variables. The closer to 0, the less the dependence of these variables on each other, that is, the variation of one is not correlated to the variation of the other.

Finally, a categorical variable was created classifying municipalities as above average and below average, regarding their average proficiency in Prova Brasil in relation to the state average.

After completing these steps, some municipalities were selected that presented satisfactory results in terms of proficiency, so that this parameter was not necessarily related to the SES of their students, which would be a good demonstration of equity in the educational context. The selection followed the following criteria:

- The average proficiency of the municipality is above the state average;
- The socioeconomic level (SES) is below the state average;
- The correlation between SES and proficiency of students in the municipality is weak (I_{Equi} between -0.2 and 0.2).

After this outline, the development of work will continue to demonstrate how these three variables, which make up the criteria, are interrelated in their distribution, through scatter plots, justifying the adopted criterion. Then, the focus will be directed to the selected municipalities, showing their spatial distribution in the state of Minas Gerais. In this way, it will be possible to identify whether the regional issue interferes with the educational results found, and if there is any pattern to be pursued.

Finally, the work focuses on looking for factors that may be related to the satisfactory results of the selected municipalities, such as an effort to find practices in public management that can configure explanatory hypotheses for the results found and guide new works. For this purpose, only the municipalities that have a SES below the state average were selected, with the objective of not biasing the analysis, either with results that are correlated to a high standard of SES of the student body, that is, to the relationship of this same indicator with the state capacity of the municipality, and may have more capacity to implement certain practices in the educational context not available to other municipalities with a more vulnerable population.

The analysis of these hypotheses starts from the systematization developed by Jannuzzi (2005), to list indicators for the monitoring and evaluation of programs and policies, the author establishes a cycle that successively goes through inputs, processes, results and impacts. Thus, for each of the stages, it would be possible to select or build indicators that identify the state of that stage, making the task of monitoring and evaluating the cycles clearer. Aware that the results are already data - collected through the test of Prova Brasil -, the present work remains to analyze the steps that precede it, in order to explain the different patterns of results that can be observed in the municipalities of Minas Gerais. Therefore, the input indicators, here understood as municipal revenues and the expenses that are committed to the maintenance and development of education,

as well as the processes, which are done from these inputs, will be analyzed, including the dimensions of management administrative and institutionalization, structure of the municipal education system, infrastructure and pedagogical effort. In this context, in view of a wide range of variables and dimensions, the most efficient method to identify which factors can be more effective to overcome the trade-off between efficiency and equity, is to perform a logistic regression, which returns the probability of occurrence of an event (in the present case, whether the municipality is selected or not) based on the predetermined variables (Cameron & Trivedi, 2005). All the information necessary to operationalize the analysis through the independent variables at this stage, both for inputs and processes, were extracted from the Minas Gerais Social Responsibility Index (Índice Mineiro de Responsabilidade Social - IMRS), of the João Pinheiro Foundation (FJP).

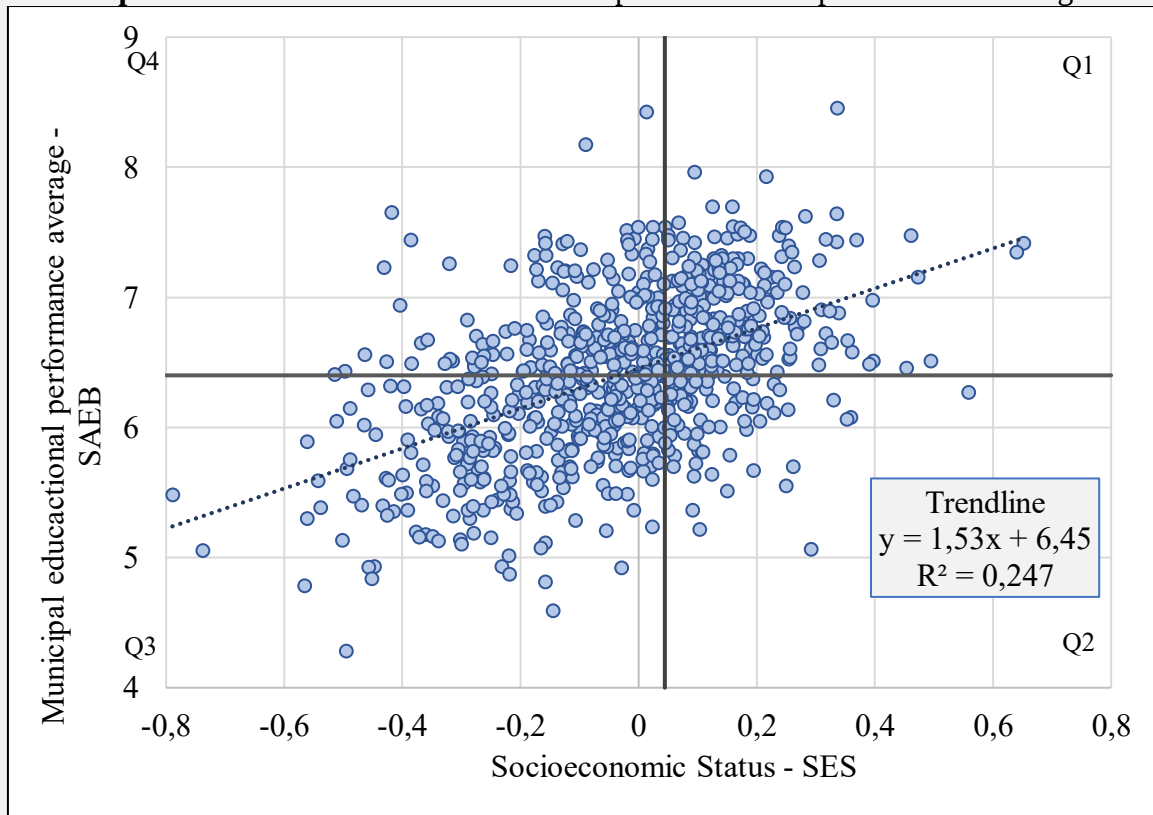
4. Results

After more than half a century of the publication of the Coleman Report, the relationship between school performance and the socioeconomic status of their families remains a highly relevant research topic, and, although several efforts have been implemented in the country to make education more equitable, still relevant - to a greater or lesser extent, in practically all countries - relevant signs of this effect when analyzing the educational field. Graph 1 shows this effect, based on the average proficiency of students in the municipalities of Minas Gerais, considering only the municipal school system, and the average SES of their students.

According to the interpretation of Graph 1, there is a moderate correlation between the average proficiency of students in the municipal systems of Minas Gerais, and their SES. The coefficient indicates that the SES is able to explain (predict) about 25% of the variation in the performance of the municipalities in Prova Brasil. 760 municipalities are included, since for the estimation of the socioeconomic status, some municipalities did not have enough observations or had incomplete data in the completion of students. To facilitate visualization, the graph was divided into quadrants according to the average of the variables. In this sense, it is clear that, with respect to both variables, the municipalities that are above the average vary little in relation to this one, while the municipalities that position themselves below the established section, present greater dispersion. Although there is a correlation that indicates that, the higher the SES, the greater the average proficiency, due to the magnitude of the correlation, it is possible to

identify municipalities that are outside the rule – which constitute the main objective of this work. Quadrant 4 of the graph shows

Graph 1: Scatter between SES and municipal educational performance average



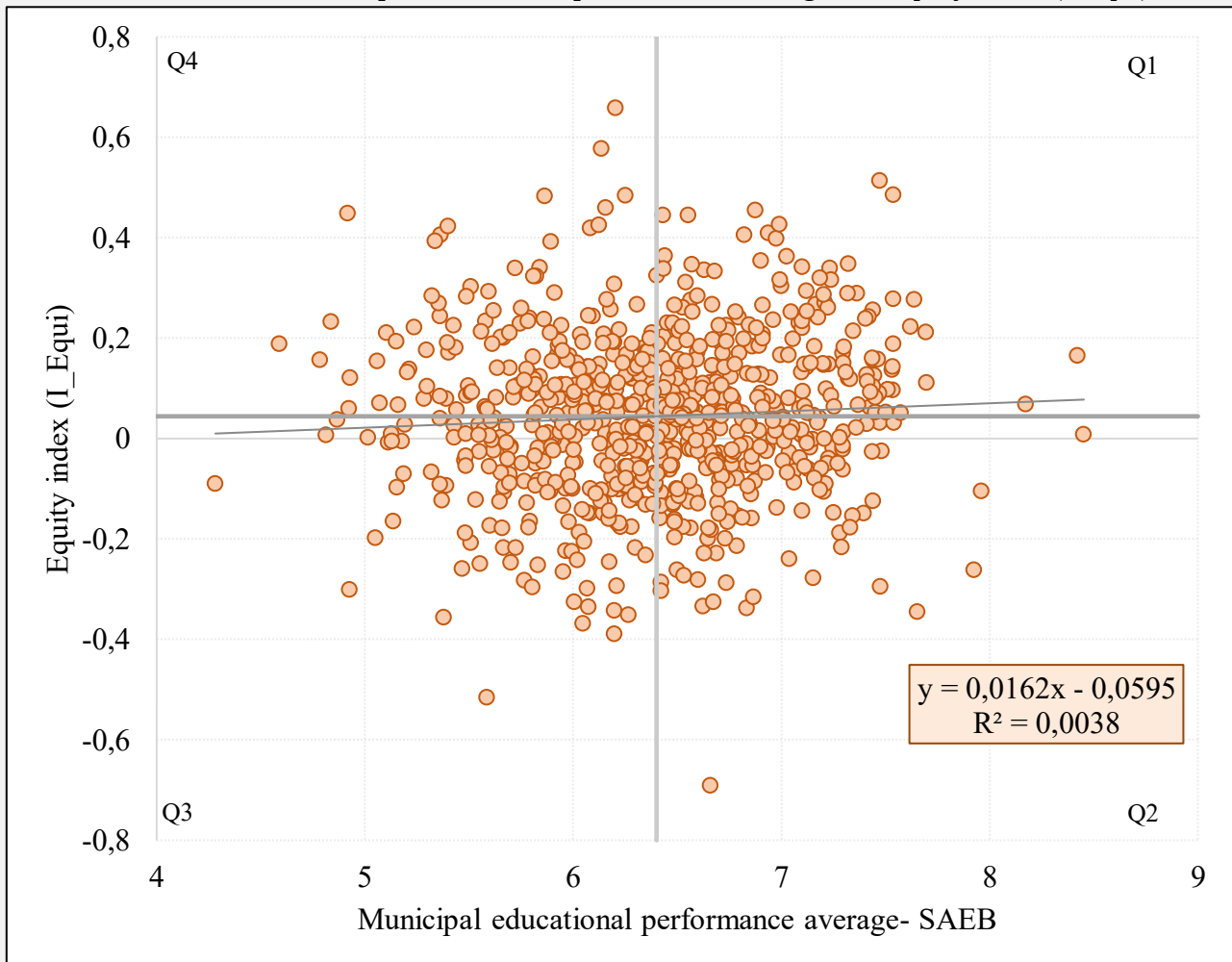
Source: Prova Brasil (SAEB/INEP).

municipalities with SES below the average and proficiency above the average, composing a subset with 239 municipalities (34% of the sample). This component reinforces that, if the SES is not an important determinant of the academic performance of municipal systems, there are several other factors at play, since a significant number of municipalities with a situation of vulnerability below the state average, managed to achieve satisfactory performance in standardized tests.

Far ahead, it is necessary to further filter the results, so that it is possible to investigate municipalities that are able to combine the tasks of achieving good performance and establish a level of internal equity among their students. With this objective, Graph 2 shows the dispersion between the average proficiency of students in the municipality and the Equity Index, this being the correlation coefficient, for each municipality, between the proficiency of each student and their respective socioeconomic index.

Graph 2:

Scatter between municipal educational performance average and equity index (I_equi)



Source: Prova Brasil (SAEB/INEP).

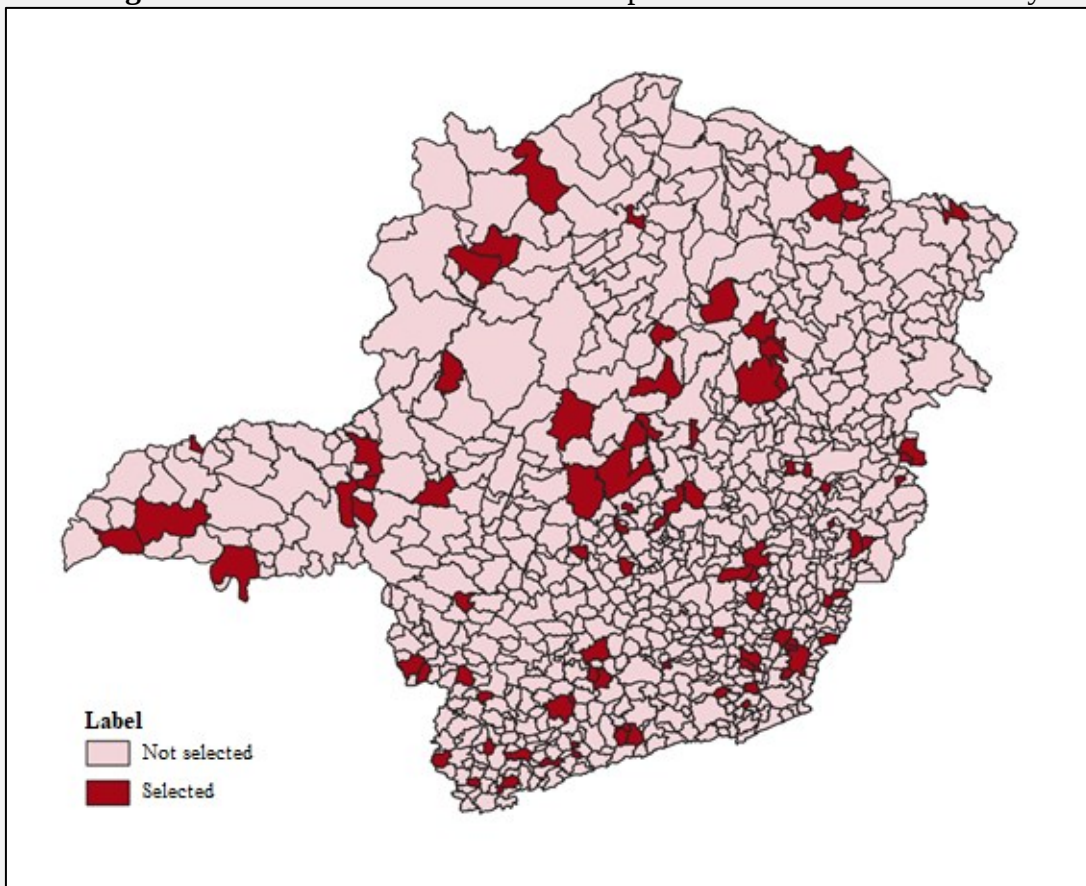
As is evident from the analysis of Graph 2, the correlation between the average proficiency of students in the municipal system and the equity index (I_Equi) is practically insignificant. In practical terms, it is observed that, in addition to the heterogeneity of the proficiency gradients observed in the state - as already shown in Graph 1 - the municipalities also have different standards of internal equity. Of the municipalities represented, 593 have a weak correlation between SES and proficiency, which accounts for 78.0% of the sample. On the other hand, it must be emphasized that this effort is still not enough to achieve a quality education, given that it would not help to ensure that students had similar performance, regardless of their socioeconomic level, if that income were below the level suitable for learning. Therefore, in this way, the present work emphasizes a subset that unfolds from these 593 municipalities, which are selected for having a performance in Prova Brasil higher than the state average. Based on

this criterion, and, together with the criterion established in Graph 1, we have the selected municipalities with the appropriate behavior in relation to performance and equity.

In view of the state's territorial extension and the heterogeneities that surround it, Figure 1 aims to demonstrate, in a visual way, the distribution of the selected municipalities in the territory of Minas Gerais. It is evident that there is not necessarily a close relationship between the criteria established for the selection of municipalities and the territorial distribution of the state. If, on the one hand, this finding validates the criterion, without biasing the selection for a given local or municipal standard, on the other hand, it makes it difficult to explore the characters that may lead to the understanding of how the municipalities may have achieved such positive results.

What can be inferred from the observation of Figure 1 is that, in some cases, surrounding municipalities appear as selected, which may lead to believe that whatever the factors that are associated with these results, they can be “transmissible” in a spillover effect, in which the political decisions or choices of a place affect the places around, as highlighted by Belsey and Case (1992).

Figure 1: Distribution of selected municipalities at Minas Gerais territory



Source: Own elaboration based on data from Prova Brasil (SAEB/INEP).

Table 2 continues in this analysis and lists the municipalities selected by mesoregion, making it possible to be more precise in the observations on the equity and performance results of the municipalities, according to the criterion adopted.

Table 2: Distribution of selected municipalities in the mesoregions of Minas Gerais

Region	Selected	NSE above average	Sample	Total
Campo das Vertentes	3	7	35	36
Central Mineira	5	13	27	30
Jequitinhonha	6	37	40	51
Metropolitana de Belo Horizonte	8	23	89	105
Noroeste de Minas	2	6	18	19
Norte de Minas	8	67	74	89
Oeste de Minas	3	7	37	44
Sul/Sudoeste de Minas	17	29	141	146
Triângulo Mineiro/Alto Paranaíba	9	20	63	66
Vale do Mucuri	0	20	20	23
Vale do Rio Doce	9	70	92	102
Zona da Mata	15	57	124	142
Total	85	356	760	853

Source: Prova Brasil (SAEB/INEP) and IBGE.

According to the analysis in Table 2, it is evident that the municipal systems have different characteristics of the public in each region. For example, in the Vale do Mucuri region, all municipalities have below average SES, while in the South / Southwest region of Minas, only 20.5% of the municipalities fall under this criterion. At the same time, the regions that have the most municipalities with the most socioeconomically vulnerable students are also the ones that have the fewest municipalities selected (proportionally to the number of municipalities with lower than average SES). It is possible, then, that the same effect captured in the analysis of Figure 1 is also noticeable here, since regions that have more municipalities with SES below the average have difficulty implementing good results, and, in turn, have no neighbor in this situation, making it more difficult to break this cycle of performance difficulties.

On the other hand, it is emphasized that, even though the mesoregions present different proportions of municipalities with SES below the average, the proportion of selected municipalities (except in the Vale do Mucuri) by mesoregion does not present considerable heterogeneity, when it is taken into account. Considering its magnitude

before the state. This fact reinforces the robustness of the adopted criterion, since it is not linked to cultural issues that may affect political choices and influence the educational environment to the point of making it difficult to replicate elsewhere. Therefore, it is possible that the observed results are linked to certain choices and the construct of the present work is reinforced, as a reinforcement for the dialogue between education and public management.

Understood as the municipalities are distributed in the state according to their capacity to promote equity in the public education of the municipal systems - according to the criteria adopted here, the present work aims to take a step forward. In this endeavor, an exploratory effort to investigate what factors may be related to this capacity of the selected municipalities will be used next.

Table 3 presents indicators that seek to compare the difference between the financial capacity of the municipalities and how much they strive to provide resources in the educational services that are competent. In general, the indicators did not show statistical significance, considering a 10% significance margin, in showing that the averages are different between the selected and unselected municipalities. In this case, it would be imprecise to analyze the results by comparing the samples through the differences between the averages, making it necessary to draw another type of conclusions.

Table 3: Municipalities input index, by selected and not selected

	Not selected		Selected		P=p
	Average	Standard error	Average	Standard error	
Current net revenue (per capita)	0.471085	0.037676	0.4839461	0.075361	0.8716
Budget percent on education	0.236547	0.003082	0.2323037	0.004546	0.4855
Minimal investment in education	0.309622	0.003766	0.2967732	0.007592	0.1076
Education spending (per capita)	618.2794	12.94847	638.0638	23.63179	0.4589

Source: IMRS/FJP.

As the articles raised in the literature indicate, the key to this understanding may lie in school processes and allocative choices, that is, in how and where the money is spent and, therefore, to guide the ongoing exploratory effort. Table 4, in turn, shows some of these indicators that denote the school panorama in the municipalities of the two groups, and which will later compose the logistic regression model, to be exposed later.

Table 4: Municipal process-index, by selected and not selected

Variable	Not selected		Selected		P=p
	Avg.	Std Error	Avg.	Std Error	
Socioeconomic Status - SES	0,217	0,009	-0,161	0,012	0,001
Students in schools with courts (%)	0,578	0,015	0,680	0,025	0,001
Students in schools with internet (%)	0,937	0,006	0,974	0,007	0,001
Absenteeism Inhibition Program *	0,247	0,027	0,329	0,052	0,143
Full-time students (%)	0,128	0,011	0,116	0,018	0,589
School management complexity	0,113	0,011	0,109	0,016	0,855
Initial years of elementary school students in the Municipal System (%)	0,763	0,015	0,794	0,024	0,300
Education Career Plan *	0,856	0,022	0,841	0,041	0,755
Faculty with higher education (%)	0,009	0,000	0,009	0,000	0,238

Note: * Express dummy variable, in which 1 is presence and 0 is absence.

Source: IMRS/FJP.

Among the variables of the school process, only two were significantly different between the selected and unselected groups and both comprise the dimension of infrastructure, with the percentage of students studying in schools that have courts and the second, this same percentage for schools with internet. With regard to the teaching staff, the average percentage of teachers with higher education is not statistically different between the two groups, a factor that may be related to the extension of Fundeb and its effects on teacher training, generating equity between the municipalities.

As for management, the percentage of schools with medium or high complexity management did not appear as a relevant factor, nor did the existence of programs to inhibit teacher absenteeism, which is an indicator pointed out by the literature as a determinant for students' academic performance. (Gesqui et al, 2008), as well as the existence of a career plan for education professionals. The percentage of students in the initial years of the municipality that is enrolled in the municipal systems also did not appear as significant, which, otherwise, could reflect an imbalance between the municipal and state systems, overloading some of them. In the same vein, the number of full-time students was not significant, which, although it could be a strategy for the promotion of equity, allowing more reinforced monitoring of the most vulnerable students, as reinforces Setúbal (2010), is not achieved due, mainly, low adherence in both groups.¹

The SES of the municipalities presented a different average for the two groups, so that the selected municipalities present a lower average of the indicator. Although this variable is not related to school processes, it was inserted in Table 3 since it will be used as a control variable for the logistic regression that was estimated and will be exposed

below. Even so, its result already points out that the selected municipalities, have already been chosen from a sample with SES below the state average, and even in this subgroup, they have an even lower level than their peers, and, meanwhile, managed achieve above-average results in state proficiency.

Based on this, a logistic regression was estimated, with the dependent variable being the municipality selected, that is, representing that this would be an adequate result profile to be presented by municipalities with SES below the average, so that this does not reflect in their educational results, achieving proficiency above the state average. The results of the regression, considering the coefficients of the estimation equation, such as the marginal effects of the variables that were significant at a limit of 10% of significance, are reported in Table 5.

Table 5: Logit regression outputs and marginal effects

<i>Dependent variable: Selected Mun.</i> Variable	Logit		Marginal effect	
	Coef.	Std. Error	Coef.	Std. Error
Socioeconomic Status - SES	2,470**	1,165	<i>Média</i>	
Students in schools with courts (%)	1,762*	0,616	0,288	0,097
Students in schools with internet (%)	6,220**	2,641	1,017	0,425
Absenteeism Inhibition Program *	0,505***	0,295	0,082	0,047
Full-time students (%)	-0,802	0,846		
School management complexity	0,486	0,615		
Initial years of elementary school students in the Mun. System (%)	-0,100	0,376		
Education Career Plan *	-0,849	0,867		
Faculty with higher education (%)	96,733	120,277		
<i>Constant</i>	-8,869*	2,787		

Source: IMRS/FJP.

The results obtained reinforce the reasoning in Table 4, however, they complement and provide a more comprehensive picture. The variables that had already shown statistical significance in the test of means reported in Table 4 (SES, students with court, and students with internet) also showed significance in the regression, as shown in Table 5. In the interaction with the other variables, and with the control by socioeconomic level, the categorical variable that reflects the presence of programs aimed at reducing teacher absenteeism showed significance in the regression, showing a positive relationship regarding the dependent variable. The other variables, of the infrastructure dimension (court and internet) also showed a positive relationship with the explained variable.

Estimating the marginal effect, on the average of SES, the results become more scalable. Municipalities that present programs aimed at reducing teacher absenteeism have a probability of 1, have an 8.2% higher probability of being in the group of selected municipalities, that is, of presenting good results in equity and performance. In the same estimation, it is possible to outline a scenario in which a municipality that increases the percentage of students who study in schools with courts by 10%, in turn, increases its probability of being at the level of adequacy of 2.8%. equity and performance. For the variable that denotes the percentage of students with internet, this same 10% variation would lead to a 10.1% increase in the dependent variable.

Such results reinforce what was found by Soares (2005), a decade and a half ago: educational performance is still quite hostage to infrastructure resources, especially in the case of the most precarious school systems that serve students at a socioeconomic disadvantage. Certainly, since the work was published, significant changes have been implemented on the national scene, mainly with the approval of Fundeb, which improved the mechanism to promote the financing of maintenance and development of education in elementary education and extended it to all basic education. Such factor may have contributed for the teaching variables to become more homogeneous, as was seen in the sample, as seen with the percentage of teachers with higher education, and regarding the existence of a career plan for professionals. However, as noted, the existence of absenteeism programs is a factor that can affect these results, since it is linked to a primary factor, already listed by Soares (2005), in its potential to generate equitable results: the dedication of teachers. Certainly, such programs can be implemented from various perspectives, which can vary from control to improving the school climate (which can cause different impacts on the dedication of the teacher), however, what has been found is that it has a large potential to influence the results in promoting equity, as it turned out.

5. Conclusions

There is a vast field of research in the field of educational inequalities, understanding its causal relationship with socioeconomic inequalities. In addition to the various works that were previously conceived by other authors, which focused on the analysis of this complex object, the present work sought to employ an effort that would bring this debate to the frontier of public management issues. The undertaking sought to analyze the relationship between the proficiency of students in the 5th year of elementary

school in the municipal systems of Minas Gerais, and their relationship with the Socioeconomic Level and, from there, explore possible relationships between potential equity-generating initiatives and efforts implemented in public management municipal.

From the established sections, selecting a pattern of municipalities that appear to have, at least in part, overcome an alleged trade-off between equity and performance, the work managed to extract important results for the foundation of public policies. It is still possible to see a pattern between SES and students' educational results, even if they have a moderate to weak pattern, it is relevant and needs to be incorporated into the horizon of management initiatives, as a factor to be mitigated. It was shown here that the positive results in equity have few regional features, which strengthens the intention of investigation for further replication of potential factors related to them.

In the final analysis, related to the management factors that may be associated with success in equity and performance, it was first reported that such results have little association with the financial capacity, or the financial inputs of each municipality, considering both revenues and expenses. This does not mean that these are not relevant factors, but that the choice of the sample selection criteria sought to precisely control the weight of the structural dimensions, to seek hypotheses related to factors that could respond to the allocative and management choices of the municipalities. Ahead, it was found that the main axis that tends to influence these results lies in the infrastructure issue and its wide offer to students in the municipality. Municipalities that have programs to inhibit teacher absenteeism also showed significant results in this field, which may be related to teacher dedication, and also reflect on students' motivation.

As it is an exploratory work, this article has some limitations, but at the same time, it deals with an important theme, in a potential academic frontier. Therefore, the results found here require new studies to be validated, and, at the same time, the work strengthens this invitation and strengthens the need for such studies to be carried out. The fact that cutting only the municipal systems, for a given state, can also prevent the results found from being applied in other regions, which also raises the need for other studies with different approaches. Finally, we hope that this article has provided methodological and conceptual insights for future researches and raise inspirations for an education that can be more equitable and effective.

Notes:

1. It is important to note that it is not stated here that these factors are irrelevant or that they have no effect on educational performance. They simply do not seem to be significant differentials between the municipalities selected for the sample based on the stated criteria and those with which they are compared, for the purposes of the circumscribed objects of this work.

References

Albernaz, A., Ferreira, F. H., & Franco, C. (2002). Qualidade e equidade na educação fundamental brasileiro. *Pesquisa e Planejamento Econômico*, 33(3).

Alves, M. T. G., Soares, J. F., & Xavier, F. P. (2014). Índice socioeconômico das escolas de educação básica brasileiras. *Ensaio: Avaliação e Políticas Públicas em Educação*, 22(84), 671-703.

Barros, R. P. de, & Mendonça, R. (1997). Investimentos em educação e desenvolvimento econômico. *A Economia Brasileira em Perspectiva*, 2, 605-614.

Barros, R. P. de, & Mendonça, R., Santos, D. D. dos, & Quintaes, G. (2001). Determinantes do desempenho educacional no Brasil. *Pesq. Plan. Econ.*, Rio de Janeiro, 31(1), 1-42.

Cameron, A. C., & Trivedi, P. K. (2005). *Microeconometrics: methods and applications*. Cambridge university press.

Coleman, J. S. (1968). Equality of educational opportunity. *Integrated Education*, 6(5), 19-28.

Costa Ribeiro, C. A. (2011). Desigualdade de oportunidades e resultados educacionais no Brasil. *Dados*, 54(1), 41-87.

Forquin, J. C. (1995). A sociologia das desigualdades de acesso à educação: principais orientações, principais resultados desde 1965. In: J. C. Forquin. *Sociologia da educação: dez anos de pesquisas*. Petrópolis: Vozes, 19-78.

Gesqui, L. C. (2008). *Organização da escola, absentéismo docente, discente e rendimento escolar* (Dissertação de Mestrado). Pontifícia Universidade Católica de São Paulo, São Paulo, SP, Brasil.

Jannuzzi, P. M.. (2005). Indicadores para diagnóstico, monitoramento e avaliação de programas sociais no Brasil. *Revista do Serviço Público*, 56(2), 137-160.

Lima, L. A. (2011). Da universalização do ensino fundamental ao desafio de democratizar o ensino médio em 2016: o que evidenciam as estatísticas? *Revista Brasileira de Estudos Pedagógicos*, 92(231).

Mokate, K. (1999). *Eficacia, eficiencia, equidad y sostenibilidad: ¿Que queremos decir?* (Serie de Documentos de Trabajo I-24). Washington: Banco Interamericano de Desarrollo (BID).

Monteiro, J. (2015). Gasto público em educação e desempenho escolar. *Revista Brasileira de Economia*, 69(4), 467-488.

Pasquali, L., & Primi, R. (2003). Fundamentos da teoria da resposta ao item: TRI. *Avaliação Psicológica: Interamerican Journal of Psychological Assessment*, 2(2), 99-110.

Setúbal, M. A. (2010). Equidade e desempenho escolar: é possível alcançar uma educação de qualidade para todos? *Revista brasileira de estudos pedagógicos*, 91(228).

Soares, J. F. (2004). O efeito da escola no desempenho cognitivo de seus alunos. *REICE: Revista Iberoamericana sobre Calidad, Eficacia y Cambio en Educación*, 2(2), 6.

_____ (2005). Qualidade e equidade na educação básica brasileira: fatos e possibilidades. Os desafios da educação no Brasil. *Nova Fronteira*, Rio de Janeiro, 91-117.

Soares, J. F., & Andrade, R. J. D. (2006). Nível socioeconômico, qualidade e equidade das escolas de Belo Horizonte. *Ensaio: avaliação e políticas públicas em educação*, 14(50), 107-125.

Soares, T. M. (2005). Utilização da teoria da resposta ao item na produção de indicadores sócio-econômicos. *Pesquisa Operacional*, 25(1), 83-112.

Sobreira, R., & Campos, B. C. (2008). Investimento público em educação fundamental e a qualidade do ensino: uma avaliação regional dos resultados do Fundef. *Revista de Administração Pública*, 42(2), 327-346.

Travitzki, R. (2017). Qualidade com equidade escolar: Obstáculos e desafios na educação brasileira. *REICE: Revista Iberoamericana sobre Calidad, Eficacia y Cambio en Educación*, 15(4), 27-49.

Urbanization of Slums in Focus: Notes on the Process of Implementing the Growth Acceleration Program in João Pessoa/PB¹

Urbanização de Favelas em Foco: Notas sobre o Processo de Implementação do Programa de Aceleração do Crescimento em João Pessoa/PB

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Abstract: This article seeks to understand an experience of implementing the Growth Acceleration Program (PAC), in the Urbanization of Precarious Settlements (PAC-UAP) action in the city of João Pessoa/PB. Then, we start from a literature review on public policies and housing policy for precarious settlements, which is essential for understanding the theoretical and empirical elements that illuminate the understanding of the PAC-UAP experience in João Pessoa. It is assumed that the experience of implementing PAC-UAP, particularly in relation to the longevity of projects, reflects the complexity inherent both in the multisectoral and integrated character of urbanization actions in precarious settlements and in the interactive dynamics established between state actors and non-state in the context of public policy implementation. For the analysis of the PAC-UAP experience, qualitative research was carried out. Regarding the objectives, the research can be considered both exploratory and descriptive. With regard to data collection, the following techniques were selected: (a) bibliographic research; (b) documentary research; (c) interview; and (d) field visits to precarious settlements contemplated under the PAC-UAP.

Keywords: Implementation of Public Policies; Urbanization of Precarious Settlements; Growth Acceleration Program.

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Resumo: O presente artigo busca compreender a experiência da implementação do Programa de Aceleração do Crescimento (PAC), na ação Urbanização de Assentamentos Precários (PAC-UAP) no município de João Pessoa/PB. Para tanto, parte-se de um apanhado da literatura sobre implementação de políticas públicas e política habitacional para assentamentos precários, indispensável à compreensão de elementos teóricos e empíricos que iluminam a compreensão da experiência do PAC-UAP em João Pessoa. Admite-se como pressuposto que a experiência de implementação do PAC-UAP, particularmente em relação à longevidade dos projetos, reflete complexidade inerente tanto ao caráter multissetorial e integrado das ações de urbanização de assentamentos precários, quanto à dinâmica interativa estabelecida entre atores estatais e não estatais no contexto da implementação da política pública. Para a análise da experiência do PAC-UAP foi realizada pesquisa qualitativa. Com relação aos objetivos a pesquisa pode ser considerada tanto exploratória quanto descritiva. No que se refere à coleta de dados foram selecionadas as seguintes técnicas: (a) pesquisa bibliográfica; (b) pesquisa documental; (c) entrevista; e (d) visitas de campo aos assentamentos precários contemplados no âmbito do PAC-UAP.

Palavras-chave: Implementação de Políticas Públicas; Urbanização de Assentamentos Precários; Programa de Aceleração do Crescimento.

1. Introduction

In Brazil, the production of public policies aimed to fight against the urban poverty and ensuring adequate living conditions in precarious settlements (slums, tenements, irregular or clandestine subdivisions, degraded housing developments), gained relevance in the 1980s and 1990s in the midst of initiatives carried out by municipalities and states, several supported by multilateral credit agencies such as the World Bank (IBRD) and the Inter-American Bank (IDB).

According to Cardoso and Denaldi (2018), at the beginning of the administration of the President Luis Inácio Lula da Silva, in 2003, an institutional and normative architecture was established to support actions in the area of social housing. In this context, a line of action aimed at urbanization and integration of precarious settlements was structured. In 2007, with the launch of the Growth Acceleration Program (PAC), still with the perspective of strengthening and expanding actions aimed at precarious settlements, the Urbanization of Precarious Settlements (PAC-UAP) was defined.

Cardoso and Denaldi (2018, p. 11) say:

The programmatic design adopted by PAC proposed the role of Municipal and State Governments, responsible for the definition of intervention projects and the management of works, according to the regulations of the programs, and with the monitoring and inspection under the responsibility of Caixa Econômica Federal (CASHIER). The

resources invested by the PAC in the urbanization of slums were composed from several sources, which are costly - Guarantee Fund for Time of Service (FGTS) and the Fund for Support to Workers (FAT) - and are not costly, such as the General Budget of Union (OGU) and the FNHIS, with a large predominance of non-onerous resources, which made the important performance of subnational entities.

The PAC made it easy the progressive expansion of investments in urban and social infrastructure, including actions aimed at the urbanization of precarious settlements. In the first stage (PAC-1), R \$ 20.8 billion were invested in the urbanization of 3,113 settlements, highlighting high visibility interventions such as those carried out in the Complexo de Favelas de Mangueiras and in the Complexo de Favelas do Alemão, in Rio de Janeiro. January/RJ. In the second stage (PAC-2), launched in 2012, investments of R \$ 12.7 billion were foreseen in 337 municipalities (Cardoso, Aragão & Jaenisch, 2017).

With the PAC, the municipalities started to count on the possibility of obtaining resources for the elaboration of projects, execution of works and strengthening of planning structures and management of housing policy.

In Brazil, data from the Brazilian Institute of Geography and Statistics - IBGE (2010 Census) indicate the existence of about 6,329 subnormal agglomerations (irregular settlements known as slums, invasions, caves, lowlands, communities, villages, undertow, huts, stilts, among others. others), in which 11,425,644 people reside in a total of 3,224,529 households. In João Pessoa/PB, data from IBGE (2010) reveal the existence of 59 subnormal clusters, in which about 91,351 people reside. The capital of Paraíba concentrates almost 66% of the total agglomerations existing in the state and approximately 70% of the population residing there.

João Pessoa has a total of 111 projects, of which 109 are part of the Social and Urban Infrastructure Hub. This includes the urbanization projects of precarious settlements, with the capital of Paraíba having 05 projects under the scope of PAC-UAP.

The definition of the Growth Acceleration Program in the Urbanization of Precarious Settlements modality (PAC-UAP) and its implementation represent a promising field of studies that allows more accurate analyzes of the dynamics, processes and actors that characterize and structure the urbanization projects of precarious settlements in João Pessoa/PB.

In that way, we seek to understand the experience of implementing the Growth Acceleration Program (PAC), in the Urbanization of Precarious Settlements (PAC-UAP) action, in the municipality of João Pessoa/PB.

Still considering this exposed problem and its socio-territorial and political-institutional repercussions, the question arises: how did the PAC implementation process take place in the urbanization of precarious settlements in the city of João Pessoa/PB? It is assumed that the experience of implementing PAC-UAP, particularly with regard to the longevity of projects, reflects the complexity inherent in the multisectoral and integrated character of urbanization actions in precarious settlements; and the interactive dynamics established between state and non-state actors in the context of public policy implementation.

For the analysis of the experience of the Growth Acceleration Program, in the Urbanization of Precarious Settlements (PAC-UAP) qualitative research was carried out. Regarding the objectives, the research can be considered both exploratory and descriptive. With regard to data collection techniques, the following were selected: (a) bibliographic research; (b) documentary research; (c) interview; and (d) field visits.

Regarding the bibliographic review, priority was given to the literature dealing with the analysis of public policies, more specifically that related to implementation, with emphasis on authors such as Lotta (2019 and 2010), Oliveira and Couto (2019), Secchi (2016) and Lima and D'Ascenzi (2013). Regarding the discussion on the policy of urbanization of precarious settlements and the PAC, Cardoso and Denaldi (2018), Caldas (2018), Cardoso Junior and Navarro (2018), Cardoso, Aragão and Jaenisch (2017) and Campanhoni (2016).

The semi-structured interviews were conducted with municipal public managers from the Municipal Social Housing Secretariat (SEM HAB) and with a representative of the mandatory institution (Caixa Econômica Federal-CEF). The documentary research focused on examining the contracts covered by PAC-UAP, whose objective was to know the intervention proposals presented by the municipality, based on the analysis of the Work Plans. The documentary research made it possible to identify the situation of each project, based on the examination of the Engineering Monitoring Reports - RAE, prepared by CEF. The RAE's subsidize the monitoring of each stage of the project's execution.

Finally, field visits⁴ were carried out, guided by technicians from the Municipal Secretariat of Social Housing (SEM HAB) and Caixa Econômica Federal, to the settlements covered by the PAC-UAP, aiming at knowing the general characteristics of these and the projects in execution.

Therefore, this article is structured in 3 sections, in addition to this introduction and the final considerations. In the first, an attempt is made to take stock of studies on public policy analysis, with emphasis on implementation. In the second, considerations are made about the literature on slum urbanization and on the Growth Acceleration Program. The third examines the experience of the PAC-UAP implementation process in the city of João Pessoa/PB.

2. Implementation of public policies: some notes

The analysis of public policies can be usefully carried out in the light of a dynamic process known as the Public Policy Cycle. For Lotta (2010, p. 26), “although they are continuous processes, and often overlapping methodologically, this literature divides the analysis of public policies into four central phases: the agenda, formulation, implementation and evaluation”.

Sechhi (2016, p. 43) defines the Cycle as “a visualization and interpretation scheme that organizes the life of a public policy in sequential and interdependent phases”. The author recognizes that such a scheme rarely reflects the real dynamics of public policy, which does not remove its heuristic proficiency from the cycle.

From those phases, this article will focus on the implementation phase which, according to Lotta (2019, p. 13), is the “moment when the formulated plans will become reality. It is the moment that depends heavily on the action of bureaucrats and the instruments of state action”.

Lima and D’Ascenzi (2013) highlight that implementation is not limited (and cannot be summarized) to the mere execution of something (plan, program and/or project) previously established. For them, “The field of studies on the implementation of public policies is strongly linked to the need to develop improvements in political-administrative processes, which allow for an increase in implementing activities” (Lima & D’Ascenzi, 2013, p. 3). They complement their analysis by highlighting the existence of two

¹ These visits were made in April and May 2019.

approaches to the implementation phase. The first prioritizes the examination of the public policy formulation process, and the highlighted analytical variables refer to the norms that structure it. The second approach concerns the contexts of action in which public policy implementation will take place. In this case, the variables that are prominent are those related to implementing bureaucracies and the conditions of local spaces. In addition:

The first perspective is based on the sequential approach, public policy is seen as a sequence of different steps and guided by different logics (Muller and Surel, 2002). The formulation process would be permeated by the logic of political activity, while the implementation would be within the scope of administrative practice. [...] The second analytical model questions two assumptions: that of the decisive influence of the formulators on the implementation process and that the explicit guidelines, the precise determination of administrative responsibilities and the exact definition of results increase the probability that policies successfully implemented (Lima & D'Ascenzi, 2013, p. 4).

For the authors, the first approach shows the existence of distinctions between the decision and the operationalization, as the actors and arenas reveal themselves to be different, thus configuring a *top-down* perspective (prospective design).

The second approach contains elements that make it possible to point out questions about: (a) the decisive influence that public policy makers may have on the implementation process and (b) the probability of success in the implementation of public policy increases when the explicit definition of guidelines and expected results, as well as administrative responsibilities. This second approach, called *bottom-up* (retrospective design), “emphasizes that the discretion of the implementers is inevitable and may be desirable, since these actors are aware of local situations and can adapt the plan to them (O'Brien & Li, 1999). Such adjustments may be possible sources of innovation, depending, however, on the capabilities of the State” (Lima & D'Ascenzi, 2013, p. 04).

Lotta (2019), reflecting on the binomial formed by the *top-down* and *bottom-up* models, informs that the first model is temporarily located in the 1970s, in the context of the first generation of studies on implementation. In contrast to the top-down model, in the 1970s and 1980s, a current of analysis emerges that aims to understand the implementation process from another perspective, the *bottom-up*. It is, therefore, the

second generation of studies, called bottom up. For these authors, the implementation is not a failure. Public policies are composed of multiple processes and are continuous activities that require decision

making. Implementation is only part of that process and it also requires decisions. This is because not everything can be predicted, controlled or standardized. For these authors, the analysis of public policies should look at them from the bottom up, based on what actually happens at the moment of implementation (analyzing, for example, classrooms, doctors' offices, etc.). The bottom up approach is concerned with understanding "politics as it is", as a focus on what actually happens, without concern for either legitimacy or compliance. The central look is to describe and analyze complex processes and the performance, result, of them (Lotta, 2019, p. 16).

Lotta (2019, p. 17) points out that in the 1990s there is a proposal for models that seek to distance themselves from that binomial, with a view to advancing other models of analysis. Called the third generation, studies carried out in this period "are primarily concerned with synthetic models for analyzing implementation". The author presents the models of Matland and Sabatier. The first focuses on the analysis of the formulation and implementation environments, assuming that there are conflicts and ambiguity in the determination of capacities to predict actions. The second, however, delves into the analysis of the relationship between coalitions and decision-making processes. According to Lotta, "What is common between these models is an attempt to get out of the opposition between formulation and implementation, comprising continuous decision-making processes that involve public policies and their results" (Lotta, 2019, p. 17).

Currently, studies of the fourth generation stand out, characterized by the existence of "multiple models and different forms of analysis on the object and by productions disseminated in several countries and continents" (Lotta, 2019, p. 17). A characteristic that marks this generation refers to the influence exerted by other areas of knowledge, such as Sociology, which leads to the approach of new themes related to state action, which is increasingly complex.

In Brazil, it is only from the fourth generation that studies on the process of public policy implementation emerge. In spite of this, there has been a growing interest in the issue of implementation, expressed in several publications organized in a more systematic way with a view to carrying out analyzes on topics such as: bureaucracy, institutional arrangements and instruments, and state capacities.

The accumulation of studies on implementation, in different temporal and spatial contexts, made it possible to outline some assumptions, as highlighted by Lotta (2019, p. 18), of which are pointed out: (a) recognition that formulation and implementation represent a *continuum* not constituting therefore, distinct and dissociated steps. Therefore,

there is a constitution of a decision chain that involves several actors. This makes it possible to move beyond the question that involves the separation between who formulates and who executes, enabling a shift towards more accurate analysis of “who decides with whom about what. And which decisions are likely to be questioned, changed and ‘redecided’”; (b) the second assumption refers to the understanding that there is an inherent complexity to decision-making processes. In this sense, the decision processes called multi-layering (multiple layers) and multi-level (multiple levels) stand out; (c) there is a high interaction in the public policy implementation process, this is the third assumption. This means recognizing (and considering) the existence of multiple and different actors involved in that process. In this case, understanding the implementation of public policies requires knowing and understanding who these actors are, the way they act and the interactive dynamics that take place between them; (d) the fourth assumption considers the existence of numerous factors that interfere and influence the implementation, from more general to individual systems, passing through organizational ones; and (e) the last assumption includes the understanding that the implementation studies intend to investigate public policy beyond the normative and legal, looking at it as it really is, the way it occurs, the actors involved, for example. In other words, it advocates a more analytical approach to unveiling decision-making processes.

These assumptions are important in understanding the public policy implementation process, since they inform about central issues to which a closer look should be taken when examining concrete experiences on implementation, as in the present article.

3. Housing policy, precarious settlements and the growth acceleration program: from eradication to urbanization

The confrontation of precarious housing in the settlements, based on more structured actions, occurred in the 1970s with the National Housing Bank (BNH), according to Bueno (2000). In previous decades, there was a predominance of government actions aimed at eradicating slums and prohibiting improvements in them (Denaldi, 2003).

In that decade, programs were created to tackle housing problems in the favelas, such as Profilurb (Program for financing urbanized plots) and Promorar (Program for the eradication of subhabitation). In the 1980s, BNH became extinct, with contracts and funds

transferred to Caixa Econômica Federal. In that decade, the country faced a serious fiscal-financial crisis, which had a violent impact on the maintenance of programs and / or projects, as well as the implementation of new ones. In the case of the housing sector, in institutional terms, the actions started to be linked to the Special Secretariat for Community Action (SEAC), created in the government of then president José Sarney.

Regarding this period, Bueno (2000, p. 32) highlights that “Despite the little numerical expression of the programs implemented and the populist deviations and private interests in the distribution of resources, the initiative would consecrate three new actors in the construction of housing policies: irregular settlements, community organizations and city halls”. These actors were present in the context of the institutional design designed for housing policies in the 90’s.

In the 90’s, the Immediate Action Plan for Housing (PAIH) stood out working with resources from the Guarantee Fund for Time of Service (FGTS) and the municipalities, which are the promoters) and the Programa Habitar Brasil (HBB). This, in Bueno's view (2000), made it possible for city halls, with the support of the Federal Government, to develop slum urbanization projects, as well as to improve existing ones.

When historically situating the debate about the State's intervention in its relationship with the urbanization policies of slums, observes that:

In the early 80’s, slum urbanization policies began to be institutionalized, at the municipal level, as an integral part of the municipal housing policy. It is in this period that urbanization begins to be the official municipal response to the set of slums existing in the city. In the following decade, there was an improvement and diffusion of urbanization programs. In the late 1990s, when most governments began to develop slum urbanization programs, recommendations were made to move beyond the pilot project phase and develop comprehensive urbanization policies. International agencies propose to expand the scale of the projects (Upscaling Slum Upgrading) and the Federal Government, through the Programa Habitar Brasil / IDB, requires municipalities to prepare the PEMAS - Municipal Strategic Plan for Subnormal Settlements, and the subprogram DI - Development Institutional, aiming to enable the municipality to establish and implement a comprehensive housing (and slum urbanization) policy (Denaldi, 2003, p. 04).

During the government of ex-president Fernando Henrique Cardoso (1995-2002), important changes occurred in the sense of structuring housing policy, in general, and actions related to the urbanization of slums (type of precarious settlement), in particular. However, the changes centered more on the design of planning and

management instruments, and less on the application of financial resources aimed at facing the housing problem (Denaldi, 2003).

As of 2003, with the creation of the Ministry of Cities, the setting up of an institutional and normative architecture began to strengthen actions in the area of social housing. With that, the housing policy started to be organized as a national system, in which the Union had the role of standardizing and financing the policy. The execution process was the responsibility of municipalities and states. In 2005, Law 11,124 of June 16, 2005 was enacted, which provides for the National Social Interest Housing System (SNHIS), creates the National Social Interest Housing Fund (FNHIS) and establishes the FNHIS Management Council.

In this context, those entities were required to develop housing plans of social interest, the institution of management councils and the creation of housing funds of social interest, in line with the federal institutional architecture.

In 2007⁵, as part of the federal government's effort to reverse adverse economic and social contexts, especially with regard to investments in social and urban infrastructure, the Growth Acceleration Program (PAC) was developed.

Regarding the PAC, they point out that:

PAC 1 conformed from a set of public investments (and induction of private investments) in the sectors of transport, energy, water, sanitation and housing. In addition, it also configured several legal, regulatory and institutional measures, to encourage economic development; improvements in public management; improving the business and investment environment; credit and financing stimuli; measures to improve the tax system; tax exemption; and long-term fiscal measures, most of which are detailed below. PAC 2, in turn, seeking to go further and assuming itself as the main structuring and encouraging component of investments in infrastructure in the country, was organized around six complementary areas, classified as follows: i) Energy; ii) Transport; iii) Better City; iv) Citizen Community; v) Minha Casa Minha Vida (MCMV); and vi) Water and Light for All. (Cardoso Junior & Navarro, 2018, p. 70-71).

The PAC predicted investments for the housing area, in different modalities (housing production, urbanization of precarious settlements, support for the elaboration of plans and projects, etc.). In the specific case of urbanization actions in precarious settlements, they were included in the Social and Urban Infrastructure Hub.

⁵ In 2010, the Growth Acceleration Program (PAC 2) was recalibrated. Its closure, in practical terms, occurred in 2015, due to the launch of the Logistics Investment Program (Cardoso Junior & Navarro, 2018).

According to Cardoso e Denaldi (2018, p. 27):

In general, PAC's precarious settlement urbanization programs reproduced HBB's programmatic design, which already provided for the financing of several components in the logic of promoting the "Integrated Urbanization" of precarious settlements and addressing the social, urban-environmental and social dimension, land ownership. This programmatic design recognizes the complexity of intervention in these territories and makes it possible to finance urbanization works, social facilities and the production of new housing, housing rehabilitation, social work and land tenure regularization. [...] The normative model of the PAC allows the promotion of *integrated urbanization* of the settlements, understood as the treatment of the different problems found in these territories and associated, among others, with the following themes: deficit or inadequacy (through the production of new houses or housing rehabilitation); integrated sanitation, mobility, urban and road structure; access to public equipment and services; environmental recovery or requalification and elimination of risk situations.

It can be said, therefore, that actions aimed at improving living conditions in precarious settlements, with emphasis on slums, seek to face the effects of an uneven and segregating urbanization process and exclusionary characteristics of the formal real estate market, which prevent access by low-income families. As a result, many of them start to occupy precarious and irregular areas in environmental, urban and land terms.

The settlements are not only part of the urban landscape, but are, above all, permanent living spaces that require interventions by the government that provide adequate living conditions. It is a fact that these should not be limited to the range of action of municipal governments, which presupposes the establishment of action strategies that are shared and articulated by the different levels of government.

In this sense, it is considered relevant to expose the analysis carried out by the authors in relation to institutional aspects of the PAC, when they state that:

can be considered a laboratory for institutional experiments with regard to the "planning, implementation, management, monitoring and control" circuit of public-private investment in recent Brazil, notably in terms of legal improvements, relationship with the control bodies - Tribunal de Contas da União (TCU) e Controladoria-Geral da União (CGU) - and new instruments for activating state capacities and government instruments under their custody (Cardoso Júnior & Navarro, 2018, p. 64).

In view of the above about precarious settlements and the characteristics of the urbanization actions required for these, it can be concluded that the municipality presents

itself as a fundamental actor (protagonist can be said) throughout the PAC cycle and the projects linked to it, even considering that the final allocation of resources is made by the Union.

In order to qualify for the PAC, the municipality needed to present technically and financially viable projects, which were analyzed by the extinct Ministry of Cities and by Caixa Econômica Federal (CEF). In practice, the criteria for selecting integrated slum urbanization projects favored structural issues in the National Housing Policy (PNH). In addition to demonstrating technical conditions with regard to projects, municipalities should also have (and demonstrate) capacity for managing and administering works.

Such works require specific norms and methodologies, which are distinguished from what is done in traditional civil works, since urbanization actions seek to face the complexity of the territories. In this sense, we highlight:

There is a fundamental difference between rules for managing contracts for the provision of services and works with public resources, often on lending or loans, with construction companies, technical service offices or community associations and the internal procedures for preparing projects and carrying out works, with contracts with suppliers of surveys, surveys, building materials, labor cooperatives etc. What becomes even more specific when it comes to urbanization of precarious settlements, since licensing routines, guidelines, design, construction planning depend on several factors external to the team, the sector and the city hall itself. [...] the urbanization of a slum encompasses the phases of discussion of the intervention and negotiation with various public bodies, residents and neighbors, including residents, surveys, project development and execution of works. These phases should subsequently provide for urban maintenance (Bueno & Freitas, 2009, p. 245).

It can be seen, therefore, that the PAC-UAP provided the municipalities with an opportunity to address and / or reduce the precariousness existing in the settlements, while requiring local, technical, financial, administrative and institutional capacity to act in all the stages of the project cycle. It also demanded that the planning and management of housing policy be carried out in conjunction with other policies (land tenure, environmental sanitation and urban mobility, for example), as a way to favor the realization of better living conditions in the settlements.

Based on the theoretical-analytical field exposed in sections 2 and 3, the next section seeks to examine the process of implementing the PAC-UAP in the municipality of João Pessoa / PB based on the analysis of the projects approved by that municipality.

4. PAC-UAP in João Pessoa / PB: a synthesis effort

The city of João Pessoa has a relatively recent trajectory with regard to urbanization actions in precarious settlements. Data collected in the Public Works Monitoring System, available⁶ on the Caixa Econômica Federal portal, reveals that in 2006 a contract was signed whose object was “Eradication of Slums and Integrated Urbanization”. In the same system, it was possible to identify a contract from the previous year, in this case 1998, in which there is a record of a contract referring to actions in slums. However, it points out that these were practically restricted to production and / or housing improvement, therefore not attending to aspects related to the installation of urban infrastructure, land tenure regularization, among others, common actions in urbanization projects.

In other records, the existence of urbanization contracts was found that included actions for the provision of urban infrastructure (water, sewage, paving, storm drainage and home sanitary improvements) and actions related to housing (production and housing improvements). However, they were not configured as complex urbanization interventions, that is, a type of intervention that occurs in “settlements with a high degree of density, in general, agglomerated type, with a high rate of removals, which does not have a regular layout and / or with the need to carry out complex geotechnical works or urban drainage” (Denaldi, 2009, p. 112).

Regarding the existing settlements in the city of João Pessoa/PB, data from the 2010 Census (IBGE) point to the existence of 25,524 permanent private households distributed in 59 subnormal agglomerates, in which about 91,351 people reside. The Local Social Housing Plan of João Pessoa (2013) identified and classified the precarious settlements of the municipality in 04 groups, according to the degree of priority of intervention.

When crossing the PLHIS data with those of the PAC-UAP contracts, it was found that out of the 05 urbanization projects for precarious settlements, 03 included areas within the group 01 (Comunidade do S, Saturnino de Brito and São José) and 02 projects contemplated areas of group 4A (Taipa / Nova Vida and Maria de Nazaré). Table 01 presents some information about the settlements that are subject to intervention under the PAC-UAP.

⁶ System - Monitoring of Public Sector Operations. Available at: <https://webp.caixa.gov.br/siurb/ao/pag/index.asp>. Accessed on: June 10, 2019.

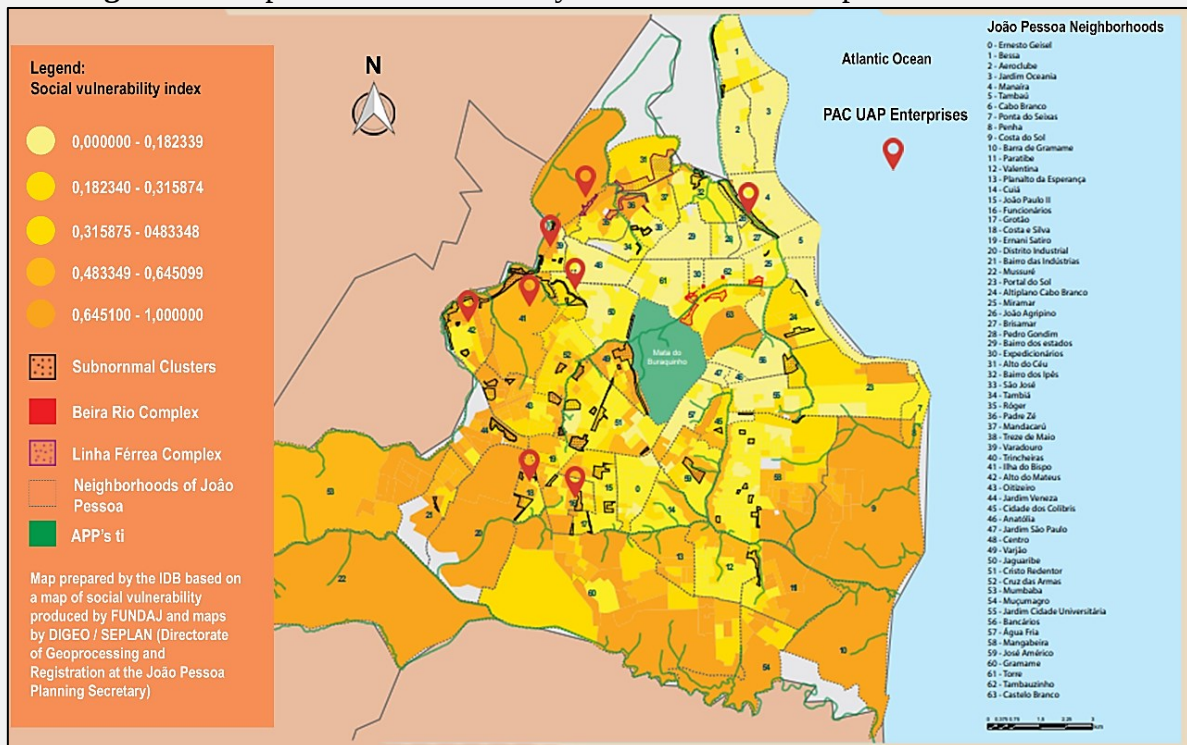
Table 01: General information on the settlements covered by PAC-UAP

Settlements (Subnormal agglomerates)	Occupied private housing units	Population living in occupied private housing units			Average number of occupied private housing units
		Total	Men	Women	
Da Taipa/ Nova Vida	1.102	4.085	1.956	2.129	3,7
Do “S”	352	1.331	661	670	3,8
Maria de Nazaré	528	1.908	905	1.003	3,6
São José	1.981	6.564	3.115	3.449	3,3
Saturnino de Brito	378	1.291	602	689	3,4
TOTAL	4.341	15.179	7.239	7.940	

Source: Subnormal agglomerates, IBGE, 2010.

Of the total number of households existing in precarious settlements in the municipality of João Pessoa, about 17% are located in the 05 settlements indicated in table 01. This percentage is considered quite high, considering that there are still 54 more areas that are configured as settlements, according to IBGE (2010). Another fact that draws attention refers to the relationship between social vulnerability and the location of precarious settlements under the PAC-UAP, as can be seen in figure 01, below.

Figure 01: Map of social vulnerability and PAC-UAP enterprises João Pessoa/PB



Fonte: Adapted from João Pessoa Sustainable Action Plan – 2014.

Based on the figure, it can be concluded that the settlements are predominantly located in areas that have higher levels of social vulnerability⁷. These present problems related to environmental inadequacy (occupation of mangrove areas, river, outfall, slopes, close to areas of land) and urban dysfunctions (absence or low supply of urban infrastructure and equipment for collective use), in addition to concentrating low-income population income.

The description in PLHIS (2013) and in the João Pessoa Sustainable Action Plan (2016) highlights the need for the municipal public authorities to carry out interventions to ensure adequate living conditions in the settlements. João Pessoa's intervention projects seek to respond to the inherent complexity of the territories, resulting from its social, economic, cultural, political and physical and environmental characteristics. In doing so, such projects are aligned with the programmatic design of PAC-UAP.

The second table presents general information about the projects.

⁷ “The Social Vulnerability Index is composed of seven indicators: I) average number of residents per household; II) proportion of households with an income of up to half the minimum wage; III) proportion of households with inadequate water supply; IV) proportion of households with inadequate outlets; V) proportion of the population from zero to nine years old; VI) proportion of the 60 aged population and over and; VII) proportion of illiterate household heads”. (João Pessoa Sustainable Action Plan, 2014, p. 47)

Table 02: Summary table of PAC-UAP in João Pessoa/PB

Intervention Area	Object	Signature Date	Start of Execution	Transfer (R\$)	Counterpart (R\$)	Total Investment (R\$)	% of Execution (Physical Goal)	Work's situation
Saturnino de Brito	Clearance and Resettlement of 400 UH, installation of sewage network, water supply, paving, drainage, retaining walls, community equipment, social work and land regularization.	09/05/2012	10/04/2013	23.330.000,00	4.873.596,50	28.203.596,50	63,88	Advanced
Maria de Nazaré	Urbanization of Maria de Nazaré Community.	30/12/2009	07/02/2012	9.275.420,00	1.424.584,03	10.700.004,03	47,20	Late
Zona Ribeirinha do Rio Sanhaua	Urbanization of Zona Ribeirinha do Rio Sanhauá - Communities Ilha do bispo, Alto Mateus. Favela do S e Varadouro.	14/05/2008	04/07/2008	24.142.481,89	1.797.794,92	25.940.276,81	58,13	Advanced
Taipa/ Nova Vida	Improvement of the Habitability Conditions of Taipa Nova Vida (114 housing units, water, sewage, drainage and paving works and the implementation of the main road and equipment, squares, leisure areas).	30/04/2008	15/05/2009	7.317.200,00	380.949,71	7.698.149,71	100,00	Finished
São José	Community Infrastructure and Equipment Works (one School, one Indoor Sports Gym) linked to the Production of 2961 UH by the PMCMV.	31/10/2011	09/06/2014	37.802.682,28	4.722.133,88	42.524.816,16	16,40	Late
TOTAL				101.867.784,17	13.199.059,04	115.066.843,21		

Source: Own Preparation Source: System - Monitoring of Public Sector Operations - Caixa Econômica Federal. Own elaboration based on the Engineering Monitoring Reports (RAE) - Caixa Econômica Federal. Data collected from March to June 2019.

The data in Figure 01 allows for some findings and, at the same time, make possible to launch hypotheses about the process of implementing the PAC-UAP in João Pessoa / PB.

Temporally, the referred process has an average duration of 9.4 years, which represents, approximately 6.4 years beyond the period normally defined for the execution of settlement urbanization projects. Of course, each territory and each intervention proposal have its specificities, which may require periods of more than 36 months. However, this distance from the projects cannot be explained only by delays during the implementation stage.

Campanhoni (2016), when analyzing data referring to the time between signature of the contract and start of execution in PAC-UAP contracts in Brazil, found that the municipal executive takes an average of 1.5 years to start such execution. The reality of the municipality of João Pessoa is no different, which can be explained by factors such as: (a) the lack of a project bank for precarious settlements. Therefore, the proposals included in the PAC-UAP are not at the level of the executive project, and there is a need to provide resources for the elaboration of this by the company executing the work. Although this forecast is not uncommon, the fact is that when presenting a proposal without the support of an executive project, there is a risk of problems in the initial forecast of costs, deadlines and the scope of the proposal. The reality is that most municipalities choose to request resources for execution, even though there is the possibility of requesting resources for the elaboration of projects; (b) obstacle related to the little expertise of civil construction companies regarding integrated and multisectoral interventions, in view of the specificities of precarious settlements, and of the project cycle itself; and (c) inexistence or insufficiency of municipal technicians with experience in integrated settlement urbanization projects.

Before PAC-UAP, as previously mentioned, only one of the projects⁸ was classified as Urbanization, Regularization and Integration, with the objective of **Eradicating Slums and Integrated Urbanization**. Also with regard to the initial conditions, in the pre-construction and construction stages, the difficulty of municipal teams with bidding processes, management and inspection of works related to the urbanization of settlements is highlighted. Such difficulties are linked, to a large extent, to the existence of undersized teams and to the very interactive dynamics that support the

⁸ System for Monitoring Public Sector Operations at Caixa Econômica Federal.

functioning of the PAC, as it involves several actors (state and non-state). This dynamic therefore involves multi-layering and multi-level decision processes, as presented by Lotta (2019). In the multi-layering decision processes, there is the dynamics established by the municipality, by the state government (environmental agency and concessionaire) and by the federal government (ministries, control bodies and mandatory institutions). In the case of multi-level decision-making processes, there are several actors also working in the implementation process, expressed in the role of high and medium-level bureaucrats and street-level bureaucrats.

Considering that the PAC is a program that has the municipal public power as the protagonist with regard to formulation and implementation, and the final allocation of resources is made by the Federal Government, it is considered relevant to resume the analysis made by the authors regarding implementation in federal systems.

In federal systems, one must seek to reconcile the desire of central leaders with that of diffuse implementation authorities - always present in federations. And it is the presence of these “diffuse authorities” that imposes the participation of actors who represent divergent interests in relation to those of national politics, making it difficult to implement federal policies locally. As a result, the need for federal formulators to seek cooperation and coordination at subnational levels increases⁹ (Oliveira & Couto, 2019).

Therefore, it can be assumed that the interactive dynamics (vertical and horizontal) between different actors (state and non-state) must occur based on cooperative practices. When reflecting on the relationship between the framework of actors and priority guidelines for public policies, consider that:

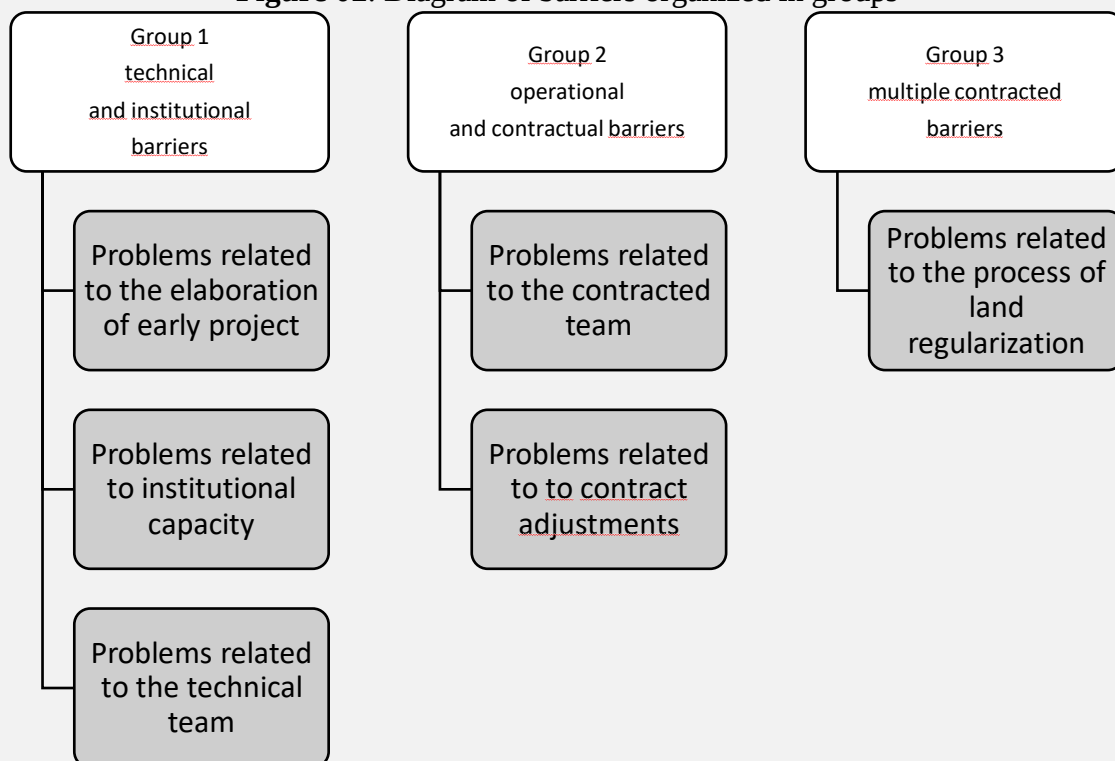
the permanence of a priority guideline also depends on the continuity of its defining actors. When the list of actors that define the priority guideline changes abruptly or radically, the chance of “abandonment” of that guideline is great. Changes in political groups in the government, especially the entry of groups with very different views on the role of the State in the conduct of public policies, tend to generate significant changes or even the rejection of priority guidelines. Less radical changes, with the entry of groups that, if not aligned, at least agree with the direction of the implemented policies, have less significant effects for the continuity and overcoming of the guidelines (Oliveira & Couto, 2019, p. 74).

⁹ Ibid, 2019, p. 75-6.

Considering the above, a look at the political cycle of the city of João Pessoa in the period between 2005 and 2019 points out that there was an exchange of management in two moments. From 2005 to 2010, ex-mayor Ricardo Coutinho led the way. In March 2010, deputy mayor Luciano Agra took office, who was in charge of the municipal executive until December 2012. From 2013 to the present day, the mayor is Luciano Cartaxo. In general, breaks in the political cycle alter the composition of municipal teams (high and medium-level bureaucrats and street-level bureaucrats), impacting the public policy cycle.

With regard to the PAC-UAP in João Pessoa, the main obstacles to its implementation were identified, taking as reference the analytical matrix prepared by Campanhoni (2016), which identifies barriers related to PAC-UAP in Brazil. In order to structure the reading of the specific local context, the barriers were organized / framed in three groups: (i) Group 01: Technical and Institutional barriers; (ii) Group 02: Contractual and Operational Barriers; and (iii) Group 3: Multiple Combined Barriers. Figure 02 below shows the referred groups and their obstacles.

Figure 02: Diagram of barriers organized in groups



Source: Own elaboration based on interviews with managers of the Municipal Housing Secretariat of João Pessoa / PB and representative of a mandatory institution (2019); Dossiers of PAC-UAP Contracts (Caixa Econômica Federal); Monitoring of Public Sector Operations (Caixa Econômica Federal).

In Group 01, obstacles related to the quality of the project stand out. In general, the projects initially classified - for the purposes of qualification at PAC-UAP - were not at the executive level, thus implying the need for the elaboration of executive projects by the companies winning the bidding processes for the execution of the work. Other aspects that impact the implementation of the PAC-UAP in João Pessoa are directly linked to changes in the political cycle, namely: (a) staff turnover; (b) administrative and technical staff discontinuity; and (c) undersized teams.

In the case of Group 02, issues related to the reprogramming of works and outdated schedules stand out. This situation leads to the need to add time and/or price additions, re-bidding and even reducing the targets of approved contracts. In the Taipa/Nova Vida Community project, for example, there was a review and, later, reduction of goals, so that the project could be concluded. Regarding the entrances referring to the contracted team, we highlight those involving contractual imprisonments and companies hired without expertise to carry out complex urbanization interventions, common to precarious settlements.

In Group 03, there are obstacles related to the land issue, such as: delay in regularization processes, problems with the ownership of areas and the carrying out of expropriations.

It is also noteworthy that communication failures between the different actors and difficulties in organizational terms also negatively impact the implementation, especially of urbanization projects in precarious settlements, given that these projects require a high level of articulation of the different sub-projects in the areas engineering, architecture, social, environmental and land tenure. In other words, the communication failures between the actors and organizational difficulties are obstacles related to the political-relational dimension when it comes to the debate on the theme of institutional capacity.

It is emphasized that urbanization projects for precarious settlements must be formulated and implemented in an integrated perspective; otherwise the tendency is that the costs (social, territorial, financial and political) and the time for execution are much higher than expected. In general, delays in implementation cause loss of credibility and legitimacy for the beneficiary population in relation to the project and the other state and non-state actors involved in the implementation. In this sense, the existence of channels

and mechanisms for cooperation and coordination is essential to the process of implementing any program and / or project, particularly those of a multisectoral nature.

The third figure shows a mosaic of images of the settlements framed in the PAC-UAP in João Pessoa.

Figure 03:

Mosaic of images of the settlements within the PAC-UAP of João Pessoa/PB



Pictures 01 and 02: Saturnino de Brito settlement



Pictures 03 and 04: Maria de Nazaré settlement



Pictures 05 and 06: S's community settlement



Pictures 07 and 08: Taipa/Nova Vida settlement

Source: Photographic Collection of the PAC-Urbanization Survey of Precarious Settlements in João Pessoa/PB: design, implementation and evaluation.

In the field visits, the specificities of each territory were observed in loco as part of the effort to understand the PAC-UAP, in addition to the data and information obtained in the various documents and in the interviews. In this sense, when composing the mosaic above, it was intended to shed light on issues that are not always so explicit in the eyes of those who act directly in the implementation of the program.

A first aspect that draws attention concerns the permanence of a precarious situation flanked by inconclusive interventions that cause changes in the families' daily lives. A second aspect refers to the finding that improvised homes were built on land located next to the housing complex produced under the PAC-UAP of the Taipa / Nova Vida community. This problem reveals not only the precarious conditions experienced by families living in those households, but above all the difficulty that the municipality has in avoiding occupations on public land. In the illustrated case, the ground belongs to the State Government.

A third aspect: the projects included in the PAC-UAP prioritized areas that are life-threatening to the population. In the case of Saturnino de Brito and Maria de Nazaré, part of the settlement is located on a hillside area. São José is located on the banks of the Jaguaribe River and the S's community is located near the old Roger's dump and on the banks of the Paraíba River, with part of the buildings located on a sewage pipe. As in Taipa / Nova Vida, although the intervention in the S community has not been completed, during recent field visits, there was a recent process of irregular and disordered occupation in a risk area (close to the railroad). Among the explanatory factors for this is the attempt, by the families they occupied, to benefit from housing units that will be built to serve the beneficiary families of the project.

Even though they cannot be included in the initial project, the occupation made by the families shows, in a positive way, the challenge that is posed to the municipality in the context of making adequate housing effective. Such a challenge, however, can only be properly addressed by establishing vertical and horizontal interactions between the different actors, and is not exclusive to the local entity.

5. Final considerations

The design established with the Federal Constitution of 1988 redefined competences among the federal entities, while it elevated the city to the condition of autonomous entity. In this context, the urban development policy has become the responsibility of the municipalities, which have to align themselves with the institutional architectures and guidelines defined by the federal government. The housing policy, for example, fits into the list of policies that are defined at the federal level, although its formulation, implementation and evaluation of local responsibility.

Decentralization favored municipalities in relation to the increase in voluntary resources to achieve housing policy in its different modalities. However, the practice shows implementation difficulties related to low institutional capacity and little experience with the modality of urbanization of precarious settlements.

The examination of the experience of the PAC-UAP implementation process in João Pessoa / PB reveals the existence of obstacles of different natures, with emphasis on the Technical and Institutional, the Operational and Contractual and the Multiple Combined Barriers.

Furthermore, it was found that, despite efforts by municipal management, in order to distribute their actions for the integrated treatment of settlements, problems related to the agreement between state and non-state actors still remain. Often the non-agreement implies the need for partial or full review of projects.

Recognizing that the implementation works as a kind of game between different implementers, it can be assumed that the degree of adherence to PAC-UAP, for example, varies depending on the available resources and the bargaining capacity of institutional and non-institutional actors. It can also be assumed that there is a wide space, which is still open, for implementers to adopt discretionary behaviors.

The inherent complexity of the multisectoral and integrated character that guides and defines the urbanization actions of precarious settlements, and the relationship

between state and non-state actors that play daily, are explanatory factors in the longevity of the project.

The implementation of the PAC-UAP in João Pessoa made it possible to expand investments aimed at families living in precarious areas, which present complex and conflicting contexts, and environmentally degraded, unhealthy and socially vulnerable territories. Undeniably, this situation makes the implementation of projects more difficult and complex. This, however, is not an exclusive reality of that municipality, since it is common to observe such difficulties in other local experiences of settlement urbanization. Therefore, it is essential that municipalities improve not only their planning and management systems, but also strengthen the links between state and non-state actors.

In other words: the municipality needs to improve its institutional capacity, especially with regard to the technical-administrative component (financial, informational, physical resources, as well as organizations, instruments and competent professionals with management skills, particularly with regard to urbanization projects) and the political-relational component (Institutionalization of channels for participation and interaction, negotiation and mediation by the Executive with other powers, control bodies and society)¹⁰.

The PAC-UAP in João Pessoa can be understood more as a type of social experimentation, and less as an ideal closed collective project. Therefore, it is essential to reinforce and improve the process of implementing programs and projects, especially those that involve multiple dimensions and that require the involvement of several actors (state and non-state), like the urbanization projects of precarious settlements.

¹⁰ For a discussion of institutional capacity, see Silva (2019), Pires and Gomide (2014) and Grin (2012).

References

Brasil. Ministério das Cidades/Cem (2010). *Urbanização de Favelas: a experiência do PAC*. Brasília/DF.

Bueno, L. M. M., & Freitas, E. L. H. (2009, janeiro). Normas específicas e metodologia para projetos e obras de urbanização e recuperação ambiental de assentamentos precários. In: *Ações Integradas de Urbanização de Assentamentos Precários* (1ª impressão). Brasília/São Paulo: Ministério das Cidades/Aliança de Cidades.

Bueno, L. M. M. (2000). *Projeto e favela: metodologia para projetos de urbanização*. Tese de Doutorado em Arquitetura e Urbanismo). Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo, São Paulo, SP, Brasil.

Caldas, M. F. (2018). *A Utopia da Reforma Urbana: ação governamental e política pública no Brasil*. Belo Horizonte: C/Arte.

Campanhoni, A. (2016, abril/junho). Implementação da política federal de habitação para assentamentos precários: gestão municipal e os entraves na execução das intervenções. *Rev. Serv. Público Brasília*, 67(2), 227-248.

Cardoso, A. L., & Denaldi, R. (2018). Urbanização de Favelas no Brasil: um balanço preliminar do Programa de Aceleração do Crescimento (PAC). In: R. Denaldi, & A. L. Cardoso. *Urbanização de Favelas no Brasil: um balanço preliminar do PAC* (1ª Ed.). Rio de Janeiro: Letra Capital.

Cardoso, A. L., Jaenisch, S. T., & Aragão, T. A. (2017). 22 anos de Política Habitacional no Brasil: da euforia à crise (Introdução). In: *22 anos de Política Habitacional no Brasil: da euforia à crise* (1ª Ed). Rio de Janeiro: Letra Capital: Observatório das Metrôpoles.

Cardoso Junior, J. C., & Navarro, C. A. (2018). O Brasil na Encruzilhada: Política, Planejamento e Investimentos na Experiência Recente do PAC (2007-2014): avanços e ameaças. In: A. Á. Gomide, A. K. Pereira (Eds.). *Governança da política de infraestrutura: condicionantes institucionais ao investimento* (pp. 63-89). Rio de Janeiro: Ipea.

Denaldi, R. (2009, janeiro). Assentamentos Precários: identificação, caracterização e tipologias de intervenção. In: *Ações Integradas de Urbanização de Assentamentos Precários* (1ª Impressão). Brasília/São Paulo: Ministério das Cidades/Aliança de Cidades.

Gomide, A., & Pires, R. C. (2014). *Capacidades estatais e democracia: Arranjos institucionais de políticas públicas*. Brasília: Ipea.

Grin, E. J. (2012, janeiro/setembro). Notas sobre a construção e a aplicação do conceito de capacidades estatais. *Revista Teoria e Sociedade*, Minas Gerais, 20(1), 148-176.

_____ (2003). *Políticas de urbanização de favelas: evolução e impasses* (Tese de Doutorado em Arquitetura e Urbanismo). Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo, São Paulo, SP, Brasil.

Lima, L., & D'ascenzi, L. (2013, dezembro). Implementação de Políticas Públicas: Perspectivas Analíticas. *Revista de Sociologia e Política*, 21(48), 101-110.

Lotta, G. S. (2019). A política pública como ela é: contribuições dos estudos sobre implementação para a análise de políticas públicas. In: G. S. Lotta (Org.). *Teoria e análises sobre implantação de políticas públicas no Brasil*. Brasília: Enap.

_____ (2010). *Implementação de Políticas Públicas: o impacto dos fatores relacionais e organizacionais sobre a atuação dos Burocratas de Nível de Rua no Programa Saúde da Família* (Tese de Doutorado em Ciência Política). Universidade de São Paulo, São Paulo, SP, Brasil.

Oliveira, V. E. De, & Couto, C. G. (2019). Diretrizes prioritárias e fases da implementação: como mudam as políticas públicas. In: G. S. Lotta (Org.). *Teoria e análises sobre implantação de políticas públicas no Brasil*. Brasília: Enap.



Secchi, L. (2016). *Políticas Públicas: Conceitos, esquemas de análise, casos práticos* (2^a Ed). São Paulo: Cengage Learning.

Silva, F. L. (2019). *Prioridade política e Capacidade Burocrática: A implementação do PAC-Urbanização de Assentamentos Precários* (Tese de Doutorado em Administração pública e Governo). Escola de Administração de Empresas de São Paulo da Fundação Getúlio Vargas.

Política Ambiental como Antiprioridad: Un Análisis Político de los Gastos Ambientales en el Estado de Paraná

*Política Ambiental como Antiprioridade:
Uma Análise Política dos Gastos Ambientais no Estado do Paraná*

*Environmental Policy as Antipriority:
A Political Analysis of Environment Spending at State of Paraná*

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Resumo: Neste trabalho analisamos a influência de fatores políticos na alocação dos gastos em meio ambiente no orçamento público do estado do Paraná, no período de 2003 a 2014. Realizamos uma pesquisa qualitativa, de caráter exploratório-descritivo a partir das categorias que Russel e Benson (2014) utilizam para analisar o orçamento verde: partidarismo, ideologia e preferências do público. Os dados foram coletados em documentos oficiais e entrevistas com atores que participaram do processo orçamentário do gasto ambiental no estado. Os achados mostram que a configuração dos fatores políticos analisados tendem a influenciar negativamente no processo de alocação de recursos para a área ambiental, dado que o predomínio de partidos e ideologias desenvolvimentistas, a pouca importância dada pelo eleitorado à pauta ambiental, bem como a expressiva representação do setor agrícola na economia e na política do estado, com sua influência no processo eleitoral, apontam para a baixa prioridade, e até mesmo uma antiprioridade, da área ambiental.

Palavras-chave: Política Ambiental; Gasto Ambiental; Orçamento Verde; Fatores Políticos; Meio Ambiente.

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Resumen: En este trabajo analizamos la influencia de los factores políticos en la asignación de gastos en medio ambiente en el presupuesto público del estado de Paraná, en el periodo de 2003 a 2014. Se realizó una investigación cualitativa, de carácter exploratorio-descriptivo a partir de las categorías que Russel y Benson (2014) utilizan para analizar el presupuesto verde: partidismo, ideología y preferencias del público. Los datos fueron tomados de documentos oficiales y entrevistas con actores que participaron del proceso presupuestario del gasto ambiental en el estado. Los hallazgos muestran que la configuración de los factores políticos analizados tienden a influenciar negativamente en el proceso presupuestario de recursos para el área ambiental, dado que el predominio de los partidos e ideologías desarrollistas, la poca importancia dada por el electorado a la pauta ambiental, como la expresiva representación del sector agrícola en la economía y en la política del estado, con su influencia en el proceso electoral, apuntan para la baja prioridad, e incluso una antiprioridad, del área ambiental.

Palabras clave: Política Ambiental, Gasto Ambiental, Presupuesto Verde, Factores Políticos, Medio Ambiente.

Abstract: In this paper, we analyze the influence of political factors on the allocation of spending on the environment in the public budgeting of the state of Paraná from 2003 to 2014. We conducted a qualitative, exploratory-descriptive research based on the categories that Russel and Benson (2014) use to analyze the green budgeting: partisanship, ideology and public preferences. The data were collected in official documents and interviews with actors who participated in the process of environmental spending in the state. The findings show that the configuration of the analyzed political factors tend to negatively influence the process of allocating resources to the environmental area, given the predominance of developmentalist parties and ideologies, the little importance given by the electorate to the environmental agenda, as well as the expressive representation of the agricultural sector in the economy and state policy, with its influence on the electoral process, point to the low priority, and even an anti-priority, of the environmental area.

Keywords: Environmental Policy, Environmental Spending, Green Budgeting, Political Factors, Environment.

1. Introducción

Desde la década de 1990, varios países y organizaciones han realizado esfuerzos para medir y monitorear los gastos ambientales en el sector público (Comisión Económica para América Latina y el Caribe [CEPAL], 2015). En general, se ha intentado verificar cómo los factores económicos, políticos, demográficos y aquellos relacionados a la gravedad de los problemas ambientales influyen los gastos públicos en medio ambiente y hasta qué punto estos gastos reflejan los esfuerzos de los gobiernos para resolver los problemas ambientales. Los gastos y las decisiones presupuestarias pueden

contribuir para el análisis del proceso político en torno de los acuerdos que envuelven la asignación de recursos públicos en el sector ambiental. El análisis de los gastos puede indicar el origen, las prioridades dentro del campo específico y en relación a otras áreas, la continuidad de programas y acciones, el proceso político, las estrategias organizacionales de captación de recursos y de financiamiento de las agencias ambientales. (Borinelli, Tridapalli, Campos & Castro, 2011; Newmark & Witko, 2007).

En Brasil, pocos estudios han trabajado con gastos ambientales (Borinelli et al., 2011; Oliveira, 2016). En la literatura internacional el análisis de los gastos públicos ambientales es más recurrente, pero, en su mayoría, los estudios implican análisis cuantitativos comparativos (Bacot & Dawes, 1997; Daley & Garand, 2005; Lombard, 1993). Por medio de métodos cuantitativos, se busca verificar la relación entre la mayor o menor inversión ambiental de acuerdo con algunas variables (riqueza, gravedad de los problemas, capacidad administrativa, etc.) Considerando que el proceso presupuestario se caracteriza por la fuerte incidencia de aspectos políticos en contextos específicos, el análisis en profundidad cualitativa, puede generar importantes contribuciones para una mejor comprensión de los gastos ambientales. El gasto realizado en el área ambiental es fruto de luchas políticas entre múltiples actores en contextos específicos, cuando interesa la escasez de recursos del fondo público, la naturaleza de las políticas en cuestión y los intereses políticos y económicos dominantes.

En este artículo analizamos la influencia de factores políticos en la asignación de los gastos en medio ambiente en el presupuesto público del estado de Paraná, en el periodo de 2003 a 2014. En ese lapso sucedió una importante alternancia ideológica en el control del Ejecutivo estatal, la sustitución de Roberto Requião (2003-2010) del Partido del Movimiento Democrático Brasileño (PMDB/MDB), intervencionista y de posiciones más cercanas de centroizquierda, por Alberto Richa (2011-2014) del Partido de la Social Democracia Brasileña (PSDB), de centroderecha y neoliberal. Para captar los probables cambios en el presupuesto derivado de esa alternancia y de otros factores, realizamos una investigación cualitativa, de carácter exploratorio y descriptivo, adoptando las categorías propuestas por Russell y Benson (2014) para el estudio del presupuesto verde: partidarismo, ideología y preferencias del público.

El estado de Paraná está ubicado en la región sur de Brasil, es una de las economías más grandes del país y uno de los principales representantes de los agronegocios. El estado fue un punto de referencia nacional en política ambiental en las

décadas de 1980 y 1990, pero desde entonces ha enfrentado, a pesar de diferentes gobiernos, varios problemas para satisfacer las demandas presupuestarias, en particular, para reemplazar a su personal técnico de servidores (Oliveira, 2016).

El análisis de los factores políticos que se consideran en el proceso de decisión del gasto público estatal en medio ambiente puede aportar importantes contribuciones teóricas y metodológicas, dada la relativa ausencia de estudios sistemáticos sobre el tema. El trabajo ofrece una contribución particular al proponer una evaluación cualitativa del proceso presupuestario, un proceso que generalmente se analiza mediante enfoques cuantitativos. Tomados como críticos en la formulación e implementación del presupuesto, los factores políticos pueden capturarse y entenderse mejor en estudios contextualizados e intensivos. De esta manera, este trabajo puede contribuir a una mayor comprensión y conocimiento de la política ambiental estatal en Brasil, apoyando nuevos estudios empíricos y teóricos, particularmente para aquellos que buscan comprender y resaltar los factores más importantes relacionados con la definición de los gastos públicos estatales.

El artículo está dividido en cinco secciones. La sección dos abarca el marco teórico. La sección tres presenta los procedimientos metodológicos. En la sección cuatro se encuentran los resultados de la investigación, primero haciendo referencia a la evolución de la política y el gasto ambiental en Paraná, luego se presentan los resultados y la discusión de cada una de las categorías analizadas. Las consideraciones finales están en la última sección.

2. Marco Teórico

En un sentido normativo, la política ambiental puede entenderse como el conjunto de normas legales, organizaciones e instrumentos administrativos movilizadas por el Estado y la sociedad para gestionar el uso y acceso a los recursos naturales, especies y servicios ambientales, con el objetivo de promover y mantener estándares aceptables de calidad ambiental en un territorio determinado. Por lo tanto, las políticas ambientales generalmente se ocupan de una amplia variedad de temas y problemas presentes en casi todas las actividades humanas, y se describen repetidamente como altamente complejas, inciertas y de carácter difuso debido al alto grado de conflictos (Borinelli, 2011). La mayoría de las veces, estos conflictos generan y son generados por la operación de sistemas regulatorios que previenen o exigen altos costos para actividades económicas

públicas y privadas, nuevas y tradicionales, para abordar problemas como la contaminación, la deforestación, la protección de los biomas, extinción de especies, pérdida de biodiversidad y cambio climático. De esta manera, la política ambiental representa no solo un sistema regulatorio, un aparato administrativo, un cuerpo de ideas y conocimientos especializados, sino también un espacio para impugnar, decidir, acordar y confrontar intereses estatales y no estatales, ambientales y antiambientales (Duit, Feindt & Meadowcroft, 2016).

La institucionalización de la política ambiental en los países occidentales, que comenzó a fines de la década de 1960, incluyó la creación de un conjunto de leyes, presupuestos, burocracias y contingentes de técnicos especializados y distribuidos en las ramas Ejecutiva, Legislativa y Judicial. Desde la década de 1980, el carácter centralizador de la primera fase de la política ambiental ha sido objeto de una serie de reformas, inspiradas por la crisis del Estado, el surgimiento de tesis neoliberales y la democratización, con el objetivo de descentralizar estas políticas a las fuerzas del mercado, para instancias de poder local y para organizaciones de la sociedad civil. Este movimiento, que ha sido descrito por los fenómenos de desregulación y re-regulación, en general, ha estado apuntando a una retracción y modificación del papel de las políticas ambientales estatales, sin eliminar el carácter conflictivo del tema y, a su vez, identificar el Estado como espacio de contestación y objeto de influencia entre fuerzas favorables y contrarias a un mayor control ambiental (Borinelli, 2011; Gallassi, 2018; Neves, 2006).

La implementación de políticas ambientales implica la asignación de recursos presupuestarios en actividades tales como licencias e inspección, monitoreo de la calidad ambiental, la creación y mantenimiento de unidades de conservación, la contratación de un personal técnico especializado y otros gastos de costos para promover derechos y atribuciones establecidos legalmente y en toda extensión territorial del estado. La disponibilidad de recursos presupuestarios no garantiza la efectividad de las políticas públicas, pero es una condición indispensable para mantener, por ejemplo, personal técnico cuantitativo y cualitativamente adecuado y sistemas de monitoreo e inspección ambiental (Kraft, 2011). El presupuesto público es un acto de naturaleza política (Calmon, 2006) y, como tal, refleja los intereses políticos del gobierno. El proceso presupuestario es un campo de disputas políticas, varias áreas luchan por los recursos limitados disponibles. Por lo tanto, corresponde a los tomadores de decisiones gestionar los

múltiples actores e intereses estatales en el presupuesto público, las áreas que se priorizarán, aquellas con baja prioridad e incluso las prioridades antigubernamentales.

Los gastos ambientales se pueden definir como "aquellos inherentes a las funciones constitucionales del Estado relacionadas con la preservación y recuperación ambiental y la garantía de los derechos ambientales" (Borinelli et al., 2011, p. 101). En Brasil, el análisis de los gastos ambientales fue facilitado por los cambios introducidos por la Ley de Responsabilidad Fiscal (LRF) y en la presentación de la contabilidad pública a finales de la década de 1990, en la que se destaca la creación de una rúbrica específica para el medio ambiente (función Gestión ambiental, código 18) y estandarización, transparencia y sistemática en la demostración del gasto ambiental en la Unión, los estados y los municipios. Estos cambios abrieron nuevas posibilidades para monitorear y evaluar las políticas e instituciones ambientales.

En vista de la necesidad, en todas las esferas (local, estatal, regional, nacional y mundial), de invertir en políticas ambientales, estudios internacionales (Bacot y Dawes, 1997; Daley y Garand, 2005; Lombard, 1993; Newmark y Witko, 2007) y nacionales (Borinelli et al., 2011; Guandalini, 2016; Oliveira, 2016; Silva, Juras & Souza, 2013) han concentrado sus esfuerzos para verificar cómo los factores económicos, sociales, políticos, ambientales y estructurales influyen en el gasto público en medio ambiente y la medida en que estos gastos reflejan el compromiso de los administradores públicos para promover una política ambiental efectiva. Estas encuestas varían entre trabajos cuantitativos, cualitativos y mixtos.

El estudio cualitativo realizado por Russel y Benson (2014) consideró la influencia de los factores políticos (partidismo, ideología y preferencias públicas) en la política ambiental a través del presupuesto (presupuesto verde). Inicialmente, los autores encuestaron la literatura presupuestaria para identificar argumentos clave, incluida la noción de que las políticas a nivel macro interfieren con la composición del presupuesto. Esta encuesta se utilizó para desarrollar un marco analítico para explicar las prácticas presupuestarias (Cuadro 1). Los autores utilizaron el modelo para examinar el presupuesto ecológico en dos de las principales economías industrializadas: los Estados Unidos y el Reino Unido. Los principales resultados del estudio fueron, en primer lugar, partidismo, cuando se ve históricamente, no siempre sigue patrones predecibles de izquierda a derecha. Segundo, los *veto players* eran importantes, especialmente en el sistema federal de los Estados Unidos, para establecer la agenda del presupuesto verde.

Finalmente, la aplicación de la categoría de preferencias electorales en el análisis de casos (Estados Unidos y Reino Unido) fue problemática.

Cuadro 1: Un cuadro analítico-teórico para explicar el presupuesto verde

Teoría	Actores-clave	Análisis racional del presupuesto verde
Política partidria	Partidos políticos	Preferencias partidarias
<i>Veto players</i>	Actores con poder de veto	Distancia ideológica Alternancia ideológica
Preferencia electoral	Público, gobierno	Demandas públicas

Fuente: Russel e Benson (2014).

Con respecto a la composición del presupuesto verde, Russel y Benson (2014, p. 247, nuestra traducción) sostienen que son posibles dos previsiones sobre la influencia del partidismo. La primera es que "la [...] alineación del partido político con el gobierno influye en la asignación de recursos fiscales al sector ambiental, aunque [...] puede no reflejar una relación binaria izquierda-derecha". La segunda previsión es que la forma en que se asigna la cantidad a los programas ambientales también puede reflejar las preferencias de las partes.

Los autores también analizan la influencia de la ideología en el presupuesto verde basado en el modelo de *veto players* de Tsebelis y Chang (2004). Los *veto players* son agentes, institucionales o partidistas, que pueden vetar la adopción de una política, por lo que es necesario un acuerdo entre ellos para un cambio en el statu quo. Los *veto players* se dividen en dos grupos: partisanos, partidos políticos que están en la coalición gubernamental en el poder, y actores políticos institucionales cuyo poder de veto formal está legalmente especificado por la Constitución. Según la teoría de los *veto players*, los cambios deliberados en la estructura de los presupuestos, cuando el gobierno actual quiere aumentar o disminuir los gastos presupuestarios y pasar un porcentaje mayor o menor a alguna área, dependen de la composición de los gobiernos (distancia ideológica) y la diferencia de posición ideológica entre el gobierno anterior y el actual (alternancia ideológica). Cuanto más diversificada ideológicamente es la coalición gubernamental (mayor distancia ideológica entre los partidos), menos cambio ocurre en la estructura de los presupuestos. Además, cuanto mayor es la alternancia, más significativo es el cambio en la estructura del presupuesto (Tsebelis & Chang, 2004).

Finalmente, Russel y Benson (2014) sostienen que las preferencias públicas o las preferencias electorales dan forma a las políticas. Por lo general, los funcionarios del gobierno eligen temas con un alto grado de homogeneidad en la opinión pública, como la economía. Las cuestiones ambientales, hasta entonces, se descuidan, ya que pueden ejercer presión sobre las prioridades económicas y laborales. Es importante saber si el aumento de la participación ciudadana en la gestión ambiental favorecerá u obstaculizará esta política.

Los partidos políticos "sirven [...] como mediadores entre la sociedad y el Estado, ya que organizan los términos de la competencia electoral" (Barros, 2015, p. 694). Estas instituciones tienen tres funciones básicas: 1) simplificar la elección de los votantes, 2) ayudar a reclutar líderes y 3) participar en la creación de mayorías mediante la organización del gobierno y la oposición (Barros, 2015). Uno de los sistemas de clasificación de los partidos políticos que se usa constantemente adopta como criterio su inclinación ideológica en el espectro político de izquierda a derecha. En Europa, desde la Revolución Francesa, la izquierda se ha asociado con el liberalismo y la derecha con el conservadurismo. Desde entonces, con eventos y desarrollos históricos, las categorías (izquierda y derecha) han incorporado nuevos contenidos y desplazado el posicionamiento de otros (Tarouco & Madeira, 2015).

En Brasil, la gran cantidad de partidos políticos registrados en el Tribunal Superior Electoral - TSE se considera constantemente un problema en el sistema político brasileño debido a la alta fragmentación del sistema de partidos, la heterogeneidad de las coaliciones y el personalismo en la elección electoral. Por lo tanto, existe la sensación en Brasil de que los partidos políticos no tienen una posición ideológica definida. Tarouco y Madeira (2013), sin embargo, afirman que este diagnóstico no está de acuerdo con la gran similitud en el posicionamiento político de los partidos que se encuentran en las diversas clasificaciones de la literatura. Por lo tanto, según los autores, es posible identificar coherencia en el posicionamiento de cada partido en el espectro político. Utilizaremos en nuestra investigación la clasificación de los partidos brasileños por Tarouco y Madeira (2015), que define las siguientes posiciones ideológicas de los partidos: extrema derecha, derecha, centroderecha, centroizquierda, izquierda, extrema izquierda.

La Conferencia Río-92 contribuyó a la incorporación de la agenda ambiental por varios partidos políticos, principalmente por los partidos de izquierda o de orientación socialista. Sin embargo, como la agenda ambiental brasileña está directamente

relacionada con la aparición de problemas ambientales y con la evolución de una agenda ecológica internacional, su inserción en los programas de partidos fue difusa (Barros, 2015). Para analizar cómo los partidos políticos brasileños incluyen temas de la agenda ambiental en sus programas de partidos, Barros (2015) clasificó la inserción de temas ambientales en el contenido ofrecido por los partidos en sus sitios web en cuatro áreas principales: (1) desarrollo con sostenibilidad económica; (2) preservación y conservación; (3) críticas al sistema capitalista y la sostenibilidad ecológica; y (4) ecología política, cultura urbana y ciudadanía ecológica. De los 32 partidos que integraron el estudio, dos, Solidaridad y el Partido Republicano de Orden Social (PROS), no fueron clasificados por Barros (2015) en los ejes temáticos y 12 no incluyeron temas ambientales en sus programas de partidos (37.5%) que son: PSDB, PTC, PSC, PMN, PRP / Patriota, PTdoB / Avante, PRTB, PHS, PTN / PODE, PSL, PR / PL y PPL³.

En el primer eje estaban las partes que enfocan sus programas en la sostenibilidad económica y, por lo tanto, son defensores del crecimiento económico. El segundo eje, de los conservacionistas, corresponde a la combinación de sostenibilidad económica, social y ecológica. Los críticos del sistema capitalista (tercer eje) priorizan los temas ambientales en sus programas de partidos dirigidos a la sostenibilidad ecológica. Finalmente, solo dos partidos, el Partido Verde (PV) y el PEN / Patriota, enumeran las cinco dimensiones de la sostenibilidad (económica, social, ecológica, cultural y espacial) en sus programas de partido.

La cuestión ambiental, a pesar de ser una cuestión transversal que se incorpora cada vez más a los programas de partidos, es tratada por los partidos de acuerdo con sus preferencias políticas. Ante esto, parece haber una similitud en las partes entre la forma de abordar los problemas ambientales y su posicionamiento ideológico en el espectro político. Los críticos del sistema capitalista están a la izquierda del espectro, los desarrollistas están alrededor del centro y los conservacionistas a la derecha (Barros, 2015).

³ PSDB – Partido de la Social Democracia Brasileña -Partido da Social Democracia Brasileira; PTC – Partido Laborita Cristiano – Partido Trabalhista Cristão; PSC – Ppartido Social Cristiano Partido Social Cristão; PMN – Partido de la movilización Nacional - Partido da Mobilização Nacional; PRTB – Partido Renovador laborista Brasileño -Partido Renovador Trabalhista Brasileiro; PHS – Partido Humanista de la Solidaridad -Partido Humanista da Solidariedade; PTN/PODE - Podemos; PSL – Partido Social Liberal; PR/PL - Partido Liberal; y PPL – Partido Patria Libre- Partido Pátria Livre.

Como se presenta en la clasificación de Barros (2015), hay varios entendimientos sobre el tema ambiental y la forma de construir sostenibilidad. Las disputas y los conflictos de intereses son inherentes al campo ambiental y los actores sociales en el campo tienen diferentes puntos de vista sobre cómo construir la sostenibilidad. Sin embargo, una actitud que no pertenece al campo ambiental es el antiecológico. "El antiecológico es un fenómeno social que básicamente se expresa a través de prácticas discursivas, simbólicas, políticas, institucionales e incluso criminales, cuyo propósito es afectar negativamente aspectos específicos del imaginario social y la práctica ecológica" (Layrargues, 2017, p. 327). En antiecológica, las políticas ambientales y sus instrumentos son una prioridad del gobierno. Este fenómeno social ha estado presente en el contexto brasileño a través de retrocesos ambientales recurrentes, el desguace de las agencias ambientales y los cambios en la legislación ambiental (Layrargues, 2017).

3. Procedimientos metodológicos

Este trabajo consiste en una investigación cualitativa, de carácter descriptivo y exploratorio, cuya estrategia de investigación fue el estudio de caso interpretativo. La recopilación y el análisis de datos se dividieron en dos fases. En la primera fase buscamos describir la evolución del gasto público en medio ambiente en el estado de Paraná entre 2003 y 2014. El marco temporal se definió porque priorizamos incluir el número máximo de gobiernos estatales completos y con datos sobre los gastos en la función de Gestión Ambiental (Función 18) disponible en el momento de la encuesta. Por lo tanto, considerando las dos administraciones de Roberto Requião (2003-2010) y la gestión de Beto Richa (2011-2014), logramos un recorte que nos permitiría percibir posibles cambios presupuestarios debido a la alternancia de diferentes ideologías en la conducción de los poderes Ejecutivo y Legislativo.

En la primera fase, la recolección de datos se realizó utilizando documentos de dominio público, incluidos documentos de la Secretaría del Tesoro Nacional (STN) y el Balance del Estado de Paraná, proporcionados por la Secretaría de Finanzas del Estado - PR. Los datos recopilados sobre los gastos ambientales fueron actualizados por el Índice General de Precios de Mercado (IGP-M), calculado por la Fundación Getúlio Vargas (FGV), para mayo de 2019 y analizados mediante estadísticas descriptivas.

En la segunda fase, para analizar la influencia de los factores políticos en la asignación del gasto ambiental en el estado de Paraná de 2003 a 2014, utilizamos documentos, artículos periodísticos y entrevistas semiestructuradas. Las entrevistas se realizaron con siete actores que participaron en el proceso presupuestario durante el período analizado: diputado federal, presidente de la Comisión de Ecología y Medio Ambiente de la Asamblea Legislativa de Paraná (ALEP), secretario del Comité de Presupuesto de ALEP, secretario de Medio Ambiente y Recursos hídricos del estado de Paraná, presidente del Instituto Ambiental de Paraná, jefe del área IAP y coordinador de presupuesto de la Secretaría de Finanzas. Las entrevistas se realizaron en marzo de 2016 en las ciudades de Londrina y Curitiba. Los datos se analizaron mediante análisis de contenido.

4. Resultados e discusión

4.1. Política ambiental y gasto en Paraná

Paraná es la quinta economía más grande del país, con un PIB (Producto Interno Bruto) de R \$ 401,6 mil millones, en 2016 y el segundo mayor productor de granos (Instituto Brasileño de Geografía y Estadística [IBGE], 2019). Los principales problemas ambientales en el estado de Paraná son el uso intensivo de pesticidas, la erosión hídrica de los suelos agrícolas y la consiguiente contaminación de las fuentes de agua, la deforestación de los bosques, los conflictos por el uso del agua en algunas cuencas hidrográficas, los problemas de contaminación del aire en regiones metropolitanas y en la destinación de residuos urbanos y rurales que afectan la calidad del agua en el estado (Ipardes, 2010; Oliveira, 2016).

Durante el período analizado, la política ambiental del estado de Paraná fue coordinada por la Secretaría de Estado de Medio Ambiente y Recursos Hídricos (SEMA) en conjunto con tres municipios: Instituto Ambiental de Paraná (IAP), Instituto de Tierras, Cartografía y Geociencias (ITCG) y el Instituto de las Aguas de Paraná (AGUASPARANA). Paraná ya es una referencia en políticas ambientales, como pionero en el ICMS ecológico, pero en las últimas décadas, las agencias ambientales estatales han enfrentado varios problemas (Oliveira, 2016). "El IAP se descarta totalmente, hay una falta de recursos humanos, una falta de recursos financieros, una falta de experiencia, una

falta de mando, una falta de gestión, una falta de compromiso, es decir, una falta, una falta de todo" (Entrevistado 5).

En mayo de 2015, los empleados de las agencias ambientales de Paraná se declararon en huelga para solicitar, entre otras demandas, una licitación pública para restaurar al personal del sector ambiental. Los datos presentados por la Unión Estatal de Servidores Públicos de Agricultura, Medio Ambiente, Fundepar y similares (SINDISEAB) (2015), durante el período de huelga, mostraron que en 1988 el IAP tenía 1.200 empleados y, en 2015, solo 521 empleados, 107 ya tenían derecho a obtener una jubilación inmediata. En las últimas décadas, no hubo convocatorias para reemplazar al personal de las agencias ambientales estatales y esto es una preocupación constante de los técnicos que trabajan en las entidades. "Nuestros empleados se jubilan y no queda nadie. ¿Quién se queda y apaga la luz? ¿Quién será el último en cerrar la puerta y pasar las llaves y darle las llaves a alguien? (Entrevistado 3).

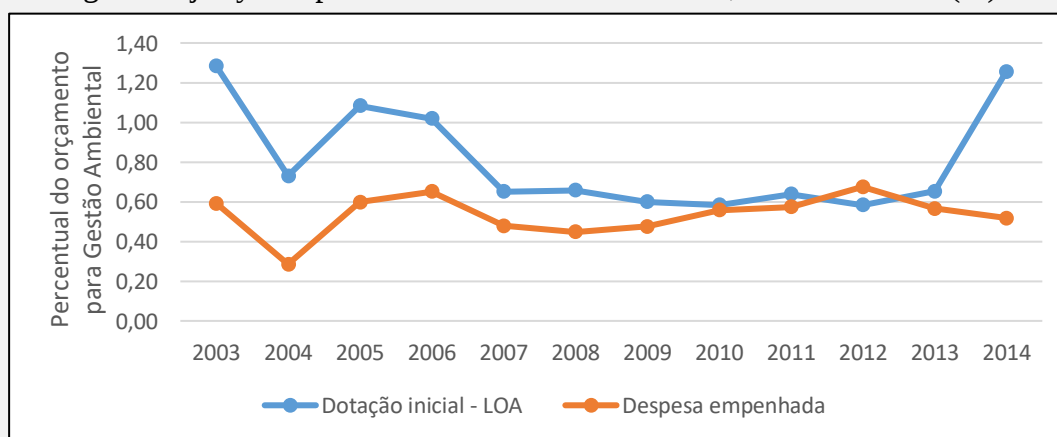
La falta de recursos humanos no es el único problema en la política ambiental de Paraná. Los encuestados también consideraron que los recursos financieros asignados al área ambiental eran insuficientes, a través del proceso presupuestario. "Quiero decir claramente, nunca, nunca tuve suficientes recursos para responder mínimamente al cuidado del medio ambiente en Paraná, nunca los tuve. En ningún momento, ni siquiera en los buenos tiempos, cuando el problema ambiental en Paraná se tomó más en serio, los fondos fueron suficientes" (Entrevistado 5).

Los gastos ambientales de Paraná, de 2003 a 2014, representan, en promedio, el 0,54% de los gastos totales comprometidos en el estado. El porcentaje más bajo comprometido con la función de Gestión Ambiental, en el período analizado, fue de 0.29%, en 2004, y el más alto, 0.68%, en 2012 (Figura 1). En 2004, sin embargo, hubo una concentración de gastos corrientes en el estado de Paraná en la función de Administración, lo que resultó en una disminución en los valores presupuestarios presentados para varias áreas, incluida la función de Gestión Ambiental. El segundo porcentaje más bajo atribuido al medio ambiente fue del 0,45%, en 2008. Entre el comienzo del análisis, en 2003, y el final, en 2014, hubo una reducción del 12,53% en el porcentaje asignado al medio ambiente. En el estado de Paraná. La función de Gestión Ambiental, en el período analizado, se encontraba entre las siete áreas que recibieron las contribuciones presupuestarias más bajas. Los recursos insuficientes se hicieron más evidentes con el aumento de las asignaciones de PIA en el período, como fue el caso,

sobre todo, con la implementación de la auditoría ambiental obligatoria desde 2005, en el gobierno de Requião.

La asignación inicial para la función de Gestión Ambiental, aprobada por la Asamblea Legislativa del Estado de Paraná (ALEP) a través de la Ley de Presupuesto Anual (Lei Orçamentária Anual – LOA), entre 2003 y 2014, representó en promedio el 0.81% del total de gastos fijos. Entre el valor aprobado por ALEP y el monto comprometido con la Gestión Ambiental, existe una diferencia significativa, en promedio, el 66.32% de lo aprobado fue comprometido (Figura 1). Solo en 2012 el presupuesto aprobado en la LOA cayó por debajo del monto comprometido. Se espera la revisión de los valores que se definen en el LOA debido a una recolección y contingencias inferiores a lo esperado. Sin embargo, el recorte promedio en el presupuesto estatal total fijado en la LOA para los comprometidos, durante los años analizados, fue de 7.04%, siendo el máximo de 12.62% en 2005. Los datos indican que el presupuesto para el medio ambiente en el estado de Paraná tiene recortes presupuestarios superiores al promedio, lo que indica la baja prioridad de esta área. Según el entrevistado 4, el área ambiental es una de las áreas preferidas para recortes presupuestarios. "[...] el presupuesto, en el área ambiental, tiene un propósito en el sentido de no tenerlo, pero es una prioridad cuando se trata de recortar". "Desafortunadamente, recortar la inversión en el medio ambiente a menudo da un muy buen equilibrio electoral". Estos cambios entre lo que se planea y lo que se publica realmente en el presupuesto socavan la política ambiental, generando una gran incertidumbre y una baja capacidad de planificación institucional, con el presupuesto asumiendo solo un carácter ceremonial. El escenario también sugiere la baja influencia política de la burocracia ambiental en el proceso presupuestario.

Figura 1: Participación del gasto de la función de Gestión Ambiental en el total de gastos fijos y comprometidos del estado de Paraná, de 2003 a 2014 (%)



En general, los recursos asignados al sector ambiental han sido reducidos, inestables e insuficientes. Aunque en términos absolutos el presupuesto para el área aumentó de R\$ 160,243,620 en 2003 a R\$ 238,905,708 en 2014, el presupuesto estatal completo en Paraná creció y el área ambiental no se mantuvo al día con este aumento. En términos relativos, valores porcentuales, hubo una caída del 12,53% en el presupuesto para la función de Gestión Ambiental entre 2003 y 2014, lo que indica la pérdida de importancia del sector en el presupuesto general. La insuficiencia de recursos se encontró, en vista de su complejidad inherente, en la evolución cuantitativa y en las demandas no satisfechas o mal atendidas. Luego, siguiendo la propuesta de Russel y Benson (2014), analizamos este marco presupuestario general a partir de tres categorías: partidismo, distancia y alternancia ideológica y preferencias públicas.

4.2. Partidismo

En las elecciones de 2002, 2006 y 2010, el estado de Paraná eligió un total de 257 candidatos, incluidos 5 senadores, 90 diputados federales y 162 diputados estatales. Los políticos elegidos se dividen en 17 partidos políticos. Entre el número total de candidatos elegidos, el 82% estaban afiliados a solo siete partidos (PMDB / MDB, PT, PSDB, DEM, PP, PPS / Ciudadanía, PDT)⁴. El Partido del Movimiento Democrático Brasileño (PMDB / MDB), junto con el Partido de los Trabajadores (PT) y el Partido de la Social Democracia Brasileña (PSDB) representan, en promedio, la mitad de los escaños políticos asumidos después de las elecciones de 2002, 2006 y 2010 .

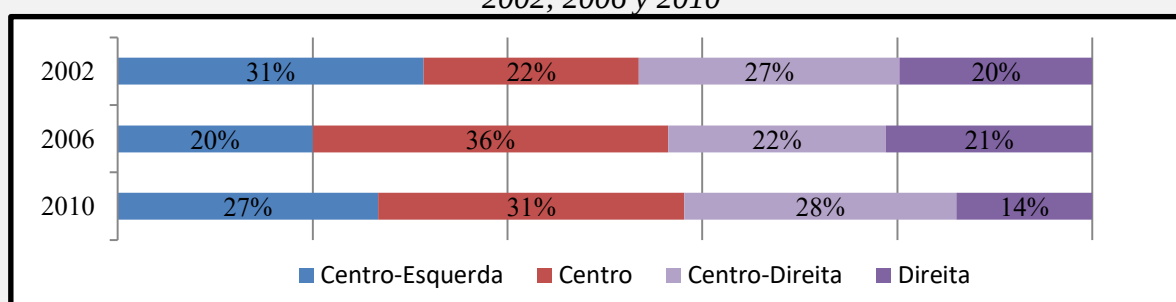
Tomando como referencia la clasificación de Tarouco y Madeira (2015), fue posible verificar que, en la agrupación por espectro político, no hubo representantes elegidos por los partidos de extrema izquierda e izquierda para el estado de Paraná en las elecciones de 2002, 2006 y 2010 (Figura 2) Teniendo en cuenta que los partidos de izquierda o de orientación socialista están históricamente vinculados a los movimientos ecológicos (Barros, 2015) y son más sensibles a estas demandas, el marco general para apoyar tales demandas es menos probable en el estado de Paraná.

En el análisis de los elegidos por espectro político, que se muestra en la figura 2, la derecha y la centroderecha tenían, en promedio, el 44% de los escaños

⁴ DEM - Demócratas; PP - Progresistas; y PDT- Partido Democrático Laborista en portugués: Partido Democrático Trabalhista.

parlamentarios a los que Paraná tiene derecho, seguidos por el centro (30%) y la centroizquierda (26%) El centro sumado a los partidos de centroderecha y derecha representaron el 74% de los parlamentarios del estado de 2003 a 2014, es decir, casi dos tercios. El grupo de Diputados Federales fue el que más tenía representantes a la derecha del espectro político, casi el 50%. Los datos confirman la tendencia conservadora del sistema político de Paraná y un entorno favorable a las posiciones antiambientalistas que repercuten en varias decisiones de los poderes legislativo y ejecutivo, incluidas las decisiones presupuestarias (Almeida, 2018).

Figura 2: *División global de funcionarios electos por espectro político, elecciones de 2002, 2006 y 2010*



Fuente: Oliveira (2016).

En el caso del estado de Paraná, las tendencias más conservadoras son ampliamente aceptadas en el escenario político e incluso los parlamentarios ubicados en centroizquierda del espectro terminan defendiendo ideas comúnmente asociadas con la derecha, como el apoyo a la libertad a expensas de la igualdad (Perissinotto & Braunert, 2007). Entre la élite del partido estatal (presidentes de partidos políticos) que se posicionaron como centroizquierda, predominó la defensa de ideas que priorizaban la libertad en relación con la igualdad y la no intervención del Estado en la economía (Braunert & Almeida, 2007), ilustrando el predominio del conservadurismo y el liberalismo económico característicos del estado.

Los diputados elegidos en el estado de Paraná tienen un fuerte vínculo con el sector agrícola. Paraná es un estado con una importante producción económica vinculada al agronegocio: con el 2.3% del territorio nacional, es el segundo mayor productor de granos del país (IBGE, 2019). "Entonces, si hace una política ambiental sostenible dentro del estado, tiene un fuerte impacto de rechazo por parte de los sectores agrícolas, que siempre quieren avanzar en áreas para producir, sin pensar en la sostenibilidad de la actividad económica" (Entrevistado 4). En el Congreso Nacional, Paraná fue el estado

que tuvo el mayor número de Diputados Federales en el banquillo ruralista en dos legislaciones consecutivas, 2006 y 2010 (Vigna, 2010). Las empresas vinculadas a la agroindustria fueron las principales financiadoras de campaña de los Diputados Federales de Paraná en 2010, aproximadamente el 39% de la recaudación provenía del sector (Gonçalves, 2010). Este es un escenario político desfavorable, en su mayor parte, con respecto a los problemas ambientales.

Otro aspecto que puede ayudar a comprender la influencia del partidismo en la política y el presupuesto ambiental del estado es cómo los partidos políticos incluyen temas en la agenda ambiental en sus programas de partidos. Barros (2015) clasificó la inserción de temas ambientales en el contenido ofrecido por las partes en sus sitios web. Los partidos que no abordan el tema ambiental en sus programas de partidos y aquellos con un perfil de desarrollo, que son los menos favorables a la agenda ambiental para poner el desarrollo económico a la vanguardia, suman 11 de los 17 partidos políticos con candidatos elegidos en Paraná entre 2002 y 2010. Estos subtítulos juntos eligieron al 63% de los 257 representantes de Paraná entre diputados y senadores. Este grupo también tiene los tres títulos más grandes del estado, PMDB / MDB, PT y PSDB (Barros, 2015; Oliveira, 2016).

En el caso del Poder Ejecutivo, dos partidos estaban al frente del gobierno estatal, el PMDB / MDB y el PSDB. El PMDB / MDB eligió al gobernador Roberto Requião de Mello e Silva en 2002 y en 2006. Este partido está posicionado en el centro del espectro político y su programa de partidos en relación con el tema ambiental es desarrollista, sin embargo, Requião, a diferencia de su partido, es reconocido por ser un político de centroizquierda y defensor del intervencionismo estatal (Lima, 2006), incluso en el sector medioambiental. El PSDB eligió a Carlos Alberto Richa como gobernador en 2010. La elección de Richa marcó el regreso al mando ejecutivo de las fuerzas e ideas conservadoras y neoliberales. El PSDB está posicionado en la centroderecha y no trata los problemas ambientales en su programa de partidos.

Como el estado de Paraná, en el período de 2003 a 2014, no estaba bajo la administración de un gobernante a la izquierda del espectro político, ni esta posición representaba a la mayoría entre los diputados estatales y federales, no es posible decir que la alineación del partido esté más alineada a la izquierda necesariamente ejercería una influencia favorable en el presupuesto ambiental. Sin embargo, es plausible suponer que, dados los datos sobre el gasto ambiental en el estado, la derecha y el grupo de políticos

que representan al estado, en su mayor parte, no han sido expertos en fortalecer las políticas ambientales, aún vistos como una amenaza para el crecimiento. (Almeida, 2018).

En Paraná, como en el estudio de Russel y Benson (2014), la alineación del partido político con el gobierno parece influir en la asignación de recursos al sector ambiental. Durante el período de análisis, los representantes elegidos en Paraná eran en su mayoría de partidos políticos de derecha y relativamente poco interesados en las políticas ambientales. El gasto en medio ambiente, por lo tanto, cayó, era inestable e insuficiente para satisfacer las nuevas demandas ambientales entre 2003 y 2014, además de sufrir importantes recortes. En general, se puede decir que, de acuerdo con las predicciones teóricas de Russel y Benson (2014), el gasto ambiental en el estado de Paraná sigue las preferencias de los partidos. Esto no quiere decir que solo el partidismo influye en la decisión sobre el gasto ambiental, ni es el factor más importante, sino que puede contribuir a la comprensión de las decisiones críticas sobre la política ambiental.

4.3. Distancia y alternancia ideológica

En Paraná, durante las elecciones que tuvieron lugar en el período que se examina, 14 coaliciones diferentes eligieron Diputados de Estado, seis se formaron en 2002 y cuatro en cada una de las siguientes elecciones, 2006 y 2010. Entre las coaliciones, solo dos (14%) poseían todos los partidos posicionados en el mismo eje que el espectro ideológico izquierda-derecha. La mitad de las coaliciones tienen partidos posicionados al menos a tres ejes de distancia en el espectro izquierda-derecha. Todavía el 36% de las coaliciones tienen partidos con al menos cuatro ejes de distancia, como, por ejemplo, la coalición formada en 2002 por PDT, PTB⁵, PTN / PODE, PPB / PP, PRP / Patriota y PTdoB / Avante, que tiene partidos desde el eje ideológico de centroizquierda hasta derecha.

Los datos indican que la Asamblea Legislativa de Paraná ha diversificado las coaliciones gubernamentales, lo que conduce a una mayor distancia ideológica entre los *veto players* del partido. Según Tsebelis y Chang (2004), cuando aumenta la distancia ideológica entre los *veto players*, la estabilidad política del gobierno también aumenta y se producen cambios menores en la estructura de los presupuestos. Las coaliciones

⁵ PTB- Partido Laborista Brasileño en portugués: Partido Trabalhista Brasileiro.

homogéneas tienen más probabilidades de realizar cambios significativos en el statu quo, ya que su distancia ideológica es menor y los *veto players* tienen más probabilidades de llegar a un consenso. Por lo tanto, el presupuesto ambiental de Paraná durante el período en que diversas coaliciones eligieron representantes no cambió significativamente. La distancia ideológica entre los representantes elegidos en el período puede ser una explicación para este escenario de pequeños cambios en el presupuesto ambiental de Paraná.

Otro aspecto es el gran vínculo entre los Diputados de Estado de Paraná y su base electoral. “[...] la legislatura en general, hoy, aunque hay apoyo, base, partidos de oposición, etc., están estrechamente vinculados a los municipios. Creo que hay pocos políticos vinculados a un estandarte ideológico” (Entrevistado 6). Al tratar de satisfacer demandas específicas, como las necesidades sociales y las demandas de los grupos de interés de los que dependen sus reelecciones, los diputados tienden a descuidar cuestiones más amplias y cuyos beneficiarios no se identifican fácilmente, como el medio ambiente. En vista de esto, las políticas ambientales terminan siendo pospuestas antes que políticas con resultados fáciles de materializar, medir y con un considerable retorno electoral (salud, seguridad, educación) (Oliveira, 2016). Además, como se indicó anteriormente, la heterogeneidad debe contrastarse con el mayor consenso entre los partidos en torno al modelo económico tradicional del estado y ser resistente a un mayor control estatal en el sector ambiental.

En cuanto al Poder Ejecutivo, en las coaliciones gubernamentales, los tres gobernadores elegidos en Paraná durante el período de análisis presentaron diferentes alianzas. En 2010, el candidato Carlos Alberto Richa (PSDB) fue elegido con una coalición compuesta por 14 partidos (PSDB, DEM, PSB⁶, PP, PPS / Ciudadanía, PTB, PMN, PHS, PTC, PSDC / DC⁷, PRP / Patriota, PTN / PODE, PSL y PRB / Republicanos). De estos partidos, 7% centroizquierda, 21% centro, 57% centroderecha y 14% derecha. La coalición de Richa estaba compuesta por partidos de toda la ideología de izquierda a derecha elegidos en Paraná en 2010.

En elecciones anteriores, el candidato Roberto Requião de Mello e Silva (PMDB / MDB) fue elegido sin coalición en 2002 y con una coalición compuesta por dos partidos (PMDB / MDB y PSC) en 2006. Cada partido pertenece a un espectro político (centro y

⁶ PSB - Partido Socialista Brasileño en portugués: Partido Socialista Brasileiro.

⁷ PSDC/DC - Democracia Cristiana en portugués: Democracia Cristã.

centroderecha). Esta composición podría haber favorecido más cambios en el presupuesto, lo que no ocurrió, a pesar de las diferencias evidentes y un mayor compromiso de los gobiernos de Roberto Requião con la política ambiental (Almeida, 2018).

Con respecto a la alternancia ideológica, considerando el período de análisis, fue en las elecciones de 2010 que hubo un cambio más significativo en el gobierno estatal, de Requião (PMDB / MDB) a Richa (PSDB). Sin embargo, el cambio de una parte central a una de centroderecha y de un perfil de desarrollo a uno que no se ocupa de cuestiones ambientales, no revela con mayor precisión el cambio significativo entre los dos gobiernos. Aunque hubo diferencias significativas con respecto al compromiso con la protección del medio ambiente y el papel del Estado en la preservación del medio ambiente, este cambio no fue lo suficientemente significativo como para reflejarse en el presupuesto ambiental del estado. El gobierno PMDB / MDB gastó, en promedio, el 0,54% del presupuesto estatal en medio ambiente, sin considerar el año 2004, y el PSDB, en el período de cuatro años, el 0,58%.

Aun así, el gobierno de Requião, según algunos entrevistados, estaba más preocupado por las políticas ambientales en comparación con el gobierno de Richa, que es de orientación neoliberal.

El PMDB [MDB], con Requião, estaba mucho más enfocado en causas ambientales que el gobierno de Beto Richa, no tengo dudas de que [...] me fue mucho más fácil informar al gobernador de los programas que tuvieron resultados mucho más positivo que con Beto Richa, con Beto Richa, [...] no toqué nada en absoluto (Entrevistado 1).

Richa no renovó el acuerdo entre IAP y el Batallón de Policía Ambiental de Paraná (Fuerza Verde) llevado a cabo por Requião, reduciendo drásticamente la capacidad de inspección ambiental (Brembatti, 2015). Además, en 2012 el gobierno de Richa intentó extinguir el Batallón de la Policía Ambiental. En 2014, un proyecto escrito por los diputados de su base de apoyo en ALEP, representantes del sector industrial y la agroindustria, revocó la Ley de Auditoría Ambiental Obligatoria (Ley n° 13.448/02) y los artículos 7° y 63° de la Ley n° 11.054/95, que establece la Ley Forestal del Estado, sin presentar sustitutos. Como resultado, se extinguió el instrumento de control ambiental más completo del estado, implementado durante la gestión de Requião.

Así como la legislación ambiental es insuficiente sin la financiación necesaria para lograr los objetivos establecidos, el gasto ambiental sin el compromiso del gobierno

de hacer cumplir la regulación ambiental es insuficiente para la efectividad de las políticas ambientales (Bacot & Dawes, 1997; Daley & Garand, 2005; Lombard, 1993).

A diferencia del análisis realizado por Russel y Benson (2014) de los EE. UU., En el que hubo un "abismo" ideológico (gran alternancia ideológica) entre los jefes del Ejecutivo con repercusiones significativas en el presupuesto ambiental, en Paraná, a pesar de un "abismo" casi ideológica entre los gobiernos de Requião y Richa, no completamente capturada en el espectro político y en el perfil del partido, esta alternancia no tuvo impacto en el gasto ambiental. (Russel & Benson, 2014; Tsebelis & Chang, 2004). El análisis ideológico de los *veto players* en Paraná mostró que había una gran distancia ideológica entre ellos y que no había una alternancia significativa entre los gobiernos y las relaciones de fuerzas en el Poder Legislativo hasta el punto de contribuir a cambios significativos y continuos en la política y el presupuesto ambiental del estado. Por el contrario, a partir de 2010, la política ambiental comenzó a sufrir importantes retrocesos que profundizaron su desmantelamiento (Gallassi, 2018).

4.4. Preferencias públicas

Esta sección busca presentar cómo la opinión pública ve el medio ambiente en Paraná. En las democracias, las preferencias de los votantes favorecen la asignación de recursos para ciertas políticas (Russel & Benson, 2014). La Confederación Nacional de la Industria de Brasil (CNI) (2014) realizó una encuesta de opinión nacional en colaboración con el Instituto Brasileño de Opinión Pública y Estadísticas (IBOPE) con el objetivo de identificar los problemas y prioridades de Brasil para 2014. En esta encuesta la salud fue identificada por la mayoría de los encuestados (58%) como el principal problema en Brasil, seguido por seguridad pública (39%), drogas (33%), educación (31%) y corrupción (27%). El entorno fue destacado por solo el 2% de los encuestados, ocupando la posición 23ª entre los problemas más relevantes en Brasil. Con respecto a las prioridades definidas por los brasileños para las acciones y políticas del gobierno federal, "promover políticas para proteger el medio ambiente" ocupó el puesto 20ª en la lista con 22 opciones, señaladas por solo el 2% de los entrevistados.

La gente de Paraná entrevistada en la encuesta de la CNI también señaló los mismos cinco puntos señalados por la mayoría de los encuestados (salud, seguridad pública, drogas, educación y corrupción) como los principales problemas en Brasil y su estado. El medio ambiente, por otro lado, ocupó el puesto 25ª en términos de problemas

en Brasil y el 22^a en términos de problemas en el estado (CNI, 2014). En otras encuestas de opinión pública realizadas en Paraná en 2009, 2010 y 2011, el medio ambiente no aparece entre las opciones elegidas (Félix, 2010; Olinda, 2010; Marés, 2012).

Las entrevistas con empleados de las instituciones ambientales de Paraná corroboran los datos de las encuestas de opinión y fortalecen el argumento de que el área ambiental no es priorizada por la población y, en consecuencia, por sus representantes políticos. Los siguientes extractos de las entrevistas muestran cómo la población tiene en cuenta el medio ambiente: “Tendremos que limpiar los ríos, pero puede hacerse más tarde. ¿Qué no se puede hacer después? El puesto de salud, la UTI, la ambulancia deteriorada. Entonces, estas prioridades y respuestas más rápidas para la sociedad, que son más notables, tienen preferencia en el presupuesto en relación con el área ambiental” (Entrevistado 4); “Objetivamente, esa opinión pública no presiona por más recursos en esta área [medio ambiente], no lo hace. Las demandas que sentimos aquí sobre la presión de la opinión pública para gastar en áreas es lo que dije: educación superior, educación básica, seguridad pública y básicamente gastos de personal en general” (Entrevistado 6).

Las encuestas y entrevistas presentadas anteriormente muestran que, según Paraná, el medio ambiente no se encuentra entre los principales problemas en ningún nivel de gobierno (federal, estatal y municipal). Aunque no hay datos sobre la opinión pública de Paraná para cubrir todo el período de investigación, se puede deducir de estas encuestas que la situación del estado a principios de la década del 2000 posiblemente no era muy diferente de la encontrada en los períodos posteriores.

Las preferencias públicas influyen en las prioridades del gobierno, por lo que los mismos elementos que aparecieron en la parte superior de las clasificaciones anteriores son los privilegiados en la agenda política y el presupuesto público. Sin embargo, una pregunta importante que debe plantearse es cómo se forman estas preferencias. No hay duda de que temas urgentes como salud, empleo, seguridad y educación tienden a ser priorizados en el presupuesto, especialmente en países con tanta desigualdad y miseria como Brasil. Pero esta baja prioridad también se construye por la amplia difusión de los discursos de sostenibilidad del mercado que nos llevan a creer que ya habríamos logrado una calidad ambiental deseada o que estaríamos en camino, además de la gran falta de información ambiental que deberían ser producidas y publicitadas por instituciones que están desechadas. (Layrargues, 2017). Las características de los problemas ambientales hacen que sea difícil insertarlos entre las preferencias del público (Borinelli, 2011), pero

un análisis más cuidadoso también debe considerar cómo se construyen estas preferencias y quién y cómo se benefician del ambientalismo superficial.

5. Consideraciones finales

En Paraná, los partidos políticos, en el período analizado, se encontraban principalmente entre el centro y la derecha del espectro político y son desarrollistas o no abordan cuestiones ambientales en sus programas de partidos. Ningún partido de izquierda o de extrema izquierda pudo elegir representantes para el puesto de Diputado o Senador de Paraná en el período de 2002 a 2010. Cerca de la mitad de los representantes elegidos se distribuyen en tres partidos políticos, PMDB / MDB, PT y PSDB. Las coaliciones formadas por los *veto players* institucionales del estado eran ideológicamente distantes al ser analizados por espectro político, lo que dificultaba los cambios deliberados en las estructuras presupuestarias. Los partidos políticos de las coaliciones gubernamentales, *veto players* partidarios, tenían una distancia ideológica mucho mayor en las elecciones que eligieron a Carlos Alberto Richa (2010) que en las que eligieron a Roberto Requião de Mello e Silva (2002 y 2006). La alternancia ideológica entre gobiernos no fue lo suficientemente significativa como para reflejarse en el presupuesto ambiental del estado. Las preferencias públicas en el estado de Paraná se centraron prioritariamente en las áreas de salud, educación y seguridad pública. Estas áreas se encuentran entre las que recibieron el mayor porcentaje del presupuesto estatal durante el período de análisis.

La expresiva representación del sector agrícola en la economía y la política del estado, con su influencia en el proceso electoral, es un elemento importante para comprender la dinámica de los partidos en el estado y las preferencias presupuestarias. A partir de los datos, se puede decir que el marco descrito en el período analizado no fue el más favorable para los gastos ambientales, que fueron en declive, inestables e insuficientes para satisfacer las demandas ambientales en el período de análisis. El carácter restrictivo de muchas políticas ambientales para el crecimiento económico y el aumento de los costos para los sectores productivos y también para el Estado debe considerarse para concluir que la política ambiental a menudo es tratada por actores con gran poder de veto como un área no solo de baja prioridad, sino como una antiprioridad. Por lo tanto, el presupuesto puede ilustrar el esfuerzo político para mantener un marco mínimo de política ambiental para fines de legitimación, que, aunque controvertido, varía

en términos de los efectos producidos por los gobernantes y evidentemente insuficiente para promover la calidad ambiental legalmente definida, atiende las expectativas generales de actores más poderosos.

La gran fluidez y la baja adherencia al contenido del programa de los partidos en Brasil son dos grandes complicaciones en el estudio de la influencia de los partidos y las ideologías en el proceso político y en la conducta de la administración pública. Se podría hacer una contribución importante para una mejor comprensión del tema con una nueva investigación que incluyera otros factores señalados en la literatura, como la posición personal / historia personal de los políticos y de los gobernantes, la naturaleza concreta de las alianzas y la posición de los partidos y los gastos en funciones / programas específicos. Se podrían hacer otras contribuciones mediante estudios comparativos y, ampliando el enfoque analítico de Russel y Benson (2014), abordando el papel del Estado en la política ambiental.

El uso de los gastos y del proceso presupuestario en estudios cualitativos puede hacer una contribución importante a enfoques más completos y contextualizados sobre aspectos críticos de la implementación de políticas públicas. Además de las dimensiones contables, financieras, económicas y legales, el proceso presupuestario es una síntesis de las relaciones de fuerzas, convergencias, negociaciones y confrontaciones de valores, ideologías e intereses en torno a la asignación de los escasos recursos de poder del fondo público. Por lo tanto, es un proceso político con gran implicación sobre lo que el Estado va a hacer o no, cuánto y para quién, es decir, expresa elementos importantes de selectividad estatal. El proceso presupuestario no explica en sí mismo todo el proceso político, pero puede ser un recurso importante para comprender cómo se decide la asignación de los recursos de poder a la política ambiental y, de lo contrario, cómo se produce y legitima una "política antiambiental". Por lo tanto, puede ser un instrumento para el seguimiento y la evaluación social de la política ambiental, con el objetivo de alentar iniciativas de mayor esfuerzo académico y social para supervisar el gasto ambiental y una mayor participación en la promoción de la sostenibilidad y la gestión ambiental.

Referências

Almeida, D. C. de. (2018). *Barrando e Afrouxando o Controle Ambiental: Seletividade Política no Processo Legislativo Ambiental no Estado do Paraná*. Universidade Estadual de Londrina.

Bacot, A. H., & Dawes, R. A. (1997). State expenditures and policy outcomes in environmental program management. *Policy Studies Journal*. <https://doi.org/10.1111/j.1541-0072.1997.tb00027.x>

Barros, A. T. de. (2015). Política partidária e meio ambiente: A adesão dos partidos políticos brasileiros à agenda verde. *Opinio Publica*. <https://doi.org/10.1590/1807-01912015213693>

Borinelli, B. (2011). As características dos problemas ambientais e suas implicações para a política ambiental. *Serviço Social Em Revista*, 13(2), 63–84.

Borinelli, B., Tridapalli, J. P., Campos, M. de F. S. de S., & Castro, C. de. (2011). Gastos públicos em Meio Ambiente no Estado do Paraná: uma análise exploratória para o período 2002 a 2009. *Revista de Políticas Públicas*.

Braunert, M. B., & Almeida, B. G. M. (2007). Partido e posição ideológica: os valores políticos da elite partidária paranaense (1995-2002). In *Quem governa? Um estudo das elites políticas do Paraná*. Curitiba: Editora da UFPR.

Brembatti, K. (2015). Falta de convênio entre IAP e Força Verde prejudica fiscalização ambiental. *Gazeta Do Povo*.

Comissão Econômica para a América Latina e o Caribe - Cepal (2015). *Guía metodológica: Medición del gasto en protección ambiental del gobierno general*.

Confederação Nacional da Indústria. (2014). Retratos da sociedade brasileira: problemas e prioridades do Brasil para 2014. *CNI*.

Daley, D. M., & Garand, J. C. (2005). Horizontal diffusion, vertical diffusion, and internal pressure in state environmental policymaking, 1989-1998. *American Politics Research*. <https://doi.org/10.1177/1532673X04273416>

Duit, A., Feindt, P. H., & Meadowcroft, J. (2016). Greening Leviathan: the rise of the environmental state? *Environmental Politics*. <https://doi.org/10.1080/09644016.2015.1085218>

Félix, R. (2010). Sustentabilidade, o sonho possível. *Gazeta Do Povo*.

Gallassi, J. N. (2018). *O desmantelamento como estratégia: a desregulamentação ambiental no estado do Paraná (2010 – 2017)*. Universidade Estadual de Londrina.

Gonçalves, A. (2010). Quem bancou a bancada. *Gazeta Do Povo*.

Guandalini, N. N. (2016). *Determinantes do gasto ambiental dos estados no Brasil: uma análise do período 2002-2012*. Universidade Estadual de Londrina.

Instituto brasileiro de geografia e estatística - IBGE. (2019). Portal do IBGE. Retrieved June 27, 2019, from <https://www.ibge.gov.br/>

Ipardes. (2010). Nota técnica IPARDES: dinâmica ambiental do estado do Paraná. Curitiba: Instituto Paranaense de Desenvolvimento Econômico e Social - Ipardes.

Kraft, M. E. (2011). *Environmental policy and politics* (5th ed.). New York: Pearson.

Layrargues, P. P. (2017). Antiecológismo no Brasil: reflexões ecopolíticas sobre o modelo do desenvolvimentismo extrativista-predatório e a desregulação ambiental-pública. In M. M. D. de Oliveira, M. Mendes, C. M. Hansel, & S. Damiani (Eds.), *Cidadania, meio ambiente e sustentabilidade* (pp. 325–356). Caxias do Sul: Educs.

Lima, E. P. S. (2006). O neoliberalismo no Paraná: um resgate histórico. *Revista de História Regional*, 11(1), 109-124.

Lombard, E. N. (1993). Determinants of State Air-Quality Management: A Comparative Analysis. *The American Review of Public Administration*, 23(1), 57–73.

Marés, C. (2012). Saúde e segurança são os grandes problemas do interior do PR. *Gazeta Do Povo*.

Neves, E. M. S. C. (2006). *A política ambiental e os municípios brasileiros*. Universidade Federal Rural do Rio de Janeiro.

Newmark, A. J., & Witko, C. (2007). Pollution, politics, and preferences for environmental spending in the states. *Review of Policy Research*. <https://doi.org/10.1111/j.1541-1338.2007.00284.x>

Olinda, C. (2010). Para curitibanos, corrupção é um dos maiores problemas do Paraná. *Gazeta Do Povo*.

Oliveira, J. E. de. (2016). *Gasto ambiental no estado do Paraná: um estudo sobre a influência de fatores políticos no ciclo orçamentário*. Universidade Estadual de Londrina.

Perissinotto, R. M., & Braunert, M. B. (2007). A direita, a esquerda e a democracia: os valores políticos dos parlamentares paranaenses (1995- 2002). In *Quem governa? Um estudo das elites políticas do Paraná*. Curitiba: Editora da UFPR.

Russel, D., & Benson, D. (2014). Green budgeting in an age of austerity: a transatlantic comparative perspective. *Environmental Politics*. <https://doi.org/10.1080/09644016.2013.775727>

Silva, E. F., Juras, I. da A. G. M., & Souza, S. M. de. (2013). A política de meio ambiente como ela é. In *O Processo Legislativo, o Orçamento Público e a Casa Legislativa* (pp. 127–213). Brasília: Edições Câmara.

Sindicato Estadual dos Servidores Públicos da Agricultura, Meio Ambiente, Fundepar e Afins (2015, July 5). Meio ambiente na UTI. *Jornal Do SINDISEAB*. Recuperado de http://www.sindiseab.org.br/uploads/jornal/jornal_222_web.pdf

Tarouco, G. D. S., & Madeira, R. M. (2015). Os partidos brasileiros segundo seus estudiosos: análise de um expert survey. *Civitas - Revista de Ciências Sociais*. <https://doi.org/10.15448/1984-7289.2015.1.18077>




Tarouco, G. da S., & Madeira, R. M. (2013). Partidos, programas e o debate sobre esquerda e direita no brasil. *Revista de Sociologia e Política*. <https://doi.org/10.1590/S0104-44782013000100011>

Tsebelis, G., & Chang, E. C. C. (2004). Veto players and the structure of budgets in advanced industrialized countries. *European Journal of Political Research*. <https://doi.org/10.1111/j.1475-6765.2004.00161.x>

Vigna, E. (2010). Sobrevivência da velha Bancada Ruralista é de 51,2%. *Instituto de Estudos Socioeconômicos*.

The Organization of Associativism in the Cities of Natal and Mossoró (RN)¹

A Organização do Associativismo nas Cidades de Natal e Mossoró (RN)

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Abstract: The aim of this study is to analyze the organization of associations in the two largest cities of Rio Grande do Norte - Natal and Mossoró in Brazil, observing their origin and development taking into account each local context. Methodologically, data from the Map of organizations and civil society (Ipea, 2018) were used, which were categorized based on the typology of Luchmann (2016). The first step was to carry out a mapping of associations in both cities, identifying the most socially organized neighborhoods. Then, as fundamental elements to understand the local political culture, it is pointed out how the associations and the respective areas of activity are organized based on the selected typology.

Keywords: Associativism; Civil Society Organizations; Political Culture.

Resumo: O artigo objetiva analisar a organização do associativismo nas duas maiores cidades do Rio Grande do Norte - Natal e Mossoró, observando sua origem e desenvolvimento a partir de cada contexto local. Metodologicamente, foram utilizados dados do Mapa das organizações e da sociedade civil (Ipea, 2018), os quais foram categorizados a partir da tipologia de Luchmann (2016). O primeiro passo foi a realização de um mapeamento das associações nas duas cidades, identificando-se os bairros mais organizados socialmente. Em seguida, como elementos fundamentais para entender a cultura política local, aponta-se como estão organizadas as associações e as respectivas áreas de atuação a partir da tipologia selecionada.

Palavras-chave: Associativismo; Organizações da Sociedade Civil; Cultura Política.

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1. Introduction

Citizen participation has been seen as something indispensable in the exercise of citizenship. This relationship has been studied too much in recent years. It was believed that the act of participating was the founding pillar in the process of formulating and implementing public policies. The perspective was to foster a democratic culture in Brazilian public spaces, allowing for a plurality of visions, transparency, and recognition of rights.

Even in a political culture marked by vertical forms of political organization, resulting from a process of socio-historical formation built on the basis of bossism, clientelism, physiologism and corruption, advances about perception of participation in the consolidation of Brazilian democracy are undeniable. Authors argue that “social participation has been one of the stars of Brazilian democratization” (Avritzer, 2016; Dagnino, 2002).

Democracy in its broadest ideals requires active citizens who exercise political and social rights through participation, whether through collective or individual actions, support or pressure. When these actions grow in scope, depth and social development, they embody the principle of participation as learning, as it enables the individual in attitudes of cooperation and political commitment. Involvement and participation in microspheres of social life expands one’s ability to perceive the political sphere. This means that it fosters essential functions for the maintenance of a democratic political culture (Pateman, 1992).

These participation channels can be associations that: “are spaces or instruments that qualify the participation of individuals as citizens, a true democratic essence. Associations provide information, contribute to the creation of spaces for participation, empower individuals for a more active and qualified performance with participatory institutions” (Lüchmann, 2016, p.33-34).

Associative vibrancy is one of the main premises of vital democracy and effective civic engagement. The willingness to participate in associations instills in its member’s relationships based on reciprocity, trust, public spirit, and political participation. Furthermore, it encourages actions that aim to be part or take part in something, in an attempt to assert itself in front of someone, overcome someone, solve a problem or postulate the possession of goods and rights, changing their distribution.

Participatory practice fuels the civic commitment of society by projecting the individual as a subject who bears values, interests, aspirations, and rights: thus building a citizen identity, as well as citizen habits and values. It is a way of selecting or influencing governments, of exercising political and social rights, of support or pressure. In addition, it contributes to the effectiveness and stability of a democratic government.

Recognizing the importance of associations, this study aims to analyze the organization of associations in the two largest cities in Rio Grande do Norte - Natal and Mossoró, observing their origin and development taking into account each local context. Methodologically, data from the Map of organizations and civil society (Ipea, 2018) were used, which were categorized based on the typology of Luchmann (2016). The first step was to carry out a mapping of the associations in the two cities, showing the foundation period, as well as the areas in which they operate, from the Ipea bank.

It is important to highlight the difficulties and limits in obtaining data on associativism in the database used. Associations are broadly classified by the on the database, allowing organizations with different roles and missions to coexist within the same area. Therefore, it is important to recognize the complex nature of the chosen object.

Thus, understanding that the categorization presented by Ipea does not reveal the specificities of social organizations, we feel the need to approach such categorization using Luchmann's typology, which divides organizations into: 1) community and assistance associations; 2) economic and professional associations; 3) cultural, sports and leisure associations; 4) new social movements; 5) academic and research associations; 6) others (specific or unspecified causes). The work also tried to identify the most socially organized neighborhoods, then, trying to verify how they are organized and which are their areas of activity, fundamental elements to understand the local political culture.

Data collection was organized with the following dynamics: a) name of associations, date of foundation, address, area of activity classified by Ipea. These data were complemented with information collected on the website of the Map of Civil Society Organizations (CSOs), with data from CSOs throughout Brazil; b) Categorization based on Luchmann's typology (2016): community/welfare associations: community, educational and health-related associations; groups linked to mutual aid, philanthropy and assistance, groups linked to religion and religiosity; identity / new associativism: ethnic and cultural minority groups, environmental and ecological associations, associations linked to women's causes; human rights and citizenship groups; economic and

professional defense associativism: unions, employers' or business associations; Professional Associations; associativism linked to culture: cultural associations.

Community associations were highlighted in our analysis, as we understand that they are an important segment in the organizational history of the two cities.

The relevance of the study is to understand the diversity of associations that work in both cities and their role in local political culture. For future studies, we verified the need to create a new typology to contemplate the complexity and particularities of the associations worked in the research.

From a theoretical perspective, the research will be anchored in the discussions on participation, political culture and social capital.

2. Participation, associativism and social capital

The creation of participatory spaces, community movements, associations, councils, parties, trade unions, political and religious meetings are important in the consolidation of more democratic societies (Gohn, 2001; Putnam, 2006; Lüchmann, 2016; Dagnino, 2002; Avritzer, 2016), because in addition to being spaces of stimulus to collective coexistence, they are also promoters of the empowerment that these spaces develop in strengthening the struggle against the governmental agenda and social control in relation to the spheres of power.

Trust, cooperation, civic engagement can appear as virtues caused by participation in the public spirit, as well as a way of facing the demands of excluded groups or on the margins of the political process. Drawing upon Putnam's (2006) perspective, the difference of a civic or non-civic community relies in the fact that the citizens of the former are collectively involved in the public spirit, which directly reflects in the management of public policies. In less civic scenarios, citizens are passive to political dynamics.

Feeling freedom and identity in these associations allows the creation of the pedagogical learning promoted by participation, reorienting individualistic choices and positions to collective and public aspects (Putnam, 1992; Lüchmann, 2016). There is no completed and consolidated process of participation, because the understanding is that it must be conquered constantly. It is a project of democratic continuum, which should not be seen as a gift, concession and something preexisting (Demo, 1996)

However, it is relevant to point out that the degree of participation depends, above all, on the level of social capital of a society. Using Putnam's (2006) theoretical-

methodological concept, he understands social capital as a set of elements of social organization, such as networks, norms, and social trust, which facilitate coordination and cooperation for the collective benefit. In other words, the social capital says respect the characteristics of the social organization, as confidence, norms and systems, that contribute to increase the efficiency of the society, facilitating the coordinate actions. The accumulation of social capital encourages participation in the process and maintenance of voluntary, state and interpersonal networks that form the civic community. Thus, there is the thesis that a society's civic culture can act positively on institutions and society as a whole. In other words, social capital has become a good indicator of the democracy of a country, region and locality

One of the elements considered important for Putnam (2006) regarding the quantum of social capital of a society is the level of associativism. The author believes that the high density of associations and the existence of reciprocal social relations are important elements for a latent democracy and an effective civic engagement. Participating in associations awakens in its members values that contribute to the effectiveness and stability of a democratic government. In other words, the direct benefits of participating in associations go beyond the nature and purposes of the organization itself, expanding to broader social and political objectives.

According to the Tocquevillian framework, associations can be understood as a voluntary union of individuals who form non-profit civil associations, in order to seek better visibility for their struggles. In this sense, for Lüchmann (2016, p. 50):

[...] associations are the central actors of civil society and responsible for publicizing and problematizing social demands and problems. Associations and social movements promote democratic legitimacy by feeding the debates and measures taken by political institutions and they trigger political engagement and activism, exercising activities of a propositional or contesting basis, problematizing power relations and social injustices.

Despite being created by varied interests and objectives, associations tend to mobilize, inform and engage individuals from socially vulnerable places. They exert pressure for social and political changes, adding individuals who never had the opportunity to participate actively in favor of their struggles. For Lüchmann (2016), associations are spaces that help management to deal with the range of complex social problems.

In Brazil in the 1970s and 1980s, the first community-based associations emerged in large urban centers, attributed mainly by popular housing estates. The need was anchored in the collective search for basic infrastructure for the newly built housing units, acting in the search for water, school, paving, transportation and health.

These forms of organization are expanding their scope of social struggles as well as the idea of rights, empowering the discourse in favor of citizenship. Society moves from peaceful and bureaucratic forms of mobilization to act more openly towards the State. Most of these associations were created from the mobilization organized by the church, as a result of the restructuring of the left-wing in the country (Avritzer, 2016).

Even recognizing the particularities in configuration, proposals, and objectives, the associations tend to publicize problems with the public power, demand public policies, mediate conflicts and promote struggles in favor of marginalized groups. However, the context to which they belong will be important in the perspective of outlining their field of action. Therefore, scholars of the theme, reiterate the need to analyze these spaces and what responses they generate in the places where they are inserted.

By political culture, Diamond (1993, p.8) claims to be a “[...] set of beliefs, attitudes, values, ideals, feelings, and valuations that predominate among citizens, regarding the political system of their country and the role they play in that system”. Democratic institutions influence the quality and level of local political culture.

Still, for the author, the legitimacy of democracy is achieved provided that civic values are universalized, through habit and routine, to the point that the actors have internalized the rules of the democratic game even if intuitively, which further reinforces the importance of associations for political culture. The apprehension of a society's political culture necessarily passes through its history, the way of life of its people, the dominant cultural standards and, above all, the political experience of the members of the civic community. We recognize that part of the answers can be found in the struggles, changes and goals of the associations.

3. Mossoró: associativism and local political culture

Mossoró is a city located in the west of Rio Grande do Norte, and according to the population count of IBGE (2019) the city has about 294.076 inhabitants, of which 90% of the population is concentrated in its urban area. It is located between two capitals,

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Natal and Fortaleza, that are connected by BR-304. Mossoró is one of the main cities in the northeastern interior, resulting in intense growth, both economical and infrastructural. Growth that is stimulated by salt and petroleum industry, making the city one of the largest producer in both areas around the country (Rocha, 2005). The city also concentrates a considerable resource on the communication system. In addition to newspapers and magazines, there are cable and open TV channels that cover the region.

However, the city is constantly highlighted by its political trajectory. The history of local political culture in Mossoró is intertwined with that of the Northeast region as a whole, since the elements of patrimonialism, bossism, clientelism and coronelismo (Brazilian term used to refer to the rural oligarchies headed by rich landowners) are mixed in the socio-political and economic aspects of the city. It is almost impossible to speak of these perspectives without referring to local oligarchic families, which reproduce their elements in the economic, local, educational, cultural and public spaces as a whole, strategic means for the perpetuation of their power (Lemuel, 2004, 2001; Lucas, 2001).

The city does not have a solidified social organization in its history, it does not have a great tradition in social movements. Political relations in the city have always been marked by verticalism and centralization of power and a situation of alienation from the population in relation to ways of solving the city's problems (Nascimento, 2009). The traditional Rosado family disseminates its legacy in the most different spaces of the city. "The Rosados used universities, literary collections (Mossoroense Collection), civic parties and even the urban space as a strategy to consolidate their political strength" (Nascimento, 2009, p.63).

Silva (2004 apud Nascimento, 2009) shows that the oligarchization of power in Mossoró occurs between the Old Republic and the implantation of the Estado Novo (dictatorial period in Brazil during the rule of President Getúlio Vargas) due, mainly, to two factors: the good financial situation acquired with the successful businesses, mainly of the gypsum and the image of men prepared for politics, built from this business success (Felipe, 2001).

The very dynamics caused by agro-industrial activities made it possible to offer services that were fundamental for the perpetuation of political clientelism that is not concentrated in rural but in urban strongholds. This domain is spreading strongly to this day, and even with the process of urbanization and modernization of the city, the opposition movements have shown themselves to be incipient in an attempt to minimize

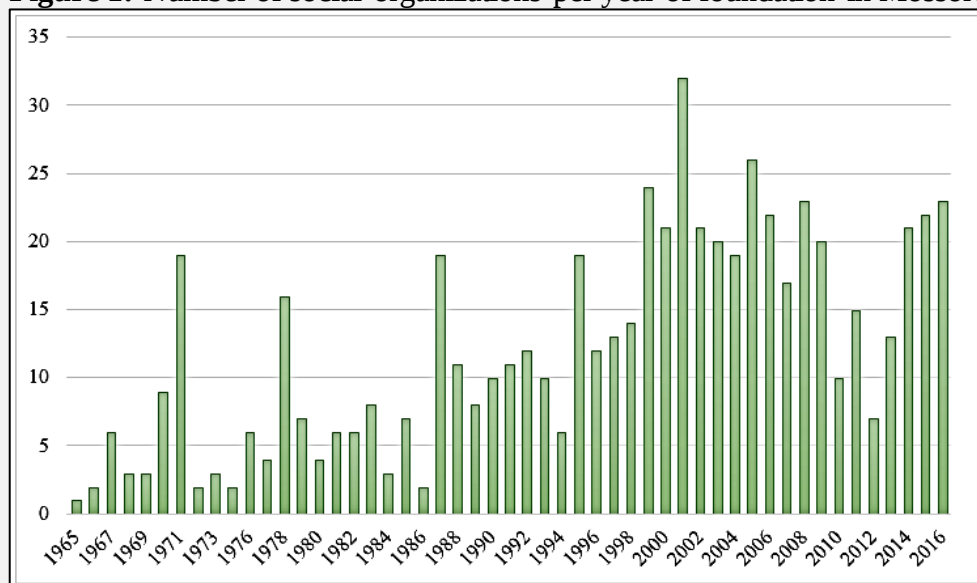
the powers of local oligarchies (Lucas, 2001; Felipe, 2001). Proof of this is the fact that the family in question has already traveled through almost all political positions: senate, state and municipal executive, in addition to the federal, state, municipal legislature.

The forms of local political organizations did not prove to be a strong alternative to local politics (Nascimento, 2009). The struggles of neighborhoods in the city, for example, accompanied the city's expansion process, mainly seeking improvements in basic urban infrastructure, but which was linked to clientelism in relation to the Rosado family (Queiroz, 2012, 2017).

The very emergence of local organizations in the city points to years when there was an intense mobilization orchestrated by the State itself. They were actions with the discourse of participation, but with the same political practices, this because the little expressiveness of new social movements in the region and the civil social fragility allowed political actors that dominated during the military regime to remain in power (Costa, 1996 apud Nascimento, 2009). The very approximation between government and participatory channels provided in the 1988 Constitution was not sufficient to delegitimize the political power of the Rosado family (Lima, 2006). Quite the contrary, the family has resigified itself (Costa, 1996).

So as to verify when the greatest mobilization took place in the city, the figure 01 shows the foundation of associations over the years, according to the data provided by the “Map of organizations and civil society” (Ipea, 2018):

Figure 1: Number of social organizations per year of foundation in Mossoró



Source: CNPJ/SRF/MF 2016, OSC Representative, RAIS/MTE, OSCIP/MJ.

The data show that, in Mossoró, there was no constant growth in the number of associations, which portrayed a political culture of engagement, but they reveal peaks in certain years, mainly at the beginning of each decade. In Mossoró, of the 620 organizations identified, 19 emerged in 1971. Of these, 18 were linked to churches, but, before that, from 1965 to 1970, there were only 24, of these, 13 were linked directly or indirectly to religious organizations. In 1978, the city also experienced considerable growth (16), but 11 also linked to churches, and in the previous year, there were only 4. In 1985, only one neighborhood organization was created, but from 1986 to 1990, 14 new organizations were created, either in the configuration of councils or neighborhood associations. From the 1990s onwards, with the change in the organizations' situation, since the emergence of NGOs, the area of activities related to the defense of social rights has been highlighted.

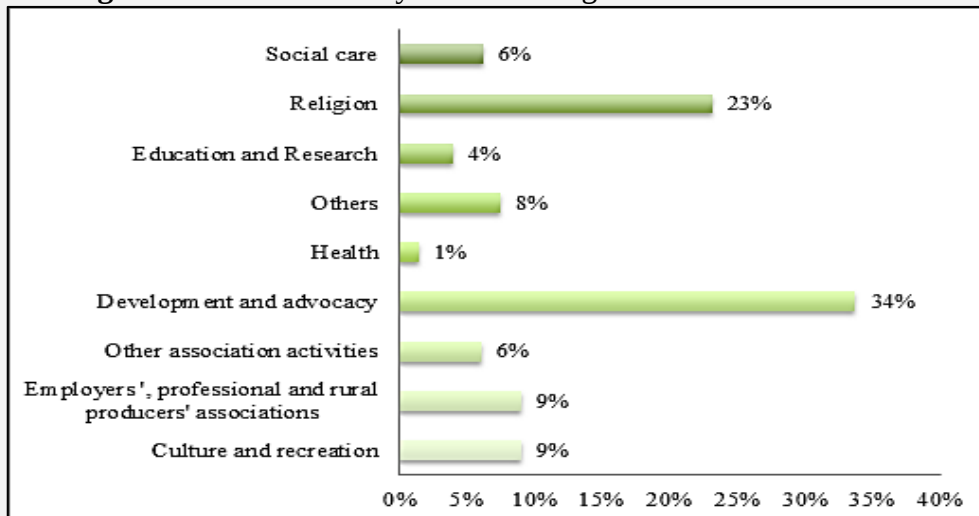
The data show that discussions concerning the Brazilian political opening process were important to enable the emergence of organizations, as well as the expansion of housing estates. "Studies seek to present different phases in the trajectory (historical and theoretical) of collective actions in the country, highlighting an increase - and pluralization - of associative practices from the 1970s and, especially, in the 1980s" (Lüchmann, 2016, p.16).

The data also demonstrates that redemocratization was an important scenario for associations. Recently, the institutionalization of politics has given a new guise to the organizational movement in the country. The growth in participation reached its main highest level in the early 2000s, when the PT government (acronym given to a Brazilian political party called the workers' party) introduced in its government priorities the agenda of participation and political openness of its government to a series of demands from social movements, which in addition to the classic agendas health, assistance and housing, debates on human and women's rights were added. In this regard: "Thus, with regard to participation in the Lula and Dilma Rousseff governments, we can safely say that their mechanisms were used more by both governments than in the previous ones, especially in the area of public policies" (Avritzer, 2016, p.60).

As we can see in the figure 02, on the types of organizations that operate in the city of Mossoró, 34% of the entities working in Development and defense of rights and 23% linked to religion were identified. It is also noteworthy the influence of organizations

with a religious configuration, whose notoriety precedes the period of redemocratization, since, historically, it has always been a field of social participation in the country.

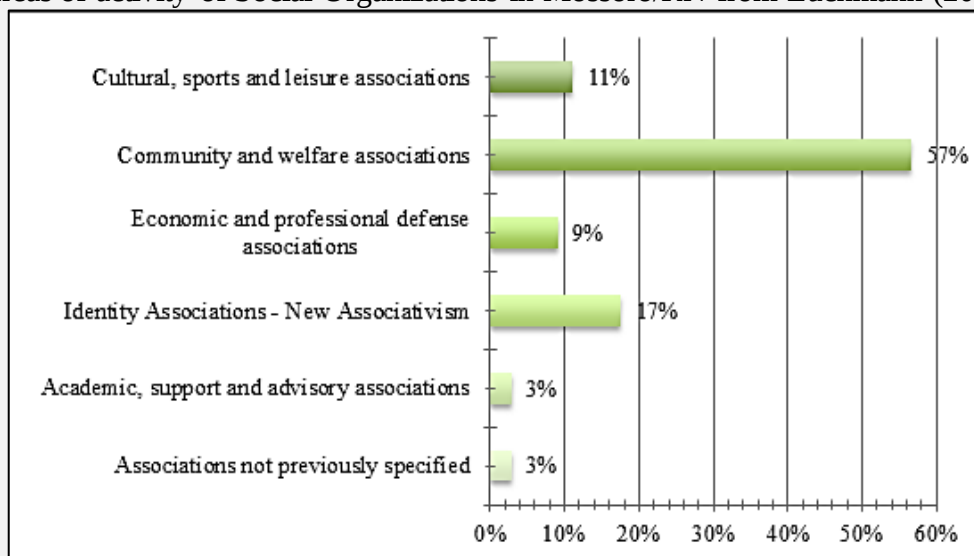
Figure 2: Areas of activity of Social Organizations in Mossoró/RN



Source: CNES/MS 2017, RAIS/MTE, CNEAS/MDS, CEBAS/MS 2017, CADSOL/MTE 2017, CEBAS/MEC 10/2017, CNEAS/MDS 2017, OSCIP/MJ, CNPJ/SRF/MF 2016, CADSOL/MTE.

Recognizing the limitations of the classification used in the “Map of organizations and civil society” (2018) repository, which tends to aggregate associations of different natures in a few categories, we adopted the typology of Lüchmann (2016) as a way of perceiving in the figure 03, the information reveals that cultural, sports and leisure associations correspond to 11%, community and welfare associations 57%, economic and professional associations 9%, identity - New associations 17%, academic, support and advisory 3% and another 3%.

Figure 3:
Areas of activity of Social Organizations in Mossoró/RN from Lüchmann (2016)



Source: Map of organizations and civil society-IPEA (2018). Own preparation, 2019

The intensive use of participation in favor of a social agenda begins in a more local dimension and reaches a national plan in the Lula government, leaving participation behind, for example, with a struggle addressed to infrastructure (Avritzer, 2016). However, we could not fail to point out that assistance area policies have evolved a lot in the last few years of 2000, mainly as a result of the access of the low-income population to government policies, which has culminated in a growing number of organizations with this focus.

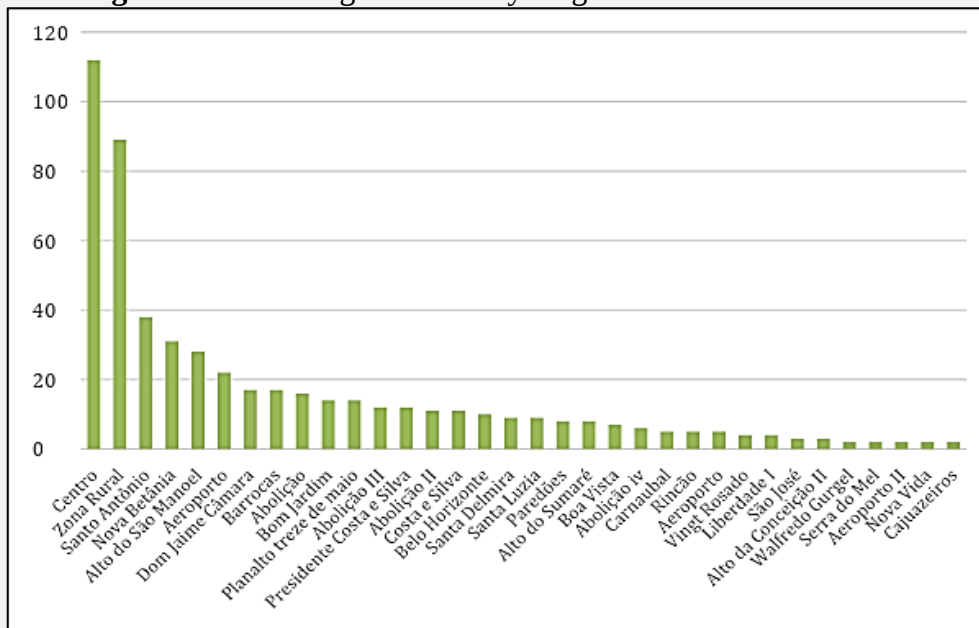
The Millennium Development Goals in 2000, promoted by the UN, in turn, motivated the creation of a commitment amongst developing countries, with the reduction of hunger, poverty, and environmental degradation, health, education, among others.

In order to verify how associations are organized in the neighborhoods of Mossoró, this research sought to identify whether there is fragmentation in the city or concentration in specific places, as a result of processes of particular struggles in the locality. In the graph below, we can see that the rural area and the city center concentrate the largest number of organizations. The neighborhoods with the highest housing density have few records, with the exception of the neighborhood of Santo Antônio, Nova Bethânia and Alto de São Manoel. We can infer, from the data, that there is a concentration of these associations close to the space of greater organization of supply and services in the city, which would be in the center, which reveals a struggle that is not related to a specific space of mobilization, but to the very institutionalized nature. The

rural area has an organization directly related to projects to support rural men, which require institutionalized participation, to receive, for example, resources.

The neighborhoods in question have different characteristics between them. Census data (2010) show that Santo Antônio is among the five largest one's in the city. With a population of 19,107 inhabitants, with a low to medium income configuration, it is recurrently highlighted in the local media as one of the most violent neighborhoods in the city. With 6,426 permanent households in the neighborhood, associations linked to the locality are of a community and welfare nature. Nova Betânia neighborhood is considered one of the noble neighborhoods in the city, with the highest income. The population is 9,701 inhabitants and the associations located in the neighborhood are fragmented into three areas of activity: community and welfare, economic and professional and cultural, sports and leisure. Alto de São Manoel is the largest in size and is among the populous, the neighborhood has 18,336 inhabitants with predominance in the community and welfare area (figure 04).

Figure 4: Social Organizations by neighborhood in Mossoró/RN



Source: Map of organizations and civil society-IPEA (2018). Own elaboration, 2019.

The fragile organization of society has allowed local governments to anticipate the instrumentalization of local participation. Besides creating, they control, often discouraging autonomous spaces for mobilization and directly interfering in the authenticity of the city's participation mechanisms (Nascimento, 2009), as previously mentioned.

This scenario has the consequence of weakening organizations, which could be used as a space for dialogue between the State and the population. Evidence of this is the lack of data that reinforce the confrontation of these organizations with the State. Neither RN nor the city of Mossoró has had in its history mobilizations that reinforce the civic involvement of its population. According to Queiroz (2017, p. 91):

(...) the neighborhood movements start from the search for access to the city and its urban infrastructure with requests for access to water and sewage, as well as housing, with the formation of neighborhood associations that articulate with the governments to meet the demands in a true co-optation process, in the sense that there is no opposition to government actions.

In Mossoró the data reveal a diversification of the associations, despite the field marked by the performance of community and welfare associations. We recognize that the typology proposed by Lüchmann (2016) was not sufficient to account for a complex object, which are associations. The very nature, size, and resources create a dangerous scenario for generalizations, as the author herself warned. Therefore, for future work on the city, a new typology is needed, as well as a specific study of the performance of religious associations in the city, due to the expressive number that appears in our research.

4. Natal: Social participation and political culture in the state capital

Natal, capital of Rio Grande do Norte, has a population of 877,640 inhabitants (IBGE, 2018), being the 20th most populous city in the country. Concerning the economic aspect of the city, there is a predominance of the tertiary sector and the public service. Since the 1970s, the growth of secondary and tertiary activities has boosted the city's urbanization process. Textile industry and tourism are major drivers of the local economy.

From a political perspective, Natal is a city without a history of social organization, differently than other northeastern capitals which had in their socio-historical process a struggle associated with its urban expansion (Andrade, 1990).

However, in the 1950s, Natal witnessed a popular political organization that grew in the neighborhoods, encouraged by Mayor Djalma Maranhão. The incentive was the creation of neighborhood professional associations. Also in the 1950s, the Catholic Church in the articulation of the “Movimento Natal”, a pioneering movement in Brazil, created actions to serve the poorest populations in the city. The results of this initiative

were the creation of the School of Social Service and radio schools. The Church's action, thus, reached the peripheral neighborhoods of Mãe Luiza, Bom Pastor, Nova Descoberta, Dix-Sept Rosado and others. The creation of Social Centers and other kinds of associations were also the result of that initiative, with adult literacy, vocational and “political education” courses being offered in those places (Andrade, 2006).

However, the popular organization initiative was demobilized when the military government was established nationally. At the state level, Aluizio Alves began the political trajectory of the Alves family in the state, based on oligarchic and clientelistic practices. Another important family in the political trajectory of the state is the Maia family, who conquered their space from the benefits of the military period when they were called to be a political force of the military in the state. The main figures were Tarcísio Maia and José Agripino Maia. The political centralization between the two families even made it difficult for other political leaders to emerge in Rio Grande do Norte.

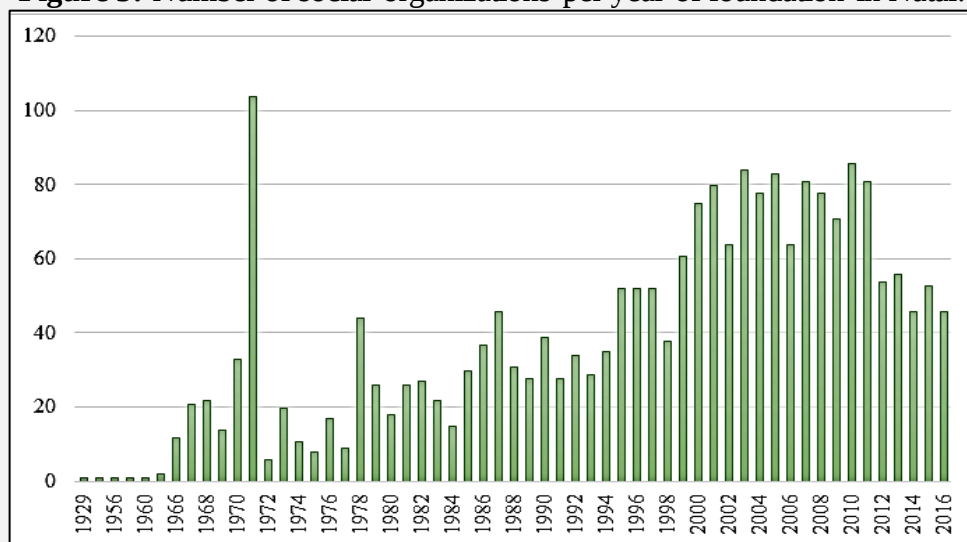
A new mobilization in the city happened with the arrival of the housing complex in the 1970s. The II National Housing Plan included housing programs within urban policies. Natal, as well as other capitals, was contemplated (Andrade, 1988). In conjunction with the program, there was encouragement of popular participation in the new locations. The proposal was "to promote the 'social integration' of cities through community development" (Guimarães, 2013, p. 76). The intention was to control local participation, since the Brazilian State itself was going through a crisis of legitimation, which required a redefinition of the state role in some sectors, mainly in social policies. “Furthermore, the obligation to introduce “participatory” policies in the state agenda due to the articulation of the funding agencies, which suggested participation as an essential element for the effectiveness of the programs.” (Albuquerque, 2010). According to Guimarães (2013, p. 76-77):

This policy has as its flagship the National Program of Urban Social Centers (PNCSU), developed in Natal, from 1976, as a pioneering experience in the Brazilian context. For years, the target of investments by the leaders of Rio Grande do Norte and more precisely Natal, despite the community participation project implemented through the Urban Social Center (CSU), was only the starting point for a much more aggressive policy by the leaders of the Maia group in the following years. Especially about the people-government relationship aspect, summarized in an intense work of political involvement and manipulation in the neighborhoods, involving community entities.

It is important to emphasize that the support base for the Maia family was strengthened in the neighborhoods based on clientelist policies: the State offers services to the neighborhoods and they thank them in the form of votes. The objective was to strengthen this relationship of state control over neighborhood organizations. Andrade (1989) has already reiterated this state involvement in the organizations when he stated in his studies that they sponsored the emergence of associations, including the financing of leaders and investment resources in order to generate a reliable network of legitimization of their power.

As a reflection of this historically constructed scenario and based on data from Ipea (2018), the current context of associativism in the Potiguar capital is analyzed. Currently, Natal has 2,240 associations, becoming the 35th city in Brazil in quantitative terms. When identifying the years of foundation of the associations in Natal, we verified that the origin of the associations in the city came from the incentive on the part of the government in front of the organizations in the new housing estates. In terms of the associativism growth, the figure 05 shows a peak in the 1970s. More precisely in 1970, 33 were created, however, in the following year, the number was for 104 new organizations.

Figure 5: Number of social organizations per year of foundation in Natal.



Source: CNPJ/SRF/MF 2016, OSC Representative, RAIS/MTE, OSCIP/MJ.

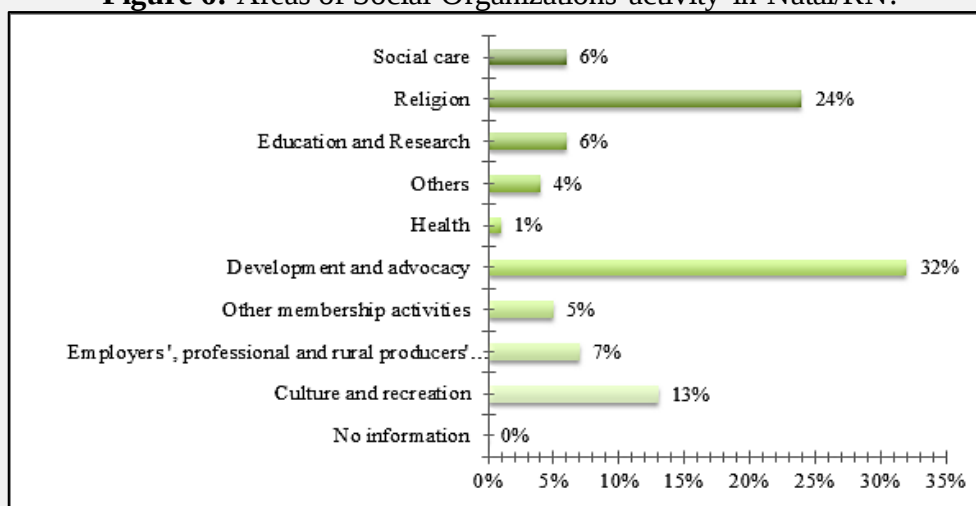
The crisis of legitimacy of the military government triggered the emergence of social movements and organizations that operate in a scenario that in addition to political repression, highlighted the very worsening of social issues. In the 2000s, as verified in

Mossoró, changes occurred around participation and urban management in Brazil, which is directly related to the arrival of the PT to the government, a moment in which the movements envisioned in the State a way to guide their agenda, just as the government saw in the movements the possibility of being secure politically.

In other words, there was a redefinition of the way the state relates to organizations. New relations with public policies and other actors were highlighted. (Avritzer, 2016; Abers & Von Bulow, 2011). The Lula administration, due to its profile and openness, made it possible to expand the organization of sectors and segments of organized civil society. Thus, movements and organizations began to influence government policies (Avritzer, 2016).

When analyzed based on data from Ipea (2018), the activities in Natal are verified, acting more on two fronts: in development and defense of rights with 32% and with religious dimensions with 24% (figure 06).

Figure 6: Areas of Social Organizations activity in Natal/RN.



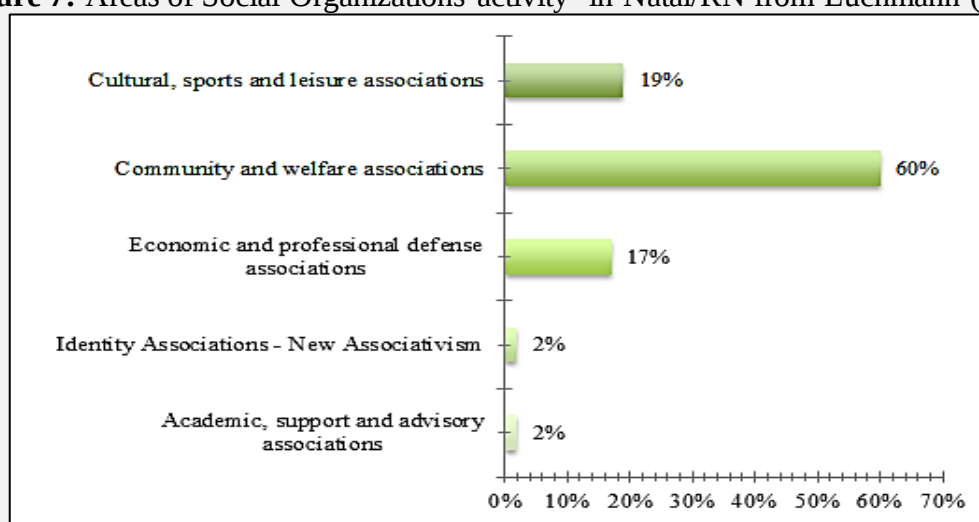
Source: Based on LIE/MESP 2017, Census SUAS 08/2017, CSO Representative, RAIS/MTE, CNEAS/MDS, CEBAS/MEC 10/2017, OSCIP/MJ, CNEAS/MDS 2017, CNPJ/SRF/MF 2016, CADSOL/MTE, CNES/MS 2017, CADSOL/MTE 2017, CEBAS/MS 2017.

Religious influence was also very important in the 1970s. The work of the church was related to the performance of the Archdiocese of Natal through the Youth Ministry of the Popular Environment and the Justice and Peace Commission, which also proposed, among others, to organize the community movement (Andrade, 1990, p. 156). In this decade, the churches have also become institutionalized, among the 115 organizations created from 1970 to 1980, 79 are linked to religion.

The area of development and defense of entitlements includes a wide network of organizations, but considering the categorization of Ipea (2018) it is not possible to know the details. The changes in the agenda for the struggle of organizations and social movements in the 21st century were centered in the face of new demands: environmental, gender, ethical-rational as well as demands in the very participation in the political-administrative structure (Gohn, 2010).

Using Luchmann (2016) categories, we separate the assistance and community areas of the New Social Movements in order to understand diversity. In the figure 07 we see the predominance of Community and Assistential Associations at 60% over the others.

Figure 7: Areas of Social Organizations activity in Natal/RN from Luchmann (2016)



Source: Based on Ipea (2018).

The legacy of community and welfare associations persists in the history of organizations in Natal. Even with the great growth of these in the 2000s, we verify the same predominance of associativism. The insertion of associations and new agendas of struggles were not enough to create bonds of trust between the population and new democratic projects. In fact, the mere existence of democratic institutions is not enough to accustom citizens to the demands of democratic procedures.

Peripheral neighborhoods with their daily problems still suffer a lack of attention from public authorities. Often, community leaders themselves act more at the service of political-electoral exchanges than at the community itself (Albuquerque, 2010). The growth of organizations has not resulted in a local civic engagement that would change the city's history.

For the present work, in order to highlight how organizations operate in the neighborhoods of Natal, we have separated them by administrative zones for methodological purposes. The city of Natal is divided into four administrative zones according to Ordinary Law No. 3,878/89.

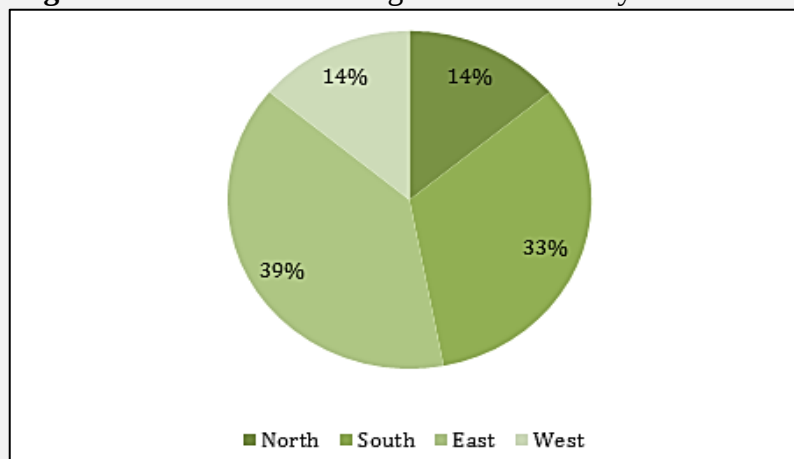
The west zone is formed by 10 neighborhoods, with a population of 21,8405 inhabitants, according to the 2010 Census, which corresponds to 27.17% of the population of Natal. It has a monthly income of 0.99, which is even below the municipal average of 1.78. The northern area is the largest of the four areas of the city, its urban expansion started in the 1980s as a result of housing developments as well as informal subdivisions (Prefeitura do Natal, 2009). Consisting of 7 neighborhoods, according to the last census, this area had a population of 303,543 people, corresponding to 37, 77% of the city, with an estimated population in 2017 of 360,122 inhabitants, reinforcing its population dimension. With regard to income, the average is 0.92, with the exception of Salinas neighborhood, which has a lower average (0.46).

The east zone, made up of 12 neighborhoods, has seen a population decrease since 2007. According to the last census (2010), the population was 115,297 inhabitants, with an estimated population in 2017 of 114,649 people, with an average salary of 2.86. Finally, the south zone has 7 neighborhoods, with 166,491 inhabitants and an estimated population, in 2017, of 179,325 inhabitants. It has the highest average monthly income in the city, 3.45 minimum wages, and its initial expansion was also associated with housing developments (Prefeitura do Natal, 2017).

In this survey, we found that the East (39%) and South (33%) zones, besides having neighborhoods with the best social conditions, demonstrating that they are not necessarily the neighborhoods with the greatest needs for public services and the absence of the State in the provision of those that have the greatest number of associations. Community and welfare associations predominate in all regions, reaching 74% in the North and 72% in the West.

The institutionalization of participation, already problematized in this study, has created a profile of organizations that manage public resources, assuming a more technical character in the relationship with the State. Many times, the associations are equipped in a partnership with the State, removing their own mobilizing and autonomous characteristics (figure 08).

Figure 8: Areas of Social Organizations activity in Natal/RN



Source: Based on Ipea (2018).

What we realize is that, even with an increase in recent years, experiences and participatory spaces, if they do not show results, end up generating frustration with society. As a result, the furor of the beginning gives way to disenchantment, apathy and even hostility towards democracy.

For future work, we feel the need to monitor these organizations more closely, in order to verify how they organize themselves in a more adverse national political scenario in the development of their activities. In addition to the need to create a new typology that seeks to detail the nature of these.

5. Conclusion

The trajectory of associativism in Mossoró and Natal has increased considerably in recent years, mainly in the assistance and community areas. But, to verify if they are really consistent channels of social participation, it would need a work of qualitative magnitude, since the creation of participative spaces with a pedagogical character is related to social organizations with relative autonomy, capacity for mobilization, rooting and social recognition, which historically the two cities do not have, in view of the great insertion of the State in the local popular organizations.

We recognize in our research that Lüchmann's typology (2016) allows for more detailed analysis, but to understand this complex field that are associations, greater fragmentation in the classification would be necessary. Generalizations can generate hasty inference, therefore, the creation of a typology could help to understand the nature and performance of these with more property in both cities.

References

Abers, R., & Von Bülow, M. (2011). Movimentos sociais na teoria e na prática: como estudar o ativismo através da fronteira entre Estado e sociedade? *Sociologias*, 13(28), 52-84.

Albuquerque Neta, T. C. (2010). Entre a potência e o ato: atitudes políticas e percepções de mobilização em Natal e Porto Alegre. (Dissertação de Mestrado). Programa de Pós-Graduação em Ciências Sociais, Universidade Federal do Rio Grande do Norte, Natal, RN, Brasil.

Andrade, I. (2006). As organizações populares em Natal: entre o controle do poder público e as tentativas de autonomia (1975-1989). In: G. P. de Oliveira, & Â. L. de A. Ferreira. (Org). Natal intervenções urbanísticas, morfologia e gestão da cidade. Natal: EDUFRN.

_____ (1988). Movimentos sociais urbanos no NE: o início de um debate. *Encontro Anual da ANPOCS*, Águas de S. Pedro, SP, Brasil, 7.

_____ (1989). Estado, poder local e organizações populares: a trajetória das políticas públicas na organização do consenso. *Encontro Anual da ANPOCS*, Caxambu, MG, Brasil, 8.

_____ (1990). *Projeto Estado e Movimentos Sociais Urbanos: o caso Natal. Relatório Parcial. Universidade Federal do Rio Grande do Norte*. Natal: FINEP/FUNPEC.

Diamond, L. (1993). *Political culture and democracy in developing countries*. Boulder: Lynne Rienner.

Dagnino, E. (2002). Sociedade civil, espaços públicos e a construção democrática no Brasil: limites e possibilidades. In: E. Dagnino (Org.). *Sociedade civil e espaços públicos no Brasil* (pp. 279- 301). São Paulo: Paz e Terra.

Felipe, J. L. A. (2001). A reinvenção do lugar: os Rosado e o “País de Mossoró. In: C. A. de S. Rosado, & I. A. R. Maia (Org.). *Os Rosado em Tese* (Vol. 2, pp. 17-46). Mossoró, RN: Coleção Mossoroense, série “C”.

Gohn, M. G. (2001). *Conselhos gestores e participação sociopolítica* (Coleção questões da nossa época, vol. 84). São Paulo: Cortez.

Guimarães, M. C. R. (2013). *Movimentos Sociais e Organização Popular em Natal/RN: enquanto morar for privilégio* (Dissertação de Mestrado). Programa de Pós-Graduação em Serviço Social, Universidade Federal do Rio Grande do Norte, Natal, RN, Brasil.

Queiroz, R. (2012). *Política urbana e desigualdades socioespaciais em Mossoró: uma investigação acerca das políticas de implantação da rede de esgotamento sanitário* (Dissertação de Mestrado). Programa de Pós-Graduação em Geografia, Universidade Estadual do Ceará, Fortaleza, CE, Brasil.

_____ (2017). *Território, cidade informal e resistência sertaneja: Um olhar sobre a cidade de Mossoró* (Tese de Doutorado). Programa de Pós-Graduação em Geografia, Universidade Federal do Ceará, Fortaleza, CE, Brasil.

Lima, F. (2006). *A polis circense: poder local e espetacularização do político em Mossoró/RN* (Tese de Doutorado). Universidade Federal da Paraíba, João Pessoa, PB, Brasil.

Lucas, A. M. B. (2001). O mandonismo rosadista em Mossoró. In: C. A. de S. Rosado, & I. A. R. Maia (Org.). *Os Rosado em Tese* (Vol. 2, pp. 47-82). Mossoró, RN: Coleção Mossoroense, série “C”.

Lüchmann, L. H. (2016). *Associativismo e democracia: um estudo em Florianópolis*. Florianópolis: Ed. UFSC.

Nascimento, L. C. (2009). Notas sobre poder local: a família Rosado e a política em Mossoró/RN. *Cadernos de campo (Revista Brasileira de Ciências Sociais)*, 12, 61-73.

Pateman, C. (1992). *Participação e teoria democrática*. Rio de Janeiro: Paz e Terra.

Prefeitura Municipal do Natal. (2009). *Bairros de Natal*. Natal: Secretária Municipal de Meio Ambiente e Urbanismo/SEMURB.

_____ (2017). *Conheça melhor o seu bairro: Revisão Plano Diretor de Natal. Região Administrativa Norte*. Natal: Secretária Municipal de Meio Ambiente e Urbanismo/SEMURB.

_____ (2017). *Conheça melhor o seu bairro: Revisão Plano Diretor de Natal. Região Administrativa Sul*. Natal: Secretária Municipal de Meio Ambiente e Urbanismo/SEMURB.

_____ (2017). *Conheça melhor o seu bairro: Revisão Plano Diretor de Natal. Região Administrativa Leste*. Natal: Secretária Municipal de Meio Ambiente e Urbanismo/SEMURB.

_____ (2017). *Conheça melhor o seu bairro: Revisão Plano Diretor de Natal. Região Administrativa Oeste*. Natal: Secretária Municipal de Meio Ambiente e Urbanismo/SEMURB.




Putnam, R. D. (2006). *Comunidade e Democracia: a experiência da Itália moderna*. Rio de Janeiro: FGV.

Rocha, A. P. B. (2005). *Expansão urbana de Mossoró (período de 1980 a 2004): geografia dinâmica e reestruturação do território*. Natal, RN: EDUFRN, 2005.

Silva, L. (2004). *Os Rosados encenam: estratégias e instrumentos da consolidação do mando*. Mossoró: Ed. Queima Bucha.

The Role of Mid-Level Burocracy in the Local Implementation of PMAQ-AB: A Study with Basic Healthcare Unit Directors in the Municipality of Natal/RN

*O papel da burocracia de médio escalão na implementação local do PMAQ-AB:
Um estudo com diretores de UBS do Município de Natal/RN*

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Abstract: The objective of this article is to analyze how mid-level bureaucrats, in the processes of interaction with street-level bureaucracy, influence the local implementation of a national health policy. To this end, the implementation of the *Programa Nacional de Melhoria do Acesso e da Qualidade da Atenção Básica* (PMAQ-AB) was taken as a study object and, through the application of qualitative methodological techniques, the study was conducted in the city of Natal/RN. The global results showed that mid-level bureaucrats, in the figure of BHU directors, have a determining role in transmitting and translating what was previously formulated in the policy's normative design for implementing agents at the front, represented by the members of the primary care teams working in the BHU. In addition, it was identified that the way in which this transmission and translation of the normative design occurs, as well as the attitude in promoting transmission and translation, is variant and conditioned by technical, cognitive and political-relational aspects related to the profile of the director from BHU.

Keywords: Mid-level bureaucrats; Implementation; PMAQ-AB; BHU directors; Street-level bureaucrats.

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Resumo: O objetivo deste artigo é analisar de que forma os burocratas de médio escalão, nos processos de interação com a burocracia de nível de rua, influenciam na implementação local de uma política nacional de saúde. Para isso, tomou-se como objeto de estudo a implementação do Programa Nacional de Melhoria do Acesso e da Qualidade da Atenção Básica (PMAQ-AB) e, por meio da aplicação de técnicas metodológicas qualitativas, foi conduzido o estudo no município de Natal/RN. Os resultados globais demonstraram que os burocratas de médio escalão, na figura dos(as) diretores(as) das UBS, têm um papel determinante em transmitir e traduzir o que foi previamente formulado no desenho normativo da política para os agentes implementadores na ponta, representados pelos integrantes das equipes da atenção básica que atuam nas UBS. Além disso, identificou-se que a forma como se dá essa transmissão e tradução do desenho normativo, bem como a atitude em promover transmissão e tradução é variante e condicionada por aspectos técnicos, cognitivas e político-relacionais referentes ao perfil do(a) diretor(a) da UBS.

Palavras-chave: Burocratas de médio escalão; Implementação; PMAQ-AB; Diretores de UBS; Burocratas de nível de rua.

1. Introduction

Studies on the role of the state bureaucracy in the implementation of national public policies have been important to understand how the different results of public policies take place even in similar contexts, from the discussions widely disseminated on an international scale that classify the bureaucracy in three categories: high level bureaucrats, mid-level bureaucrats and street-level bureaucrats.

However, despite the efforts made by the academy in this field, there is a lack of theoretical approaches that encompass mid-level bureaucrats (Lotta, Pires & Oliveira, 2014). In this sense, this study is part of this thematic universe and aims to analyze, from their visions, perceptions, practices and senses, how mid-level bureaucrats, in the processes of interaction with street level bureaucrats, influence the local implementation of *Programa Nacional de Melhoria do Acesso e da Qualidade da Atenção Básica* (PMAQ-AB), based on the analysis of the case of basic healthcare units directors in the city of Natal/RN in Brazil.

The PMAQ-AB was created by the *Ministério da Saúde* (ministry of public health), through Ordinance No. 1,654 of July 19, 2011 and complemented by Ordinance No. 1,645 of 2015, with the goal of securing the enhancement of access to healthcare, from “[...]a quality standard comparable nationally, regionally and locally in such a way to enable greater transparency and effectiveness of government action towards basic healthcare all over Brazil” (Brasil, 2015, p.2).

In short, it is a program that aims to establish a set of procedures for the management of basic healthcare units (BHU) and the methods of healthcare provision, integrating different actors to strengthen the operation and quality of national basic care. The central point of its execution involves basic care teams, made of physicians, nurses, community healthcare agents, etc., together with the BHU administration committing to implement practices and reach certain results, so that, when well evaluated, the teams can be rewarded with salary bonuses.

Given this setting, the PMAQ-AB presents itself as a complex public policy, that needs governance and coordination not only among the three government levels (federal, state and local), but also among the whole chain of actors involved in the level of local management, for it includes almost every layer of government bureaucracy, from high-level to those on the forefront. Thus, bureaucrats are a fundamental asset for the effective implementation of the PMAQ-AB.

Since this program materializes itself heavily at BHUs, it is necessary to highlight a key player, which is the basic healthcare unit director. In this sense, the BHU director fits in the theoretical typology of mid-level bureaucrat (MLB), which characterizes itself as a player present on intermediate positions of local government and that works as a link between the top and the bottom of bureaucracy.

In the context of PMAQ-AB, there are several MLB involved, either working with action planning at local healthcare offices or at regional coordinating bodies, up until BHU directors. Then, BHU managers stand out for managing the organization that provides the service directly, interacting with another type of bureaucrat also fundamental in the implementation of the PMAQ-AB, which is the “street-level” bureaucrat (physicians, nurses, community healthcare agents, etc.), or, the employee that deals directly with the public offering the services (Lipsky, 1980). Considering that that in the context of the PMAQ-AB, BHU directors stand out, compared to other MLBs, for interacting directly and daily with street-level bureaucrats, it is relevant analyzing the role, ideas, motivations and ways of interacting from those players, and how those components are relevant to their influence on the process of public policy implementation.

Therefore, this paper is divided into five sections: the first one being this introduction, the second, in which we seek to discuss the theoretical assumptions on the execution of public policy and mid-level bureaucracy, the third, where the method applied

to this study is presented, the fourth, which describes the results, and at last the fifth, containing the closing remarks.

2. Literature review

The first studies on the implementation of public policy contributed to break from the paradigm of implementation seen as a process of automatic execution subsequent to policy formulation, that is, a mere sequence of events, in which it was understood that by outlining certain types of policy, certain results would be automatically achieved (Pressman & Wildavsky, 1973; Dalfior, Lima & Andrade, 2015; Pires, 2016). This shift took place mostly due to the transition of understanding, in which the implementation process, formerly seen as a black box between elaboration and assessment, started then getting analytical attention and being regarded as a complex and interactive process (Hill, 2005; Hill & Hupe, 2002).

Taking those assumptions into consideration, it is possible to say that the study field on implementation is based on questions about certain public policies, in given context and condition, succeeding or not. Thus, specialized literature points out two hegemonic approaches of analysis (Lima & D'ascenzi, 2013; Hill, 2005), being those the *top-down* and *bottom-up* approaches.

In the *top-down* approach, the process of formulation is taken into consideration, recognized that implementers are policy enforcers under a strict vision, in which they must implement it sequentially, exactly the same as its elaboration and there is also an emphasis on formal institutions and how the materialization of public policy is mediated and structured by these (Lima & D'ascenzi, 2013; Lotta, Pires & Oliveira, 2014). In case there is disparity between what was previously established under the norms and what is effectively implemented, those changes are regarded as detours that may end up affecting the expected results (Pressman & Wildavsky, 1973).

In the *bottom-up* approach, the implementing players are the focus and the process of implementation as continuous and interactive is defended. In this perspective, implementers are also decision makers that modify the policies (Hill, 2005). This vision considers that these actors possess relative autonomy, that can be used both for making modifications to the public policy, correcting possible elaboration flaws, as well as intensifying the adverse effects originating from difficulties in computing of information and intake of real elaborated goals (Lotta, 2014).

If *top-down* studies focus on high-level bureaucrats and *bottom-up* studies focus on street-level bureaucrats (Oliveira & Abrucio, 2018), there is an absence of approaches that include mid-level bureaucrats, since those are put aside in both approaches (Page, 2007; Lotta, Pires & Oliveira, 2014). From this standpoint, MLBs can be defined as players that occupy a mid-level position in the management of public policy, performing different roles and tasks, from the ones closer to the top to the ones with a high level of decision authority, besides being articulated and having a high capability of influencing decisions (Lotta, Pires & Oliveira, 2014; Cavalcante, Lotta & Yamada, 2018b).

Oliveira and Abrucio (2018) define, briefly, MLBs as public officials that possess leadership and control over level-street bureaucracy, but don't integrate the high-level government, exemplified by the case of hospital directors and school principals. Lotta, Pires and Oliveira (2014), however, point out that mid-level positions occupied by MLBs can be the ones of managing, coordinating, supervising or administrating.

Given the definitions, the assumption of diversity is the trademark of analyses about MLBs (Lotta, Pires & Oliveira, 2014; Cavalcante, Lotta & Yamada, 2018b; Cavalcante, Lotta & Yamada, 2018; Cavalcante, Camões & Knopp, 2015). However, some features that distinguish the MLBs' practices must be highlighted. At first, it is needed to say that MLBs are not different among themselves only because of their positions within the structure of the State, but also for being actors that differ in several aspects, such as, profile, education, experience, working philosophy etc. (Cavalcante, Lotta & Yamada, 2018).

Another relevant feature is pointed out by Oliveira & Abrucio (2018), regarding MLBs not having the power to determine which are the general guidelines and the services provided by public organizations that they manage and not even acting to directly provide the services, as for instance, physicians, nurses and teachers do. Besides, the authors also indicate that MLBs distinguish for having great autonomy controlling the available resources to implement public policies. This autonomy feature also makes us think about another characteristic of MLBs, which is the one regarding criteria and personal judgement displayed by those players to make certain decisions, in everyday working situations that are not predicted by the norms, that is, the execution of discretionary power (Lipsky, 1980; Lotta & Santiago, 2017).

The same way Lipsky has pointed out about street-level bureaucrats, discretion also turns MLBs into policy makers in the implementation process, for, according to Page

& Jenkins (2005), all the players involved with the government are decision makers, regardless of the level on which they find themselves, whether being the political, high, mid and street-level bureaucrats. Therefore, according to the authors, it is possible to think that all of them possess some sort of discretion.

Thus, for falling in mid-level positions within the State bureaucratic body, MLBs also have characteristics that are decisive for the results of public policies. One of those characteristics refers to their capability of influencing decisions, since MLBs are players with a key role also in transforming decisions and objectives within programs carried out. It is also fundamental, the role of these bureaucrats as a link between the formulation and implementation stages, also connecting the needs of a policy or service target audience to the priorities raised by high-level bureaucrats (Pires, 2012; Cavalcante, Lotta & Yamada, 2018b; Oliveira & Abrucio, 2018).

In the face of the absence of consolidated theories to analyze MLBs' production of public policies, Lotta, Pires & Oliveira (2014) present as alternative three approaches that enable investigating how and under which circumstances MLBs influence decision-making in the public bodies that provide and implement services. Being those the structural, individual action and relational approaches.

The structural approach seeks to understand the bureaucrat's practices as a byproduct generated by the organizational structure in which this player is located and by the norms that govern their practice, as well as those that regulate the operation of the public body in which the bureaucrat works. There is, consequently, in this approach, an emphasis on formal norms. Reflecting upon MLBs through the norms, together with other analytical tools enable figuring the manner in which the working coordination of these employees and their behavior before abstract regulating instruments take place.

The norms, which theoretically, also have an applicability of guaranteeing impartiality in the operation of bureaucracies (Peters, 2001), may also result in turning points for public policies. In case they are too broad, vague and inaccurate in details, they will ultimately leave the definition of how the bureaucrat must act as a public official, under personal and subjective criteria from the bureaucrat itself (Page, 2007; Page & Jenkins, 2005), or, when norms are too rigid with a conflicting nature between control and performance, they may also result in the bureaucrat seeking undesirable freedoms on the part of the bureaucrat, before the statutes and hierarchical structure (Peters, 2001; Meier & O'Toole, 2006; Lipsky, 1980).

In addition to the emphasis on formal statutes, there are possibilities of further developing MLBs actions from the individual action approach. This approach is aimed at understanding how MLBs practices are a result of rational calculations of possible rewards and sanctions from individual actions and decisions. In short, it is an approach that acknowledges that bureaucrats follow an agency logic (Peters, 2001), in which they tend to behave in search of larger budgets and resources for their organizations, even if these resources exceed what is necessary for providing the services (Lotta, Pires & Oliveira, 2014).

Still according to this logic, there is a notion that MLBs also have several individual objectives, such as power, income, stability, prestige, working excellence, pride in serving the general public and that these objectives many times derive from contextual factors, which may constrain or encourage certain behaviors (Cavalcante, Lotta & Yamada, 2018a). In terms of analysis, it is an approach that can be used based on assumptions of public choice theories and the principal-agent problem (Lotta, Pires & Oliveira, 2014; Cavalcante, Lotta & Yamada, 2018a), the verification of contrasting goals and interests between bureaucracies and elected political players, or between bureaucracies and citizens. However, the individual action approach enables us to understand other sides of the MLB, such as their motivations, the initiative and leadership of these players, besides their potential to take political action in the production of public policy (Lotta, Pires & Oliveira, 2014).

The third and last approach, the relational one, overcomes some deficiencies of the individual action approach in the understanding of MLBs' practices in face of complex social webs. It is an approach that emphasizes the social relations of MLBs with the surrounding actors, regarding their cognitive and emotional responsibilities in the activities of transmitting and sharing of information between the top and the bottom in the management of public policies. This approach acknowledges that the MLB is an interactive and centralizing information actor, who has the role of seeking to reconcile the different perspectives between the higher and lower levels of government bureaucracy (Lotta, Pires & Oliveira, 2014; Cavalcante, Lotta & Yamada, 2018a; Huising & Silbey, 2011). By this logic, understanding the importance of MLBs' role in the process of implementation from a perspective of social relations becomes more and more important, especially in the current context, where public policies are characterized by complex

implementation arrangements, many times involving more than one level of government, or even actors who are not part of the government at all (Hill & Hupe, 2002).

In scenarios where there is significant distancing between the formulating and implementing agents, MLBs are characterized by the relational approach as fundamentally important tools for their possibilities of encouraging cooperation among subordinates, regulating the behavior of street-level bureaucrats so they follow the public policy rules, in addition to also being able to translate or readapt the rules to the local context of the managed organizations (Lotta, Pires & Oliveira, 2014).

3. Methodological procedures

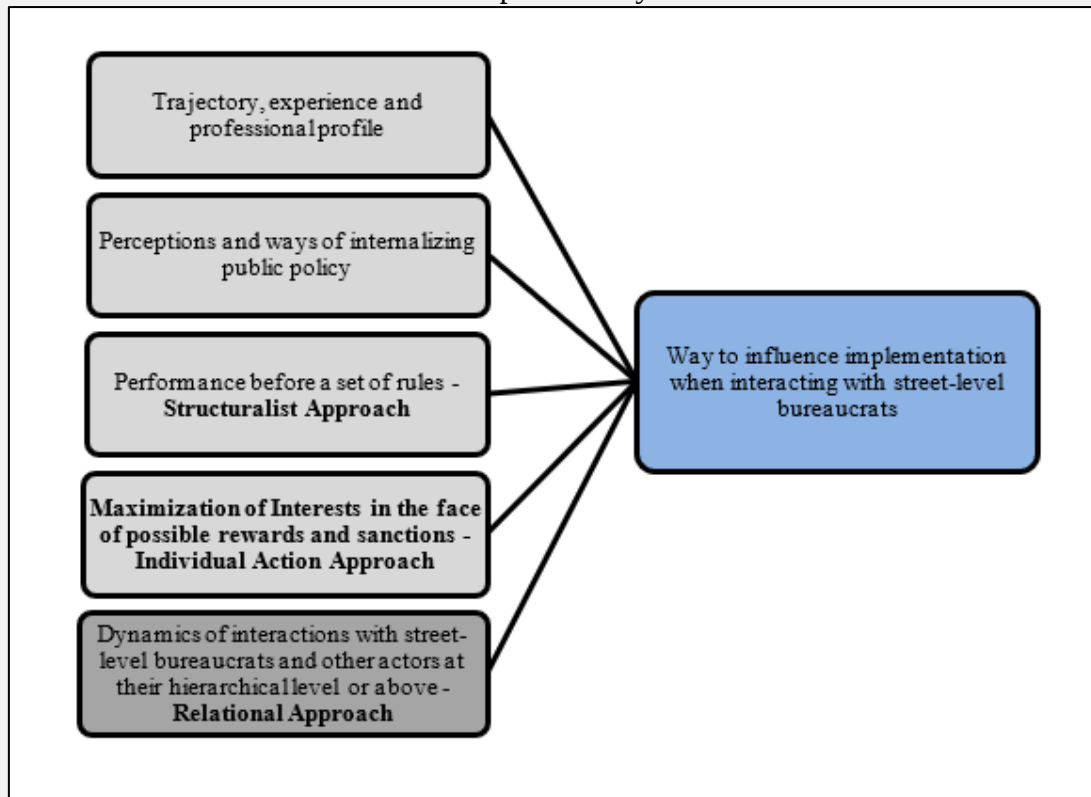
This study is based on a qualitative methodological perspective and follows an exploratory approach, based on the case study method. Concerning the collection of data, the semi-structured interview was used as a technique. These interviews were conducted with eight BHU directors, aiming to obtain qualitative data on the directors' careers, their motivations, the way they understood and internalized the PMAQ-AB and also about the planning of activities, the delegation of orders and how they assessed the employees' performance at the BHU.

Thus, from a total of thirty-three BHUs included in the PMAQ-AB in Natal, RN, the choice for the eight interviewees was based on two criteria: 1) the regional question, in which we prioritized to interview BHU directors from the four areas of the county, totalling two interviews from the South District, two from the North District I, one from the North District II, one from the East District and two from the West District and 2) the team performance ranking from each BHU to appear in the certificates of the program's third cycle and released by the MS, in which we prioritized interviewing directors whose BHUs had contrasting performances.

The script used for the interviews, in addition to having a total of thirteen questions, was based upon the analytical model proposed, based on the principles found in the literature, about the performance of MLBs. Hence, this model, which can be seen in Picture 1, directed the questions to five dimensions, that deal with: 1) the aspects related to the directors' professional profiles and careers, 2) their perception and ways of internalizing the public policy, 3) the directors' performances before a set of rules and norms, 4) the maximization of their own interests in the face of possible rewards and sanctions resulting from the public policy, and at last, 5) the dynamics of interaction with

street-level bureaucrats and other players above the hierarchical level as the focus dimension of this study.

Picture 1: Proposed analytical model



Source: Own elaboration, based on Lotta, Pires and Oliveira (2014), Page and Jenkins (2005), Page (2007); Peters (2001), Cavalcante, Lotta and Yamada (2018), Lipsky (1980), Huising and Silbey (2011).

The interviews were held throughout twenty-eight days between the months of June and July in 2019 and had an average length of sixteen minutes and forty-two seconds. By the end of the data collection process, the interviews totalled two hours, ten minutes and fifty-two seconds, and after being transcribed resulted in a total of thirty-nine pages. It is important to highlight that data analysis was carried out based on the model described previously in Picture 1, but according to the paper's objective, the dimension regarding the relational approach ended up having more prominence. Therefore, the multidimensional observation of the model allowed to characterize some nuance in the way BHU directors influence the implementation process of the PMAQ-AB by interacting, overall, with street-level bureaucrats.

The set of interviews, once structured in textual corpus format (Bauer, 2002; Bauer & Aarts, 2002) for each analytical dimension, was explored through the technique of content analysis (Bardin, 2002; Bauer, 2002). This analysis besides being based on the

proposed analytical model's dimensions also followed the steps suggested by Bardin (2002), which are: 1) pre-analysis; 2) material exploration and processing of results; 3) inference and interpretation.

At last, it should also be said that the analysis of the content was supported by the IRAMUTEQ⁴ software, which made possible, based on the process of textual statistics, to generate the similarities of the interviewees' statements, that is, the identification of occurrence, as well as connections and associations between words in a given textual corpus. From the five dimensions constituting our analytical model, only two did not generate any similarities, which were dimension 1, that deals only with objective data, such as education, age, job experience, etc., and dimension 2, where the specific corpus did not show itself as representative in the analysis (58% of the text segments used) and we chose to use the word cloud technique, in order to present the main elements described in the interviewees' statements.

4. Research results

In order to illustrate the BHU's directors' profile involved in the research, Table 1 has the function of presenting some of the interviewees' characteristics. Firstly, the information presented demonstrates there is a diversity of profiles expressed on gender, age, education, working experience in the healthcare field and working experience as a director. Although not being representative, inside the universe of directors who work within the PMAQ at a regional or national level, this introductory data becomes relevant for indicating accordance with what was pointed out in the theoretical framework, about MLBs being diverse, including in terms of professional profile and experience (Cavalcante, Lotta & Yamada, 2018).

⁴ Abbreviation for *R Interface for the Multidimensional Analyzes of Textes et de Questionnaires*.

Table 1: Profile of the BHU directors interviewed

Director	Sex	Age	Formation area	Total time working as a health worker	Total time as BHU director	Time working as director of the current BHU
D1	M	40	Advertising	16 years	2 years	4 months
D2	F	62	Accounting	30 years	20 years	3 years
D3	M	42	Administration	21 years	6 months	6 months
D4	M	48	Pedagogy	15 years	3 years	2 years
D5	M	46	Public Management	Not answered	3 years	3 years
D6	M	43	Public Management	11 years	1 year	1 year
D7	F	60	Administration	6 years	5 years	5 years
D8	M	56	Administration	33 years	21 years	2 years

Source: Own elaboration, based on research data.

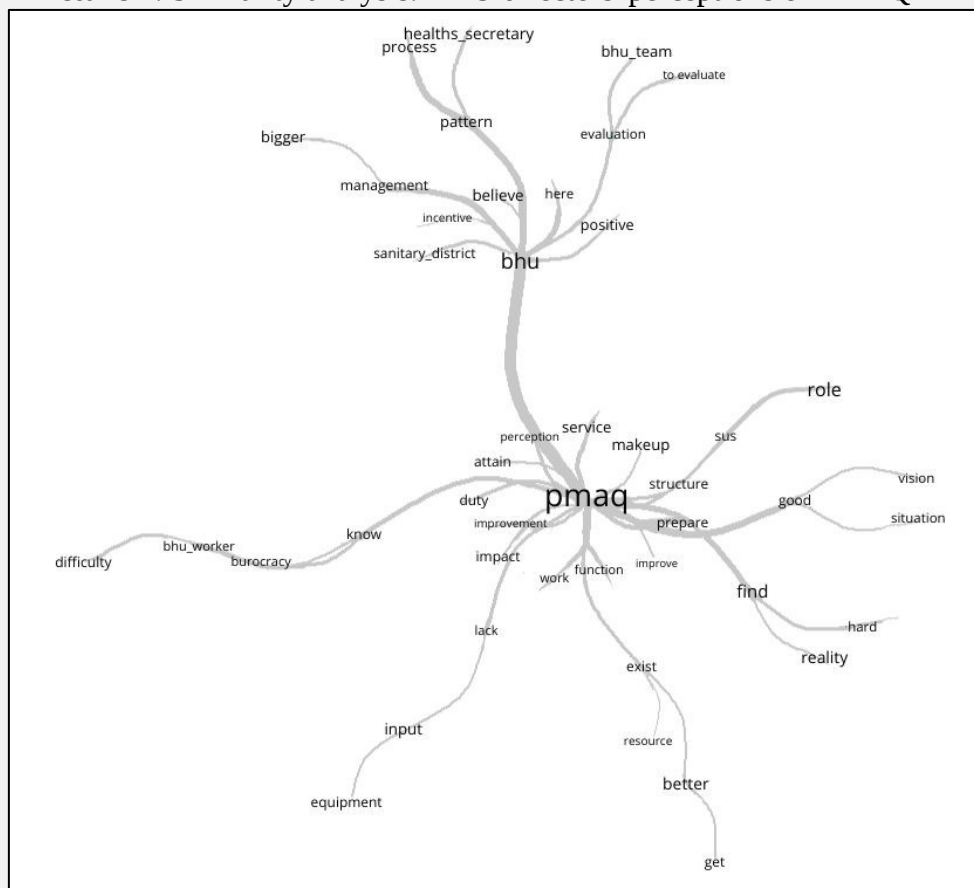
In a more specific way, Table 1 shows that, when it comes to education, all interviewees have a university degree, although not necessarily in the correlated area in which they work. Despite the predominance of management-oriented education such as business management and public administration, there is relative diversity in the areas of training, for example, from marketing to public administration, and surprisingly none of the directors has a degree in the healthcare field.

Regarding working experience all the directors interviewed have a significant background in the healthcare field, despite generally having fewer years of experience as BHU directors. This data reveals itself as an interesting finding, for indicating that the interviewees had already taken other positions before working as BHU directors, either as street-level bureaucrats, in cases where they were previously named as healthcare community agents, or in cases where they were named to hold other management positions, in the cases of those who were MLBs, in different roles. Therefore, this type of career path makes us think that, in conceptual, cognitive and behavioral terms, directors end up incorporating and entrenching attributes, skills and previous values related to the positions previously held, traits that can then affect the way a UBS is managed, as well as generating implications on the internalization of a public policy such as the PMAQ-AB.

4.1. *Perceptions and ways of internalizing public policy*

On the way BHU directors internalize and understand the PMAQ-AB as public policy, interviewees have different points of view about it. These views move between one extreme of believing in the values the program holds dearest and the other extreme of viewing the program in a negative way. Therefore, Picture 2 displays the similarity analysis focused on the statements that included this topic in the interview.

Picture 2: Similarity analysis: BHU directors' perceptions of PMAQ-AB



Source: Own elaboration, based on research data.

As displayed in Picture 2, there are two more prominent words in the set of words presented: "PMAQ" and "BHU". From these words there are ramifications indicating the terms associated with these two main words. The word "PMAQ", of course, is one of the cores of this graph because it is the reference object in this topic of the interviews, in which the interviewees give their opinions on this public policy. The word "BHU", on the other hand, becomes central due to the fact that the interviewees take as a reference for their answers issues related to this organization they manage, besides, they also recognize that BHUs are the place of implementation of PMAQ-AB.

From the word "PMAQ" expressive ramifications arise regarding how these directors understand the program. Despite related terms such as "improvement ", "improve" and "good ", the views of the interviewees on the PMAQ-AB generally highlight negative factors. The words, branched, "lack", "input" and "equipment", for instance, indicate structural challenges associated with working at BHUs, as well as situations where there are less material resources to perform basic care tasks, such that, corroborating these perceptions, there is, from the significant term "guess" the relationship between "hard" and "reality". It is also worth mentioning the branched term "make up", used, within the context of the interviews, to refer to a possible inefficiency, not detected in the PMAQ-AB assessments.

From the term "BHU", on the other hand, there are branches of words that characterize, in part, the ecosystem of actions and players interacting with the director or the BHU, as an organization, in the context of the PMAQ-AB. The words "management" and "bigger" are indicative of the perceived role of higher levels in coordinating actions and promoting strategies. In the same sense, from the significant term "pattern", the relationship between "process" and "health secretary" (health department) is observed. Words such as "positive" and "incentive" can indicate the perceived impacts that the PMAQ-AB has generated in BHUs. Ultimately, the word "assessment" has at the extreme of its branch the "BHU team", thus demonstrating that the directors are aware that the performance of street-level bureaucrats is important in the program's implementation.

The similarity analysis carried out makes us think that these types of perceptions on how directors internalize the PMAQ-AB are possibly shaped by the influence of political, social and organizational factors inherent to management in public healthcare and by structural problems of the communities where these BHUs are located. Because of its complex and dependent nature on multiple interactions, the directors may also identify certain obstacles to the effective implementation of the program to the higher level of management, that is, at the level of sanitary district, local health department or even at the level of local, state and federal governments. Because it is a public policy with considerable complexity, the directors interviewed showed expectations of greater support from the higher levels, either in terms of resources for implementing actions, or even in terms of better guidance and skill training. This view is justified by the possibilities of information asymmetry among the various levels of players involved, given the complexity of the PMAQ.

4.2. Structuralist approach

The analysis based on the structuralist approach allowed an understanding of how the directors interviewed react to the norms and guidelines set by the PMAQ-AB. As mentioned in the methodological section of this paper, the word cloud was employed as an analysis technique, unlike other analytical categories, where similarity analysis was used. Thus, Picture 3 portrays the word cloud that encompasses the main elements encompassed in the interviewees' statements on this particular topic.

Picture 3: Word cloud:
BHU directors' perceptions of rules, in the context of PMAQ-AB



Source: Own elaboration, based on research data.

According to Picture 3, the terms that stand out in the word cloud are: "think", "rule", "BHU" and "BHU director." In general, from what was observed in the interviews, the BHU directors, within their daily reality when implementing the PMAQ-AB, face constant dilemma between choosing: 1) depending, according to the context and situation, on a greater normative ordering for decision making, following rules contained in the formulation of the PMAQ-AB, or 2) in the case of emergency situations, or even those where there is a considerable margin for discretion due to the absence of specific program rules for certain situations, they choose to have more autonomy in their decision making.

The statements show that resources and organizational conditions available to perform basic care activities are factors that influence the interviewees' perception. In this

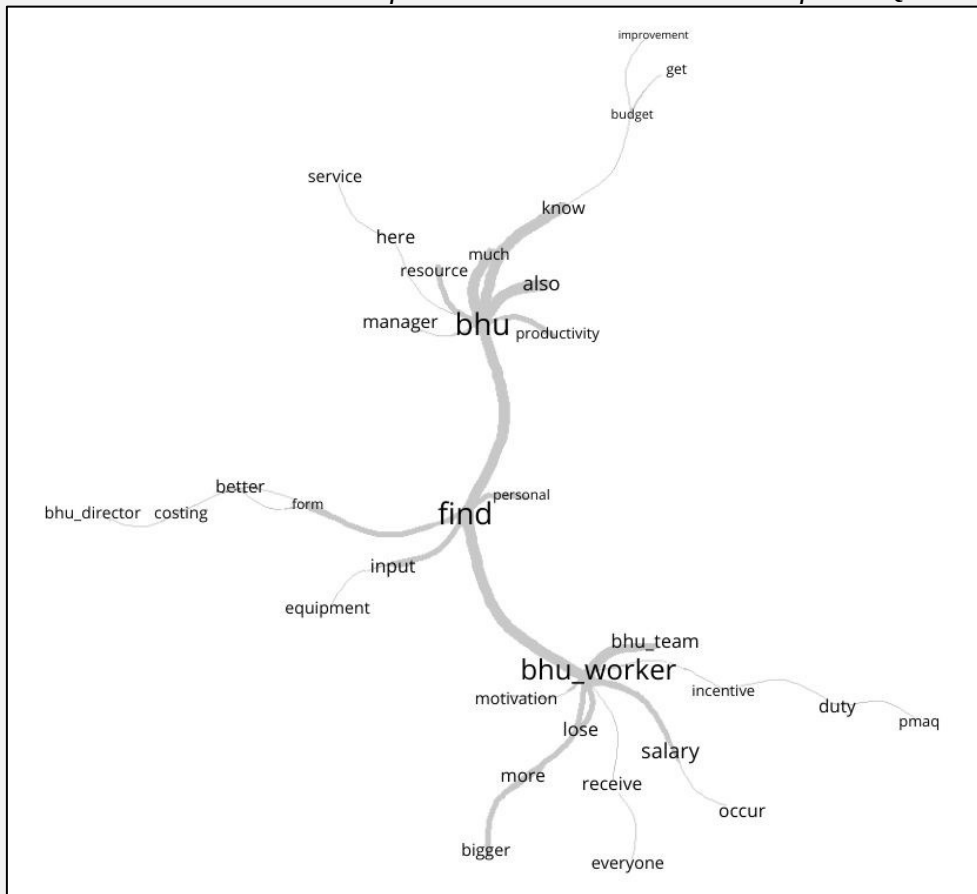
sense, directors may consider that if there were an appropriate infrastructure to implement the PMAQ-AB at BHUs, the manager's autonomy would not be so crucial, but that, in a context of lack of resources, they may demand greater flexibility to adapt and better serve the population.

Together with these factors, the ambiguity between preferring more or less rules for their work, or, more or less autonomy, may arise from issues of career path and profile, where, for example, less experienced directors may seek to follow, more strictly, what they value as standards, while, the more experienced ones may choose to have more autonomy because they know better the management specifics of a BHU and also have a deeper knowledge of their roles and responsibilities. Issues such as the relationship with high-level management can also weigh heavily in this regard, particularly the need for BHU directors to be advised on what is decided at the highest government level.

4.3. Individual action approach

The individual action approach assesses the bureaucrats' motivations, considering that the MLBs seek to maximize the resources of the organizations they manage, as well as the conditions that concern the bureaucrat's own interests, when they seek more resources, more recognition, more decision-making power, etc. Hence, for the analysis with the BHU directors, PMAQ-AB implementers, we have, from Picture 4, the similarity analysis of the textual corpus specific to this analytical category.

Picture 4: Similarity analysis:
Motivations and interests of BHU directors in the context of PMAQ-AB



Source: Own elaboration, based on research data.

In the context of the interviews, the interviewees' responses revolved around the wage increase matter targeted at basic care teams well appraised during a PMAQ-AB cycle. Picture 4 shows that, in the similarity analysis carried out, there are three more prominent words, which are: "find", "BHU" and "BHU worker".

The term "find" indicates directors' preferences and branches into expressions such as "input" and "equipment". Along the same lines, there is another branch with the words "form", "better", "costing" and "BHU director". That is, there is a clear preference from directors to also allocate more resources to the managed BHU.

From the word "BHU" there are some ramifications that suggest the positive impacts generated by the PMAQ-AB in the organization, from wage increases, as for example with the word "productivity", as well as the relationship between the words "improvement" and "get", at the ends of the significant term "know". In these ramifications, words such as "budget" and "resource" may indicate that these positive aspects derive from this financial dimension, present in the PMAQ-AB.

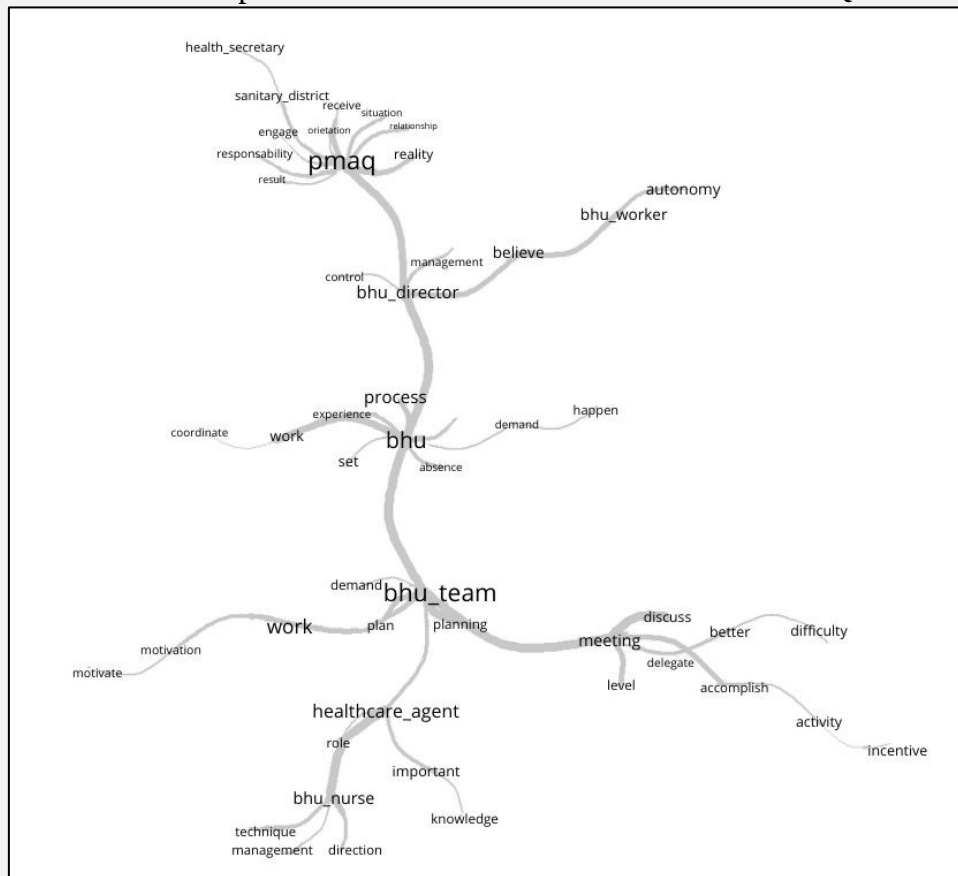
Finally, from the expression "BHU worker", words such as "incentive" and "motivate" branch out, showing that wage increases play an important role in promoting better performance from the staff that makes up the BHU basic care teams. Another point that deserves attention is the branched terms "receive" and "everyone". Together with the branched terms "salary" and "occur," these words, in the context of the interviews, indicate an apparent dissatisfaction of the directors with the program, for not being included in the financial incentive. This arrangement implies difficulties in self-identification of the director as an implementing agent of the PMAQ-AB and a member of the BHU team, resulting, therefore, in the absence of motivation to carry out planning and coordination actions of the teams that directly impact public policy results, mainly because it is assumed that the director exercises the function of translating and transmitting the PMAQ-AB principles and guidelines to the other team members.

Considering what is presented in Picture 4, it can be inferred that the interviewees have motivations that fit the assumptions of the individual action approach through two points of view, the first being a self-interested rational calculation, and the second as a utilitarian rational calculation. Regarding the self-interested rational calculation, the directors show concerns for not receiving salary increases resulting from their performance in the implementation of PMAQ-AB, as occurs with other employees who are part of the BHU teams. As far as the utilitarian rational calculation is concerned, it can be seen that, since they are not included, there is a preference on the part of the directors to use the resources from the program, both to fund the UBS as well as to supplement the salaries of the BHU workers.

4.4. Relational approach

With the relational approach, the focus is now on the forms and elements that characterize the MLBs' interactions. It should be said, however, that the elements highlighted in the other analytical categories matter and can be influential to the ways in which the BHU directors, as MLBs, interact with the actors around them. In other words, it is understood that the way in which the MLBs deal with norms and guidelines, their background and profile, their conceptions and their relationship with street-level and high-level bureaucrats are interconnected issues. In the light of these observations, we analyzed the statements of those interviewed that addressed the issues related to the directors. The result of this analysis can be seen in Picture 5.

Picture 5: Similarity analysis:
Relational aspects of BHU directors in the context of PMAQ-AB



Source: Own elaboration, based on research data.

From Picture 5, we note that from the similarity analysis, four words are highlighted: "PMAQ", "BHU team", "BHU" and "BHU director", however, it is also necessary to highlight the significant terms "meeting" and "healthcare agent", branched from the term "BHU team" and with great importance in the interviewees' statements.

With the word "BHU", terms such as "process", "absence", "experience", "happen", "work" and "demand" are related, terms that complement, in a way, the directors' views on the program, already presented in the specific analytical category for this purpose.

On the other hand, the word "PMAQ" has branched out the words "health secretary" and "sanitary district", which indicate, in a close relationship with the words "orientation", "relationship" and "responsibility", that the directors deem necessary for constant interactions with higher levels in management, which is understandable, from the point of view that for directors to translate the normative design of public policy into action by their employees, members of the basic care teams, there must be a channel of

communication between BHU management and the higher levels, as well as with the upper mid-level.

For the expression "BHU director", of its ramifications, we are firstly struck by the term "control" in which, in the context of the interviews, it was presented as an attribute of the directors' profile, in which they had the perception of control over the performance of their BHU workers. On the other hand, the term "control" clashes with the branch where there is a relationship between the words "believe", "BHU worker" and "autonomy". That is, although the directors claim that they have control over their employees in the BHU management, it is suggested that, contradictorily, these subordinate street-level bureaucrats have considerable margin for discretion in the exercise of their activities, according to the level of autonomy given to them. This aspect of the relational issue is particularly important because of its possible implications for the implementation management of the PMAQ-AB, conducted by the BHU directors. Considering that it is the role of the directors to regulate, at the local level, the actions of the basic care team members, it is possible to conclude that the institutional incentives placed in the PMAQ-AB may not be enough to induce this type of stance.

Finally, the term "BHU team" is one among the highlighted terms, where there are greater ramifications in the graph. At this point, the word "meeting", one of its ramifications, associated with other words such as "discuss", "delegate", "accomplish", "activity", "incentive" and "difficulty", indicates how the planning of the PMAQ-AB actions is built within the BHUs. Of the ramifications, another one that deserves to be highlighted is the one that arises from the expression "healthcare agent" (community healthcare agent). First of all, the "healthcare agent" appears in the statements associated with elements of expertise, as seen in the association with the words "important" and "knowledge," especially because the community healthcare agent is the closest bureaucrat to the citizen in the provision of public healthcare services.

A second emphasis on the character of community healthcare agents present in the interviewees' reports is the derived word "role", which has at the end of its branch the significant term "BHU nurse". The term "BHU nurse" draws attention to the relationship between the words "technique", "direction" and "management", a relationship that indicates that the role of community healthcare agents is mediated by the character of the nurse who works at the BHU. Thus, it is possible to conclude that the BHU directors, who, in the implementation of the public policy, have the role of managing and regulating

the performance of front-line workers, may end up delegating duties and transferring management responsibilities to other specific street-level bureaucrats.

Despite the statements about control and management role for the director of UBS while there is horizontality in the forms of planning of activities, similarities may suggest that the search for greater horizontality may stem from a different logic for the BHU director as MLB, because, due to their high degree of interaction and insertion in the daily lives of street-level bureaucrats, the BHU director may not end up seeing himself as a player above, in hierarchical terms, and act to a certain extent as a street-level bureaucrat as well, especially those who have a history of being players at the top. Thus, although the LMB are located in an intermediate position between the top and the street-level bureaucrats, in the case of BHU directors, a closer relationship with the street-level bureaucrats is evident as a result of the high degree of interaction daily life provided by the institutional design of the PMAQ-AB, which provides for actions designed and executed as a team.

At the same time, although BHU directors have the feeling of belonging to the team, they may not see themselves as responsible for coordinating the performance of street-level bureaucrats. In the statements of those interviewed, this role performed, by delegation, by the nurses who make up the basic care teams, in practical terms, represents that these street-level bureaucrats operate as MLBs, being responsible for delegating tasks, dealing with procedures and thinking of alternatives for the local context, having a discretion that is inherent to BHU managers.

Also thinking about the relationship between BHU directors and employees, if there is discouragement between both parties and this discouragement results in less commitment to achieving the objectives of the PMAQ-AB, the results tend to be negatively affected. Therefore, the director is an even more fundamental part in these scenarios where there is discouragement and misalignment of employees, particularly considering the high level of discretion of these street-level bureaucrats.

5. Conclusions

This paper sought to shed light on the work of mid-level bureaucrats in the process of implementing the PMAQ-AB, based on a case study with BHU directors from the city of Natal, RN. The analyses developed allowed us to understand, in the first place, that the dimensions contained in the suggested analytical model are important to

understand the performance and role of the BHU director in this process. The study also allowed the understanding that analyses specifically aimed at elements of only one of these dimensions can say little about the ways in which BHU directors influence the implementation of the PMAQ-AB and which reasons lead them to influence in such ways, being necessary to conduct a multidimensional analysis, according to the attempt of this study.

Taking into account the objective of the PMAQ-AB, these variables, with different forms of manifestation in each BHU director, may imply, in the operation profiles of bureaucrats more or less involved with the implementation within the BHU. Therefore, negative effects on the results of the Program can be expected, bearing in mind that the actions of directors who distance themselves from the aspects formulated may result in the reproduction of inequalities of access and quality in basic attention, if we consider that the BMEs, as well as street-level bureaucrats, may cause changes in programs from the practice of discretion.

This set of factors added to elements such as the complexity of the institutional design, the governance arrangements of the PMAQ-AB and the existing regional inequalities in the country, point to difficulties in achieving the objective of the public policy, since the diversity of forms of action may result in different modes of implementation and consequently in results that reproduce existing inequalities. Over all, the analyses carried out here indicate that directors, in general, do very little to play their role as a link between the top and the bottom.

Associated to it, there are also two issues found in the analysis that deserve to be highlighted: 1) the issue of directors presenting little disposition, in general, of control and coordination of basic care teams, leaving this to the nurses, for example, while they prioritize getting involved with the more procedural aspects, regarding the BHU operation and 2) the fact that the BHU directors do not see themselves as an integrating part of public policy nor as an implementing agent of the PMAQ-AB.

The interviewees' statements also made it possible to draw conclusions on how bureaucrats' expectations, through their motivations, if not met, could lead to a reduction in leadership capacity in the implementation within the UBS, so that, because they are not granted the financial incentive provided for in the program, they could be placed aside from the daily implementation of the PMAQ-AB at the BHU. Therefore, the lack of motivation may end up generating the absence of effective planning, little demand for

results, and little mobilization for the BHU teams to see the PMAQ-AB beyond the wage increases that the program can bring.

These observations help to emphasize that a director who is not fully engaged in the implementation process, who does not internalize properly what is formulated, and who does not effectively translate and pass on the norms to workers, may end up generating unexpected and negative results for the public policy. This can result in scenarios in which street-level bureaucrats use their discretion in a way that impairs the implementation process.

However, it is also important to highlight that, since it aims at capturing more subjective aspects inherent to the interaction modes of MLBs, this paper presents limitations and requires further complementary research for a better understanding of the theme addressed. Among these limitations, it is worth mentioning the issue of sampling, which, as selected, does not allow for generalizations beyond the local level. Furthermore, the study did not capture the understanding of street-level bureaucrats about the process of interaction with the BHU managers, limiting itself only to the views of BHU directors. Even so, the contributions of this research open an interesting window for future studies on the performance of mid-level bureaucrats in the process of implementing public policies and their interaction with different hierarchical levels, especially to understand more about the BHU director within this bureaucracy model.

References

Bardin, L. (2002). *Análise de conteúdo*. Lisboa: Edições 70.

Bauer, M. W. (2002). Análise de Conteúdo Clássica: uma revisão. In: M. W. Bauer, G. Gaskell. *Pesquisa Qualitativa com Texto, Imagem e Som: um manual prático* (pp. 189-217). Petrópolis: Vozes.

Bauer, M.W., & Aarts, B. (2002). A Construção do Corpus: um princípio para a coleta de dados qualitativos. In: M. W. Bauer, G. Gaskell. *Pesquisa Qualitativa com Texto, Imagem e Som: um manual prático* (pp. 189-217). Petrópolis: Vozes.

Brasil. Ministério da Saúde. Secretaria de Atenção a Saúde. (2015). *Manual Instrutivo do PMAQ para as Equipes de Atenção Básica (Saúde da Família, Saúde Bucal e Equipes Parametrizadas) e NASF*. Brasília: Departamento de Atenção Básica.

Cavalcante, P.L, Lotta, G.S., & Yamada, E.M. (2018a). Explorando a burocracia de nível intermediário: uma tipologia experimental. *Revista Brasileira de Ciência Política*, (26), 187-222.

_____ (2018b). O desempenho dos burocratas de médio escalão: determinantes do relacionamento e das suas atividades. *Cadernos EBAPE*. BR, 16(1), 14-34.

Cavalcante, P., Camões, M. R., & Knop, M. N. (2015). Burocracia de médio escalão nos setores governamentais: semelhanças e diferenças. *Burocracia de médio escalão: perfil, trajetória e atuação*, 57-90.

Dalfior, E. T., Lima, R. C. D., Andrade, M. A. C. (2015). Implementação de políticas públicas: metodologia de análise sob o enfoque da política institucional. *Saúde em Debate*, Rio de Janeiro, v. 39, p.283-297, 1.

Hill, M. (2005). *The Public Policy Process* (4ª Ed.). Londres: Pearson Education Limited.

Hill, M., & Hupe, P. (2002). *Implementing Public Policy: governance in theory and in practice*. Sage.

Huising, R., & Silbey, S. S. (2011). Governing the gap: Forging safe science through relational regulation. *Regulation & Governance*, 5(1), 14-42.

Lima, L. L., & D'ascenzi, L. (2013). Implementação de políticas públicas: perspectivas analíticas. *Revista de sociologia e política*, 21(48), 101-110.

Lipsky, M. (1980). *Street-Level Bureaucracy: Dilemmas of the individual in public services*. New York: Russell Sage Foundation.

Lotta, G. S. (2014). Agentes de implementação: uma forma de análise de políticas públicas. *Cadernos Gestão Pública e Cidadania*, 19(64), 186-206.

Santos, Melo & Fernandes. *The Role of Mid-Level Burocracy in the Local Implementation of PMAQ-AB*

Lotta, G.S., & Santigo, A. (2017). Autonomia e discricionariedade: matizando conceitos-chave para o estudo de burocracia. *BIB: Revista Brasileira de Informação Bibliográfica em Ciências Sociais*, São Paulo, 83, 21-42.

Lotta, G. S., Pires, R. R. C., & Oliveira, V. E. (2014). Burocratas de médio escalão: novos olhares sobre velhos atores da produção de políticas públicas. *Revista do Serviço Público*, 65(4), 463-492.

Meier, K. J., & O'Toole Jr., L. J. (2006). Inside the Bureaucracy: Principals, Agents, and Bureaucratic Strategy. In: K. J. Meier, L. J. O'toole Jr.. *Bureaucracy in a Democratic State: A Governance Perspective* (pp. 93-120). Baltimore: The Johns Hopkins University Press.

Oliveira, V. E. de, & Abrucio, F. L. (2018). Burocracia de Médio Escalão e Diretores de Escola: um novo olhar sobre o conceito. In: R. Pires; G. Lotta, & V. E. de Oliveira. *Burocracia e políticas públicas no Brasil: interseções analíticas* (pp. 207-226). Brasília: Ipea.

Page, E. C.; Jenkins, B. (2005). *Policy bureaucracy: Government with a cast of thousands*. Oxford University Press on Demand.

Page, E. C. (2007). Middle level bureaucrats: policy, discretion, and control. In: *The Civil Service in the 21st Century* (pp. 152-168). Palgrave Macmillan, London.

Peters, B. G. (2014). The politics of bureaucracy. In: *The Politics of Bureaucracy*. Routledge.

Pires, R. C. (2016) Arranjos institucionais para implementação de políticas e ações governamentais em direitos humanos. In: A. L. M. Delgado, C. I. Gatto, M. S Reis, & P. A. Assumpção. *Gestão de Políticas Públicas de Direitos Humanos – Coletânea*. Brasília: ENAP.

Presman, J., & Wildavsky, A. (1973). *Implementation: how great hopes in Washington are dashed in Oakland*. University of California Press.

The Diffuse Limit between Militant and Manager: A Study on Institutional Activism in the Government of Rio Grande do Norte, Brazil¹

O Limite Difuso entre Militante e Gestor: Um Estudo sobre o Ativismo Institucional no Governo do Rio Grande do Norte, Brasil

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Abstract: The central objective of the article is to understand the process of entry of militants into the state bureaucratic field and how they acted within the state government of Rio Grande do Norte in 2019. We used the most recent discussion on the relationship between social movements and the state based on the concept of institutional activism (Banaszak, 2010; Cayres, 2015; Abers & Von Bulow, 2011). Through ten interviews with militants who have taken up positions in the Secretariat of State for Women, Youth, Racial Equality and Human Rights (SEMJIDH)⁵, we sought to trace their paths to understand the forms of recruitment undertaken by the Government. In addition, we seek to make an analysis of the speeches about the entry process, the challenges posed and the tensions between being a militant and being a manager. As other surveys have already pointed out, the petitioner governments choose people who have transit in various types of militancy (church, unions, student movement, among others). In our case, these institutional activists understand the role of militant, trying to separate it from the role of manager, but they believe that they contribute significantly with the entry of specific themes in the public agenda.

Keywords: Institutional Activism; Social Movements; Public Policies; State.

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⁵ The acronym refers to the name of the Secretariat in Portuguese, as well as the other acronyms during the text.

Resumo: O artigo tem como objetivo central compreender o processo de entrada de militantes no campo burocrático estatal e como atuaram dentro do governo do estado do Rio Grande do Norte, em 2019. Utilizamos a discussão mais recente sobre a relação entre movimentos sociais e Estado a partir do conceito de ativismo institucional (Banaszak, 2010; Cayres, 2015; Abers & Von Bulow, 2011). Através de dez entrevistas com militantes que passaram a ocupar cargos na Secretaria de Estado das Mulheres, Juventude, Igualdade Racial e Direitos Humanos (SEMJIDH), buscamos traçar suas trajetórias para entender as formas de recrutamento empreendidas pelo Governo. Além disso, procuramos fazer uma análise dos discursos sobre o processo de entrada, os desafios colocados e as tensões entre ser militante e ser gestor. Assim como outras pesquisas já apontaram, os governos petistas escolhem pessoas que têm trânsito em diversos tipos de militância (igreja, sindicatos, movimento estudantil, entre outros). No nosso caso, em especial, esses ativistas institucionais compreendem o papel de militante, tentando separá-lo do papel de gestor, mas acreditam que contribuem significativamente com a entrada de temáticas específicas na agenda pública.

Palavras-chave: Ativismo Institucional; Movimentos Sociais; Políticas Públicas; Estado.

1. Introdução

In Brazil, there has been a strong presence of militants within the bureaucratic apparatus of the state in recent years, regarded by literature as institutional activists (Cayres, 2015). The expansion of the entry of these actors into the institutional arena was due, especially, to the arrival of the Workers' Party (PT) in power in 2003, reaffirming the need for social participation. This context imposed a series of challenges to public management, both because of the way these activists guided public policies and because the bureaucracy limited their action. These factors were reasons for academic studies and re-evaluations in the literature of social movements, which began to seek to understand the new dynamics imposed from this social-state relationship.

In the state of Rio Grande do Norte, in the last elections for the state plea, the Workers' Party obtained for the first time the house of the executive, electing professor and former senator Fátima Bezerra to the state government. Previously, in the administration of Robinson Faria of the PSD (2015-2018), there was an attempt to insert militants within the government, through the participation of the PT and the PCdoB in the process of building the political campaign and participation during the beginning of the administration. Some activists linked to the PT held positions in the state secretariats, including at the top level, such as the State Secretariat for Youth and the State Secretariat for Women's Rights.

However, due to political differences at the time, highlighted by the support of Robinson's party for the impeachment of Dilma Rousseff, the PT breaks with the Robinson government and the militants who were part of the government leave their portfolios. With the PT leading the way in 2018 and winning the elections, there is a return of a picture, and at this moment, expressively greater, of militancy into government. Keeping a good part of the technical and effective positions, Governor Fátima Bezerra opted for the resignation of commissioned positions, giving room for part of the militancy to compose her management.

The dismemberment of the Secretariat of Justice and Citizenship of Rio Grande do Norte (SEJUC) to form the new Secretariat of Women, Youth, Racial Equality and Human Rights (SEMJIDH), in 2019, is a reflection of this strong performance of social movements in the campaign of the current governor Fátima Bezerra. This close relationship, also understood at the national level, gave the various movements bargaining power in the choice of positions in the state secretariats, but also in the creation of new secretariats that had as a priority the attention to groups that did not have significant visibility in other governments, such as: women, blacks, quilombolas, LGBTs, family farmers, etc. In this sense, on May 10, 2019, Fátima sanctions the law that creates two new secretariats: SEMJIDH and the Secretariat of Family Agriculture (SEDRAF), fruit of pressures from urban and rural social movements.

Analyzing the insertion of militants from social movements in RN - the institutional activists - and their trajectories allows us to understand how these movements are organizing themselves, what are their flags and strategies in the construction of actions through an institutional bias in the context of a state traditionally characterized by conservative governments. Thus, this study aims to understand how these militants are chosen to compose the secretariat and what strategies these movements/activists that are part of the bureaucracy have been using.

In this sense, the article aims to explore the patterns of relationship between social movements and the state, mediated by political parties, thinking of understanding the process of entry of militants into the state bureaucratic field and how they acted within the state government of Rio Grande do Norte in 2019. In order to explore the possibilities of this configuration, the main thread of the analysis comprises exploring the trajectory and profile of militants engaged in social movements, who were part of the current

administration of Governor Fátima Bezerra in the state of Rio Grande do Norte, through the Secretariat of Women, Youth, Racial Equality and Human Rights (SEMJIDH).

To answer the objective, we started from the contemporary reflection on the relations between social movements and the State, especially from the concept of institutional activism developed by Banaszak (2010) and more recently by other researchers (Cayres, 2015; Abers & Von Bulow, 2011; Zanolli, 2019), who sought to understand the dynamics of action of militants within the bureaucratic structure of the State.

The article is part of research that has been developed by one of the authors and of which the others are part and are related to the discussions about interactions between social movements and the State in petition governments from the narratives. Thus, the analysis is qualitative and we use as a data collection technique in-depth interviews in order to provide us with a satisfactory overview of the narratives of the militants who entered the government administration and their political trajectories before entering the government. The interviews were recorded and transcribed in a literal way for a better analysis process.

The insertion of the authors in the field took place through the previous knowledge that some militants from the UFRN student movement entered the government, more specifically the Undersecretary of Youth. From the first interviews with these new managers, we requested indications from the other components of the Secretariat, using the sampling technique known as "snowball". The interviews took place during the months of April, May, and June 2019. Ten people who were holding positions in government were interviewed: two representatives of the Undersecretariat of Women; two of the Undersecretariat of Youth; two of the Coordinator of Policies for the Promotion of Racial Equality; two of the Undersecretariat for the Promotion and Defense of Human Rights; one of the Coordination of Sexual Diversity and Gender, and one of the Coordinator of People with Disabilities. The fact that we only hold one interview in the last two undersecretariats is due to the arrangement of the chairs in the respective portfolios, where in both there is only one coordination representation. For analysis, the interviews are listed from 01 to 10.

It is also worth mentioning that, rather than analyzing how social movements place their respective themes on the government agenda, the idea is to understand the insertion of the militants themselves in the state sphere, linked to political parties, and the

creation of multiple dialogues and actions for and with the social movements that support politics itself.

The text is structured in four essential parts, the first being this introduction. The second part discusses the relationship of social movements with the State, seeking to understand the exercises of militancy within public management understood by literature as institutional activism. In the third part, we reconstruct the process of creating SEMJIDH in the choice of its actors up to the political context in which it is inserted, presenting the trajectories of the militants and the ways of recruiting them to, in the fourth part, analyze the performance of these activists within the management in the Secretariat. And at the end, present the considerations of how the insertion of these institutional activists impacts on the public management of SEMJIDH in Rio Grande do Norte.

2. Institutional activism as an analytical category and the effects on management

The discussion on institutional activism has been present in the research agenda of social movements in Brazil very recently. But specifically, this literature has been worked on by some researchers (Abers & Von Büllow, 2011; Cayres, 2015, Carlos, 2017, among others) particularly seeking to understand the actions of militants who enter the state structure, either as commissioned or tendered positions. What the studies seek to show, in general, is how these actors deal with the state bureaucracy, changing the way public policies are designed and implemented, but also changing their perceptions of the functioning of the state itself. These discussions have been explored with more emphasis since 2003, as a way of understanding the dynamics of relations between the state and social movements, from the entry of the Workers' Party into power.

However, this discussion has not ceased to encompass reflections made at the international level. In the United States, some scholars of social movements sought to understand the insertion of militants within the government. Banaszak (2010) explored the relationship of feminist activists within the US federal government, showing that these militants, by entering the state bureaucracy, made it possible for new feminist organizations to be created and managed to develop and implement policies in several specific areas including education, women's health and foreign policies.

According to Backwith (2011, p.1064) Banaszak's book (2010) explores the processes that have taken these activists into the state, that is, "how they operate as actors in the social movement within and outside the bureaucracy, the variety of tactics they

manage to employ and the impact that these women have had (...) to promote feminist public policies". Pettinicchio (2012), also analyzing the American case, shares the understanding that leaders of social movements that are inserted in the dynamics "inside" of politics can be understood from the concept of institutional activism. Basically, for him, institutional activists are "individuals who affect change (from changes in organizational norms to political reform) from within organizations and institutions" (Pettinicchio, 2012, p. 501).

Thus, activists can be characterized by four specificities: 1) these civil servants do not only act in a reactive way, on the contrary, they are proactive and work for causes that overlap with the agendas of social movements; 2) these bureaucrats have access to institutional resources and have some influence in the process of formulating and/or implementing public policies; 3) they not only believe in the causes they promote but are also willing to work for such flags, even when the mobilization for them is in decline; 4) these professionals try to advocate for policies favorable to the causes they promote, even without having the external incentive of the government (Pettinicchio, 2012).

Therefore, the author understands that institutional activists are those militants who create their actions "within" the state, having access to resources and power that they would not have if they were not in this bureaucratic structure and maintain close relations with the movements of which they are sympathizers or a part. Furthermore, they act based on their experiences and trajectories prior to entering the state apparatus, often becoming an entrepreneur in politics.

Adjusting our analytical lens to these issues makes it possible to understand that these movements contribute to the formation of cadres in the state bureaucracy when ascending to power. The concept of institutional activism makes it possible to understand the militants of social movements within the state with links even to state actors. Therefore, this concept allows dialogue with the relational aspects between social and political actors. According to Santoro and McGuire (1997, p.504), the concept of institutional activism can be defined as "participants in the social movement who occupy formal status in government and the social movement through conventional bureaucratic channels".

Rebecca Abers (2015) advances in the reflection proposing to understand the activist as someone who has a direct relationship with militancy. For her, "I understand him as a type of action that aims to promote political or social projects perceived by the

actor as public or collective" (Abers, 2015, p. 148). We emphasize that this does not mean that the change of institutional position - from member of a movement to manager in the state bureaucracy - does not bring with it dilemmas and contradictions insofar as there are various reasons why it is not possible to transform all the demands of social movements into public policies.

In other words, as we will see, when representatives of the movements become managers, they face the limitations and constraints of various kinds, typical of state institutions, and the dilemma of what is feasible to propose. Contributing to the discussion of institutional activism, Rech and Silva (2016) broadens the studies on the political practices of social movements in Brazil from research that seeks to understand the relations of social movements with their various interests and demands and the state.

The authors pay attention to two relevant points: the challenge of thinking about the empirical processes marked by specificities in the movement-state relationship, and how the militant's impact through institutional activism on the decision-making processes within the state. Another issue that seems relevant to us when activists are within the state structure is to understand the effects of this activism on public policies.

According to Carlos, Dowbor and Albuquerque (2017), although studies on the political effects of the movements have grown considerably, the methodological challenges remain, and we know little about the unintended effects of these actions. The authors present four models that seek to explain the effects of social movements on politics and public policies.

The first model, focusing on the structure of resource mobilization, "analyses the intentional effects of protests and disruptive actions and the role of organizational and action variables as causes of the success of movements (Gamson, 1990, 1995; apud Carlos, Dowbor & Albuquerque, 2017, p. 366). The second model introduces the external political environment, emphasizing the role of public opinion and the structure of political opportunities. For the latter, the following are highlighted: i) the system of alliances and opponents, and ii) the institutions of the State. The third model combines the mobilization structure of the movement and its interaction with the political context. The model advances when it emphasizes that the result of the movement only becomes concrete when public opinion and/or political allies combine with the mobilizations of the movement (Gamson, 1990, 1995; apud Carlos, Dowbor & Albuquerque, 2017, p. 367). Finally, the latter model emphasizes the interaction of the mobilization structure

combined with the political context, "given that the movement's maximum organizational and mobilizing capacity will not generate effects if it is not combined with favorable political opportunities".

These models can be used in a hybrid way to understand different processes of institutional activism in different contexts. We borrow the idea of Abers, Silva and Tatagiba (2018) in understanding that the political context is not something objective and external to the actions of social movements, but that "social movements are inserted in relationships of interdependence with the various actors and institutions with which they interact routinely, constituting what we call relational structures" (p.16). Therefore, in order to understand the challenges posed in public management by the insertion of social movement activists in the state government of Rio Grande do Norte in a more systematic way in 2019, we sought to understand the political dynamics of the configuration of the State Secretariat for Women, Youth, Human Rights and Racial Equality (SEMJIDH).

3. The political context of the creation of SEMJIDH and the recruitment of activists

The process of creating the State Secretariat for Women, Youth, Human Rights and Racial Equality took place in an atypical political context in Rio Grande do Norte. With the election of Professor Fátima Bezerra (PT) as governor in 2018, the expectation of social movements and leftist parties was an advance of progressive initiatives and guidelines at the state level. A militant of the Workers' Party, Fátima Bezerra, who was already a state congresswoman (1995-2002), federal congresswoman (2003-2015) and senator (2015-2018), has an expressive history of union action, especially through unions and teachers' associations.

The only female governor elected in Brazil in 2018 brings, from the political and social context in which the country passes amid conservative progress, challenges for the state Executive Branch. In this scenario, in the first half of 2019, the government proposed to change its organizational fabric through an administrative reform proposed by the current administration in the Legislative Assembly on February 11, 2019. On May 10, state deputies approved the administrative reform. As a result, the former Secretariat of Justice and Citizenship (SEJUC) ceased to exist and gave way to two new portfolios: SEAP (Secretariat of Penitentiary Administration) and SEMJIDH (State Secretariat of Women, Youth, Racial Equality and Human Rights).

Before the approval in the Assembly, the state management initiated the articulations for the creation of SEMJIDH. Still without a name and acronym defined at the time, the government began negotiations with actors, social movements and political parties for the construction of what would be a secretariat that would agglutinate guidelines of Human Rights, specifically guidelines of feminist social movements, youth and racial equality.

Thus, previously treated by the government, officials and militants as "the future secretariat", the SEMJIDH officialized in the first half of 2019, began to act more incisively within the state government. On March 31 of the same year, Governor Fátima Bezerra performed an act in the former Student's House, a building used as a residence by students from the interior of the state, changing the old name of the building to "Emanuel Bezerra", a student murdered and tortured in 1973 by the military regime. The change of name of the building added to the designation of the place as the future physical space of the new secretariat, represented an important symbolism for the militancy that makes up SEMJIDH:

(...) we do not have a physical place of work yet, it is already been approved, the secretariat will work in the old Student House in Cidade Alta, there the secretariat will be set up, the construction will start with the resource we are trying to get there to be a physical space (I10).

According to I10, the space may also house collegiate bodies, committees, and social programs whose line of action is related to the demands of the Secretariat. In addition, the titular coordination of the Sexual Diversity and Gender states that "we intend to occupy the House with cultural mobilizations, memorial, art and other manifestations that are focused on minorities. However, the building destined for the Secretariat needs to undergo reforms and until the completion of this research, the SEMJIDH did not have its own physical location, operating in spaces provided by other secretariats and government agencies.

Faced with the decree of the financial calamity existing in the state of Rio Grande do Norte in the 2019 government, the new secretariat was approved on the condition of not creating new posts, but rather using the existing chairs in other secretariats, relocating them to SEMJIDH. Thus, the SEMJIDH arises from the reallocation of positions already existing in two different secretariats - the State Secretariat of Sports and Leisure and the State Secretariat of Justice and Citizenship.

To structure SEMJIDH, three Sub-Secretariats were created: Subsecretariat of Women; Subsecretariat of Youth, and Subsecretariat of Human Rights. Within the latter, there are four coordinators: 1) Sexual Diversity and Gender; 2) People with Disabilities; 3) Policy Coordination for the Promotion of Racial Equality (COEPPIR), and 4) Promotion and Defense of Human Rights.

For the composition of the new secretariat, the government's transition team was made up of people from the governor's party and allied parties, along with social movements and groups supporting the electoral campaign. After dialogue meetings and negotiations, the government, parties, and social movements then began recruiting the cadres that would make up SEMJIDH. According to the interviewees, the invitations made by the transition team prioritized their trajectories as militants of the portfolios together with the proximity of the fundamental agendas of the secretariat, in addition to the strong performance of these actors in political parties.

As Cayres (2105), in his doctoral thesis on institutional activism at the General Secretariat of the Republic in the Dilma Government, we identified that there is a certain pattern of recruitment of activists that included "qualified people, recognized, with good transit and dialogue with social movements" (Cayres, 2015, p. 117). In our case in particular, all those interviewed who took on the coordination and sub-coordination have relationships with social movements (feminist, trade union, student, black, disabled or LGBT people) and most are linked to political parties. Thus, the form of recruitment has to do with this trajectory, as shown in table 01.

Table 01: Trajectories of the interviewees, party links and recruitment

Interview	Undersecretariat/ function	Trajectory in the movements	Party affiliation	Recruitment
I01	Youth/ Subcoordinator of Social Articulation of SEJUV	Student movement	PCdoB	Name placed by the PCdoB (Governor's coalition party). Former president of the state UJS.
I02	Women / Undersecretary	Church group, student movement, union (CUT), teacher's association and feminist movement	PT	Former Fatima employee and former PT women's secretary
I03	Youth / Undersecretary	Student/Youth party movement	PT	Name placed by the Party. He was a municipal, state, and national party leader
I04	Women / Subsecretary	Student movement; union movement; feminist movement	PCdoB	Invitation made by the transition team, given its trajectory in feminist militancy
I05	Human Rights / Coordination of People with Disabilities	Movement of people with disabilities	Avante	Invitation made by the governor herself for recognition for being at the head of the disability movement in RN
I06	Human Rights / Policy Coordinator for the Promotion of Racial Equality (COEPPIR)	Black movement; black women's movement	No party	The indication was built by the black movement near Fatima at the moment of transition
I07	Human Rights / Policy Coordination for the Promotion of Racial Equality (COEPPIR)	LGBT movement; black party movement	PT	Indication of the party itself, since it was LGBT coordination
I08	Human Rights / Coordinator of Promotion and Defense of Human Rights	Church Movement; Student Movement; Solidarity Economy Movement	PT	Indication of the party itself because it was part of the Solidarity Economy, Women and Street Population front
I09	Follows the Human Rights agenda at SEMJIDH through the Civil Office	Student movement; LGBT movement	PT	Indication of the party itself as it was part of the student, youth, and LGBT front
E10	Human Rights / Coordination Sexual Diversity and Gender	Popular Youth Lift, student movement (DCE); LGBT movement, Popular Brazil Front	Consulta Popular	Indicated by its work in the student movement and the LGBT cause

Source: Own elaboration from the interviews (2019).

In table 01, nine of the ten people interviewed belonged to political parties, five of them from the governor's party (PT), three from allied leftist parties and one from a right-wing party, which has had conservative positions at the national level. The latter is the one that escapes the rule of the others. With this, we can see in the case of I05 that its trajectory, leadership and organicity with the social movement of people with disabilities made possible an invitation made by the governor herself to enter the government of the PT. The interviewee affirms that besides having been a candidate for a state congressman on another plate, he did not expect that the new elected government would embrace the movement's demands.

I had the experience of trying to be a state representative but only for party politics (...) I took all the proposals from the thirty movements, what I really wanted was to publicize the agendas. We had a meeting, we collected 68 signatures from entities, and I had the idea of delivering the document to Fatima. I was going to hand it over, I never imagined anything of it (I05).

I06, the only activist not linked to any party, states that its proximity to the governor began during the campaign period, as a militant of the black movement.

The process of articulation with the current governor's management took place before she was elected. It took place when she was a candidate. It was the moment when we, the black movement, and black women, presented the demands for the policy of promoting racial equality. (...) So this process of dialogue precedes the election. At the time she was considered elected to the state government, we had the understanding that it was necessary especially in the administration of Governor Fátima Bezerra that the coordination of the promotion of racial equality be occupied by someone who came from the black movement (I06).

The rapprochement of the black movement of the state with the Fátima Bezerra campaign made possible the entry of organic militancy to occupy the Coordination for the Promotion of Racial Equality, created in 2007. In this sense, the interviewee sees the election of Fatima as a window of opportunity for the coordination - a space that comes from the struggle of the movement - and thus, she makes herself available to the new management and continues the dialogue initiated previously, now as an elected government.

Then our process of articulation took place from that, of pleading this space [of coordination]. We put forward this proposal to occupy the

space as management, but that had this cut-off, from someone who came from the black movement (I06).

It is also important to highlight the relationship between the "Trajectory in the movements" column and the "Undersecretariat/function" column, where it is noted that most of the trajectory of the interviewees is linked to the position of coordination or folder in which they are inserted in the current secretariat. For example, the activists who work in the sub-secretariat for youth acts in the student movement, those who work in the sub-secretariat for women have trajectories linked to the feminist movement, and those for human rights are related to the agenda and so respectively.

The PT, as a party of Governor Fátima, appointed half of the cadres to compose the Secretariat, as presented above. Thus, even from different groups within the Party, those interviewed have strong relationships with PT leaders in the state, such as I07 and I08 who were advisors to state deputies and I03 who held party leadership positions at the municipal and state levels. The influence of the governor's choice for some positions is demonstrated in the speech of one of I02:

I have been an advisor to Fatima since I was a state representative. I started in the first mandate of Fatima, (...) she was elected in 92, from 96 I started working with Fatima. We worked in the union, then I went to work on her mandate, I advised her, (...) I also worked on the women's issue (I02).

However, since it is a Secretariat that encompasses a series of demands from social movements, it could not be different that the choices of names had to do with the trajectories of these people as militants of the theme. Thus, two names were nominated to be part of the governing summit of SEMJIDH. These two people also come from similar paths to the others since they are part of a traditional left-wing party in the country. One of them (I04) says that she was part of the PT's militancy when she was young, but later, when she started working, she began to participate in the union movement, a branch linked to the PCdoB, which brought her closer to the party. In her speeches:

In the Post Office trade union movement, there was a strong chain called CSC, it was a classist trade union chain. The currents in the union movement are not partisan, but they have a hegemony of a certain group. So, the hegemony of the CSC was communist and so they invested a lot in me, I had many opportunities (...) I was director of women of the state PCdoB for two terms, right? So, these relationships are being built (I04).

In the field on the left, I04 says that its nomination has been recognized for its performance, and in the period of transition to the Government of Fatima. Also, according to the representative, "during the transition we received the invitation from the secretary, she was invited by Fatima to be secretary and she invited Larissa and me to compose the secretary" (I04).

It is noted that such recruitments are not always consensual, especially in coalition governments. The I10, coordinator of sexual diversity and gender affirms: "I was the only name agreed by the government, every LGBT name someone had something against, debated, disputed, when my name arrived nobody, from the coalition, had anything against". Her recruitment process, in this sense, occurred in a different way from the others. Although her name appears in the dialogues of the transition team, E10 states that the government did not dialogue with the LGBT movement, as it did with other movements:

I did not wait because it is very common to have a pre-articulation for some position, this did not happen to me, I did not have a link with the mandate of Fatima to wait for this position, nor did I know that this position would exist (...) I was not indicated by the movement, it recognizes me, I was always following the guidelines of the Levante, but I was a choice of government and not of movement. The government sat with the movement of people with disabilities so that the movement would indicate who the person is, they did not sit with the LGBT movement, I am not indicated by the LGBT movement of RN (...) My name came from my background and from being a person of political trust (I10).

Corroborating with literature, we realize that upon entering government, the now institutional activists are not impersonal beings, but carry very strongly for the management the values, practices and conducts of their movements or parties. I10 also states that the decision to enter the government was not made individually, but before accepting the proposal, it took the agenda to his party and dialogue with them:

I took the debate to my party, I did not accept it at first, I took the debate to the party, I had to leave the newspaper, I had to give it up, I took it to the party, it was a collective decision, it was not just a job, I am not going to take a job, I am going to build a political government project, I left it very clear for management, I am not coming here to take a position to receive a sum of money, I am coming here to build a project (E10).

In this context, SEMJIDH appears as a possibility for the insertion of social demands by actors of the respective causes. Before as militants of social movements external to the State and now as public managers occupying chairs of under-secretariats and coordination that demand political and technical capacity to achieve relevant agendas. Even if incipiently, the next item seeks to highlight the challenges imposed on these activists when they need to deal with the state bureaucracy.

4. The activists in the management of the Secretariat: potentialities and limits in the management of public policies

As we have already highlighted, the literature on institutional activism seeks to understand the conjunction between institutional office and militant contestation "the term institutional addresses the positioning of agents within certain organizational structures" (Rech & Silva, 2016, p. 381). For two of the ten people interviewed, the militant is the one who inserted in the state bureaucracy manages to guide the movement's demands and modify the way public policies are elaborated and implemented. The I01 and I08 emphasize this aspect: "having managers committed to social reality, has the ability to build a very nice and very concrete work in this sense of civil society, social movement, together with management" (I01). For these activists "when you manage to unite social movement and executive, you manage to manage good public policies (...) now when you break away it gets very complicated, they become dead public policies, they don't work" (I08).

As Banaszack (2010) points out, instead of analyzing the militant-state relationship from the concept of co-optation, we can observe this relationship through networks of collaboration and interaction between social movements, their militants, and the State. For the author, activists acquire sufficient aptitude to articulate with actors who are external to the state, and this includes the social movements themselves, thus taking advantage of the political opportunities created within the logic of the state. Corroborating the author's idea, I01 states:

I think that from this process of being inserted now within the context of management, we need to change the vision. It has been challenging, but at the same time we have to be there, taking advantage of this space to transform the space (...) I see militancy as a just thing, allied to public management, which has how to work in harmony, of course, without leaving the interests of militancy, which often correspond to the

interests of the people, more broadly than the interests of those who are there in management (I01).

It is fundamental to consider the dynamics that take place within the State as results of institutional activism (Cayres, 2015) by militants now within management. In addition, understand how these activists try to combine their actions based on the militancy of social movements, with the procedures of the bureaucracy.

It is a paradox every day (...) we are government and today we have to deal with what we were days ago [social movement], I think it is a paradox of the implementation of politics even (...) although we struggle a lot to make it effective, but budget, bureaucracy, everything else, this is challenging, but at the same time it is a disheartening (...) it is seeing things that we defended so much, [and that today] we feel bumped into this difficulty of budget and everything else (I09).

It is a great challenge, I have never held a position as an institution in that sense. I am learning every day, I am learning there at the limits, what I can do what I cannot, but I am learning every day what public management is. The positive point is that I have always had in building the agendas of the LGBT movement. So, when they ask: "what does the LGBT want for education, for health?" I can say. "What do you want for public safety?" I can tell (I10).

As a movement we believe that everything can, and it is fast, and it is all in the time that we want and believe. And within the management structure we begin to understand that things are not quite like that. That the processes of articulation work in a network and that it does not depend only on coordination so that things can happen. Even when we enter management we are able to see better what the limit of action that a coordination has, different from when we are in militancy, which believes that a coordination is able to solve everything and is not (I06).

Some social movements, however, show a certain discomfort in the entry of militants into the state bureaucracy. Whether for reasons of representativeness, or of how these activists come to be seen by militants who are outside the government, many decide to leave their movements when they enter the state. Perhaps such a decision has as its central objective to "legitimize" some actions of the activists as a government, as well as to abstain the social movement from responsibility for actions taken by the government itself.

I am not even in the movement anymore because whoever is of government in my conception has to leave the space of the movement, as much as it is a left-wing space we cannot confuse being movement or government, when I speak outside I no longer speak as movement, I speak as government (I10).

The decision not to "be more movement" is not the same, however, for political parties. On the contrary, there is a concern on the part of the party activists, to build this new form of action together with the collectivity of the party of which they are part. Although I10 chooses to distance itself from the movement, this does not necessarily mean a departure from the agendas advocated, the distancing takes place in this case, mainly through the conception of the existence of a dichotomy between the place of speech as movement and the place of speech as government.

The impact that the entry of militants into SEMJIDH on public policies is still not substantially noticeable, given that this study began in the first months of management. However, it is possible to see that even in a short time, the design of the policy is already taking shape in the Secretariat.

(...) because you do not have to invent the wheel, I know what the demands are, we just have to create instruments so that the demand actually becomes public policy, stops being demand and becomes reality. I think that in the long run I will be able to have a better reflection of what it is to be a manager, what it is to manage, what it is to govern, in the long run we will be able to have a better perception of this process (I10).

As the main task of beginning management, the new state managers started to create collaborative networks with the northeastern managers to get to know the experiences of the states that have operations in the areas of SEMJIDH. The so-called Northeast Consortium, a group that brings together the progressive governments of the region, aims to establish partnerships between the states. This network is not restricted only to governors, secretariats and other managers also meet to discuss public policies at the regional level.

This northeast articulation has been happening a lot, not only of the governors, it has been happening of the coordination managers. This talk of strengthening the northeast has happened, of strengthening public policies (I09).

There is the example that is northeastern consortium, but there has already been, for example, the meeting of the coordinators of racial policy of the northeast, several coordinators had already met, Pernambuco, Recife, Paraíba, Ceará, where it has a position of racial equality, they met to discuss how the northeast is in national politics. The idea is that this also happens [with the Coordination of Sexual Diversity and Gender] (I10).

In September 2019, the Undersecretary of Youth also held, in Natal, the Meeting of State Youth Managers of the Northeast with the purpose of discussing projects and regional partnerships in the field of public policies for youth. This network of cooperation between managers opens a series of possibilities to think about actions at state level based on already existing experiences of formulation, implementation, and management of public policies of other states.

There is a forum for the Youth Managers of the Northeast, so far it has been built, and who is there representing our Undersecretariat is our Undersecretary. He has already participated in some meetings outside the state, to articulate this issue at regional and national levels as well (I01).

The Coordination of Sexual Diversity and Gender through the exchange of experiences with northeastern managers and in partnership with SESAP (State Secretariat of Public Health) began the process of implementing the first State Outpatient Clinic for Transgender and Transvestite Health in Rio Grande do Norte, the fourth state in the Northeast to institute an outpatient clinic for the trans population.

I am working with SESAP to build a trans ambulatory, what have we done? A team of SESAP technicians went to meet *in loco*, went to the place to see the trans ambulatory in Paraíba, went to see there step by step how Paraíba made the trans ambulatory work there, this is an example of the LGBT policy articulation (I10).

After the creation of SEMJIDH, identity agendas no longer permeate only the discourses of social movements and begin to emerge within the state bureaucracy. Public policies at the state level focused on women, racial equality, youth, and human rights begin to take shape in Rio Grande do Norte through the partnerships signed by the Secretariat. The demands of social movements meet with the institutional activism present more strongly now in the state government and begin to produce practical results. In this way, combining the demands of the movements with institutional action, managers begin to modify the design of government public policies.

It did not have a specific folder [LGBT], it was a very palliative thing, it was a very fictitious thing. An example of this was historically the space of the women's policy coordinator that was a folder that always existed, but it did not make politics, it was to say that it had, to say that we have no more (I10).

Thus, institutional activists working in the State Secretariat for Women, Youth, Racial Equality and Human Rights have been trying to modify the forms of action within public management, with different strategies and articulations. In addition to being new managers, the new secretariat imposes challenges that have physical and budgetary limitations that only with the passage of time will it be possible to analyze the results of the initiatives taken, and what impacts this management will have to consolidate the influence of these managers in the state public policies implemented.

However, we note that although respondents have the perception that their activism may positively affect public policy, this will need to be better investigated in future surveys.

5. Final considerations

This article aimed to analyze the process of entry of militants into the state bureaucratic field and how they acted within the state government through SEMJIDH. Our analytical lens, which understands the trajectories of these institutional activists, has enabled us to understand the ways in which these actors were summoned to their respective portfolios. This approach was relevant because it made it easier to visualize how these activists light up to compose the Secretariat. Furthermore, it allows us to better understand the way in which the management of the PT distributed the chairs, according to different criteria. This picture reflects a partisan balance showing that the diversity of activists can collaborate to conceive more pluralized public actions.

We can highlight that the choice of militants to occupy the posts of the new Secretariat was made primarily because of their proximity to the coordinators and undersecretaries (youth, women, people with disabilities, sexual diversity and racial equality) through their history of militancy in political parties and other movements. The activists' actions in political parties, although significant, did not represent a determining factor for the choice.

Analysis of the interviews also showed that these institutional activists create their relations "within" the state, with access to mobilization of resources and power that they would not have if they were not within the bureaucratic structure, as the area literature initially pointed out. Most of these activists maintain relations with the movements from which they come and rectify the idea of still "being militant". The new managers reaffirm their trajectories and even though they intend to meet the demands of

the movements, they understand the need to focus on public policy no longer exclusively as militants, but also as managers.

As for the effects of this activism on public policies, although the analyses made do not allow for a substantial understanding due to the short time of management that this research has comprised, we can highlight that cooperation between the secretariats at state and regional levels is being fundamental for overcoming resource limitations and the short time of experience in the new management of SEMJIDH, bearing in mind that for most of these institutional activists this is the first action within public management.

In this sense, future researches can analyze the performance of these activists over a longer period that makes it possible to discuss the impact of this performance on internal management and public policies. Furthermore, we suggest carrying out comparative analyses between SEMJIDH's actions with other Government Secretariats that also had the significant insertion of social movement activists in its structure.

References

Abers, R. N., Silva, M. K., & Tatagiba, L. (2018). Movimentos sociais e políticas públicas: repensando atores e oportunidades políticas. *Lua Nova*, São Paulo, 105, 15-46.

Abers, R., & Von Bulow, M. (2011). Movimentos sociais na teoria e na prática: como estudar o ativismo através da fronteira entre Estado e sociedade? *Sociologias*, 13/28, 52-84.

Banaszak, L. A. (2010). *The Women's Movement Inside and Outside the State*. Cambridge.

Beckwith, K. (2011, março). The Women's Movement Inside and Outside the State (review). *Social Forces*, 89(3), 1064-1066. Recuperado de <https://muse-jhu-edu.ez18.periodicos.capes.gov.br/article/430717/pdf>. Acesso em: 10 fev. 2020.

Carlos, E., Dowbor, M., & Albuquerque, M. do C. (2017, maio/agosto) Movimentos sociais e seus efeitos nas políticas públicas. Balanço do debate e proposições analíticas. *Civitas: Revista de Ciências Sociais*, 17(2), 360-378.

Carlos, E. (2017). Cooperação e conflito na relação movimentos sociais e estado. *Política & Sociedade*, 16(35), 321-350.

Cayres, D. C. (2015). *Ativismo Institucional no coração da Secretaria Geral da Presidência da República: A Secretaria Nacional de Articulação Social no Governo Dilma Rousseff (2011-2014)* (Tese de Doutorado em Sociologia Política). Universidade Federal de Santa Catarina, UFSC, Brasil.

Pettinichio, D. (2012). Institutional activism: reconsidering the insider/outsider dichotomy. *Sociology Compass*, 6(6), 499-510.

Rech, C. M., & Silva, M. K. (2016). Ativismo institucional como categoria analítica para o estudo das práticas políticas dos movimentos sociais no Brasil. *Anais do Seminário Nacional de Sociologia da UFS*, Aracajú, SE, Brasil, 1.

Santoro, W. A.; McGuire, G. M. (1997). Social Movement Insiders: The Impact of Institutional Activists on Affirmative Action and Comparable Worth Policies. *Social Problems*, 44(4), 503-519.

Zanoli, Vinicius. (2019). “Mais ativista do que gestora”: ativismo institucional no campo do movimento LGBT em Campinas. *Sociologia & Antropologia*, 9(2), 495-517.

Axiological evaluation of the Urban Transport Program of the Federal District: Exploring the Public of accessibility

*Avaliação axiológica do Programa de Transporte Urbano do Distrito Federal:
Explorando o Público da acessibilidade*

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Abstract: This article evaluatively discusses accessibility as an important dimension of urban mobility, considering it as a public problem (Dewey, 1927; Blumer, 1971), from the case study of its quality for people with physical disabilities, in the within the scope of the Federal District Urban Transport Program (PTU-DF), with regard to road and subway modes. From the point of view of the method, it was an evaluation of axiological type, based on values (Fischer, 2016; Boullosa, 2017; 2019), for having sought to reveal the matrix of values involved in the process of providing and using such services. Context analysis, semi-structured and structured interviews (type questionnaire) were used, whose findings were treated based on the similitude analysis (from IramuteQ software) and descriptive statistics. As a result or evaluative synthesis, it was observed high incongruity and disagreements between the values present in the perceptions of the different actors, which seems to be strongly related to the “transversal response, without coordination” management model of accessibility for people with physical disabilities.

Keywords: Public Policy Evaluation; Accessibility; Public Problem.

Resumo: Este artigo problematiza de forma avaliativa a acessibilidade como uma dimensão importante da mobilidade urbana, considerando-a como um problema público (Dewey, 1927; Blumer, 1971), a partir do estudo de caso da sua qualidade para pessoas com deficiência (PCD) física, no âmbito do Programa de Transporte Urbano do Distrito Federal (PTU-DF), no que concerne os modais rodoviário e metroviário. Do ponto de vista do método, tratou-se de uma avaliação de tipo axiológica (Fischer, 2016; Boullosa,

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2017; 2019), por ter buscado revelar a matriz de valores implicada no processo de provisão e uso de tais serviços. Foram utilizados análise de contexto, entrevistas semi-estruturadas e estruturadas (tipo questionário), cujos achados foram tratados a partir da análise de similitude (com o auxílio do software IramuteQ) e estatística descritiva. Como resultado ou síntese avaliativa, observou-se uma alta incongruência e desacordos entre os valores presentes nas percepções dos diferentes atores, o qual parece estar fortemente relacionado ao modelo de gestão por transversalidade não coordenada da acessibilidade para pessoas com deficiência de tipo física.

Palavras-chave: Avaliação de Políticas Públicas; Acessibilidade; Problema Público.

1. Introduction

With the increasing complexity that involves the field of studies and practices in public policies in Brazil, we increasingly perceive the necessary correlation between public problems and their alternative solutions (Boulosa, 2019; Secchi, 2016). Among the different dimensions involved in this correlation, there is an important debate on the intersectionality and transversality in understanding the compositional diversity of the publics for which public policy instruments are formulated and directed. And in this debate, there is with gradual importance the public formed by people with disabilities. This public, which has been organizing itself for some decades, has, like other publics, formed its own object of study around which actors who help defend its importance, as well as in the production of arguments that support it, are articulated in the formation agendas and the activation of many visibility actions and consolidation of its own arena (Hillesheim et al., 2019; Barbosa, 2016; Amaral et al., 2012).

And in this specific case, this very dense and vigorous arena has been producing an important set of studies, instruments and rules for the inclusion of people with disabilities. As evidence of the plurality and reach of such a set, we can cite since the inclusion of such theme in the Brazil's demographic census, which accounted that 23.9% of Brazilians have some type of disability (IBGE, 2010)³, including the Statute of the Person with Disability, approved in 2015, representing a concrete advance in the legal framework but also for the creation of institutions, associations, and specific public policy instruments for such publics, reaching the reservation of vacancies in public tenders and

³ Using the same micro base, the *Instituto Brasileiro de Geografia e Estatística* (IBGE) recalculated percentage of the population with disability, starting to affirm that, following new parameters, this would have passed 6.7%. These new parameters would measure the degree of difficulty in performing basic functions.

the mandatory inclusion of this theme in any and all public tenders within the scope of the Judiciary⁴. And social networks have also proved to be an important space for the construction and operation of pressure groups, as are the cases of thematic blogs, many of which intersect mobility and people with disabilities (Barbosa, 2016).

However, if we look at more specific advances in terms of public policy sectors, we find that of urban mobility, which today, in general, has services that are largely limited to reducing the understanding of disability to physical disability, following the accessibility standards established by the Associação Brasileira de Normas Técnicas (ABNT) for public transport means and their equipment or access environments. In some locations, such as the Federal District and other capitals of the country, accessibility also extends to the economic dimension, with the guarantee of free access for such public.

But does this limited understanding of what is a disability, as if it were exclusively physical, as well as what is called a service, as if it were exclusively related to physical access to transport, could mean a high degree of quality in the service provided, including from the point of view of who uses it? To help answer this complex question, this evaluative research sought to discuss valiantly a more plural understanding of accessibility, from the assumption of research challenges that are analytically located at different levels. The first, the ontological, for taking on the challenge of inserting this evaluative research in the field of studies in public policies (and not in political science, administration, economics or urbanism, for example) (Boullosa, 2019); a second, epistemological, for assuming the centrality of the public concept in the discussion of public policies (Dewey, 1927); and, finally, methodological, because it intends to carry out an assessment of the axiological matrix, based on values, assuming those that permeate the flows of public policies, conformed by a plurality of actors and arguments (Fischer, 2016).

These challenges were faced in a concrete case of evaluation: the Urban Transport Program of the Federal District (PTU-DF), assuming, however, as an object, the quality of the offer and provision of mobility services to the public of people with disabilities. For this, (a) we seek to understand accessibility for people with disabilities as a public problem, even with a focus on its physical side, which also meant understanding their legal framework as a set of arguments that was being constructed and

⁴ Resolution No. 230/2016 of the Conselho Nacional de Justiça (CNJ).

socially shared in terms of value; (b) we problematize the management of PTU-DF as a process that, due to its public dimension, is not neutral in its evaluation framework; (c) we assess the perceptions, arguments and values of a specific set of actors involved (managers, associations geared to this end and specific public) evaluatively; and, finally, (d) we present the results of this axiological evaluation based methodologically on the weighting of the findings of such mappings.

This article was divided in order to present the research problem in this introductory part, which is sequenced by the theoretical framework on public problems and the construction of the history of people with disabilities in Brazil. In the next topic is presented the Urban Transport Program and its operation, followed by the methodological path traveled, exposure and discussion of the research results and, finally, final considerations.

2. After all, what is a public problem?

Public problems can be interpreted in different ways; however, there are two broad strands that end up distinguishing a reasonably heterogeneous set of interpretations: on the one hand, authors who argue that the problem only becomes public when it is recognized by society; on the other, those who consider this to be a condition granted only by the State. This work is in line with the first large set, since understands the state as an organized society to deal with its own problems (Dewey, 1927). In this perspective, society is broader than the State, as it contains it. In this first aspect, the term public problem comes close to the notion of problem social, however, cannot be treated as synonyms (Blumer, 1971; Gusfield, 1984).

When considering the theory of public policies influenced by the pragmatic John Dewey, public problems are not born characterized by problem or public, but are socially constructed. For Dewey (1927), the difference between the private and the public human action is the scope of the consequences of transactions, which means social interactions in other words. In this perspective, the need for state attention arises when the number of people who are not directly involved in the transaction in question, but who are indirectly affected and constitute “The public” of the action or situation. Consequently, if there is no public, there is no public problem, because the first conditions the recognition status of the second. Such public is organized on multiple fronts, including through State agents who mobilize in order to defend their interests.

Currently and in Brazil, it is worth mentioning the notion of public experience developed by Boullosa (2013), for whom the action and argumentation regimes of the actors involved in public policy processes implies an almost continuous evaluative reorganization of such involved in what they consider to be public problems, with their likely alternatives to solution. The understanding of evaluative reorganizations can be anchored in the matrices of underlying meaning and values. In this sense, both the construction of the problem and the search for a solution are social constructions.

3. How the nomenclature “Person with disability” is being constructed in Brazil?

Efforts to build the nomenclature or label "person with disability" (PWD) started decades ago in Brazil, and may perhaps refer to its beginning more institutionalized to the creation of Instituto Benjamin Constant and Instituto Nacional de Educação de Surdos early in the second half of the 19th century (Júnior & Martins, 2010). Since the 1930s, associations and councils have been formalized, as is the case case of the Associação de Pais e Amigos dos Excepcionais (APAE), created initially in Rio January 1954, but today it is present in the country's 27 federative units in 2.201 affiliated institutions and organizations (Apae Brasil, 2020).

According to the book *History of the Political Movement of People with Disabilities in Brazil*, published by the National Secretariat for the Promotion of the Rights of the Disability in 2010, it is in 1970 that mobilization gains such strength that the Political Movement of People with Disabilities is instituted in Brazil, with sequential achievements and articulations in an integrated manner and at national level. The movement was gaining strength and disability theme was expanding in different degrees, environments and directions. At the sport, for example, organizations (in a formal and informal sense) in view of adapted sports practice started to emerge (Ribeiro, 2017). To this day, as is the case with the Comissão Jovem Gente Como a Gente, an association dedicated to people with disabilities in Planaltina-DF, wheelchair basketball has been operating for over 30 years.

In terms of legislation and standards, since the 1988 Constitution, which provides for the assistance and social integration of the PWD (arts. 7, 23, 24, 203 and 227), there are several normative instruments that contemplate such public. Here, it is worth mentioning the Policy National Program for the Integration of Persons with Disabilities (Decree No. 3,298 1999), which led to the creation of the National Council

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for the Rights of Persons with Disabilities (Conade); The National Urban Mobility Plan (Law No. 12,587/2012); and the Statute of the Person with Disability (Law No. 13,146/2015).

In the Federal District, within the scope of urban mobility, the Transport Master Plan Urban and Mobility of the Federal District (PDTU-DF), instituted by District Law No. 4,566/11, required by the Cities Statute, guides the District's Urban Transport Program Federal (PTU), object of this research, and had as one of its objectives the accessibility as “humanization of public spaces and transportation services, establishing itself conditions to be used with safety, equity, economy and total or autonomy assisted” (art. 2, item II).

District Law No. 5,984 was recently enacted in August 2017 which makes it all preferred bus and metro seats for people with disabilities and mobility reduced, elderly and pregnant women. Moreover, free use of the Basic Service of the Public Transport System of the Federal District (STPC-DF) has been guaranteed since 2008, through the Decree No. 29,245. In addition to the state sphere, there are currently more than 20 institutions non-governmental organizations focused on PWD in various segments, many of which have have existed for more than 20 years.

From a technical point of view, the ABNT (Brazilian Association of Technical Standards) is the responsible for establishing accessibility standards in public transport, terminals, stopping points (NBR 14022), buildings, furniture, spaces and equipment urban areas (ABNT NBR 9050). In the definition of ABNT, which stipulates universal design, architectural, urban or environmental barrier corresponds to “any natural element, installed or built that prevents the approach, transfer or circulation in space, urban furniture or equipment” (ABNT NBR 9050).

Regarding the conceptual delimitation, the one stipulated by the Convention on the Rights of Persons with Disabilities held in 2007⁵, as well as the Statute for Persons with Disabilities based on it, which consider that “a person with a disability is one who has a long-term impediment to physical, mental, intellectual or sensory nature, which, in interaction with one or more barriers, can obstruct their full and effective participation in society on equal terms with other people”.

⁵ The Convention on the Rights of Persons with Disabilities and its Optional Protocol were ratified by the National Congress by means of Legislative Decree n° 186 of 9 July 2008.

Thus, considering the Statute of People with Disabilities, accessibility consists of the “possibility and condition of reach for use, with safety and autonomy, of spaces, furniture, urban equipment, buildings, transport, information and communication, including its systems and technologies, as well as other services and facilities open to the public, public use or private collective use, both in urban areas and in rural, per person with disabilities or reduced mobility”. It is worth mentioning the difference between physical PWD and person with reduced mobility, the last being the one who has difficulty in permanent or temporary movement for any reason, such as pregnant women, obese and elderly people.

Entering deeper discussions, Bernardes and Araújo (2012), in a study conducted with participants of the National Council for the Rights of Persons with Disabilities (Conade) and specialists in public policies and government management, present the two models of approach to disability that differentiate views and guide policies institutions focused on PWD: the medical model and the social model. The medical model is guided due to the centrality of the disability, a characteristic attributed to the individual, as an aspect impeding the full experience of the environment. The social model seeks to dissociate disability from person and attribute it to the environment, inappropriate for the circulation and use of all. From this perspective, physical and institutional barriers result in disability.

According to the authors, public policies are mostly based on values of the medical model, even though they have been influenced by the social model in the last legal provisions. In this sense, the role of science in the political world should not be trivialized, because scientific discourse, linked to technique, qualifies political discourse, having great effect on it and opening up new possibilities, especially within the social model.

4. How is the Federal District Urban Transport Program structured?

The Urban Transport Program of Federal District was one of the actions of responsibility of the Secretariat of Transport and Mobility of the Federal District (SEMOB), responsible for the planning, coordination, execution and evaluation of the management and mobility policies of the Federal District. The coordination of the program was in charge of the Special Management Unit of the PTU (UEGP), a requirement of the Inter-American Development Bank (IDB), subordinate to the SEMOB

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office, branching out to the Coordination for the Execution of the Urban Transport Program and the Program Monitoring and Evaluation Coordination Urban Transport. Besides the UEGP, three local management units were created in the co-executing bodies, being the Departamento de Estradas e Rodagens (DER), Companhia Urbanizadora da Nova Capital do Brasil (Novacap) and Transporte Urbano do Distrito Federal (DFTrans)⁶.

The trajectory of the Federal District's Urban Transport Program began in April 2004 with a consultation letter sent from the Government of the Federal District to the Inter-American Development Bank (IDB) applying for the financing contract. Subsequently, technicians came on the so-called IDB Mission to Brasília to analyze the structure, wooded areas and budget and left recommendations. In 2007, the radiography of the DF, the zoning of the DF, a survey of the population's displacement and the purposes of use, which gave rise to the collective public transport network, were carried out. Together with the network, an assessment was made of the most appropriate technology (minibus, conventional bus, BRT and subway), demand forecast in the medium and long term and means of viability.

The efforts called Studies and Preparatory Projects for the Implementation of the Urban Transport Program in the Federal District, gave rise to 23 products. The formalization of the PTU took place in 2008, after the studies were performed. According to Product 01, work planning report, the actions carried out under the program could be of an institutional, operational or physical nature. Were also defined as components of the program: a) engineering and administration; b) investments for the modernization of transport; and c) institutional strengthening.

Regarding the evaluation of PTU's actions, the Tribunal de Contas do Distrito Federal - TCDF (Federal District Court of Accounts) was chosen by the IDB to be an Independent Auditor and, in 2017, the eighth program audit was carried out. In addition to the TCDF audits, UEGP itself prepared three reports on the execution of the PTU for the second semester of 2013, the first semester of 2016 and the first semester of 2017. Also in the first half of 2017, the Undersecretariat for Inspection, Auditing and Control of the Transport and Mobility Secretariat issued 196 infraction notices due to accessibility problems in buses and minibuses during the Hefesto operation, in which 96 vehicles were

⁶ The DFTrans was abolished with the enactment of n°6.334 Act of July 19, 2019.

collected, retained or seized (SEMOB, 2017). Conclusively, after being extended five times, in December 2018 the contract with the IDB came to an end and the program ended.

5. What do we mean by axiological evaluation and which method is used?

The axiological school is distinguished from other evaluation schools, such as the experimental, managerial, anthropological and participatory, for taking on the issues as its main research material, as well as for assuming itself as an action within the context or flow of public policies to which your evaluation object itself, which also requires looking at itself explaining the matrix valuative to which it is linked, adding several techniques and methods in its development (Boullosa, 2019; Boullosa and Peres 2020). In this perspective, the evaluator assumes the conjugation technical and political roles, since it understands that its own evaluation matrix underlying a valuation matrix, recognizing and explaining the choices that will guide the conducting and using the evaluation according to their conceptions, but also using as much mapping, measurement and analysis instruments.

Furthermore, it has as its impetus the strong criticism of positivism, in addition to conceiving evaluation as a public good, since it has a public dimension, its results are capable of generating arguments of a scientific (or non-scientific) nature and are capable of to conceive other learning subjects besides the evaluator himself. One of the methods of reference is proposed by Frank Fischer, who considers the arguments and values taken from them through speech.

In addition, this evaluative-qualitative research, characterized as of an exploratory and descriptive nature (Gil, 2008) with regard to social representations (Becker, 2008), is particularized, as well to its axiological connection, for being developed on a mezzo scale of analysis, as it considers both the big players (public managers) and very specific groups of civil society, in their representative individualities. Separately, analyzing only the big players would consist of a macro scale of analysis, as in a sieve of large openings, where all the smaller players go through it without being noticed, as usually occurs in managerial evaluations. On the other hand, the micro scale, a great ally of qualitative or anthropological matrix assessments, is able to profoundly identify aspects of a chosen group, but which runs the risk of not being representative. Therefore, the mezzo scale aims to adapt the two points of view during the evaluation.

From the point of view of the method, the format of a perception evaluation on a specific objective, the quality of the offer and service provision of the PTU-DF for people with physical disabilities, was adopted. The research instruments used consist of non-participant observation, mapping, bibliographic and documentary analysis, semi-structured and unstructured interviews, conducted with service managers and users (Alves, 2018).

5.1. What were the three sets of actors studied?

The sample universe of the research was composed of three specific and different sets of actors strongly and directly involved with the object under evaluation (quality of accessibility in the provision of mobility services for people with physical disability). These are: i) Presidents and coordinators of associations aimed at person with physical disabilities (or that contemplate them); ii) People with physical disabilities, member or not of any association; iii) Managers of the Urban Transport Program of DF. In general, we sought to observe the perceptions of quality of accessibility in offer and service provision of the PTU. In extension, each sample universe has points important things to consider.

With the first group, presidents or coordinators of institutions focused on people with disabilities, we seek to map the grammars of justification of the main leadership of associations that help shape the movement of people with disabilities the DF, particularly with regard to urban mobility, and to identify the engagement of such institutions in matters of relevance to the specified public. This mapping was constructed from the research of institutions carried out in two movements of research: in the first, 15 research sites identified institutions that would possibly deal with physical disability (by crossing the words/ expressions “disabled person” and/or “association”, “Distrito Federal” and /or “Brasília” and/or “organization”).

With the results of this first research, in a second movement, the institutions were located and questioned about the public of their activities and involvement with the theme of urban mobility. It was not possible to contact some institutions due to outdated telephones and virtual networks, which could show a certain fragility in their stabilities and visibility efforts. Finally, institutions that do not deal directly with physical disability and/or that their members do not using public transport and/or who refused or were unable

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to participate, four associations⁷, with which a total of six semi-structured interviews were conducted in person, made between September 5 and October 24, 2018 - of respondents, only one was not a PWD.

The second set, of people with physical disabilities, aimed to increase representativeness, since not all association presidents are people with and/or use public transport regularly. To this end, were interviewed 18 PWD, eight women and ten men, in questionnaire format, in two types of situation: during visits to the associations (five interviews), as they were part of the public that attended; on exploratory visits at the Plano Piloto Bus Station in downtown Brasília (thirteen interviews), with passers-by who were explicitly PWD, occurred in different days during October 2018. In this set, the majority of respondents was in adulthood (27% between 41 and 50 years old; 27% over 50 years old); came from different administrative regions of the Federal District (12⁸ of the 31 existing⁹); 44.5% had complete secondary education or above; and only half (50%) participated in a or more associations.

Finally, the third group, composed of public managers from the PTU, was built to try to understand how this public policy instrument, especially with regard to its concerns accessibility actions, interpreted the quality of the service provided. Participated the head of the Special Program Management Unit (UEGP), in office for less than one year at the time, and the PTU execution coordinator, present directly or indirectly since the conception of the program. The interviews took place in person at the premises of the Annex of the Buriti Palace on September 4th. There was also an effort to contact the local management units of the PTU in three different public bodies, namely, the Departamento de Estradas e Rodagens (DER), Companhia Urbanizadora da Nova Capital do Brasil (Novacap) e o Transporte Urbano do Distrito Federal (DFTrans) by indication of coordination of the program. However, after much demand, we observed that the units supposedly dedicated to the PTU in such bodies would have been inactivated or dissolved,

⁷ Namely: Comissão Jovem Gente Como a Gente; Movimento Habitacional e Cidadania para Pessoas com Deficiência do DF – MOHCIPED; Associação de Mães, Pais, Amigos e Reabilitadores de Excepcionais – AMPARE; e Associação dos Portadores de Deficiência do Distrito Federal – APDD.

⁸ Participants were from the most peripheral administrative regions in relation to the city center (Plano Piloto): Planaltina, Samambaia, Paranoá, Itapoã, Sobraquinho I, Sobraquinho II, Guará, Santa Maria, Ceilândia, Taguatinga, Gama and Recanto das Emas.

⁹ After conducting the research, two new Administrative Regions were created: Sol Nascente (32nd) and Arniqueiras (33rd), both in 2019.

as it was not possible to find those responsible or even servants who had knowledge of respect.

5.2. What are the data analysis techniques?

This research used three techniques for data analysis: 1) content analysis a from the Similitude Analysis of the IramuteQ software. Similitude Analysis is based on the graph theory and aimed to indicate the relationship between the words contained throughout the corpus textual, that is, the compilation of all transcribed interviews. For the analysis, adjectives, unidentified forms, unusual forms and possessive pronoun; 2) descriptive statistics for analyzing the results of the instrument questionnaire in order to indicate frequency, mean and standard deviation; 3) matrix of values from the arguments contained in the interviews and based on the results of previous analyzes.

6. And what are the evaluative results constructed axiologically?

The axiological evaluation assumes as its main research material the values present the object under evaluation. Values include the interpretations and judgments of a very small set of preferences and interests of the actors when they are in action situation. For this reason, we prefer to say that the actions carry with them a matrix of meaning that is anchored in very specific value frameworks of social subjects in action, active through the grammars of action and justification of such actors, configuring themselves almost like active value frames (Boullosa, 2019).

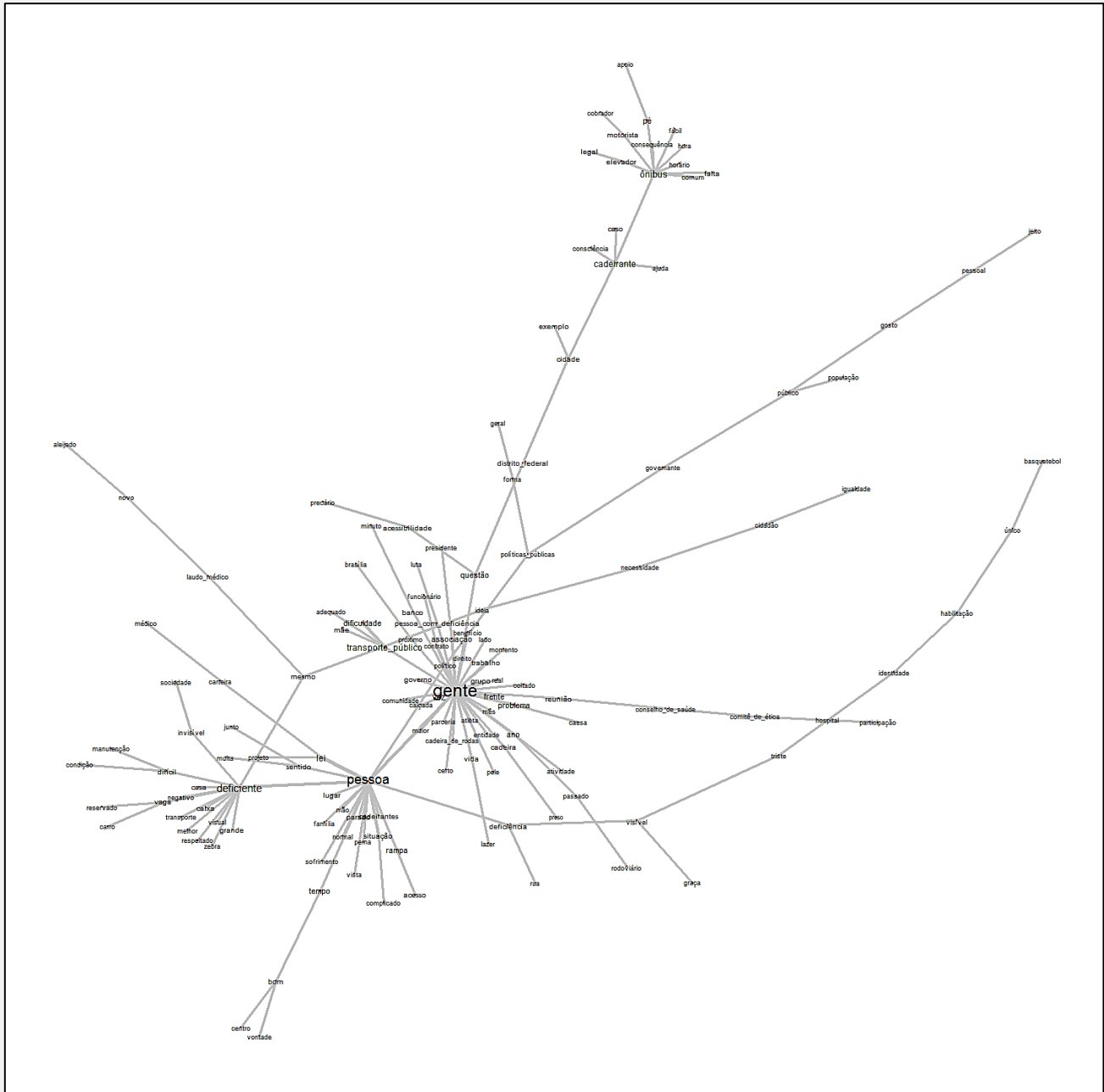
To know these values, an analytical reconstruction exercise of the themselves is necessary. And one of the ways to do this is to start from the speeches of these subjects, to arrive at their essences, which would be the arguments, and only then, we arrive at the reconstruction of their values. From this understanding, we analyze the speeches of the actors, collected through their interviews, seeking their common points and structures, with the aid of the analysis technique of similitude, performed with IramuteQ software, which allowed the connection between words with based on their percentages of related occurrences.

In this analysis, the statements of two of the three sets of actors were grouped: i) Presidents and coordinators of associations aimed at people with physical disabilities (or that contemplate it); and ii) Persons with physical disabilities, members or not of any association. From the speeches of these two groups, then, in a first moment, the most

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prominent words were studied, from which the greatest number of connections, were “people”, “person” and “disabled”, in that order (graph 1).

Graph 1: Similitude Analysis



Source: Own elaboration.

In this way, three categories were created based on these words, which included main links, taking into account the relevance to the research topic. The first category, linked to the word “people”, is related to the collective. The connections that in this category linked to transport and accessibility make it possible to observe that the reality is portrayed as difficult. Public transport is related to the words “Difficulty”, “adequate”,

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“mother”, “need”, “citizen” and “equality”. Of word "Wheelchair", derive "awareness" and "help". There are also other ramifications in this category, such as: A) people ■ chair ■ stuck; B) people ■ people with disabilities ■ fight; C) people ■ life ■ leisure.

The second category is related to the individual and had as its main word "person". This category demonstrates the connections that were directed to the person with deficiency in their individuality, but that also comes from the Public Power. Some of branches, for example, is the word “law” and the sequence “public policy” ■ “governor” ■ “Public” ■ “population”. There are also, in this category, the ramifications that express the different reality of people with disabilities, such as: a) Person ■ ramp ■ access; B) Person ■ wheelchair ■ situation ■ complicated; c) Person ■ suffering.

The third category concerns the condition of the individual inserted in the collective, to the word “disabled”. In such a category, the ramifications point out the difficulties experienced in different situations, disrespect for reserved parking spaces and the feeling of invisibility resulting from the perception of society in general about themselves, as described below: a) Disabled ■ home; b) Disabled ■ difficult ■ maintenance ■ condition; c) Disabled ■ reserved ■ spot/car; d) Disabled ■ invisible.

Then, the statements of the third group of actors interviewed were analyzed: iii) DF Urban Transport Program Managers. The interview aimed to map the managers' perception of our object of evaluation, in addition to knowing more details about the program itself. The interview, initially, would be only with the head of UEGP, who soon said that it was a more technical unit and called the execution coordinator to participate, since he knows very well the way the object was designed. The coordinator then told how the Program was built, which started with a letter consultation with the IDB, followed by a mission to analyze the structure, areas of environment and budget. In none of these spontaneous statements did the problem of accessibility for PWD emerged, much less for the quality of services offered to this audience.

In addition to UEGP, the execution coordinator narrated his perception about the existence three other local program management units in other government agencies (DFTrans, DER and Novacap), including details on management difficulties personnel due to the accumulation of functions. Accessibility only started to be part of the interview as thematic when it was brought directly by the interviewer. In response, it was strongly justified that this, despite not being the object of any specific action, should be in all the works carried out, as well as in the entire bus fleet, evidencing whereas the problem of

accessibility quality, even if reduced to its physical dimension, was not an important theme in their narratives.

Lastly, when the limits that define the responsibilities of the PTU and other mobility programs of the GDF are discussed, or if the Program aggregates any of them, they argued that they could not speak for other programs, even because they would appear or change their names frequently, according to the approach of each incoming government, unlike the PTU. It was also said that there was an intention to build a new version for the PTU, a continuation to do what was not achieved, but even with this new theme, accessibility was not spontaneously resumed by them.

6.1. But what is the perception of PWDs regarding the quality of public transport accessibility in DF?

The users' perception was reconstructed from their speeches, structured by the quiz. To better understand them, it is necessary to understand the intensity and motivation of such use. With regard to weekly attendance, the majority of respondents (50%) use the 2 to 3 days of public transport, with only 16% reporting travel with less than half an hour, since all live outside the center. However, travel times are mostly much longer, because they involve difficulties in getting to bus stops from their homes (from 30 minutes at 1 am for 44.4%; and over 2h for 39%), as well as the effective conditions of special access platforms for buses.

The reasons for displacement are mostly due to medical needs (46.2%), but they are also due to work (19.2%) and other reasons, such as leisure (7.7%) and study (7.7%), with the possibility of multiple responses. When asked about the need for company to leave home, 38.9% answered that they do not leave home without company, same percentage answered that they do not need company to leave home and 22.2% replied that they go out alone to some places. Still in relation to the need for company, 50% stated that the (low) quality of transport greatly influences the need to leave accompanied.

To further understand user's perception of quality, new issues were addressed. With reference to the loss of commitments due to accessibility of transport, 55.6% said they never missed any commitment, be it student, professional, family or of any nature, 27.8% said they have already lost many times and 16.7% sometimes. From 1 to 5, the quality of transportation (bus or subway) was evaluated as follows: 1 = 27.8%; 3 = 22.2%; 5 = 22.2%; 4 = 16.7%; 2 = 11.1%, thus the average of quality assessment was 2.94, with

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a standard deviation of 1.55. When defining the quality of transportation in two words, the most expressive percentages indicate that 38.3% cited the word good, very good and/or great; and 26.8% mentioned the word bad and/or very bad.

Regarding the quality of accessibility at the terminals, the interviewees evaluated bathrooms (for 44.5% it was a regular or good service), access ramps (55.6% regular or good), signage (50% indicated to be regular or good), elevators (38.9% evaluated as regular or good). Altogether, the provision of service at the terminals to 44.4% was considered to be of good quality.

The chosen modes, buses and subways, were evaluated according to the platform lift (as bad or very bad to 44%, regular for 22% and good or very good to 33%), signage (77.8% indicate it is regular, good or very good) and service (77.7% pointed out regular, good or very good). The roads were evaluated according to the stop points access ramps (classified by 72.2% as regular, bad or very bad), sidewalks (89% as regular, bad or very bad) and signage (regular, bad or very bad to 50%).

Regarding the perception of an evolution in accessibility over time, 72.2% stated that it has improved. When asked about the facilities that favored the option by public transport, most mentioned the lack of other options and the fact of not having a car (33.3%), as well as not always being able to count on the family to take them to certain places (27.8%). Other reasons were mentioned, such as, for example, public transport being easier than other means, such as private transport (5.6%), the wheelchair does not fit in the car (5.6%), arriving by bus is faster than by car (5.6%), some companies have accessibility (5.6%), price of gasoline and benefit of free ticket (5.6%).

Finally, in relation to the barriers encountered by the participants, the main failure of the lifting platform to be the main adversity (31.8%), among other such as problems with the seat belt (9.1%), the lack of ramps (9.1%) and the difficulty climbing the stairs (9.1%). The following excerpts from respondents' responses elucidate the issue: "broken lift platform, lack of ramps, there is nothing. Sometimes you need to ask for help"; "Stairs should be lower"; "Sudden brakes and starts" and "people do not give up the seat".

6.2. And how do we condense these findings in value frames?

Within the axiological macro-school of evaluation, the subjectivity intrinsic to the object evaluated is not neglected, on the contrary, it has a fundamental role. The

system ideological framework provides basic data for the evaluation, since considering the the actors' arguments go beyond assessing their veracity, but also their bias, selective framing of problems and symbolic meaning (Fischer, 2006; 1993). This way, assuming, through analytical reconstruction, the arguments present in the statements obtained through the interviews, we seek to identify the present values, almost never said explicitly, but which support and guide views on public problems and, consequently, how to face them.

The frame of values was built from the analysis of the interviews and shows the contained divergence of arguments and the values extracted from them in relation to the three universes samples.

Figure 2: Frame of values



Source: Own elaboration.

The leaders of the associations have, contained in their speeches, as main arguments: precarious accessibility in public transport, suffering of members in relation to mobility, as well as in other adjacent themes, and the need for attention of government officials. Therefore, the values that support the majority view of the leaders are social justice and the provider state, that is, which has a duty to develop policies of assistance and social inclusion.

With respect to people with physical disabilities using public transport, main arguments contained in their speeches were that employees are often not (with considerable exceptions), public transport as the last choice for lack of choice, lack of

awareness on the part of the population, lack of attention from governments and highlight the need to comply with the law. The values extracted from such arguments consist of a feeling of invisibility, as is also observable through similarity analysis, and belief in the providing state.

The managers have as arguments, contained in their speeches, that all the works and the entire fleet are duly adapted according to national design standards universal, that the problem of accessibility is transversal, which is not explicit in the speech, but it is an observable argument for the practice of facing the problem. The guiding value of such arguments is technicality, as it is clear that this is the prioritized side, perhaps the only one. In fact, when it is discussed, accessibility is explained as if it crossed across the PTU, without specific actions to be coordinated, allowing each unit to “apply” technically the solution to adapt to the ABNT universal accessibility standard.

In this sense, considering the presentation of the object and the management of the problem of accessibility, it is possible to notice that there is no sector, manager, action (in relation to the planning) or product in which there is a role for people with disabilities, despite the extent of the problem of accessibility and the object itself. For this reason, we can say that the problem of accessibility and quality in the Program is treated according to a certain “transversal response, without coordination” model, without specific thematic and limited to a technicality that not even it is formally fulfilled in the perception read by users' speeches, as they also consider the human aspects of the service, more related to the quality of the provision, even though these (72%) have recognized an improvement in quality over time.

The results of the statements of the three groups or groups also showed clearly as the nomenclature “person with disabilities”, defended by specialists, used in legal norms and in academic works, was very little used - not by chance, the weight of the medical model of disability can be observed in the speech of one of the interviewees, when reported that “one day she would graduate from the University of Brasília, although the doctor said to she “be quiet at home”. With this, it is observed that the approach models can also approximate the values involved by the three groups of interviewees, since, for example, the notion of a provider state, which is the common value among the leaders of associations and users, fits into the social model, in which the focus is not disability, but the environment. Technicism, a value identified in the speeches of the

program managers, in turn, fits the medical model, which does not exclude the adaptation of the environment, obviously, but treats it with a high degree of priority.

Likewise, based on the identified values, one can conceive of the problematic of accessibility as a public problem, since there is civil organization and mobilization of public bodies around the theme. Under John Dewey's pragmatist view, the "public", people who are not directly affected by the situation or action but who feel part of it, is what characterizes the problem as public. In the case of accessibility, the public are people who do not have a physical disability or even need to deal with it in their daily lives, but who have a related public experience (Cefai, 2011; 2017). Therefore, it is precisely the indirect experience of people with accessibility in perspective of the disabled person, which focuses on the quality of the problem public accessibility and, consequently, on its proportion.

That said, the dimension of accessibility achieved by this evaluation surpassed the walls of the PTU, since the experience presented goes beyond specific points program objects. Hence, it is important to emphasize that, in the general public, their conceptions and attitudes also influence public policy outcomes. Human barriers, for example, were highlighted among the difficulties encountered. Such barriers are not concentrate only on providing services on the subway, buses or terminals, but involve society as a whole. For this reason, however much we have objectified the quality of accessibility in the PTU in this axiological evaluation, it is necessary to remember that, even considering it as an important instrument in the public policy process of mobility for people with disabilities in DF, cannot be considered in isolation.

7. Final considerations

This article sought to present an axiological evaluation of the quality of accessibility for people with physical disabilities within the scope of the Urban Transport Program of the Federal District, addressing the perceptions of different publics. To this end, it took on the challenges of entering the field of studies in public policies, of assuming the centrality of the public concept and the non-neutrality of valuation both in public policy instruments and in the processes that evaluate them. For this last statement, these challenges were anchored in an axiological position that shares a project of a democratic society based on the values of equity, respecting differences and social participation, possible through transversal and intersectoral actions that honor spaces of

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speech of different groups that make up the public of government policies, programs, projects and actions.

The results of this evaluation showed that understanding the meanings about accessibility is much more complex for the public of users with disabilities and/or people directly involved with them than for the Urban Transport Program in the Federal District. In fact, for citizens with disabilities who need to use public transport in the Federal District, many technical and human barriers still persist. This problem, assuming the perspective of John Dewey (1927), indicates that, although it does not have its public dimension fully recognized, it is already possible to identify the first processes of activation or mobilization of a public, particularly important when it comes to the indirectly affected public for this problem.

In addition to these evaluative-contextual dimensions, the axiological evaluation made it possible to perceive that the formation of the evaluative framework, which is intrinsic to the flow of public policies, affected both the conception of the program by those who plan and execute it, as well as by those who enjoy it. services, revealing different understandings about the role of the State in promoting accessibility.

There are different dimensions that, combined, also point to the great challenges of the evaluation field itself in public policies, challenges that concern the necessary positionality of each evaluation process undertaken (problematizing what evaluation is, how much of its possible methods), the which should seek its commitment to reflexivity and learning, given its need to pluralize itself.

Finally, considering that to carry out improvement proposals that agree with the institutional reality of public policy, a broader analysis of its wording design is necessary, with instruments aimed at this purpose, this evaluative research did not focus on making proposals for changes in the case of a second version of the program, in spite of shedding light on possible points to be problematized if it occurs, such as the management of accessibility quality within the scope of the program and limited effort of instruction on the subject to service providers, as seen from participants' responses.

Referências

Alves, C. de M. (2018). *Avaliação do Programa de Transporte Urbano do Distrito Federal: Percepções sobre a qualidade na dimensão da acessibilidade* (Monografia de Conclusão de Curso). Universidade de Brasília, Brasília, DF, Brasil.

Amaral, F. L. J. dos S., Holanda, C. M. de A., Quirino, M. A. B., Nascimento, J. P. da S., Neves, R. da F., Ribeiro, K. S. Q., & Alves, S. B. A. (2012). Acessibilidade de pessoas com deficiência ou restrição permanente de mobilidade ao SUS. *Ciência & Saúde Coletiva*, 17(7), 1833-1840.

Apae Brasil (2020). *Apae em Números*. Recuperado de <https://apae.com.br/>

Barbosa, A. S. (2016). Mobilidade Urbana para Pessoas com Deficiência no Brasil: um estudo em blogs. *Revista Brasileira de Gestão Urbana*, 8(1), 142-154.

Becker, H. (2009). *Falando da sociedade: ensaios sobre as diferentes maneiras de representar o social*. Rio de Janeiro: Jorge Zahar Editor.

Bernardes, L. C. G., & Araújo, T. C. C. F. (2012). Deficiência, políticas públicas e bioética: percepção de gestores públicos e conselheiros de direitos. *Ciência & Saúde Coletiva*, Rio de Janeiro, 17(9), 2435-2445.

Blumer, H. (1971). Social Problems as Collective Behavior. *Social Problems*, Winter, 18(3), 298-306.

Boulosa, R. (2013) Mirando ao Revés nas Políticas Públicas: notas sobre um percurso de pesquisa. *Pensamento & Realidade*, São Paulo, 28(3), 67-84.

_____ (2017). *Avaliação em Políticas e Gestão Social (curso)*. Brasília, Brasil.

_____ (2019). Mirando ao Revés as políticas públicas: os desenvolvimentos de uma abordagem crítica e reflexiva para o estudo das políticas públicas. *Publicações da Escola da AGU*, 11, 89-106.

Boulosa, R., & Peres, J. (2020). *Análise, elaboração e gestão de programas e projetos* (1ª Ed., Vol. 1). Salvador: UFBA/SEAD, 1-123.

Cefaï, D. (2011). Como uma associação nasce para o público: vínculos locais e arena pública em torno da associação La Bellevilleuse, em Paris. In: D. Cefaï, M. A. S. Mello, F. B. Veiga, & F. R. Mota (Orgs.). *Arenas públicas. Por uma etnografia da vida associativa* (pp. 67-102). Rio de Janeiro, EdUFF.

Cefaï, Daniel. (2017). Públicos, Problemas Públicos e Arenas Públicas: o que nos ensina o pragmatismo (parte I). *Novos Estudos* (Cebrap: São Paulo), 36(1), 187-213.

Dewey, John (1927). Em busca do público. In: L. A. Hickaman, & T. Alexander (Orgs.) (1998). *The Essential Dewey: Pragmatism, Education, Democracy* (vol. 1, pp. 281-292). Bloomington: Indiana University Press.

Fischer, F. (1993). *The Argumentative Turn in Policy Analysis and Planning*. Duke University Press.

_____ (2016). Para além do empirismo: policy inquiry na perspectiva pós-positivista. *Revista NAU Social*, 7(12), 163-180.

Gil, A. C. (2008). *Métodos e Técnicas de Pesquisa Social* (6ª Ed.). São Paulo: Editora Atlas.

Gusfield, J. R. (1984). *The Culture of Public Problems: Drinking-Driving and the Symbolic Order*. University of Chicago Press.

Hillesheim, D., Paiva, K. M. de, Rech, C. R., Vargas, J. C. B., Luiza Neto, I., Günther, H., & d'Orsi, E. (2019). Mobilidade urbana ativa de adultos com perda auditiva e a percepção sobre o ambiente: um estudo multicêntrico. *Cadernos de Saúde Pública*, 35(11).

IBGE (2010). *Censo Demográfico 2010: Características gerais da população, religião e pessoas com deficiência*. Rio de Janeiro.

Júnior, L., & Martins, M. C. (2010). *História do Movimento Político das Pessoas com Deficiência no Brasil*. Brasília: Secretaria Nacional de Promoção dos Direitos da Pessoa com Deficiência.

Lei nº 13.146, de 06 de julho de 2015. Institui a Lei Brasileira de Inclusão da Pessoa com Deficiência (Estatuto da Pessoa com Deficiência). Recuperado de http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/113146.htm

Lei nº 4.566, de 04 de maio de 2011. Plano Diretor de Transporte Urbano e Mobilidade do Distrito Federal (PDTU/DF). Recuperado de http://www.sinj.df.gov.br/SINJ/Norma/68571/Lei_4566_04_05_2011.html

Ribeiro, T. H. M. (2017). O Movimento Político das Pessoas com Deficiência: a mitigada representação democrática da maior das minorias no Brasil. *JusBrasil*. Recuperado de <https://thiagohelton.jusbrasil.com.br/artigos/485939920/o-movimento-politico-das-pessoas-com-deficiencia-a-mitigada-representacao-democratica-da-maior-das-minorias-no-brasil>

Secchi, L. (2016). *Análise de Políticas Públicas: Diagnóstico de Problemas, Recomendação de Soluções*. São Paulo: Cengage Learning.

SEMOB (2018). *Fiscalização emite 196 autos de infração por problemas de acessibilidade*. Brasília: Secretaria de Transporte e Mobilidade. Recuperado de <http://www.semob.df.gov.br/fiscalizacao-autua-196-onibus-por-problemas-de-acessibilidade/>

International Disaster Law: from centrality in humanitarian response to the formation of international disaster risk reduction duty

Direito Internacional dos Desastres: da centralidade na resposta humanitária à formação do dever internacional de redução de riscos de desastres

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Abstract: Over the past few decades, humanity has experienced a significant increase in the occurrence of disasters, mainly due to global climate change and its effects. Given its various implications to the cosmopolitan society, this situation demands a fresh perspective from law. This paper explores the understanding of International Law associated to disaster risk management (DRM) and, consequently, of the concept of Disaster Risk Reduction (disaster risk reduction), through the lens of International Disaster Law (IDL - International Disaster Law). At the same time, we analyze three important milestones of this movement, namely the Hyogo Framework for Action (2005-2015); the Draft Articles on the Protection of Persons in the Event of Disasters, from the International Law Commission (2016); and the Sendai Framework for Action on Disaster Risk Reduction (2015-2030). The growing concern for the systematization of disaster prevention and response at the international level is producing guidance standards that reflect and assist in the design of national strategies to reduce the various impacts on communities, economy and environment.

Keywords: International Disaster Law; Disaster Risk Management; Humanitarian Response.

Resumo: Ao longo das últimas décadas, a humanidade vem experimentando uma elevação significativa da ocorrência de desastres, sobretudo em razão das mudanças climáticas globais e seus efeitos. Tal situação, por suas várias implicações na sociedade

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cosmopolita, acaba por demandar ao Direito um novo olhar. Neste trabalho se explora a compreensão do Direito Internacional concatenado com a gestão de risco de desastres (*DRM - disaster risk management*) e, por conseguinte, do conceito de Redução de Riscos de Desastres (*disaster risk reduction*), pelas lentes do Direito Internacional dos Desastres (*IDL – International Disaster Law*). Paralelamente, se análise três importantes marcos desse movimento, são eles: Quadro de ação (2005-2015); Esboço de Artigos para a Proteção de Pessoas em Eventos de Desastres da Comissão de Direito Internacional (2016); Quadro de Ação de Sendai para Redução do Risco de Desastres (2015-2030). A crescente preocupação para a sistematização da prevenção e resposta aos desastres no plano internacional acaba por produzir padrões de orientação que repercutem e auxiliam no desenho de estratégias nacionais de redução dos vários impactos sobre as suas comunidades, economia e meio ambiente.

Palavras-chave: Direito Internacional dos Desastres; Gestão do Risco de Desastres; Resposta Humanitária.

1. Introduction

Although such events have historically accompanied humanity, recent decades have seen a significant increase in the occurrence of disasters, regardless of whether these are methodologically called "natural", "anthropogenic" or "mixed"². Indeed, in view of the expected climate scenarios for the coming decades, we can predict a worsening of extreme climate events and their disastrous and even generational consequences.

The meaning of disasters lies within a pendular semantic relationship between: (i) causes and (ii) highly specific and complex consequences, converging to the description of social and environmental phenomena of great media appeal and economic, political, legal and environmental repercussions, which are capable of compromising (iii) the stability of the social system. Disasters consist, conceptually, of a systemic cataclysm of causes which, combined, take on catastrophic consequences (CARVALHO, 2020, p. 52-60. SUGERMAN, 2007, p. 3).

At the level of International Disaster Law (CARVALHO, 2020, p. 66-76), the incapacity to respond to the event in the face of systemic destabilization is likewise a component of the disaster concept proposed by the Draft Articles for the Protection of Persons in the Event of Disasters of the UN General Assembly Commission on International Law (UNGA).

² For more information, see CARVALHO (2017).

According to the latest World Disaster Report, prepared by the International Federation of Red Cross and Crescent Societies, in the decade 2006-2016 alone, more than 771,000 deaths have been attributed to disasters, and 2 billion individuals have been affected by severe events. As stated by this report, the damage has exceeded 1.5 trillion dollars (INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES – IFRC, 2016, p. 232-263).

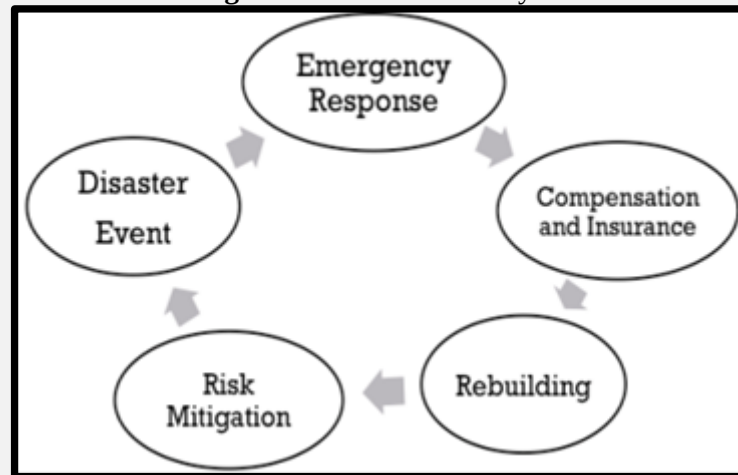
International law has a long standing record of addressing disaster issues, dating back to its origins in the first modern disaster, the Lisbon earthquake of 1755 (URIESTE, 2006, p. 183). Although the consolidation of this branch is still in its early stages, given its widely fragmented character and with a significant absence of binding rules (hard law), the existing academic work³, as well as the involvement of institutions such as the International Federation of the Red Cross and Red Crescent Societies and the International Disaster Law Programme, has led to great progress in recent years (ARONSSON-STORRIER; COSTA, 2017, p. 1). The United Nations Disaster Relief Office (UNDRO), an agency of the United Nations (UN), was founded in 1971.

However, the main focus of this first historical generation of international law standards was on post-disaster response. To this day the most consolidated area of International Disaster Law is its domain called International Disaster Response Law. In other words, International Disaster Law (IDL) has historically been effective in the phases of emergency response, compensation and reconstruction (FARBER, 2016, p. 43).

It is important to point out that in the (potential or actual) catastrophic scenario, law must perform a number of specific roles of prevention and mitigation, emergency response, compensation to victims and reconstruction of the affected systems, in what is called the Disaster Law Cycle.

³ To mention just a few examples: CARON, David; KELLY, Michael; TELESETSKY, Anastasia. (eds.). *The International Law of Disaster Relief*. Cambridge: Cambridge University Press, 2014; BARTOLINI, Giulio; CUBIE, Dug; HESSELMAN, Marlies; PEEL, Jacqueline. *Yearbook of International Disaster Law (2018)*. Vol. 01. Leiden: Brill | Nijhoff, 2019; SAMUEL, Katja L. H.; ARONSSON-STORRIER, Marie; BOOKMILLER, Kirsten Nakjavani (eds.). *The Cambridge Handbook of Disaster Risk Reduction and International Law*. Cambridge: Cambridge University Press, 2019; GIUSTINIANI, Flavia Zorzi; AOMMARIO, Emanuele; BARTOLINI, Giulio. *Routledge Handbook of Human Rights and Disasters*. Abingdon, 2019.

Figure 01: Disaster Law Cycle



Source: FARBER, 2012.

The element that unites all these phases is precisely the need for (circular) management of catastrophic risk, where even in the post-disaster phases (response, compensation and reconstruction), risk management should be a legal duty in order to reduce impacts and prevent new events. Disaster Law holds a leading role during extreme events, with the primary function of providing stability during a process of abnormality, by seeking to reestablish as soon as possible a new normality (CARVALHO, 2020, p. 78). It is a social stabilisation process driven by dynamic legal decisions (CARVALHO, 2020, p. 42-45) seeking to rationalize uncertainties.

In this regard, the first phase of International Disaster Law is strongly focused on disaster response and humanitarian relief, and has only recently expanded its scope and the role it sees for law in addressing disaster prevention and management.

This is a major change in understanding the role of international law as also addressing disaster management in the phases of prevention, mitigation and disaster preparedness. One example of this movement is the recognition at the international level of concepts such as disaster risk management and, within it, disaster risk reduction. These strategies are part of what is called “a sort of ‘second generation’ within international disaster law, whose legal ramifications and implications are still to be fully explored” (BARTOLINI; NATOLI, 2018).

At this new stage, International Disaster Law, with all its confusing and unclear body of rules, has found coherence and identity in the circular management of disaster risks, or disaster cycle (FARBER, 2014, p. 09).

As already seen, the handling of disasters, also by international law, must be permeated by a circular rationale, with law fulfilling specific roles at each of the stages of prevention, mitigation, emergency response, compensation and reconstruction. These stages should be interconnected by the urgent and continuous need for (circular) risk management (to prevent the aggravation of existing or the occurrence of new disasters).

Risk management thus unites all these phases coherently. This perspective, which presents risk management as a constituent element of the very rationale of Disaster Law, assigns a legal role to the Disaster Risk Reduction mechanism and its insertion in all phases of a catastrophic event.

Despite this prominence, International Disaster Law is still being developed in a rather fragmented manner, which calls for a greater analysis of the regulatory structure of Disaster Risk Management (DRM) and, within it, of Disaster Risk Reduction strategies.

The recent growth in the need for and interest in International Law for Disaster Risk Reduction and its legal implications is demonstrated by the development of a significant body of international law on the subject.

Although fragmented, this legal framework is beginning to coalesce into a system capable of generating decision-making standards and setting guidelines for national legislation on the subject. These successful national experiences (“best practices”) in turn feed back into the international system as a “bottom-up” matrix, which anew serves as a guide for a “top-down” process.

In 1989, the United Nations General Assembly proclaimed the 1990s as the International Decade for Natural Disaster Reduction (IDNDR), thus marking a first step in raising awareness on this issue. The objective of that decade was “to reduce through concerted international actions, especially in developing countries, loss of life, property damage and social and economic disruption caused by natural disasters” (UNITED NATIONS – UN, 1988).

In that decade, more specifically in 1994, the first World Conference on Natural Disaster Reduction was held in Yokohama, during which the Guidelines for Natural Disaster Prevention, Preparedness and Mitigation, also known as the Yokohama Strategy, were approved (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 1994). This point also marked an awareness of the rise in the

frequency and intensity of natural and technological disasters to unprecedented levels (GIUSTINIANI, 2018, p. 09).

2. Hyogo Framework for Action for disaster risk reduction, 2005-2015

In 1999, the International Strategy for Disaster Reduction (UNISDR) was established at the permanent secretariat level to promote a culture of disaster prevention at the domestic level. In 2005, the second World Conference on Natural Disaster Reduction held in Hyogo resulted in the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters.

The scope of the *Hyogo Framework for Action* (HFA) is to provide “a strategic and systematic approach to reducing vulnerabilities and risks to hazards through the development of stronger institutions, mechanisms and capacities to build resilience, with the overall goal of an effective integration of DRR into sustainable development polices” (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2007).

The HFA for Disaster Risk Reduction, drawing on the lessons and experience of the Yokohama Strategy, set out five priority areas for action in the decade 2005-2015:

1. “Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation.” According to the HFA, there is greater capability to manage risk and obtain a broad consensus for the engagement and effectiveness of disaster risk reduction measures whenever a country develops policies, legislation and institutional frameworks for disaster risk reduction.⁴ In other words, there is a clear orientation to form a legal framework for disaster prevention at regional, national and local level, based on the principles of disaster risk reduction, both at organisational, legal and political levels.

2. “Identify, assess, and monitor disaster risks – and enhance early warning”. The starting point for disaster risk reduction and the promotion of a culture of resilience depends on understanding the risks and the physical, social, economic and environmental vulnerabilities.⁵

⁴ See B, 1, 16, Hyogo Framework UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION - UNDRR, 2007).

⁵ See B, 2, 17, Hyogo Framework (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2007).

3. “Use knowledge, innovation, and education to build a culture of safety and resilience at all levels”. Here, the conclusion for setting this priority action is that disasters can be substantially reduced if people are well informed and motivated about a culture of disaster prevention and resilience. This requires collecting, compiling and disseminating relevant knowledge and information concerning threats, vulnerabilities and capabilities.⁶

4. “Reduce the underlying risk factors.” This priority is explained by the realization that disaster risks related to changing social, economic, environmental and land-use conditions, as well as risks associated with geological, climatic and hydrological events, should be addressed in sectoral planning and development programs, as well as in the post-disaster period.⁷

5. “Strengthen disaster preparedness for effective response at all levels”. In times of disaster, impacts and losses can be substantially reduced if authorities, individuals and communities in risk areas are well prepared and ready to act.⁸

The Global Platform for Disaster Risk Reduction was subsequently created in 2006, as a platform for reflecting on natural (or physical) disaster risk management techniques and keeping abreast of the advances promoted by the HFA. Within its structural composition are States, international organizations, NGOs, academic institutions, among other private entities. It meets every two years.

3. ILC Draft Articles on the Protection of Persons in the Event of Disasters, 2016

The International Law Commission is a body of the General Assembly that plays an important role in the development of codification in international law, under the terms of the United Nations Charter, art. 13(1)(a). In 2007, the Commission initiated a project exploring the legal aspects of protecting people in disaster events.

This work resulted in the preparation and adoption, in 2016, by the same body, of the Draft Articles on the Protection of Persons in the Event of Disasters. Though not binding on States, these articles have significant influence on the international stage, as States and other actors, including the United Nations Office for Disaster Risk Reduction

⁶ See B, 3, 18, Hyogo Framework (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2007).

⁷ See B, 4, 19, Hyogo Framework (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2007).

⁸ See B, 5, 20, Hyogo Framework (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2007).

(UNISDR) and the IFRC, were consulted in the process (ARONSSON-STORRIER; COSTA, 2017, p. 2-3).

Clearly, one of the major challenges of any disaster risk reduction and emergency response agenda is the provision that they must be adopted on a voluntary basis by States, in order to align these rules with the principle of State sovereignty and non-intervention.

In this regard, the Draft itself points out in its preamble the importance of “stressing the principle of the sovereignty of States and, consequently, reaffirming the primary role of the State affected by a disaster in providing disaster relief assistance” (UNITED NATIONS – UN, 2016). This balance between the protection of people in disaster situations and State Sovereignty is also outlined in Article 13 of the Draft, which provides that “the provision of external assistance requires the consent of the affected State”, further stipulating that this consent “shall not be withheld arbitrarily.”⁹

Furthermore, in cases of disasters, States, the United Nations and other potentially assisting actors can offer assistance to the affected State.¹⁰ This assistance is to be provided at the request of the affected country and after its consent. To this end, the affected country may impose conditions for the provision of external assistance, which must be in accordance with the system provided for in the Draft Articles of the Commission on International Law, and also with the rules of international law and the national law of the affected country.¹¹ These conditions are to take into account the needs of the people concerned and the characteristic of the requested assistance.

This Draft of the Commission on International Law, as a true non-binding normative basis for situations of protecting people in the event of disasters, has adopted a rights-based approach (TOKUNAGA, 2014, p. 48-49). As a condition for this, the draft outlined a concept of disaster for international law in its third article, as a legally-protected right, as being “a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale

⁹ “Article 13. Consent of the affected State to external assistance. 1. The provision of external assistance requires the consent of the affected State. 2. Consent to external assistance shall not be withheld arbitrarily. 3. When an offer of external assistance is made in accordance with the present draft articles, the affected State shall, whenever possible, make known its decision regarding the offer in a timely manner.”

(UNITED NATIONS – UN, 2016).

¹⁰ Article 12 (UNITED NATIONS – UN, 2016).

¹¹ Article 14 (UNITED NATIONS – UN, 2016).

material or environmental damage, thereby seriously disrupting the functioning of society.”

While its scope is “the protection of persons in the event of disasters”¹², its purpose “is to facilitate the adequate and effective response to disasters, and reduction of the risk of disasters, so as to meet the essential needs of the persons concerned, with full respect for their rights.”¹³

In terms of post-disaster duties, the Draft stipulates that the affected State has the “duty to ensure the protection of persons and provision of disaster relief assistance in its territory, or in territory under its jurisdiction or control.”¹⁴ Similarly, “the affected State has the *primary role* in the direction, control, coordination and supervision of such relief assistance.”¹⁵

Should “the disaster manifestly exceed its national response capacity, the affected State has *the duty* to seek assistance, as appropriate, from other States, the United Nations and other potentially assisting actors.”¹⁶

While the main focus of the Draft is on the response and relief phase, it also applies to disaster risk reduction measures. Article 9 imposes a duty on States to “reduce the risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters.”¹⁷ The original intention of this document, led by its special rapporteur Eduardo Valencia-Ospina, was exactly to cover all the phases of the disaster cycle, establishing a “duty to reduce disaster risk” (GIUSTINIANI, 2018, p. 21-22).

Accordingly, the text established a system of rights and duties, based on a structure that sets out (i) the responsibility of the affected State to seek assistance should its national response capacity be exceeded; (ii) the duty of the affected State not to arbitrarily refuse its consent to external assistance, and (iii) the right of the international community to offer assistance (TOKUNAGA, 2014, p. 53). Thus, sovereignty and non-

¹² Article 1. Scope. UNITED NATIONS – UN, 2016).

¹³ Article 2. Purpose. (UNITED NATIONS – UN, 2016).

¹⁴ According to Article 10, 1 (UNITED NATIONS – UN, 2016).

¹⁵ According to Article 10, 2 (UNITED NATIONS – UN, 2016).

¹⁶ According to Article 11 (UNITED NATIONS – UN, 2016).

¹⁷ “Article 9. Reduction of the risk of disasters. 1. Each State shall reduce the risk of disasters by taking appropriate measures, including through legislation and regulations, to prevent, mitigate, and prepare for disasters. 2. Disaster risk reduction measures include the conduct of risk assessments, the collection and dissemination of risk and past loss information, and the installation and operation of early warning systems.” (UNITED NATIONS – UN, 2016).

intervention are safeguarded, but in light of the duty of the affected State to provide an appropriate response to those affected, whenever its capacity is compromised, it has a duty not to refuse outside assistance arbitrarily.

Equally, there is an international duty for cooperation and therefore a right of the international community to offer assistance to victims of disasters. From this logic, proposed by Valencia-Ospina, resulted the duty of the affected State to seek assistance (art. 10), the duty of the affected State not to arbitrarily withhold its consent to external assistance (art. 11) and the right to offer assistance (art. 12).

The incorporation of disaster risk reduction (in art. 9), confirms not only the role of law in disaster risk reduction (prevention, mitigation and preparedness), but is primarily a movement towards establishing an international duty for countries to implement disaster risk reduction measures in their national legal spheres.

Notwithstanding the fact that it is another non-binding international instrument, its content serves, in spite of the persistence of interpretative uncertainties, as an important standard and guideline for interpretation and decision making, always starting from the premise of finding “a balance between this intent to protect people, and the principle of state sovereignty” (ARONSSON-STORRIER; COSTA, 2017, p. 03).

This document may in future be adopted as an international treaty, and this is indeed the recommendation of the Commission for the United Nations General Assembly (INTERNACIONAL LAW COMMISSION – ILC, 2016, paragraphs 43-46), that a convention be held on the matter, based on the articles discussed.

4. Sendai Framework for Disaster Risk Reduction , 2015-2030

Following Hyogo, the role assigned to and the references made by international documents to Disaster Risk Reduction has been further developed. The hallmark of the decade of HFA implementation is the adoption of a multi-hazard and multisectoral approach. The integration and convergence with other branches of international law, such as Environmental, Human Rights, Climate Change or Sustainable Development, is another defining feature of the current perspective of International Disaster Law.

In this historical context, comes the Sendai Framework for Disaster Risk Reduction 2015-2030 (*UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2015*), negotiated during the Third World Conference on Disaster Risk Reduction and approved by the United Nations General Assembly -

UNGA. With seven targets and four priorities for action, the Sendai Framework presents as its objective the substantial reduction of disaster and life risks.

Similarly, the document provides that States bear primary responsibility for disaster risk reduction, shared with stakeholders including local governments and the private sector. Although this is a non-binding agreement, it provides guidance based on “standards” for national actors in disaster management and risk reduction.

Thus, adopting the experiences gained from the implementation of HFA, the priority areas elected by the Sendai Framework to be implemented at the local, national, regional and global levels are:

1. “Understanding disaster risk”. To this end, policies and practices for disaster risk management should be based on an understanding of disaster risks, in all their dimensions of vulnerability, capacity, exposure of people and assets, hazard characteristics and the environment. Such knowledge and information can be harnessed for pre-disaster risk assessments, for prevention and mitigation, as well as for the implementation of appropriate preparedness measures and, ultimately, effective emergency responses.¹⁸

2. “Strengthening disaster risk governance to manage disaster risk”. The Sendai Framework emphasizes that disaster risk governance should be developed at multiple levels, i.e. local, national, regional and global. Clarity, plans, competence, guidance and coordination within and across sectors, as well as the participation of actors and stakeholders are a necessity. Such disaster risk governance is to take place at all stages of the disaster cycle.¹⁹

3. “Investing in disaster risk reduction for resilience. Public and private investment in disaster risk prevention and reduction through structural and non-structural measures are essential to enhance the economic, social, health and cultural resilience of persons, communities, countries and their assets, as well as the environment.”²⁰

4. “Enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction”. The Framework draws attention

¹⁸ See IV, item 23 (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2015).

¹⁹ See IV, item 26 (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2015).

²⁰ See IV, item 29 (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2015).

to the need to integrate disaster risk reduction into emergency response preparedness. The steady growth of disasters, combined with lessons learned from past phenomena, gives rise to the need to strengthen emergency response preparedness. In summary, the recovery, rehabilitation and reconstruction phases should be integrated by disaster risk reduction measures in a circular manner.²¹

As such, a simple comparison between the expected outcomes of the HFA in relation to the Sendai Framework demonstrates that the latter has its primary focus on disaster risks, while the former concentrates on disaster losses.

Hence, while Hyogo refers to “reducing disaster losses”, Sendai aims at “substantial reduction of disaster risks and losses.” The difference is quite clear. Whereas the focus on *disaster losses* focuses on mitigating their impacts, the focus on *disaster risks* allows for more effort to *reduce the occurrences* and, consequently, the magnitude of disasters.

In its scope, the Sendai Framework also includes, in addition to “natural” (or physical) hazards, which are strongly emphasized in HFA, man-made and biological hazards, underlining the need for integrated management of the various forms of disaster risk. There is thus an integrated insertion of disaster risk reduction strategies of a broader nature, including anthropogenic and biological to physical (or “natural”) hazards, the latter already widely enshrined in the HFA.

The need for collaboration between different levels of government institutions is also highlighted in the text. The Sendai Framework is more concerned with the implementation of policies and legislation aimed at disaster risk reduction at all levels of government, whether local, national, regional or global.

5. Final Considerations

In conclusion, there is a growing concern with the regulation of disaster prevention and response at the international level. This branch of international law interacts with other areas such as international environmental law, international climate change law, human rights, among other specific areas of the international arena.

²¹ See IV, item 32 (UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION – UNDRR, 2015).

Disaster risk reduction, as a duty of international law, builds on a series of international normative bodies, principles and guidelines, as well as binding and non-binding standards of the same level.

A normative body is thus currently being formed, albeit still in an embryonic stage and lacking in systematization, with a predominantly *soft law* character. Nevertheless, this body does provide highly relevant orientation, with a measure of uniformity, at the international level. On one hand, it has a “top-down” influence on political and legal practices and strategies for disaster governance. On the other, successful practical experiences at the national level return, as such, to the international scenario (“bottom-up”) and are shared globally by the institutions involved.

Therefore, it is very much as a result of the standards produced on the international arena that law professionals have started to develop national strategies within domestic legislations to reduce physical or anthropogenic impacts on communities, economies and the environment. These are internationally established duties that ultimately become reflected, indirectly, in national legislation, as is the case of the Brazilian National Policy for Protection and Civil Defense (Law No. 12.608/12).

References

Aronsson-Storrier, Marie; Costa, Karen da (2017). *Regulating Disasters? The Role of International Law in Disaster Prevention and Management*. Disaster Prevention and Management. United Kingdom, Special section, 26 (5), 502-513. Retrieved from <https://research.reading.ac.uk/ungop/wp-content/uploads/sites/13/publications/M-Aronsson-Storrier-and-K-da-Costa-Regulating-Disasters-published.pdf>. Accessed on: 20 December 2018.

Bartolini, Giulio; Cubie, Dug; Hesselman, Marlies; Peel, Jacqueline. *Yearbook of International Disaster Law (2018)* (2019). 01. Leiden: Brill | Nijhoff.

Bartolini, Giulio; Natoli, Tommaso (2018, April, 30). Disaster Risk Reduction: An International Law perspective. *Questions of International Law – QIL*, Napoli, Zoom-in 48, 1-6. Retrieved from <http://www.qil-qdi.org/disaster-risk-reduction-international-law-perspective/>. Accessed on: 20 October 2018.

Caron, David; Kelly, Michael; Telesetsky, Anastasia. (eds.) (2014). *The International Law of Disaster Relief*. Cambridge: Cambridge University Press.

Carvalho, Délton Winter de (2017). *Gestão Jurídica Ambiental*. São Paulo: Revista dos Tribunais.

_____ (2020). *Desastres ambientais e sua regulação jurídica: deveres de prevenção, resposta e compensação ambiental*. 2. ed. São Paulo: Revista dos Tribunais.

Farber, Daniel A (2012, janeiro/junho). Disaster Law and Emerging Issues in Brazil. *Revista de estudos constitucionais, hermenêutica e teoria do direito (RECHTD)*, São Leopoldo, 4 (1), 2-15. Retrieved from <http://www.revistas.unisinos.br/index.php/RECHTD/article/view/rechtd.2012.41.01>. Accessed on: 6 April 2020.

_____ (2016). Disaster Law in the Anthropocene. In: PEEL, Jacqueline; FISHER, David. *The Role of International Environmental Law in Disaster Risk Response*. Leiden; Boston: Brill Nijhoff.

_____ (2014). International Law and the Disaster Cycle. In: CARON, David; KELLY, Michael; TELESETSKY, Anastasia. (eds.). *The International Law of Disaster Relief*. Cambridge: Cambridge University Press.

Giustiniani, Flavia Zorzi (2018). Something old, something new: Disaster risk reduction in international law. *Questions of International Law - QIL*, Napoli, Zoom-in 49, 7-27. Retrieved from http://www.qil-qdi.org/wp-content/uploads/2018/04/02_Disaster-Risk_ZORZI_FIN.pdf. Accessed on: 20 October 2018.

Giustiniani, Flavia Zorzi; Aommario, Emanuele; Bartolini, Giulio (2019). *Routledge Handbook of Human Rights and Disasters*. Abingdon.

International Federation of Red Cross and Red Crescent Societies – IFRC (2016). World Disasters Report. Resilience: saving lives today, investing for tomorrow. Switzerland: IFRC. Retrieved from https://www.ifrc.org/Global/Documents/Secretariat/201610/WDR%202016-FINAL_web.pdf. Accessed on: 28 October 2018.

Samuel, Katja L. H.; Aronsson-Storrier, Marie; Bookmiller, Kirsten Nakjavani (eds.) (2019). *The Cambridge Handbook of Disaster Risk Reduction and International Law*. Cambridge: Cambridge University Press.

Sugerman, Stephen D (2007). Roles of Government in Compensating Disaster Victims. *Issues in Legal Scholarship. Symposium: Catastrophic Risks: prevention, compensation, and recovery*. Article 1. Berkeley: UC Berkeley Electronic Press.

Tokunaga, Emika (2014). Evolution of International Disaster Response Law: Toward Codification and Progressive Development of the Law. In: CARON, David; KELLY, Michael; TELESETSKY, Anastasia. (eds.). *The International Law of Disaster Relief*. Cambridge: Cambridge University Press.

United Nations – UN (1988). Resolution A/RES/42/169 of 11 December 1987. International Decade for Natural Disaster Reduction: resolution / adopted by the General Assembly. In: United Nations Digital Library. [S.l.]. Retrieved from <https://digitallibrary.un.org/record/152704>. Accessed on: 20 October 2019.

_____ (2016). *Draft articles on the protection of persons in the event of disasters*. United Nations. [S.l.]. Retrieved from

https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf. Accessed on: 20 October 2019.

United Nations Office for Disaster Risk Reduction – UNDRR (2007). *Hyogo Framework for Action 2005-2015: Building the resilience of nations and communities to disasters*. [S. l.]: UNDRR. Retrieved from <https://www.unisdr.org/we/inform/publications/1037>. Accessed on: 20 December 2018.

_____ (1994). *International Decade for Natural Disaster Reduction - IDNDR. Yokohama Strategy and Plan of Action for a Safer World: guidelines for natural disaster prevention, preparedness and mitigation*. [S. l.]: UNDRR. Retrieved from <https://www.undrr.org/publication/yokohama-strategy-and-plan-action-safer-world-guidelines-natural-disaster-prevention>. Accessed on: 22 October 2018.

_____ (2015). *Sendai Framework for Disaster Risk Reduction 2015-2030*. [S. l.]: UNDRR. Retrieved from https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf. Accessed on: 26 October 2018.

Urioste, Alejandra de (2006). When Will Help Be on the Way? The Status of International Disaster Response Law. *Tulane Journal of International and Comparative Law*, New Orleans, 15 (18), 183.